# HOUSE OF ASSEMBLY

**Wednesday 22 September 2004**

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

## JAMES HARDIE, ASBESTOS VICTIMS

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

Leave granted.

**The Hon. M.D. RANN:** The Special Commission of Inquiry has delivered a shocking indictment on James Hardie's treatment of asbestos victims. Its findings will appal all Australians; particularly South Australians because exposure to asbestos has been greater here than in other parts of Australia. Asbestos products made by James Hardie have caused death, disease and appalling suffering to thousands of Australians. The company continued to produce these products and expose its workers to their harmful effects well after it learned they were potentially deadly. This is one of the worse examples, in my view, in the last 50 years of a company showing contempt for its own workers, including those who have died from asbestos-related causes.

The Jackson report into James Hardie, released yesterday, reveals disgraceful behaviour by the company. Victims and their families, who have already had their lives ruined or taken away in an incredibly cruel and painful way by exposure to asbestos, have now been treated shamefully by James Hardie. The company has avoided its responsibilities to victims by massively underfunding its compensation foundation. It established a Holland-based company, James Hardie NV, in an attempt to avoid meeting its obligations to the people it had harmed. Essentially, they sought to 'take the money and run'. A paltry $293 million was provided for the fund, compared with $1.5 billion to $2.24 billion described by Mr Jackson QC as being required to cover all future asbestos-related claims.

James Hardie has shown moral bankruptcy, and the guilty parties deserve to be prosecuted to the full extent of the law. Asbestos victims—and I should say that for some years now I have been patron of the Asbestos Victims Association—deserve full and fair compensation, and my government will give them 100 per cent support in the fight to make James Hardie pay fair compensation. If James Hardie does not reach a satisfactory agreement with asbestos victims and unions to provide appropriate funding for the compensation of victims, my government (like New South Wales) will boycott James Hardie products. The Minister for Administrative Services (Hon. Michael Wright MP) has agreed to my request that he give a direction under section 21 of the new State Procurement Act 2004 when it is proclaimed later this year. This will give effect to a boycott if it becomes necessary.

The inquiry found that federal laws have been broken, including breaches of the Trade Practices Act and the Corporations Act for misleading and deceptive conduct. If there is any justice, those responsible should, in my view, be behind bars. The federal government must take action to deal with them. The Special Commission of Inquiry said:

> James Hardie NV (the parent company based in the Netherlands) still has in its pockets the profits made by dealing in asbestos, and those profits are large enough to satisfy most, perhaps all, of the claims of victims of James Hardie asbestos.

The federal government must make all changes to the Corporations Act necessary to stop corporate restructuring that cheats victims of fair compensation. This company has shown contempt for those who are dead and those who are dying, and for their families. As Mr David Jackson QC said:

> The notion that the holding company would make the cheapest provision thought marketable in respect of those liabilities is singularly unattractive. Why should the victims and the public bear the cost not provided for?

James Hardie must pay fair compensation to asbestos victims. The company must work together with unions and those affected and with victims associations to provide compensation to victims. Any proposed changes should be agreed with unions and victims associations. I will only support changes if they will deliver appropriate levels of compensation for victims. Attempting to cheat Australians dying from asbestos-related diseases is an appalling and shameful act. James Hardie must do everything they can to put things right, and the federal government must enforce the law and make sure that this can never ever happen again in a civilised society.

## SHOP DISTRIBUTIVE AND ALLIED EMPLOYEES ASSOCIATION ELECTIONS

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

Leave granted.

**The Hon. M.J. ATKINSON:** Yesterday, the opposition raised an allegation that included one of my staff members concerning the Shop Distributive and Allied Employees Association elections. At no time before this matter was raised in the parliament yesterday was I aware of any allegation or suggestion of the alleged arrangements contained in the opposition's questions. I had no knowledge prior to the meetings that Mr Karzis would be attending the meetings which occurred between Mr Farrell and others.

Mr Karzis informed me after the meetings of his attendance. Although I do not have a detailed recollection of the conversations I had with Mr Karzis after the meetings, I can tell the house that at no time did he mention to me the matters alleged by the opposition yesterday. Since these allegations were raised in the house, I have spoken to Mr Karzis and he tells me he has no knowledge of the alleged deal raised yesterday by the opposition.

## LEGISLATIVE REVIEW COMMITTEE

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

Report received.

**Mr HANNA:** I bring up the fourth report of the committee.

Report received and read.

# QUESTION TIME

## CAMPBELL, Mr S.

**The Hon. I.F. EVANS (Davenport):** My question is to the Attorney-General. When the Attorney-General met with candidates for positions in the recent SDA elections, did he or anyone else raise the proposal that the threatened defamation action against Stephen Campbell would not proceed if Mr Campbell ceased campaigning for the election? Yesterday in an answer to a question, the Attorney confirmed that he

was aware of this matter that had been raised on ABC Radio. In the radio transcript from 28 May this year, Matthew Abraham says:

> And Michael Atkinson apparently, and we don't know if this was on government time, but he is meeting with other candidates on Stephen Campbell's ticket talking about how damaging it would be to the faction.

**The Hon. M.J. ATKINSON (Attorney-General):** The answer to that question is no. As I said to the house yesterday, I have been a member of the Shop Distributive and Allied Employees Association for 16 years. It is a matter of public record that long-time secretary Mr Don Farrell is a friend of mine. Of course, I discussed what was happening in the Shop Distributive and Allied Employees elections with friends and colleagues because roughly half of my friends and colleagues are members of the union.

## PORT ADELAIDE WATERFRONT REDEVELOPMENT

**Mr RAU (Enfield):** My question is to the Premier. What progress has occurred for the proposed Port Adelaide waterfront redevelopment?

**The Hon. M.D. RANN (Premier):** Thank you very much for the question. This morning I visited Port Adelaide's waterfront area to sign a major agreement signalling the start of the $1.2 billion project that will revitalise the Port Adelaide waterfront precinct. The deal will see the government's Land Management Corporation work with the Newport Quays Consortium which comprises the international property group Multiplex and South Australian-based developer Urban Construct to redevelop the waterfront land. Preliminary work is expected to start straightaway. So, after years and years of talking about the port's great heritage and history and of what could happen there, now it will happen. This precinct will feature—

**Mr HAMILTON-SMITH:** I rise on a point of order. I raise two issues: first, the Premier is straying into debate and, secondly, today he issued a media release on this subject, and he is making a ministerial statement from prepared notes which would more appropriately be in the form of a ministerial statement.

**The SPEAKER:** The member for Waite makes two interesting observations about the manner in which this house has conducted its question time to an increasing degree over recent years. Notwithstanding what appears to be the validity of those observations, it cannot be assumed by the chair that the honourable member for Enfield heard any of the remarks made by the Premier on radio, if he made such remarks. The member for Enfield is entitled to ask a question of any minister to discover whatever he believes will be in the best interests of his constituents and South Australia in general. To that extent, it is not a disorderly question. As to whether or not the Premier is debating, to date I have heard nothing that would indicate to me that he has begun to debate the matter. Should that happen, in deference to the member for Waite, I shall call the Premier to order.

**The Hon. M.D. RANN:** Thank you, sir. I would have thought it most appropriate to inform the house of one of the biggest developments in the history of the state. This project will feature 2 000 homes, which will house 3 000 to 4 000 people; public walkways around most of the waterfront; and a park celebrating the Kaurna heritage of the area. The redevelopment is not about just construction. It will play a vital role in attracting business, tourism and people to the port, making it a safe and attractive place for South Australians to visit and enjoy. This project will rebuild and restore the port's previous status as a strong, lively, economic powerhouse of Adelaide. It is Australia's last major port to be redeveloped, and it will deliver thousands of jobs and residents to the area. It is likely that more than 4 000 jobs will be created, with $900 million spent in construction work during the 10 to 15-year life of the project.

This is the area I think may be contentious: successive governments have tried to bring about the revitalisation of Port Adelaide. I am proud that this government has successfully brought this project to the starting blocks. I take the unusual action of commending the Minister for Infrastructure on his stewardship. This is an extremely large and complex project, and I am delighted with the work that the Minister for Infrastructure has done to make this a reality. What a great week for Port Adelaide—life, vibrancy and power have been brought back to the port!

Under the government's planning strategy for metropolitan Adelaide, we are trying to contain development within the city's urban growth boundary. This project helps achieve that goal by reducing demand for new housing areas and promoting a great location only 20 minutes from the CBD and a kilometre from the sea. The go-ahead for this project is great news for the Port Adelaide community and for the South Australian economy, and I would have thought that it would be celebrated by members on both sides of this house.

**The SPEAKER:** The last remark really was not necessary. I did not notice that the opposition was reluctant to support it.

## CAMPBELL, Mr S.

**The Hon. I.F. EVANS (Davenport):** When the Treasurer had discussions with union candidate Stephen Campbell about his candidature for the Assistant Branch Secretary position with the SDA, did he, or anyone else, discuss the proposal that a threatened defamation action against Mr Campbell would not proceed if Mr Campbell and his supporters ceased campaigning for the election? On ABC Radio on 28 May this year, the Treasurer took part in an interview with Matthew Abraham in which Abraham stated:

> You're a member of the right wing faction of the Labor Party, and the Shop Assistants Union is a dominant player in that faction. There's currently an election going on for the assistant secretary for that, and Bernard Finnigan is running against someone called Stephen Campbell. Have you had a conversation with Stephen Campbell about those elections?

The Treasurer replied:

> Yes, I have.

**The Hon. K.O. FOLEY (Deputy Premier):** I have to be honest: I wonder why I did not get a question at the time. It is quite sometime later. Given that this was dropped on me the day after the state budget, from memory, or shortly thereafter, I am surprised that the member has taken so many months to raise it, but I can provide the house with the following information. On 10 May 2004, minister Rory McEwen advised me of concerns that he had that one of his staff may have been campaigning for union elections during work hours. Mr Campbell's contract of employment is with the Premier. As at the time I was the Acting Premier, and at minister McEwen's request it was appropriate that I address these concerns with Mr Campbell. I spoke to Mr Campbell and told him that it was not appropriate for him to be campaigning for a union election during working hours. I said

to him that any such campaigning was to be done on his own time, without the use of government resources.

*An honourable member interjecting:*

**The Hon. K.O. FOLEY:** They asked a question but do not want to hear the answer. Mr Campbell accepted this. I made it clear a number of times that Mr Campbell's job was not in doubt as a result of his decision to run for union election. I reiterated that the decision to contest the union election was a matter entirely for him. I told Mr Campbell that minister McEwen was uncomfortable with members of his staff participating in election campaigns as candidates whilst attached to his office. If he was unable to reach an accommodation on this issue with minister McEwen, I told Mr Campbell that his position with the government was secure, and he would be offered a position with the same pay and conditions with another minister. I suggested that Mr Campbell speak to minister McEwen to clarify future arrangements. I understand that as a result of the decision handed down by the Federal Court on Friday 28 May (I am not quite sure if that date is correct, but that is what I am advised; I will double check that), Mr Campbell's nomination had been declared invalid. I can further advise the house that on the afternoon—

*Members interjecting:*

**The SPEAKER:** Order! The Deputy Premier has the call.

**The Hon. K.O. FOLEY:** On the afternoon of 23 June 2004, Mr Campbell contacted my chief of staff seeking a meeting with me. My chief of staff understood that the reason for the meeting was to discuss Mr Campbell's employment. I requested that the Premier's chief of staff also attend, given his role in the hiring of ministerial contract staff. However, it soon became apparent that Mr Campbell wished to discuss—

*Members interjecting:*

**The Hon. K.O. FOLEY:** Do people want to listen? I am quite relaxed.

**The SPEAKER:** Order! The honourable Deputy Premier has the call.

**The Hon. K.O. FOLEY:** Thank you, sir. However, it soon became apparent that Mr Campbell wished to discuss matters relating to the union election other than those matters that related to his employment. Mr Campbell informed me of legal action that was being pursued against him by the Secretary of the Shop Distributive and Allied Employees Association as a result of matters raised during the union elections. I immediately made it clear to Mr Campbell that it was not appropriate for me to get involved in such an issue. I reiterated to Mr Campbell my earlier advice that his position with the Rann government was secure, but that I believed it was not appropriate for me to become involved in this private legal affairs.

Following this meeting, I sought advice from the Premier's senior legal adviser. I was advised that Mr Campbell's private legal matters were not affecting his employment with the government, and were not a matter for myself as Deputy Premier or anyone in government. Later that evening, on the advice of the Premier's senior legal adviser, the Premier's chief of staff phoned Mr Campbell to confirm that matters of a private legal nature not affecting his employment with the government are not a matter for the Deputy Premier or anyone in government. I am advised that Mr Campbell accepted this. I have had no further contact with Mr Campbell since this time.

**The SPEAKER:** Order! Twice today, during the course of remarks being made to the chamber, honourable members have used the names of other honourable members, whether as ministers or not. I have told the house before that that is out of order. Any further breach of that will result in far more stringent steps being taken than I, in the chair, have taken to date. It is not appropriate to refer to the government by the name of the Premier, nor to refer to a minister by their personal name. They are here in their respective offices and capacities.

**The Hon. R.G. KERIN (Leader of the Opposition):** I have a supplementary question. Given the Deputy Premier's ruling to Mr Campbell, what action will he now take about Mr Karzis, who was attending meetings on this same topic without the Attorney-General's knowledge?

**The Hon. K.O. FOLEY:** That matter has been canvassed, I understand, by the Attorney-General.

**The Hon. DEAN BROWN:** I rise on a point of order, Mr Speaker. The Deputy Premier read from a prepared statement. I ask that that now be tabled.

**The SPEAKER:** The statement stands.

## HEALTH, SENIORS CARD

**Mr CAICA (Colton):** My question is to the Minister for Families and Communities. What is the progress of negotiations with the commonwealth government regarding a new agreement to expand the level of concessions to seniors health card holders?

**The Hon. J.W. WEATHERILL (Minister for Families and Communities):** I thank the honourable member for his question. He is well aware of the pressure that people on low fixed incomes are facing through a range of burdens that have been placed on them in recent years by electricity prices, GST—a whole range of pressures that have been put on those low fixed income earners.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** It is also useful for me to clarify—

*Mr Brindal interjecting:*

**The SPEAKER:** Order! The honourable member for Unley does not have the call.

**The Hon. J.W. WEATHERILL:** It is useful for me to clarify this situation, because the Deputy Leader of the Opposition has made some comments publicly which suggest that there has been some failure on behalf of this government in terms of negotiating a deal on concessions that was offered by the federal government. Indeed, it is a very difficult thing to get a pair in this place these days, but it seems that the Deputy Leader of the Opposition was able to slip up to the Riverland and make these public comments to a retirees' organisation—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** And, indeed, the people up there are entitled, as the members of this house—

**The SPEAKER:** Order! Can I disabuse the minister in the gentlest way possible that pairs are only ever provided by the opposition to the government in order that the government will survive any such move as there may be against it in terms of its confidence. No member of the house needs to seek a pair. Any arrangement that is made between groups within the chamber is entirely for them. Standing orders do not contemplate such conduct. It is not appropriate to refer to it.

**The Hon. J.W. WEATHERILL:** Thank you, sir. Perhaps I will get to the gravamen of the issue.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** We have the Deputy Leader of the Opposition saying:

> Independent retirees will be forced to wait for at least another year as the Rann government has failed to negotiate a deal on concessions to the federal government.

That is the reportage in relation to the comments that are made by the Deputy Leader of the Opposition. The truth of the matter is this: we received public comment from the federal government in March this year. In May I responded to the federal Minister for Families and Communities, Kay Paterson, saying that we were prepared to enter negotiations on these initiatives. We supplied all information that was requested and then not only have we not received a formal offer but we have also not received a response to my letter, despite the fact that we have done everything that could be requested of us by the commonwealth. So, the Deputy Leader of the Opposition is utterly and completely wrong, and he goes up to the Riverland and spreads misinformation about the attitude of this government to self-funded retirees.

I have followed up with a further letter to minister Kay Patterson, wondering what the delay is and indicating, once again, our willingness to enter into those negotiations. The federal government can be in no doubt as to our attitude because I repeated that attitude on 27 July at a ministerial council meeting. There have been plenty of indications from this state that it is prepared to enter these discussions, and we are well aware of the burdens that electricity prices and GST have placed on these people, all courtesy of those opposite.

**Mr BRINDAL:** Mr Speaker, I rise on a point of order. There are in fact two points. First, the member for Finniss was accused of spreading misinformation, and I ask you, sir, to rule whether that is entering into debate in the answer to the question. Secondly, on the last remarks made, that is also entering into debate in answering this question, which is against standing orders.

**The SPEAKER:** There we go again. The observations made by the member for Unley are subjective and interesting. The member for Davenport.

## CAMPBELL, Mr S.

**The Hon. I.F. EVANS (Davenport):** My question is to the Attorney-General. Did the Attorney or his staff play any role in relation to the proposal that an offer be developed to be put to Stephen Campbell and his supporters to cease campaigning on the basis that a threatened defamation action would not be pursued against Mr Campbell?

**The Hon. M.J. ATKINSON (Attorney-General):** No.

## PUBLIC DENTAL SERVICE

**Ms BEDFORD (Florey):** My question is to the Minister for Health. Has the government expanded the availability of free dental checks to young people under the age of 18 who have left secondary school and, if so, what criteria will apply for eligibility under the expanded scheme?

**The Hon. L. STEVENS (Minister for Health):** The state government is to expand the availability of dental checks to about 2 000 young people under the age of 18 who are not in secondary school. This expansion will mean some of South Australia's most disadvantaged young people will now be able to access free dental treatment. Currently young people at secondary school who are dependants of Centrelink concession cardholders get a free check and treatment about every 18 months, while there is a co-payment of $35 for children of non-cardholder families. Young people who have left school fall outside the check-up net. Under the expanded scheme, the public dental service will now cover young people up to the age of 18 who leave school and who hold a Centrelink concession card or who are dependants of a holder of a Centrelink concession card. It will also cover young people under the age of 16 who leave school and who are unemployed but cannot apply for a Centrelink concession card; and, finally, young people under the guardianship of the Minister for Families and Communities whether or not at school.

The extension of the dental scheme to these people is a sensible, preventative measure. Young people who fit the new criteria can make a dental appointment simply by contacting their local school dental clinic. The state government committed an extra $8 million into the public dental service in its first budget, and we further increased that by another $4.5 million in this budget. The result of this extra money has been to reduce the waiting lists and waiting times for public dental work by about 30 per cent over the last two years compared with when we came to office. But those lists are still too long, and this is a result of the Howard government's scrapping the commonwealth scheme in 1996 at a cost of $10 million a year for dental funding in South Australia. By comparison, the federal Labor Party recognises the commonwealth's responsibility to work with the states on dental waiting lists and has pledged $300 million to restore a commonwealth dental scheme, something that all members—even the member for Finniss—should welcome.

## KARZIS, Mr G.

**The Hon. R.G. KERIN (Leader of the Opposition):** What action has the Attorney-General taken now that he is aware that his staffer George Karzis attended meetings in relation to the SDA elections without his knowledge?

**The Hon. M.J. ATKINSON (Attorney-General):** First, I have to say that a number of my staff are members of the Shop Distributive and Allied Employees Association, and I expect them to be active in the affairs of their trade union. I do not see any difficulty with their attending meetings of the union of which they are a member. I myself attend SDA functions. I attend the Christmas party. I attend functions such as conferences to which I am invited by the union. What the leader is driving at—

*The Hon. I.F. Evans interjecting:*

**The SPEAKER:** Order!

**The Hon. M.J. ATKINSON:** If I can help the leader here, he has made a grubby untruthful allegation on hearsay about what happened at a particular meeting. He wants me to say what I have done once I found out that Mr Karzis attended two meetings; and he connects this untrue grubby allegation with that meeting. The answer is that one of those meetings—

**The Hon. R.G. Kerin:** The allegation has been made by one of your union workers.

**The Hon. M.J. ATKINSON:** Ex! One of the meetings was on Mother's Day. When I became aware that Mr Karzis had attended two meetings, I can tell members he did not attend any more.

**The Hon. R.G. KERIN:** I have a supplementary question. Were any of these meetings on a weekday?

**The SPEAKER:** I do not think the Attorney-General has responsibility for such matters. The question is out of order.

## HOUSING TRUST, ASBESTOS

**Mr SNELLING (Playford):** My question is to the Minister for Housing. What is the Housing Trust doing to manage risks associated with asbestos in Housing Trust properties?

*Mr Brokenshire interjecting:*

**The SPEAKER:** Order, the member for Mawson!

**The Hon. J.W. WEATHERILL (Minister for Housing):** I cannot this let this go by: 'Mr 10 000 homes ripped out of the system' suggests we are selling stock. The Housing Trust is doing quite a deal to address the question of asbestos risk within its homes, contrary to the impression that was created in today's paper. The government takes the health and safety of its Housing Trust tenants, and indeed contractors and workers, very seriously and has made some very strong directives to agencies regarding the management of asbestos risk. Recently, it has expanded its removal program, spending in excess of $1.6 million in 2004-05.

An internal audit of management practices was completed in 2003 and, as part of that audit process, business advisers McLachlan Hodge Mitchell assessed the effectiveness of the trust's management of asbestos risks. That report identified 38 recommendations, all of which have been addressed. All trust policies and procedures have been revised. Staff/contractor training modules are currently being implemented. Additionally, from 1 July this year, the trust entered a formal service level agreement with DAIS—which is important for those who report on these matters be aware of—in the asbestos management unit. The asbestos management unit now manages all asbestos testing and removal, including coordination of asbestos removal contractors, on behalf of the trust. All issues raised in respect of arrangements between the trust and DAIS have been addressed in the service level agreement. This includes the separation of testing and removal instructions into individual orders.

The trust has also participated in a whole of government committee that was established to review asbestos management on government buildings, and its new policies and procedures closely reflect those new guidelines that were developed by the whole of government committee. The differences only reflect the different requirements for residential dwellings. The trust has produced extensive information for both its tenants and contractors (including fact sheets and guides) and it undertook a major asbestos safety awareness campaign in the local media throughout South Australia in 1995. A video with a segment on asbestos is being played in trust regional offices. A range of policies (including improvements and alterations by tenants to their homes) is also being developed. This is very important. If tenants when making alterations to their homes come into contact with asbestos-related products, the results can be hazardous. We are about to send this information to tenants.

Contractors will also be required to undertake agreed levels of training in asbestos management. The trust has offered to provide subsidies to assist with training and will require evidence from contractors that they have complied with the requirement to complete that training. So, contrary to the impression that has been created, the trust takes very seriously its obligations in relation to asbestos removal and dealing with asbestos. We have been assisted by advocates from the tenants association and the UTLC who have raised this matter with us. The former minister initiated this process, and it is now being brought to completion.

## SHOP DISTRIBUTIVE AND ALLIED EMPLOYEES ASSOCIATION

**The Hon. I.F. EVANS (Davenport):** My question is to the Minister for Industrial Relations. Will the minister investigate the shop assistants union, the SDA—

*Mr Koutsantonis interjecting:*

**The SPEAKER:** Order! The member for West Torrens.

*Mr Koutsantonis interjecting:*

**The SPEAKER:** Order, the member for West Torrens!

**The Hon. I.F. EVANS:** Well, the SDA isn't running on empty. I will repeat the question: will the minister investigate the shop assistants union, the SDA, for any breaches of the law in relation to funding of a union slush fund called Friends of the SDA? A former union organiser has claimed that the union has deducted $40 a month out of her wage without her written permission. The $40 goes into an account called Friends of the SDA. The former union organiser has never attended a meeting of Friends of the SDA and has never seen a set of financial accounts for this body.

**The Hon. M.J. WRIGHT (Minister for Administrative Services):** The honourable member both today and yesterday has raised a number of issues, none of which have any basis. The Attorney-General has answered a range of questions that were asked yesterday and today. Once again, the honourable member is putting forward information that has no basis.

**The Hon. I.F. EVANS:** I ask a supplementary question. Will the minister confirm to the house that he has looked at this woman's wage and checked whether the $40 a month has come out? If not, how does he know that the claim has no basis?

*Members interjecting:*

**The SPEAKER:** Order! The honourable minister.

*Members interjecting:*

**The SPEAKER:** Order! The honourable minister has the call.

**The Hon. M.J. WRIGHT:** If the honourable member has any evidence, he should come forward with it. It is not my responsibility to check employees' pay slips—and he knows that full well.

## ROYAL ADELAIDE SHOW

**Mr KOUTSANTONIS (West Torrens):** My question is to the Minister for Industrial Relations. What did the government do to ensure the safety of the public and employees at this year's royal show?

**The Hon. M.J. WRIGHT (Minister for Industrial Relations):** I thank the member for West Torrens for this very important question. The Royal Adelaide Show is the largest public event held in South Australia each year. It is attended by over 600 000 members of the public. This event involves approximately 60 amusement structures, 30 food stalls and 50 exhibit stalls. The government is committed to making our community and workplaces safer. We have memories, of course, of the spin dragon amusement ride collapse in September 2000, and other amusement ride accidents are still fresh in the minds of many South Australians. The government has put in place the resources

to minimise the risk of such tragic incidents recurring. A team of 20 inspectors drawn from across Workplace Services was deployed to help ensure a high standard of public and employee safety at the royal show.

Occupational health and safety inspectors conducted pre-show public safety audits of all amusement structures. They also inspected dangerous substances storage, forklift safety and fireworks displays to ensure the protection of the public and workers. Inspectors were on duty at all times during the show from before the gates opened until midnight each day and were able to respond quickly if their assistance was sought. Workplace Services inspectors worked closely with the Royal Agricultural and Horticultural Society of South Australia, industry stakeholders, peak bodies, SA Police and St Johns Ambulance to ensure a coordinated approach to safety. I thank all of those organisations for their involvement. The government has, of course, put forward the biggest increase ever for inspectors—a 50 per cent increase to occupational health and safety inspectors. Some of these were put to very good use at this year's Royal Show.

## PUBLIC SERVANTS, SECURITY

**Mr WILLIAMS (MacKillop):** My question is directed to the Minister for Administrative Services. Following the government's review of security at government buildings and facilities as a result of the murder of former public servant Margaret Tobin, what specific measures have been instituted to provide extra security for public servants? On 15 October 2002, the Premier told this house that the government would do all in its power to ensure that those who serve the state are able to 'go about their business—our state's business—without threat'. The Premier made this statement when providing information about the review that I have referred to. Two years down the track, I have been informed by the PSA that the government has lost interest in the issue.

**The Hon. K.O. FOLEY (Deputy Premier):** Only the most inept opposition in history, I think as they were described, would attack the government on issues to do with trade unions; and then, for their first question after that, to have a question written by a trade union. What hypocrisy! If you have to rely on the Public Service Association to write your questions and give you advice, I pity the standard of questioning, because it is—

*An honourable member interjecting:*

**The Hon. K.O. FOLEY:** I will.

**Mr WILLIAMS:** Point of order, Mr Speaker: I do not believe that the Treasurer, to whom the question was not even directed, is making any attempt to go to the subject of my inquiries.

**The SPEAKER:** Could the member for Mackillop remind the chair of his inquiry.

**Mr WILLIAMS:** I will repeat the question. Following the government's review of security at government buildings and facilities, as a result of the murder of former public servant Margaret Tobin, what specific measures have been instituted to provide extra security for public servants?

**The Hon. K.O. FOLEY:** I just made reference to the fact that I am glad the Public Service Association—

**The SPEAKER:** I would be pleased if the honourable Deputy Premier—

**The Hon. K.O. FOLEY:** —and their good friends in—

**The SPEAKER:** —would address—

**The Hon. K.O. FOLEY:** And I am going to do that, Mr Speaker.

**The SPEAKER:** Well then don't talk me down or you won't be here much longer. One of us will go.

**The Hon. K.O. FOLEY:** Sorry? Who won't be here much longer, Mr Speaker?

*Members interjecting:*

**The SPEAKER:** I name the Deputy Premier. That kind of insolence cannot be tolerated. Either the Deputy Premier apologises for confronting the chair, regardless of who the incumbent in the chair is—

**The Hon. K.O. FOLEY:** I humbly apologise, sir, for any offence taken by the Speaker in the house.

**The SPEAKER:** The honourable Deputy Premier has the call. The apology is accepted.

**The Hon. K.O. FOLEY:** The review of government security has been undertaken, a very detailed piece of work undertaken by a number of senior officers within government and, indeed a considerable amount of resources are now being applied to that review. I do not have with me the exact specifics of the new, improved security measures, and—

**Mr Brokenshire:** Why not?

**The Hon. K.O. FOLEY:** 'Why not,' says the shadow minister for police.

*Mr Brokenshire interjecting:*

**The SPEAKER:** Order! The honourable member for Mawson does not have the call. The Deputy Premier is answering an inquiry.

**The Hon. K.O. FOLEY:** Even if I did have the specific new security measures that had been put into place, I would seek advice before I would advise the house, in a public forum, because I assume that a large number of security measures undertaken are the sorts of measures that we would not want to advertise. I can say that in the State Administration Centre, where I work, we now have security doors at the front—

**The Hon. W.A. Matthew:** Protecting him.

**The SPEAKER:** The member for Bright is about—

**The Hon. K.O. FOLEY:** The member for Bright suggests that it is all about protecting me. I say to the member that the State Administration Centre is a significant physical infrastructure that houses thousands of public servants, and it is where two ministers (the Premier and I) happen to have an office. Security doors, security checkpoints and cameras have now been put in place at both entrances to that building. My understanding is that other measures have been taken across government.

I will take this question on notice, and I understand the legitimate nature of the inquiry, notwithstanding the motivation of the good friends of the Liberal Party, the PSA. I am happy to ensure that the Leader of the Opposition, and whoever he deems appropriate from his team, can be briefed on the measures that have been put into place in the most significant review of security within government that I understand has been done in some time. I take the suggestion from the member for Mawson and others that somehow we do not care for the safety and security of public servants as an offensive remark, because we moved swiftly to improve security after the tragic events of Bali and the great tragedy of the assassination of Margaret Tobin. I believe we acted exactly as any government should in that situation, and we have continued to improve security.

As another indication of the significant concern we have about the quality of security within government, in my role as police minister I can say that the Police Commissioner has been reviewing the training, the competency and the skill level of the police security services within government—

people who protect this building and other buildings within government. We are looking at a significant improvement in their training, their skill base and the work they undertake in order to ensure that they are brought more into line with policing standards and under the more direct control and authority of the Police Commissioner and to ensure that we have increased security from our security guards within government. All in all, it is a very significant package of work. Tragically, in our very large and diverse Public Service, it will always be extremely difficult to have as tight security as we would like, but we are doing all we possibly can. As I said, I am happy to have a confidential report made available to the Leader of the Opposition, should he so desire.

## YOUTH EMPOWERMENT GRANTS PROGRAM

**Ms THOMPSON (Reynell):** My question is the Minister for Youth. What changes are proposed for this year's youth empowerment grants program?

**The Hon. S.W. KEY (Minister for Youth):** I thank the member for Reynell for her question and also acknowledge her advocacy for young people in the south, in particular. This weekend, the Office for Youth will call for applications for funding from organisations under the youth empowerment grants program. A total of $300 000 is available under the program to assist youth based organisations. The youth empowerment grants are very popular with a range of community based groups, government agencies and local councils. The groups fund initiatives that equip young people with life skills and assist them in taking more responsibility and control in their life as they go through the transition into adulthood and independence.

The sorts of skills fostered are those required to participate in community decision making processes, such as state and local government committees and community action groups. This year, the youth in community grants and the youth empowerment grants have been combined to remove the overlap and provide a single coherent grants program. The combined program will allow one-off grants of up to $20 000 to assist projects for one year, $40 000 for two-year projects and up to $60 000 for three-year projects. Bodies eligible to apply are community or youth organisations that are incorporated and based in South Australia, local councils, state government agencies and schools.

Initiatives that achieve funding will contribute to addressing the government's social inclusion priorities. For example, applications will be sought from organisations with proposals that increase opportunities for young people under the guardianship of the minister, continue progress towards reconciliation, reduce homelessness, address youth employment and drug misuse, promote a positive mental health and healthy lifestyle choices, and support the involvement of young people in the development and implementation of local policy and community decision making.

Organisations applying for funding grants must provide evidence of organisational structures, policies and procedures that ensure standard of care and protection of young people participating in funding initiatives, as well as measures to safeguard against discrimination, bullying and harassment. Successful applicants will be required to enter into a funding agreement that reflects responsibility and maintains these standards. I urge members in this house to consider those grants, and give assistance to the young people in their electorates to access that money.

## TRANMERE TRANSPORT SA OFFICE

**Mr WILLIAMS (MacKillop):** My question is directed to the Minister for Transport. Why did the government reduce security for public servants by removing the security officer at the Tranmere Transport SA office? Having placed a security officer at the Tranmere Transport SA office following a government security review, after the Margaret Tobin murder, the government subsequently reduced the security of this office by removing that security officer. Following an armed hold-up at the office on 10 September, where one staff member had to be taken to hospital, the security guard's position was reinstated.

**The Hon. P.L. WHITE (Minister for Transport):** The honourable member mentions a very unfortunate and, to the people of South Australia, quite unacceptable incident that happened recently at one of Transport SA's offices, at Tranmere, where an armed hold-up occurred. As far as security arrangements at that office are concerned, I will ask my department, and come back to the house with that information. However, obviously, as any minister of this government would say, such an incident is unfortunate, whether it be in a Transport SA office, whether it be in a bank, or whether it be in a private business. As the Treasurer has said on many occasions, the security of our public servants is very important to this government. I will come back with the information, but for the member to try and make something of an armed robbery which was a very unusual event and a very unacceptable event is a bit of a stretch in his argument.

**Mr WILLIAMS:** By way of a supplementary question: can the minister assure the house that this time the security officer will remain at the Tranmere STA office protecting those hard-working public servants who work at the office?

**The Hon. P.L. WHITE:** As I said in my previous answer, I will get some information from the department and come back to the house with that information.

## REDISCOVER YOURSELF CAMPAIGN

**Ms RANKINE (Wright):** My question is for the Minister for Tourism. What has been the response so far from the public interstate to the recent launch of the South Australian Tourism Commission's marketing campaign Rediscover Yourself?

**The Hon. J.D. LOMAX-SMITH (Minister for Tourism):** I thank the member for Wright for her question. She is keenly interested in the economic benefits that tourism can bring South Australia, and our goal has been to lift the profile of South Australia as an iconic domestic destination for people around Australia by reinvigorating the Secrets campaign with our new Rediscover profile, which is $5 million campaign aimed at producing television, print media and publicity campaigns around our key markets in Melbourne and Sydney, which are the origins of our major numbers of tourists from interstate. In the first six weeks of our Rediscover Yourself campaign, we have found an overwhelming response with 128 000 hits on our southaustralia.com web site, with 40 per cent of these coming from our key markets in Victoria and New South Wales.

In addition, our 32-page Rediscover Yourself booklet has been requested by over 4 000 people. This campaign has been changed from previous campaigns in that now our booklet has bookable and package tourism experiences rather than

generic, experiential advertising, as has gone before. In addition, we have a 1300 655 404 number where over 1 000 people have requested specific information about these bookable holidays. The first weeks of the campaign coincided with the Athens Olympics, and it was fortunate that we managed to have our images and advertisements on the television so that anyone in Adelaide who sat glued to the television throughout the whole games would have seen 15 advertisements, whereas those in Sydney and Melbourne, which after all are our key markets, would have seen the advertisement 43 times. This campaign includes Adelaide Symphony Orchestra with Graeme Koehne's specifically and specially penned music. We have noted that if you categorise the number of times that our key destination markets would have seen the advertisement, 84 per cent of those in Sydney and Melbourne would have seen it once, and 46 per cent of those between the ages of 25 and 64 would have seen it three times.

Our aim is to place South Australia as the iconic domestic tourism destination to not only increase our number of visitors but also visitor nights. These sorts of campaigns are really not possible without a good partnership between the industry and regional areas, and we are very pleased to say that we have had extraordinary support from both our strategic partners and the marketplace in the eastern states, where there has been an increase in interest and visitation.

## ELECTRICITY

**The Hon. W.A. MATTHEW (Bright):** Does the Premier stand by his public comments made on 1 September 2004 that a proposal to turn off air conditioning from a central point at times of high electricity usage is 'the dopiest idea that I've heard this week, won't happen, can't happen, won't be allowed to happen.'

**The Hon. M.D. RANN (Premier):** Well, this is great. Today we have heard that the Liberals, we were told at a news conference, have come out as strongly for pokies as they did in support of a nuclear waste dump. I can tell you this: I totally stand by my statement that there will be no compulsory turning off of anyone's air conditioning.

**The Hon. W.A. MATTHEW:** I have a supplementary question. I ask the Premier that, in view of his response to my previous question, will he assure this house that turning off air conditioners at peak times from a central point will not become Labor party policy, even though it has been advocated publicly by a senior Labor parliamentarian, or does the Premier believe that that Labor member's comments are also dopey? At a recent conference of the Melbourne Institute it was stated that when electricity prices rise above a certain level, appliances such as air conditioners could be turned off temporarily through a central computer system. The conference speaker was none other than the federal Labor Leader, Mark Latham.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.D. RANN:** I can tell you this: I do not care who supports it; I do not, and that is the difference, because you lined up behind your federal Liberal colleagues to support a nuclear waste dump in South Australia. You are prepared to put your party before your state. I am not.

## TRANSPORT, RIVERLAND

**Mrs GERAGHTY (Torrens):** How is the government assisting Riverland communities to have safe and reliable services between their towns?

**The Hon. P.L. WHITE (Minister for Transport):** I thank the honourable member for her question.

*An honourable member interjecting:*

**The Hon. P.L. WHITE:** I guess one of the important moves the government has made recently is to appoint the Riverland community's local member as the Minister for the River Murray. That is a very important move by the current government. The government does already provide our Riverland communities with a 24-hour ferry system, which is serviced by 12 ferries at 11 sites along the River Murray. That service provides communities with access to important services, including community facilities and emergency services; and it is a system that is also important to our tourism industry and other local industries. It is vital that those communities have access to safe and reliable passage across the Murray. These services are set to improve following the state government's awarding a $4.4 million contract for the design and construction of up to three new ferries.

The ferries will improve the current service. They will have increased passenger capacity and the design will incorporate current environmental, marine and safety standards. The new ferries will replace those due to be decommissioned, and I am very pleased that the contract for the design and construction of the new ferries has been awarded to a South Australian company. The first ferry is expected—

*Members interjecting:*

**The Hon. P.L. WHITE:** If members opposite do have suggestions, please come forward.

*Mr Williams interjecting:*

**The SPEAKER:** Order! The member for McKillop does not have a problem, I hope.

**The Hon. P.L. WHITE:** Given the great interest shown by members opposite, I am sure the house will be pleased to know that the first ferry is expected to be fully operational towards the latter part of mid-2005.

## OUTER HARBOR

**Mr HAMILTON-SMITH (Waite):** My question is to the Minister for Economic Development. Will the minister confirm that the government-directed study into the economic effects of delaying the deepening of Outer Harbor has found that procrastination could cost South Australia over 2 000 jobs and put $2.8 billion worth of trade at risk. Given this advice, will he indicate when dredging will commence at Outer Harbor?

**The Hon. P.F. CONLON (Minister for Infrastructure):** I am delighted to have a question, sir. Firstly, let me say that no government prior to this one has been more aware of the importance of deepening the channel; that is why we are the first government to commit to it. Let me explain to the member for Waite—I am glad to see he is still with us—what the process has been. We inherited a typical terrible privatisation deal on our ports in which a promised new grain terminal was entirely inappropriately situated—and I can look across the chamber and see at least some members on the other side nodding because they know that is true. One of the first things we did when we came to government (and this

relates to the deepening of the river) is negotiate with Flinders Ports to move that grain terminal appropriately down to the end of the Outer Harbor beside the container terminal.

What that did then is not only save some money to commit to future deepening but allow us the opportunity of deepening the port to 14 metres and make it a world-class port. Actions of this government curing a mess left by the previous Liberal government; actions of this government fixing a mess and leaving us in a position to make the commitment we have. That commitment has proceeded to the point where we have funded some environmental studies with Flinders Ports. We have reached the point where we are in negotiations with Flinders Ports as to how that money will be paid. The amount that it will cost will determine where we are able to dump the material that we dredge. Never ever has the port of Adelaide been closer to becoming a world-class port than under this government. I thank the member for Waite for pointing that out and the people who have made the commitment. We have put money into it, we will put more into it—

*Mr Brokenshire interjecting:*

**The SPEAKER:** The member for Mawson will come to order!

**The Hon. P.F. CONLON:** What we will not do, sir, is let the private sector off the hook. They privatised the ports to a private company but now they do not want the private company to pay anything towards doing something which will increase revenues. That is what they are asking us to do.

*Mr Brokenshire interjecting:*

**The SPEAKER:** Order, the member for Mawson!

**The Hon. P.F. CONLON:** We will make the port of Adelaide a world-class port, the place at which I grew up, of which I am so proud and which will bring home a premiership this weekend—Go the Power! We will make it a world-class port, but we will also ensure that the private sector makes its contribution as well because we will protect taxpayers. I am proud of what this government is doing in Port Adelaide.

### RELIEF TEACHERS

**The Hon. G.M. GUNN (Stuart):** I direct my question to the Minister for Education and Children's Services. What action is the government taking to ease the acute shortage of relief teaching staff in the north of South Australia, in particular at Port Augusta and surrounding areas? The minister would be aware of a recent industrial dispute at Stirling North school, caused purely out of frustration. Further, I have been advised that teachers will work purely because they are dedicated to their cause, even when they are sick with the flu and other things (and should not be there), because of a chronic shortage of relief teachers.

**The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services):** I thank the member for Stuart for his support of the public education system, one which I know is not always shared by some members of his party.

*Mr Venning interjecting:*

**The SPEAKER:** Order! The member for Schubert is highly disorderly. The minister has the call.

**The Hon. J.D. LOMAX-SMITH:** The honourable member recognises the difficulty in recruiting people to regional and rural parts of South Australia to work within the many fine schools that suffer from shortages of specialist teachers. The issues to do with relieving staff are particularly significant because, while it is difficult enough to get permanent staff, relieving staff are also in short supply. The government has moved to support regional areas in a variety of ways. First, it is encouraging people from rural areas to study teaching with scholarships and, secondly, through financial incentives for distance away from Adelaide, as well as support for accommodation. In addition, we have been working on ways of better recruiting and showcasing opportunities for young teachers in regional areas. I suspect that in the future this will be a major focus of our work force planning, because many members will know that to date there has been little thought about work force planning until our government focused on work force planning issues. I think it is now recognised that about 70 per cent of teachers are over the age of 40, so the shortages we now see will be compounded both in South Australia and on an international level in terms of the shortage of skilled, specialist teachers.

*Ms Chapman interjecting:*

**The Hon. J.D. LOMAX-SMITH:** The member for Bragg does not seem to understand that we can have unemployed teachers and still not have specialist teachers. The reality is that there are very many junior school teachers. Perhaps the member for Bragg does not realise that the shortage is in specialist areas, such as science, maths, languages, art, home economics and tech studies. In fact, I encourage people to be more creative in their ideas about teaching, not denigrate and demean teachers and talk them down so often.

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### WHITING FISHERY

**The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries):** I seek leave to make a brief ministerial statement.

Leave granted.

**The Hon. R.J. McEWEN:** In answering a question from the member from Goyder in relation to whiting fishing, I gave the chamber an undertaking that I would make Will Zacharin available to give all members a full briefing on the matter. That briefing will be held at 5.30 p.m. today in the Old Chamber.

### TRANSPORT SA

**The Hon. P.L. WHITE (Minister for Transport):** I seek leave to make a brief ministerial statement.

Leave granted.

**The Hon. P.L. WHITE:** A few minutes ago in question time the member for MacKillop asked a question about security arrangements at the Tranmere Transport SA office. The advice from my department is that a guard has never been placed permanently at Tranmere. However, from time to time, security guards are employed: for example, in response to the Tobin shooting. Following the unfortunate and appalling hold-up at the Tranmere office, a guard has now been placed there to guard against copycat incidents.

## GRIEVANCE DEBATE

### ENVIRONMENT PROTECTION AUTHORITY

**The Hon. G.M. GUNN (Stuart):** Mr Speaker, thank you for the opportunity to raise a couple of issues in relation to the Environment Protection Authority. It is clear that the

decision the parliament made some time ago to give this body independence was unwise. In a democracy people should not be able to make arbitrary decisions without reference to the elected officials. This morning on the ABC a number of cases were brought to our attention where these people have acted unwisely and insensitively. I have previously raised the matter of the weighbridge which the EPA is attempting to force the City of Port Augusta to put in place at a cost of over $400 000. The City of Port Augusta could better spend that sort of money on other important projects to help the citizens and residents of that area. What is the purpose of this exercise?

We have heard about the problems that the District Council of Mount Remarkable has had with the EPA about its rubbish dump. You would think they were trying to house the crown jewels. Then we had the saga of the Port Augusta racetrack and another saga at Quorn where an officer refused to return a telephone call from the mayor—rude and inconsistent. From what has been said, it appears that certain people within this organisation have their own agenda. In a democracy, people do not have to put up with that. Therefore, I call on the government to take immediate steps to bring this organisation under the control of this parliament and answerable to the minister so that its decisions are subject to review by the Economic and Finance Committee. Then these insensitive bureaucrats can find out what it is like to be judged by the elected officials.

The community of South Australia can get rid of all of us, but they cannot get rid of these appointed people. I understand that Mike Elliott has now been put on the EPA. If ever there was a Mr Know-all, it was him. It has gone from bad to bloody worse: they are interfering with ordinary people going about their daily work.

Last Friday I was at the Riverland and it was pointed out to me that these EPA characters can go onto a fruit block and shut it down and the people involved have no right to object or appeal. I say to the minister for the environment: the next time you bring a bill into this house we are in for a bit of fun. We are not going to wear any more of this arbitrary Sir Humphrey stuff where these insensitive people do not take account of what is good for the economy. At the end of the day, unless people can develop their business and get on with it, they will not get paid and the rest of the community will not have jobs. So I call on the government to do something about this.

I now refer to the District Council of Lower Eyre Peninsula. Mr Treloar, the Chairman, complained about this sort of activity. The rates are going to go up because of these arbitrary decisions. They come along and tell the councils what is going to happen to them. That is not acceptable in a democracy. People should have the right to object and to have someone else review these decisions. The underlying principle of our court system is: subject to appeal. Well, people should have that right also. Because some of these officials have their own agenda, that is no excuse for these people behaving so arbitrarily.

I put to this house that it is incumbent upon us to ensure that people have the right to object, are treated civilly and that costs should not escalate because of these arbitrary decisions. They are not unreasonable suggestions but terribly important because, the longer these people are allowed to get away with this sort of decision making, the worse they get. Therefore, once they go down this track, it is up to us to take steps to ensure that they are brought to account. Their decisions should be subject to review by a parliamentary committee, because we are elected and we are, in my view, the only ones entitled to make those decisions, because the community can get rid of us. It can get rid of us and none of us should object to that process.

*The Hon. R.J. McEwen interjecting:*

**The Hon. G.M. GUNN:** Well, I try to do my job. I am happy to be judged, but I take strong exception when these people go around insulting and making unwise decisions for other hard-working people.

## AUSTRALIAN INTERNATIONAL PEDAL PRIX

**Ms BEDFORD (Florey):** Last weekend's Australian International Pedal Prix at Murray Bridge which, as members would know, is a 24-hour endurance event held over two days, is the final in a series of three events, the first two of which were held at Victoria Park earlier in the year. Thanks go to Mayor Alan Arbon and the Adelaide City Council representative, Bert Taylor, who were both in attendance on Saturday at Murray Bridge, where I was also present. I was grateful for the opportunity to accompany the Minister for Education and Children's Services and Tourism to Murray Bridge and report that we completed a lap of the circuit on foot and spoke to as many as possible of the crews not involved in urgent pre-start preparations. Some of the crews enjoy wonderful amenities and are very task-oriented while others are resourceful and are forced to rely on the wonderful ideas, ingenuity and passion of both parents and students. There are so many benefits in this event across so many disciplines that it is almost impossible to name them, but I will do my best in the time allotted to me today.

The event began in 1985 when a group of teachers from the South Australian Technology Teachers Association got together with a handful of high school students. A Florey school, The Heights, was involved in those very early preparations through John Kidman, who was the senior master in that area at the time. The task was to design, construct and test a human powered vehicle over a 24-hour period. On the weekend we saw the growing success of that initial concept and the passion and willingness to have a go. This was the 20th running of the event, and it improves each year. Teachers, parents and students make the Pedal Prix event a winner. The support of the state and local government, including the rural city of Murray Bridge and the Adelaide City Council, and sponsorship from many organisations is the fuel additive to their energy, skill and commitment.

The event is the culmination of many months of preparation, fundraising, hard work and practice. The success of so many young people here at the weekend is measured by participation. This year's HPV Series saw more than 220 entries from government and non-government schools across Australia, which included 32 teams which travelled from Victoria, New South Wales and Western Australia. The event had some 3 000 riders. As someone said during the speeches, unless you are prepared for the event, after the first lap it becomes very hard work. We are looking forward to having a celebrity event incorporated into one of the events in the not too distant future.

Skills development is an important component as well as learning opportunities in engineering, technology, computing, nutrition and health, communication and planning. TAFE support from the Murray Bridge campus continues to provide repair, maintenance and technical support for vehicles, and from the Regency TAFE displays on the grounds during the

day highlighting apprenticeships in areas such as electrical and refrigeration mechanics. Support from the Engineering Employers Association of Australia also highlights that the Pedal Prix fosters the skills and attributes required for careers in engineering.

The enthusiasm of many schools that enter a number of vehicles makes the event so successful that there is a waiting list for it. There was a waiting list for this year and no doubt there will continue to be in the years to come. Each category attracted a record number of applicants. The tourism and economic benefits to the area include an estimated $1.5 million boost for the Murray Bridge economy because of the large numbers who stay for both days of the event. Visitors are attracted to the event, with more than 20 000 visitors to the region and 4 000 people directly involved as riders, drivers and support staff. The state government adds support through its Regional Events and Festivals funding at $8 800. I am able to confirm that a further $10 000 came from DECS.

Congratulations must go to the organisers, including Andrew McLachlan, Marcus, Denise and all the members of the board. Thanks to the sponsors and supporters for their energy and support. On the Wednesday before the event there was nothing at the reserve except the fence, which is referred to as the Jolly fence for many reasons but particularly because of the generosity of the man behind the supply of the fence.

This event points to the future—learning by doing, harnessing green energy that is environmentally friendly, generating health and fitness among young people and promoting the value of teamwork to make a real difference. I also highlight the two teams from my area: the Heights School and Modbury High School. While they were not featured on the winning list, they did their schools proud. Victorian teams finished very strongly this year, and both categories were won by Victorian schools. Aberfoyle Hub Primary School and Loxton High School kept the South Australian flag flying by winning categories 1 and 2 respectively. However, Eco Racer from St Therese's Primary School in Bendigo kept the Burning Hubcaps honest with a close finish, whilst establishing the fastest lap of the race in its category.

During the course of the 24 hours, a combined total of 53 624 laps of the circuit were completed, covering a distance of 110 787 kilometres. As Glenn Dix, the official chequered flag waver, concluded: 'Formula 1 is powered by money: this event is powered by the hearts of all participants.'

## SCALZI, Mr G.G.

**Mrs HALL (Morialta):** As we know, members of parliament meet and work with many diverse organisations and very special people within our local communities, and often they become personal friends. Today, I particularly want to talk about and publicly acknowledge one very special person: Giovanni Giacomo Scalzi, also affectionately known as John. Sadly for his family and many friends, Giovanni died in August, just five weeks ago. I consider it a privilege to have joined Claudia, his wife of 54 years, and his three sons, Joe, Bill and Rino, along with their family and friends, at St Francis of Assisi Church, Newton. The church was filled with people who wanted to be there to support his family, to pay tribute to this very special person and to celebrate a wonderful life of nearly 80 years.

Giovanni migrated to Australia in 1956. He worked hard and, just over one year later, he had saved enough money to bring his family to join him and make their home here in Adelaide. Giovanni was a well-liked and highly respected member of the Italian community. He was immensely proud of his Australian citizenship, but was equally proud of his Italian heritage. He was a former member of the Italian Carabinieri. Giovanni was well known and well recognised in our community as one of the Carabinieri handsome faces, resplendent often in those impressive coloured uniforms that were so evident at numerous festivals and ceremonial occasions held across the state.

In 1977, largely through his own personal commitment (and persistence, I would have to say), the South Australian branch of the Carabinieri was created, with the consent and strong support of the Italian Carabinieri Association in Rome. He was elected as its first president and held that position until the day he died, some 27 years later. His work and leadership of the South Australian Carabinieri Association was recognised when he was awarded the national honour of the Centenary Medal for service to the community and numerous multicultural organisations, so it was indeed appropriate that one of the eulogies given at his funeral service was delivered by a former South Australian police commissioner, David Hunt, who said:

> His way of life was, to a large extent, guided by the precepts of faith, loyalty, discipline and service, and he exercised these characteristics in a quiet and gentlemanly fashion. The influence of the disciplined life of the Arma dei Carabinieri is unmistakable. As a member and president of the Carabinieri section of South Australia, he interacted with the law enforcement agencies and, in my experience, with SA Police.
>
> He extended the friendship and involvement of the South Australian section to embrace state and federal police and the Retired Police Officers Association. Any sentiment expressed about John Scalzi would be couched in terms reflecting the fact that he was not concerned with fame or celebrity but loyalty and service.

Mr Hunt went on to say that a number of visiting dignitaries had described the South Australian section of the Carabinieri 'as a significant champion in a community which is extremely active and simulated'. It was, indeed, a privilege and a source of much pride for the Scalzi family to see so many police officers—

**The SPEAKER:** Order! Honourable members on my left will take a seat or otherwise retire from the chamber to have their discussions, and not ignore the chair and the honourable member for Morialta who has the call—and with a restoration of time for the member for Morialta.

**Mrs HALL:** It was, indeed, a source of great pride for the Scalzi family to see so many serving police officers, many of them in uniform, and so many former police officers who came to pay their tribute to the life of Giovanni Scalzi. He was, indeed, a special person as I said. He was a gentleman in every sense of the word, and his contribution to this state and our diverse communities was, indeed, most significant. We thank him, we value his personal commitment, and we know he will be well remembered.

## SENATE PREFERENCE SYSTEM

**Mr HANNA (Mitchell):** I have been asked by a number of people about how the Senate preference system works. Of course, we have a federal election to be held on 9 October 2004, and six senators are to be elected across the whole of South Australia. It is not a simple matter to explain how the preferencing system works, but it clearly is a matter of public interest. The legislation allows for voting for senators above the line, and that refers to the ability of voters to simply put a 1 in the box of their choice against party or the Senate team which they prefer. Each voter hopes that, at least, the first

candidate at the top of the ticket in that Senate team will be elected with their vote. However, if it is not, their vote flows on at full value to one of the other Senate teams. The order of preference of the flow of those votes is determined by each individual party or Senate team, as the case may be. Of course, there are some individuals standing for Senate positions in addition to the registered parties. The key thing about this preference flow is that they are decided by the party executive, generally just a handful of people, and excluding the majority of members of the party from direct involvement in allocating those preferences. Perhaps that is inevitable given the time frame within which those decisions must be made.

I know that Professor Dean Jaensch has long advocated that there should not be above the line voting, because he has expressed concern about the growing power of party executives over party members and voters themselves. I am not sure that he will report this speech, however, because I know that he has expressed great sympathy for the cause of the Australian Democrats in the past, and my remarks may not suit him on this occasion. The flow of preferences, then, depends on whether or not the lead candidate of the party or team preferred by the voter achieves the quota. The quota is easily worked out; it is about 14 per cent, because, if there are six positions to be elected, not more than six people can get 14 and a fraction per cent. That is a matter of mathematics.

Looking at the history of elections in South Australia in the last 20 years, one can see that it is expected that there would be three Liberal senators elected and two Labor senators elected, simply because of the bulk of votes going to those two older parties. There are, of course, now three significant second order parties, that is to say, no less significant in terms of their policies but not as established as Labor and Liberal. I refer to the Australian Democrats, the Australian Greens and the Family First parties. There are a range of others who put forward Senate teams and party candidates.

The most astonishing decision, in terms of Senate preferences this year, is for the Australian Democrats to give their preferences to Family First ahead of the Greens. The extraordinary thing about that is that the Australian Democrats and Australian Greens membership share very much in common in terms of their values and principles. Family First, however, are almost directly contradictory to the values and principles put forward by the Democrats. Democrat voters, therefore, need to realise that if their Democrat candidate does not get elected they stand a good chance of electing a Family First candidate to the Senate—in other words, someone who holds values directly contrary to their own. Democrat voters, when they become aware of this, will become extremely wary of placing a one for the Democrat party above the line because their vote, should the Democrat vote be less than the Family First vote, will probably see a Family First senator elected in South Australia for the first time. The contest is essentially between the Greens and Family First for that final spot, and Democrat voters will probably determine which of those two succeeds.

## COUNTRY FIRE SERVICE

**The Hon. D.C. KOTZ (Newland):** In each of our electorates, the Country Fire Service, staffed by volunteers, provides one of the state's significant essential services. The men and women who volunteer their time to provide these services to our communities deserve every possible accolade that acknowledges their professionalism and commitment to all of our communities. Their action can save lives; their actions can put their own lives at risk; their contribution to each of us is one of the most invaluable services provided to the state and its people. I have often told CFS members over many years that the service that they provide is incalculable in monetary terms, and that there is not a government in this country of ours that could afford to fully fund their volunteer efforts if they were ever to walk away and not contribute voluntarily.

The Tea Tree Gully CFS is representative of all services across the state. Members have been recognised nationally several times on their professional abilities and capabilities as firefighters. The past year has been, what the members of the Tea Tree Gully CFS call, 'an average year.' They attended some 205 incidents, with members of the brigade providing 3 764 person hours attending these 205 incidents. A brief summary of the incidents attended include: 20 vehicle accidents, no injury; 23 vehicle accidents, rescue; 12 vehicle accidents with injury; 22 vehicle fires; 25 building fires; 33 grass scrub fires; 7 brush fence fires; and a range of others.

There are two points to make in this grievance: one, to acknowledge with sincere appreciation the responsibilities undertaken by members of the CFS; and two, to question this government on its responsibilities to essential services and to the people of this state who rely on these services. Tea Tree Gully CFS has responsibility for a busy urban fringe brigade consisting of three appliances and 40 personnel. The annual budget now provided by this government to operate and manage essential services in Tea Tree Gully is equivalent to one salary of a full-time firefighter. The operating annual budget for the Tea Tree Gully CFS is $36 000. This means that the volunteer men and women providing essential services in Tea Tree Gully are being asked to maintain a professional fire and emergency service to the community at an average cost for plant and personnel of about $8 per operational hour. This also means that this very mean-minded government has not provided emergency service levy funding to keep pace with inflation over the past three budgets.

Add to that significant running costs such as fuel, protective clothing and electricity, which have not been factored into brigade budget allocations to provide the funding increases that these realistic cost pressures require. The amount of $36 000 in budget funding for Tea Tree Gully is equivalent to a 50 per cent cut over the past three years. This government and its minister may find that that inappropriate funding cut, which may save them a few thousand dollars, will now cost them several million dollars if they have to step in and provide full-time funds in lieu of volunteers in the future.

Each of the brigades across this state is the equivalent of a $1 million dollar enterprise, which requires state funding investment to sustain and maintain the emergency services provided by the volunteer professionals to all our communities. Because they are volunteers they do not seek full cost recovery for their services: they do not seek anything other than to do the job they volunteered to do. To be able to do that job, they do need meagre funds to operate and manage that $1 million enterprise. However, meagre funding has never meant replicating sweatshop funding of $8 per operational hour for 40 volunteer personnel working over 3 764 hours attending 205 incidents. These are professional adult men and women. They do not deserve to be treated like children playing in their toy box and handed out some pocket money to keep them satisfied. It is in the state's best interest

for this government to provide reasonable funding to essential service units, funding to which all taxpayers contribute quite substantially under the emergency services levy.

It would be quite outrageous for this government to cry poor, with a further windfall of additional revenue of $3.8 million last year collected from South Australians through the emergency services levy because of increased property values. The actual emergency services fund now stands at $8.7 million—$3 million for contingencies leaves a $5.7 million surplus. I therefore call on this government and its Minister for Emergency Services to release at least some of the $3.7 million surplus revenue and invest more equitably in emergency services and the volunteers who provide the significant service.

## FESTIVAL OF MUSIC

**Mr CAICA (Colton):** Last Thursday, 16 September, I was lucky enough to attend for the third year in a row one of the 13 performances of the Festival of Music, and again it was a fantastic performance. As I said, it is the third year in a row I have attended. The previous two years, I was fortunate enough that my son, Simon, was part of the 450 strong choir. This year he was not in it but that did not stop me from attending. Yet again I witnessed an outstanding performance given by the 450-plus choir, the soloists, the orchestra and selected guest performers from other DECS schools throughout South Australia. On this particular night, which was the final night, three schools from my electorate were participating—Grange Primary School, Seaton Park Primary School and Kidman Park Primary School. My other schools—Fulham North Primary School, Henley Beach Primary School and Fulham Gardens Primary School—performed on earlier nights, and I have been reliably informed that those performances, like each one of the 13 performances, including the one I witnessed, were quite outstanding.

The Festival of Music is a joint presentation of the South Australian Public Primary Schools Music Society and the Department of Education and Children's Services. It is an annual concert series. This was the 110th year of the operation and the 104th concert series. I can easily understand why this concert series has been given icon status in the state of South Australia. In total, over 250 schools were represented at the Festival of Music, with over 6 500 student choir members involved. It was an absolute privilege for me to witness the final performance on that night. Many people need to be congratulated, in particular, all those who did participate, the schools that willingly commit each year to the Festival of Music, the choir trainers from each of the schools for their commitment and the quality that they bring to their schools and, in particular, Rosemary Nairne, who happens to be the Director of Music. I understand this was her final performance and involvement with the Festival of Music after some 13 years. I congratulate her for her outstanding contribution over many years to this outstanding concert series.

There were many highlights for me at this particular performance. I am a bit of a softie and it brought a tear to my eye when I saw the choir and the soloists singing *Tears in Heaven*. The performance of *You're the Voice*, the song made famous by John Farnham, was another outstanding contribution that night. Interestingly, Melissa Weisbrodt and Michelle Evdokiou from Kidman Park Primary School performed as soloists during the performance. Another outstanding performer on the night was Cathryn McDonald. I have seen her perform over the past three years. She has the voice of an angel and will be a star with respect to whatsoever form of singing she wishes to pursue in the future. She is an outstanding talent.

I guess it is a little unfair to single out specific performances because each and every soloist I saw perform that night, every member of the orchestra and every member of the choir not only enjoyed the event but also held their head high with respect to the performance they gave that night. They are a credit to their schools and the public school system; they are a credit to their parents; and, most importantly, they are a credit to themselves. I encourage all members of parliament to attend future performances of the Festival of Music. It is a real eye-opener to see how such an important performance is coordinated throughout the public education system. It is a credit to the department and, indeed, the executive of the South Australian Public Primary Schools Music Society.

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## PARLIAMENTARY REMUNERATION (RESTORATION OF PROVISIONS) AMENDMENT BILL

**The Hon. K.O. FOLEY (Deputy Premier)** obtained leave and introduced a bill for an act to amend the Parliamentary Remuneration Act 1990. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

The *Parliamentary Remuneration (Non-monetary Benefits) Amendment Bill 2004*, passed both Houses of Parliament in July 2004. In essence the Bill required the Remuneration Tribunal to make a determination which provided Members of Parliament with a motor vehicle on terms so far as possible the same as apply to Federal Members of Parliament.

The Auditor General following passage of the legislation informed the Government that, in his view, based on advice from the Australian Government Solicitor, the passage of the Bill did not comply with Section 59 of the *Constitution Act*.

The Government sought advice from the Solicitor General, Mr Chris Kourakis QC, who confirmed the advice received from the Auditor General.

Following receipt of that information the Government announced its intention to recommend to the Governor the introduction of an administrative scheme to supply Members of Parliament with a vehicle subject to a financial contribution from Members participating in the scheme.

Details of that administrative arrangement will be finalised shortly.

The scheme will be administered by Fleet SA and will be subject to a $7 000 financial contribution from the electorate allowance of each Member who participates in the scheme. The scheme is otherwise separate from and independent of the allowance determination process of the Remuneration Tribunal.

In light of all the circumstances and in particular the proposal to implement an administrative scheme involving a significantly greater financial contribution from Members of Parliament it is proposed to repeal the *Parliamentary Remuneration (Non Monetary Benefits) Amendment Act 2004* and to restore the law to the position which existed prior to the enactment of those amendments.

I commend the Bill to Members.

**EXPLANATION OF CLAUSES**

**Part 1—Preliminary**

**1—Short title**

**2—Amendment provisions**

These clauses are formal.

**Part 2—Amendment of *Parliamentary Remuneration Act 1990***

**3—Amendment of section 4A—Non-monetary benefits**

**4—Repeal of section 4B**

These clauses restore the text of the *Parliamentary Remuneration Act 1990* to what it was immediately before the commencement of the *Parliamentary Remuneration (Non-monetary Benefits) Amendment Act 2004*.

**Schedule 1—Transitional provisions**

The Schedule revokes the requirement in the Schedule to the *Parliamentary Remuneration (Non-monetary Benefits) Amendment Act 2004* (so that the Remuneration Tribunal is not required to make a determination in accordance with that Schedule and any determination so made is declared to be void and of no effect).

**Mr HAMILTON-SMITH** secured the adjournment of the debate.

## PODIATRY PRACTICE BILL

**The Hon. L. STEVENS (Minister for Health)** obtained leave and introduced a bill for an act to protect the health and safety of the public by providing for the registration of podiatrists and podiatry students; to regulate the provision of podiatric treatment for the purpose of maintaining high standards of competence and conduct by the persons who provide it; to repeal the Chiropodists Act 1950; and for other purposes. Read a first time.

**The Hon. L. STEVENS:** I move:

That this bill be now read a second time.

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

Leave granted.

The Podiatry Practice Bill will replace the *Chiropodists Act 1950*. It is 54 years since the Chiropodists Act came into force and there have been significant changes in podiatry practice and in the broader society during that time. This Bill, which has as its primary aim the protection of the health and safety of the public, will modernise the regulation of the podiatry profession in South Australia.

This Bill is one of a number of Bills relating to the regulation of health professionals in South Australia and it, like the other Bills to be introduced, is based on the *Medical Practice Bill 2004*. I would like to point out to the House therefore that the other Bills to be introduced later this session will be very similar and for the most part identical to this Bill.

Members will recall that this Bill was introduced during the last session but lapsed when Parliament was prorogued.

When introducing this Bill I acknowledged the role played by my predecessor, the Hon Dean Brown MP and his staff in the development of this legislation. At the time that the Hon Deputy Leader was the Minister I was supportive of the Bill and recognised the need for the 1950 Act to be revamped to accommodate the many changes which have occurred over the previous years.

The Chiropody Board of South Australia (to be known as the Podiatry Board of South Australia under the new legislation) has identified the deficiencies of the current legislation for some time now and has been very supportive of new legislation to address the problems with the Act.

I said, when introducing the Medical Practice Bill into the House, that we live in a world which is more demanding of its professionals than in the past and consumers are demanding a different relationship with professionals. By and large consumers today want a service based on a partnership model of care where both the practitioner and the consumer are active participants in that care. I believe that this is just as true for this Bill.

Increasingly, consumers are becoming more informed about their health and have higher expectations of the services available to them. On the other hand, podiatrists also provide care for a large number of older people who may not be so well informed and trust in the care and information provided by their podiatrist.

Overall in society there has been a shift in, or greater articulation of, expectations and standards regarding professional conduct and competence. There has also been a greater demand for transparency and accountability of individual practitioners and of those through whom a service is provided such as a small business or larger corporate provider. Changed standards and expectations in regard to transparency and accountability are now much more explicit than in the past and the *Statutes Amendment (Honesty and Accountability in Government) Act 2003* provides a clear framework for the operation of the public sector, including the Podiatry Board of South Australia.

A clear principle underpinning the Bill emphasises the need for transparency and accountability in the delivery of services not only by the individual podiatrist, but also by the organisations that provide podiatry through the instrumentality of podiatrists (podiatric services providers).

The Bill ensures that the Board cannot restrict the access of such organisations to the market of podiatry. However, The Bill protects the public by ensuring that services providers (other than exempt providers) must make their existence known to the Board. Furthermore, the disciplinary powers of the Board extend to services providers (other than exempt providers) and persons who occupy positions of authority in such organisations. The Bill requires all services providers (including exempt providers) to report to the Board unprofessional conduct or medical unfitness of persons through whom they provide podiatric treatment. In this way, the Board can ensure that services are provided in a manner consistent with a professional code of conduct and the interests of the public are protected. It also ensures that private services providers (other than exempt providers) can be subject to disciplinary proceedings. Exempt providers are those hospitals and health centres incorporated or licensed under the *South Australian Health Commission Act 1976*. Hospitals and health centres are subject to the regulatory and disciplinary scheme of that Act. They are accountable to the Minister for Health for the services they provide and it is therefore not appropriate that they should also be accountable, under this legislation, to the Medical Board except in so far as they are required to report to the Board unprofessional conduct or medical unfitness. The Bill also ensures that the individual practitioner is not subject to influences by a services provider that may conflict with his or her professional judgements and conduct by making it an offence to direct or pressure a podiatrist or podiatric student to engage in unprofessional conduct.

While consumers have higher expectations of their health practitioners, Governments also have higher expectations of all professionals and those who occupy public office. As a society, we have higher expectations of the health system as a whole. The podiatry profession also reflects this change in expectations. For example, the Australasian Podiatry Council states that the role of a podiatrist is:

> To improve mobility and enhance the independence of individuals by the prevention and management of pathological foot problems and associated morbidity. This is achieved by providing advice on foot health, assessment and diagnosis of foot pathology, identification of treatment and other requirements, referral to other disciplines as appropriate, formulation of care plans, and provision of direct care as deemed appropriate and agreed to by the individual.
>
> To establish collaborative relationships with other health care providers. To promote the skills of the podiatrist and provide information regarding foot care and appropriate support to other health professionals and carers.
>
> To be a primary source of information for the community in all matters relating to the foot.
>
> To ensure podiatry is conducted in a manner consistent with registration acts in each State and Territory and the Code of Ethics of the Australian Podiatry Association.
>
> To practise in accordance with developments in clinical practice, research and technology.
>
> To ensure that communication with patients is respected and remains confidential.

As is clear from this description, podiatry is described in very modern terms and is consistent with the role of podiatry as having a significant role in primary health care. It is clear that protecting and supporting mobility as much as possible is crucial to a person's health and well-being. It is also clear that podiatrists work in a range of practice settings. These vary from individual practitioners, practitioners working collaboratively with a range of other health professionals and working as salaried professionals in the government and non-government sectors.

This Bill, which is supported by the Chiropody Board of South Australia, reflects the modern role of podiatrists and their relationship with consumers and other health professionals.

The Bill, like the Medical Practice Bill, has provisions regarding the medical fitness of registered persons and requires that where a determination is made of a person's fitness to provide treatment, due regard is given to the person's ability to provide treatment without endangering a patient's health or safety. This can include consideration of communicable infections.

This is particularly relevant to the area of surgical podiatry where the provisions recognise that there is a considerable difference between a surgical podiatrist with a communicable disease such as Hepatitis C or HIV, and a psychologist with a similar disease, in relation to the danger they may present to their patients.

This approach was agreed to by all the major medical and infection control stakeholders when developing the provisions for the Medical Practice Bill and is in line with the way in which these matters are handled in other jurisdictions, and across the world. It is therefore appropriate that similar provisions be used in the Podiatry Practice Bill.

I indicated in my speech when tabling the Medical Practice Bill that my preference was to have members of the Board representing the professions to be taken from all eligible members, and elected by them, rather than being restricted to representatives of a professional association. My approach is consistent with that adopted in the *Nurses Act 1999* and the *Dental Practice Act 2001* where no particular association is privileged by being specifically named in the Act. This is the approach I have adopted with the Podiatry Practice Bill.

Provision is made for 3 elected podiatrists on the Board, and 1 podiatrist selected by me from a panel of 3 podiatrists nominated by the Council of the University of South Australia. The membership of the Board also includes a legal practitioner, a registered professional who is not a podiatrist and 2 persons who are neither legal practitioners nor podiatrists. This ensures there is a balance on the Board between podiatrists and non-podiatrists.

In addition I have introduced a provision that will restrict the length of time which any one member of the Board can serve to 3 consecutive 3 year terms. This is to ensure that the Board has the benefit of fresh thinking. It will not restrict a person's capacity to serve on the Board at a later time but it does mean that after 3 terms, or 9 years, they will have to have a break.

I have also made some changes to the process used by the Board in hearing complaints to ensure that the person with the complaint will always be involved in the proceedings and has a right to this. As the previous Bill was drafted, only a party to the proceedings had a right to be present during the hearing of the proceedings. Most complaints are taken to the Board by the Registrar acting on behalf of the complainant. Complainants do not usually take their own case to the Board for fear of having costs awarded against them and because they are not a party to the proceedings, they do not legally have a right to be present during the hearing of those proceedings. This is obviously an unsatisfactory situation and I have had the relevant provisions of the Medical Practice Bill mirrored in this Bill to provide a right for the complainant to be present at the hearing of the proceedings. This ensures that proceedings are transparent from the perspective of the person making the complaint.

New to the Podiatry Practice Bill is the registration of students. This provision is support by the Chiropody Board and the University of South Australia, which is the provider for education of podiatry students.

The codes of professional conduct developed by the Board will need to be approved by me. This is to ensure that codes do not contain measures that can be used to restrict competition but rather, focus on public protection. In addition, podiatrists and podiatric services providers will be required to have insurance cover that is approved by the Board to protect against civil liabilities. This is to ensure that there is adequate protection for the public should circumstances arise where this is necessary.

This Bill balances the needs of the public with those of the profession and services providers. It also ensures a more modern approach in accountability and standards of care. As I stated in the beginning, this Bill is one of a number of bills that regulate registered health professionals and the standards and expectations established in this Bill will be consistently applied to the other bills to be introduced later in the year. This will ensure that South Australia has consistent standards across all services provided by registered health practitioners.

I believe this Bill will provide a much-improved system for regulating the podiatry profession in South Australia and I commend it to all members.

**EXPLANATION OF CLAUSES**

**Part 1—Preliminary**

**1—Short title**

**2—Commencement**

These clauses are formal.

**3—Interpretation**

This clause defines key terms used in the measure.

**4—Medical fitness to provide podiatric treatment**

This clause provides that in making a determination as to a person's medical fitness to provide podiatric treatment, regard must be given to the question of whether the person is able to provide treatment personally to a patient without endangering the patient's health or safety.

**Part 2—Podiatry Board of South Australia**

**Division 1—Establishment of Board**

**5—Establishment of Board**

This clause establishes the Podiatry Board of South Australia as a body corporate with perpetual succession, a common seal, the capacity to litigate in its corporate name and all the powers of a natural person capable of being exercised by a body corporate.

**Division 2—Board's membership**

**6—Composition of Board**

This clause provides for the Board to consist of 8 members appointed by the Governor, empowers the Governor to appoint deputy members and requires at least 1 member of the Board to be a woman and 1 to be a man.

**7—Terms and conditions of membership**

This clause provides for members of the Board to be appointed for a term not exceeding 3 years and to be eligible for reappointment on expiry of a term of appointment. However, a member of the Board may not hold office for consecutive terms that exceed 9 years in total. The clause sets out the circumstances in which a member's office becomes vacant and the grounds on which the Governor may remove a member from office. It also allows members whose terms have expired, or who have resigned, to continue to act as members to hear part-heard proceedings under Part 4.

**8—Presiding member and deputy**

This clause requires the Minister, after consultation with the Board, to appoint a podiatrist member of the Board to be the presiding member of the Board, and another podiatrist member to be the deputy presiding member.

**9—Vacancies or defects in appointment of members**

This clause ensures acts and proceedings of the Board are not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

**10—Remuneration**

This clause entitles a member of the Board to remuneration, allowances and expenses determined by the Governor.

**Division 3—Registrar and staff of Board**

**11—Registrar of Board**

This clause provides for the appointment of a Registrar by the Board on terms and conditions determined by the Board.

**12—Other staff of Board**

This clause provides for the Board to have such other staff as it thinks necessary for the proper performance of its functions.

**Division 4—General functions and powers**

**13—Functions of Board**

This clause sets out the functions of the Board and requires it to perform its functions with the object of protecting the health and safety of the public by achieving and maintaining high professional standards both of competence and conduct in the provision of podiatric treatment in South Australia.

**14—Committees**

This clause empowers the Board to establish committees to advise the Board or the Registrar, or to assist the Board to carry out its functions.

**15—Delegations**

This clause empowers the Board to delegate its functions or powers to a member of the Board, the Registrar, an employee of the Board or a committee established by the Board.

**Division 5—Board's procedures**

**16—Board's procedures**

This clause deals with matters relating to the Board's procedures such as the quorum at meetings, the chairing of meetings, voting rights, the holding of conferences by telephone and other electronic means and the keeping of

minutes.

**17—Conflict of interest etc under Public Sector Management Act**

This clause provides that a member of the Board will not be taken to have a direct or indirect interest in a matter for the purposes of the *Public Sector Management Act 1995* by reason only of the fact that the member has an interest in the matter that is shared in common with podiatrists generally or a substantial section of podiatrists in this State.

**18—Powers of Board in relation to witnesses etc**

This clause sets out the powers of the Board to summons witnesses and require the production of documents and other evidence in proceedings before the Board.

**19—Principles governing proceedings**

This clause provides that the Board is not bound by the rules of evidence and requires it to act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms. It requires the Board to keep all parties to proceedings before the Board properly informed about the progress and outcome of the proceedings.

**20—Representation at proceedings before Board**

This clause entitles a party to proceedings before the Board to be represented at the hearing of those proceedings.

**21—Costs**

This clause empowers the Board to award costs against a party to proceedings before the Board and provides for the taxation of costs by a Master of the District Court in the event that a party is dissatisfied with the amount of costs awarded by the Board.

**Division 6—Accounts, audit and annual report**

**22—Accounts and audit**

This clause requires the Board to keep proper accounting records in relation to its financial affairs, to have annual statements of account prepared in respect of each financial year and to have the accounts audited annually by an auditor approved by the Auditor-General and appointed by the Board.

**23—Annual report**

This clause requires the Board to prepare an annual report for the Minister and requires the Minister to table the report in Parliament.

**Part 3—Registration and practice**

**Division 1—Registers**

**24—Registers**

This clause requires the Registrar to keep certain registers and specifies the information required to be included in each register. It also requires the registers to be kept available for inspection by the public and permits access to be made available by electronic means. The clause requires registered persons to notify a change of name or nominated contact address within 1 month of the change. A maximum penalty of $250 is fixed for non-compliance.

**25—Authority conferred by registration**

This clause sets out the kind of podiatric treatment that registration on each particular register authorises a registered person to provide.

**Division 2—Registration**

**26—Registration of natural persons on general or specialist register**

This clause provides for full and limited registration of natural persons on the general register or the specialist register.

**27—Registration of podiatry students**

This clause requires persons to register as podiatry students before undertaking a course of study that provides qualifications for registration on the general register, or before providing podiatric treatment as part of a course of study related to podiatry being undertaken in another State, and provides for full or limited registration of podiatry students.

**28—Application for registration and provisional registration**

This clause deals with applications for registration. It empowers the Board to require applicants to submit medical reports or other evidence of medical fitness to provide podiatric treatment or to obtain additional qualifications or experience before determining an application. It also empowers the Registrar to grant provisional registration if it appears likely that the Board will grant an application for registration.

**29—Removal from register or specialty**

This clause requires the Registrar to remove a person from a register or a specialty on application by the person or in certain specified circumstances (for example, suspension or cancellation of the person's registration under this measure).

**30—Reinstatement on register or in specialty**

This clause makes provision for reinstatement of a person on a register or in a specialty. It empowers the Board to require applicants for reinstatement to submit medical reports or other evidence of medical fitness to provide podiatric treatment or to obtain additional qualifications or experience before determining an application.

**31—Fees and returns**

This clause deals with the payment of registration, reinstatement and annual practice fees, and requires registered persons to furnish the Board with an annual return in relation to their practice of podiatry, continuing podiatric education and other matters relevant to their registration under the measure. It empowers the Board to remove from a register a person who fails to pay the annual practice fee or furnish the required return.

**Division 3—Special provisions relating to podiatric services providers**

**32—Information to be given to Board by podiatric services providers**

This clause requires a podiatric services provider to notify the Board of the provider's name and address, the names and addresses of the podiatrists through the instrumentality of whom the provider is providing podiatric treatment and other information. It also requires the provider to notify the Board of any change in particulars required to be given to the Board and makes it an offence to contravene or fail to comply with the clause. A maximum penalty of $10 000 is fixed. The Board is required to keep a record of information provided to the Board under this clause available for inspection at the office of the Board and may make it available to the public electronically.

**Division 4—Restrictions relating to provision of podiatric treatment**

**33—Illegal holding out as registered person**

This clause makes it an offence for a person to hold himself or herself out as a registered person of a particular class or permit another person to do so unless registered on the appropriate register. It also makes it an offence for a person to hold out another as a registered person of a particular class unless the other person is registered on the appropriate register. In both cases a maximum penalty of $50 000 or imprisonment for 6 months is fixed.

**34—Illegal holding out concerning limitations or conditions**

This clause makes it an offence for a person whose registration is restricted, limited or conditional to hold himself or herself out, or permit another person to hold him or her out, as having registration that is unrestricted or not subject to a limitation or condition. It also makes it an offence for a person to hold out another whose registration is restricted, limited or conditional as having registration that is unrestricted or not subject to a limitation or condition. In each case a maximum penalty of $50 000 or imprisonment for 6 months is fixed.

**35—Use of certain titles or descriptions prohibited**

This clause creates a number of offences prohibiting a person who is not appropriately registered from using certain words or their derivatives to describe himself or herself or services that they provide, or in the course of advertising or promoting services that they provide. In each case a maximum penalty of $50 000 is fixed.

**36—Prohibition on provision of podiatric treatment by unqualified persons**

This clause makes it an offence to provide podiatric treatment for fee or reward unless the person is a qualified person or provides the treatment through the instrumentality of a qualified person. A maximum penalty of $50 000 or imprisonment for 6 months is fixed for the offence. However, these provisions do not apply to podiatric treatment provided by an unqualified person in prescribed circumstances. In addition, the Governor is empowered, by proclamation, to grant an exemption if of the opinion that good reason exists for doing so in the particular circumstances of a case. The clause makes it an offence punishable by a maximum fine of $50 000 to

contravene or fail to comply with a condition of an exemption.

**37—Board's approval required where podiatrist or podiatry student has not practised for 5 years**

This clause prohibits a registered person who has not provided podiatric treatment of a kind authorised by their registration for 5 years or more from providing such treatment for fee or reward without the prior approval of the Board and fixes a maximum penalty of $20 000. The Board is empowered to require an applicant for approval to obtain qualifications and experience and to impose conditions on the person's registration.

**Part 4—Investigations and proceedings**

**Division 1—Preliminary**

**38—Interpretation**

This clause provides that in this Part the terms ***occupier of a position of authority***, ***podiatric services provider*** and ***registered person*** includes a person who is not but who was, at the relevant time, an occupier of a position of authority, a podiatric services provider, or a registered person.

**39—Cause for disciplinary action**

This clause specifies what constitutes proper cause for disciplinary action against a registered person, a podiatric services provider or a person occupying a position of authority in a corporate or trustee podiatric services provider.

**Division 2—Investigations**

**40—Powers of inspectors**

This clause sets out the powers of inspectors to investigate certain matters.

**41—Offence to hinder etc inspector**

This clause makes it an offence for a person to hinder an inspector, use certain language to an inspector, refuse or fail to comply with a requirement of an inspector, refuse or fail to answer questions to the best of the person's knowledge, information or belief, or falsely represent that the person is an inspector. A maximum penalty of $10 000 is fixed.

**Division 3—Proceedings before Board**

**42—Obligation to report medical unfitness or unprofessional conduct of podiatrist or podiatry student**

This clause requires certain classes of persons to report to the Board if of the opinion that a podiatrist or podiatry student is or may be medically unfit to provide podiatry treatment. A maximum penalty of $5 000 is fixed for non-compliance. It also requires podiatric services providers and exempt providers to report to the Board if of the opinion that a podiatrist or podiatry student through whom the provider provides podiatric treatment has engaged in unprofessional conduct. A maximum penalty of $10 000 is fixed for non-compliance. The Board must cause reports to be investigated.

**43—Medical fitness of podiatrist or podiatry student**

This clause empowers the Board to suspend the registration of a podiatrist or podiatry student, impose conditions on registration restricting the right to provide podiatric treatment or other conditions requiring the person to undergo counselling or treatment, or to enter into any other undertaking if, on application by certain persons or after an investigation under clause 42, and after due inquiry, the Board is satisfied that the podiatrist or podiatry student is medically unfit to provide podiatric treatment and that it is desirable in the public interest to take such action.

**44—Inquiries by Board as to matters constituting grounds for disciplinary action**

This clause requires the Board to inquire into a complaint relating to matters alleged to constitute grounds for disciplinary action against a person unless the Board considers the complaint to be frivolous or vexatious. If after conducting an inquiry, the Board is satisfied that there is proper cause for taking disciplinary action, the Board can censure the person, order the person to pay a fine of up to $10 000 or prohibit the person from carrying on business as a podiatric services provider or from occupying a position of authority in a corporate or trustee podiatric services provider. If the person is registered, the Board may impose conditions on the person's right to provide podiatric treatment, suspend the person's registration for a period not exceeding 1 year, cancel the person's registration, or disqualify the person from being registered.

If a person fails to pay a fine imposed by the Board, the Board may remove their name from the appropriate register.

**45—Contravention of prohibition order**

This clause makes it an offence to contravene a prohibition order made by the Board or to contravene or fail to comply with a condition imposed by the Board. A maximum penalty of $75 000 or imprisonment for 6 months is fixed.

**46—Register of prohibition orders**

This clause requires the Registrar to keep a register of prohibition orders made by the Board. The register must be kept available for inspection at the office of the Registrar and may be made available to the public electronically.

**47—Variation or revocation of conditions imposed by Board**

This clause empowers the Board, on application by a registered person, to vary or revoke a condition imposed by the Board on his or her registration.

**48—Constitution of Board for purpose of proceedings**

This clause sets out how the Board is to be constituted for the purpose of hearing and determining proceedings under Part 4.

**49—Provisions as to proceedings before Board**

This clause deals with the conduct of proceedings by the Board under Part 4.

**Part 5—Appeals**

**50—Right of appeal to District Court**

This clause provides a right of appeal to the District Court against certain acts and decisions of the Board.

**51—Operation of order may be suspended**

This clause empowers the Board or the Court to suspend the operation of an order made by the Board where an appeal is instituted or intended to be instituted.

**52—Variation or revocation of conditions imposed by Court**

This clause empowers the District Court, on application by a registered person, to vary or revoke a condition imposed by the Court on his or her registration.

**Part 6—Miscellaneous**

**53—Interpretation**

This clause defines terms used in Part 6.

**54—Offence to contravene conditions of registration**

This clause makes it an offence for a person to contravene or fail to comply with a condition of his or her registration and fixes a maximum penalty of $75 000 or imprisonment for six months.

**55—Registered person etc must declare interest in prescribed business**

This clause requires a registered person or prescribed relative of a registered person who has an interest in a prescribed business to give the Board notice of the interest and of any change in such an interest. It fixes a maximum penalty of $20 000 for non-compliance. It also prohibits a registered person from referring a patient to, or recommending that a patient use, a health service provided by the business and from prescribing, or recommending that a patient use, a health product manufactured, sold or supplied by the business unless the registered person has informed the patient in writing of his or her interest or that of his or her prescribed relative. A maximum penalty of $20 000 is fixed for a contravention. However, it is a defence to a charge of an offence or unprofessional conduct for a registered person to prove that he or she did not know and could not reasonably have been expected to know that a prescribed relative had an interest in the prescribed business to which the referral, recommendation or prescription that is the subject of the proceedings relates.

**56—Offence to give, offer or accept benefit for referral or recommendation**

This clause makes it an offence—

(a) for any person to give or offer to give a registered person or prescribed relative of a registered person a benefit as an inducement, consideration or reward for the registered person referring, recommending or prescribing a health service or health product provided, sold, etc. by the person; or

(b) for a registered person or prescribed relative of a registered person to accept from any person a benefit

offered or given as a inducement, consideration or reward for such a referral, recommendation or prescription.

In each case a maximum penalty of $75 000 is fixed for a contravention.

**57—Improper directions to podiatrists or podiatry students**

This clause makes it an offence for a person who provides podiatric treatment through the instrumentality of a podiatrist or podiatry student to direct or pressure the podiatrist or student to engage in unprofessional conduct. It also makes it an offence for a person occupying a position of authority in a corporate or trustee podiatric services provider to direct or pressure a podiatrist or podiatry student through whom the provider provides podiatric treatment to engage in unprofessional conduct. In each case a maximum penalty of $75 000 is fixed.

**58—Procurement of registration by fraud**

This clause makes it an offence for a person to fraudulently or dishonestly procure registration or reinstatement of registration (whether for himself or herself or another person) and fixes a maximum penalty of $20 000 or imprisonment for 6 months.

**59—Statutory declarations**

This clause empowers the Board to require information provided to the Board to be verified by statutory declaration.

**60—False or misleading statement**

This clause makes it an offence for a person to make a false or misleading statement in a material particular (whether by reason of inclusion or omission of any particular) in information provided under the measure and fixes a maximum penalty of $20 000.

**61—Registered person must report medical unfitness to Board**

This clause requires a registered person who becomes aware that he or she is or may be medically unfit to provide podiatric treatment to immediately give written notice of that fact of the Board and fixes a maximum penalty of $10 000 for non-compliance.

**62—Report to Board of cessation of status as student**

This clause requires the person in charge of an educational institution to notify the Board that a podiatry student has ceased to be enrolled at that institution in a course of study providing qualifications for registration on the general register. A maximum penalty of $5 000 is fixed for non-compliance. It also requires a person registered as a podiatry student who completes, or ceases to be enrolled in, the course of study that formed the basis for that registration to give written notice of that fact to the Board. A maximum penalty of $1 250 is fixed for non-compliance.

**63—Registered persons and podiatric services providers to be indemnified against loss**

This clause prohibits registered persons and podiatric services providers from providing podiatric treatment unless insured or indemnified in a manner and to an extent approved by the Board against civil liabilities that might be incurred by the person or provider in connection with the provision of such treatment or proceedings under Part 4 against the person or provider. It fixes a maximum penalty of $10 000 and empowers the Board to exempt persons or classes of persons from the requirement to be insured or indemnified.

**64—Information relating to claim against registered person or podiatric services provider to be provided**

This clause requires a person against whom a claim is made for alleged negligence committed by a registered person in the course of providing podiatric treatment to provide the Board with prescribed information relating to the claim. It also requires a podiatric services provider to provide the Board with prescribed information relating to a claim made against the provider for alleged negligence by the provider in connection with the provision of podiatric treatment. The clause fixes a maximum penalty of $10 000 for non-compliance.

**65—Victimisation**

This clause prohibits a person from victimising another person (the victim) on the ground, or substantially on the ground, that the victim has disclosed or intends to disclose information, or has made or intends to make an allegation, that has given rise or could give rise to proceedings against the person under this measure. Victimisation is the causing of detriment including injury, damage or loss, intimidation or harassment, threats of reprisals, or discrimination, disadvantage or adverse treatment in relation to the victim's employment or business. An act of victimisation may be dealt with as a tort or as if it were an act of victimisation under the *Equal Opportunity Act 1984*.

**66—Self-incrimination**

This clause provides that if a person is required to provide information or to produce a document, record or equipment under this measure and the information, document, record or equipment would tend to incriminate the person or make the person liable to a penalty, the person must nevertheless provide the information or produce the document, record or equipment, but the information, document, record or equipment so provided or produced will not be admissible in evidence against the person in proceedings for an offence, other than an offence against this measure or any other Act relating to the provision of false or misleading information.

**67—Punishment of conduct that constitutes an offence**

This clause provides that if conduct constitutes both an offence against the measure and grounds for disciplinary action under the measure, the taking of disciplinary action is not a bar to conviction and punishment for the offence, and conviction and punishment for the offence is not a bar to disciplinary action.

**68—Vicarious liability for offences**

This clause provides that if a corporate or trustee podiatric services provider or other body corporate is guilty of an offence against this measure, each person occupying a position of authority in the provider or body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that the person could not, by the exercise of reasonable care, have prevented the commission of the principal offence.

**69—Application of fines**

This clause provides that fines imposed for offences against the measure must be paid to the Board.

**70—Board may require medical examination or report**

This clause empowers the Board to require a registered person or a person applying for registration or reinstatement of registration to submit to an examination by a health professional or provide a medical report from a health professional, including an examination or report that will require the person to undergo a medically invasive procedure. If the person fails to comply the Board can suspend the person's registration until further order.

**71—Ministerial review of decisions relating to courses**

This clause gives a provider of a course of education or training the right to apply to the Minister for a review of a decision of the Board to refuse to approve the course for the purposes of the measure or to revoke the approval of a course.

**72—Confidentiality**

This clause makes it an offence for a person engaged or formerly engaged in the administration of the measure or the repealed Act (the *Chiropodists Act 1950*) to divulge or communicate personal information obtained (whether by that person or otherwise) in the course of official duties except—

(a) as required or authorised by or under this measure or any other Act or law; or

(b) with the consent of the person to whom the information relates; or

(c) in connection with the administration of this measure or the repealed Act; or

(d) to an authority responsible under the law of a place outside this State for the registration or licensing of persons who provide podiatric treatment, where the information is required for the proper administration of that law; or

(e) to an agency or instrumentality of this State, the Commonwealth or another State or a Territory of the Commonwealth for the purposes of the proper performance of its functions.

However, the clause does not prevent disclosure of statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates. Personal information that has been disclosed for a particular purpose must not be used for

any other purpose by the person to whom it was disclosed or any other person who gains access to the information (whether properly or improperly and directly or indirectly) as a result of that disclosure. A maximum penalty of $10 000 is fixed for a contravention of the clause.

**73—Service**

This clause sets out the methods by which notices and other documents may be served.

**74—Evidentiary provision**

This clause provides evidentiary aids for the purposes of proceedings for offences and for proceedings under Part 4.

**75—Regulations**

This clause empowers the Governor to make regulations.

**Schedule 1—Repeal and transitional provisions**

This Schedule repeals the *Chiropodists Act 1950* and makes transitional provisions with respect to the Board and registrations.

**Schedule 2—Further provisions relating to Board**

This Schedule sets out the obligations of members of the Board in relation to personal or pecuniary interests. It also protects members of the Board, members of committees of the Board, the Registrar of the Board and any other person engaged in the administration of the measure from personal liability. The Schedule will expire when section 6H of the *Public Sector Management Act 1995* (as inserted by the *Statutes Amendment (Honesty and Accountability in Government) Act 2003*) comes into operation.

**Mr HAMILTON-SMITH** secured the adjournment of the debate.

## ENVIRONMENT PROTECTION (MISCELLANEOUS) AMENDMENT BILL

**The Hon. J.D. HILL (Minister for Environment and Conservation)** obtained leave and introduced a bill for an act to amend the Environment Protection Act 1993. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

The Environment Protection (Miscellaneous) Amendment Bill 2004 represents a significant strengthening of the *Environment Protection Act 1993* and, together with the *Statutes Amendment (Environment Protection) Act 2002*, demonstrates the Government's commitment to enhancing environment protection in South Australia.

As this place would recall, the *Statutes Amendment (Environment Protection) Act 2002* addressed the Government's election commitments to increase the independence of the Environment Protection Authority (the "EPA") and introduce stronger penalties.

This second Bill seeks to extend the powers available to the EPA and proposes a number of changes to the legislation to improve the administrative efficiency of the Act. Further, the Bill establishes a system to encourage Local Government involvement in the administration of environment protection legislation. Accordingly the Bill offers opportunities for more effective administration of the Act leading to better protection of our environment.

Most of the proposed changes in the Bill arise from the recommendations of a review of the Act undertaken by the previous Government between 1999 and 2002. The review included the release of two major discussion papers and covered a wide range of issues, including:

- offences and penalties; and
- the powers and responsibilities of the EPA; and
- miscellaneous amendments to improve the effectiveness and efficiency of the Act.

An inquiry by the Environment, Resources and Development Committee of Parliament into the effectiveness of environment protection in South Australia was also held during the course of the review and made its final report in May 2000. A number of recommendations from the report have been incorporated in the Bill such as the introduction of civil penalties; enhanced community consultation in developing environment improvement programs and also in amending licence conditions; and the streamlining of the environment protection policy making process.

The Bill was released for public consultation last year and has been amended and improved as a result of the comments received.

**Civil Penalties**

Most significantly the Bill proposes the introduction of civil penalties into the Act in accordance with the Government's election commitment. South Australia will be the first of the Australian States or Territories to adopt this valuable tool for environment protection.

The Bill will empower the EPA to negotiate a civil penalty in respect of a contravention of the Act, or apply to the Environment, Resources and Development Court for an order that a person pay to the EPA an amount as a civil penalty. The civil penalties will only be applicable to less serious strict liability offences, leaving existing criminal provisions in the Act to deal with more serious offences. By applying a balance of probability burden of proof and enabling the direct negotiation of penalties with a person in contravention of the Act civil penalties will aid a more effective and efficient environment protection enforcement system in this State.

The civil penalty system allows for the EPA to negotiate a penalty with an offender which has the advantage of allowing a contravention of the Act to be dealt with quickly and without Court costs. In the event that negotiations fail an application may be made to the Court to resolve the matter.

In particular, the immediacy of the punishment to the contravention will create an increased deterrent to polluters in South Australia. This system is consistent with community expectation for prompt punishment of offenders.

This system has been inspired by the successful use of civil penalties in the United States for over 25 years and promises a more efficient option for enforcement.

**Offences**

As well as civil penalties, amendments to several offences under the Act are being proposed to strengthen the power of the EPA and administering agencies, such as local councils, to protect the environment.

Of particular importance is a proposed change to the offence of environmental nuisance to make the offence one of strict liability. This amendment will bring the level of proof required for environmental nuisance in line with the hierarchy of environmental offences in the Act.

Currently there are three elements of proof required to successfully prosecute the offence. Firstly, the person must have caused an environmental nuisance, secondly, the person must have polluted the environment intentionally or recklessly and thirdly, the person, when undertaking the act, must have had the knowledge that an environmental nuisance will or might result from the activity. The latter two components have resulted in it being easier for the EPA to prosecute more serious breaches of the Act, such as serious or material environmental harm under sections 79(2) and 80(2) of the Act, than it is to prosecute for an environmental nuisance.

Additionally, the protection against self-incrimination for corporations is proposed to be limited for most purposes in the Act, such that information sought by and provided to the EPA from a corporation may be admissible in evidence in proceedings for an offence under the Act.

**Ceased Activities of Environmental Significance**

Another significant amendment will endorse the powers of the EPA to continue to control and supervise sites, where environmental concerns continue, even though the activities which require a licence are no longer being undertaken on that site.

The Act currently enables imposition of licensing obligations on activities of environmental significance as prescribed under the Act. However environmental harm may continue even though the prescribed activity has ceased. For example while the licence for a solid waste landfill ceases, the site may continue to pose ongoing potential or actual risk to the environment, including impacts associated with groundwater contamination from leachate and the uncontrolled release of methane gases.

Clarifying the power under the Act to continue to monitor and regulate closed sites previously subject to a prescribed activity is essential to ensuring the management of public health and other environmental impacts on and around problematic closed sites.

Accordingly, amendments to the Act will clarify that notwithstanding that a licensed activity has ceased, the EPA has the power to extend a licence. Also the EPA will be empowered to issue a post closure environment protection order in respect of activities that cease after commencement of the Bill. Environment protection orders are currently utilised by the EPA to require a person to comply with the standards imposed under the Act such as the general environmental duty. Under the proposed amendment if the licence

holder ceases to be the occupier of the site, then the owner or, if applicable, any new owner of the site can be issued with an environment protection order requiring them to undertake specified actions. For example, a post closure environment protection order may require monitoring of a closed site if an unacceptable environmental risk continues after the licensable activity has ceased.

A person issued with a post closure environment protection order may apply to the EPA for the order to be removed if they fulfil all of the requirements as stated. Conditions may be placed on the order prescribing the standards and requirements that will need to be achieved prior to certification being granted by the EPA. Supporting regulation will be developed precluding the EPA from issuing another post closure order for impacts from the ceased licensed activity on a site on which certification has been granted, providing certainty and stability for future owners of the site and incentive for compliance with the order.

**Environment Protection Policies**

Consistent with the recommendations of the Environment, Resources and Development Committee Parliamentary inquiry, changes to the process of making environment protection polices are proposed to achieve a more efficient and effective process for developing such policies. Historically it has taken too long for these policies to be made. The Bill proposes changes to streamline community consultation requirements, while still ensuring that adequate opportunity for their input remains. Changes are also proposed to ensure that nationally determined environment protection measures are implemented in South Australia by the most appropriate legislative or administrative mechanism rather than being automatically adopted as environment protection policies. The experience has been that the national documents are often not framed in terms that are appropriate for automatic adoption.

**Administering Agencies**

Further amendment to the Act is proposed to clarify the role of local councils in administering the Act such that better service may be provided to the community. Local councils will be encouraged to adopt a greater role in the enforcement of the Act through becoming “administering agencies” for non-licensed activities. This proposal has been developed following an 18 month trial in 2001-2002 undertaken by the EPA with the Adelaide City Council, Adelaide Hills Council and City of Port Adelaide Enfield on sharing of environmental responsibilities.

To assist administrative agencies to recover the cost of administering the Act the Bill proposes a range of non-mandatory cost recovery tools. New administrative fees will provide an administering agency with a mechanism to recover the administrative costs of preparing and issuing orders in respect of a contravention of the Act. Proposed compliance fees will enable the recovery of some of the costs incurred when following up and verifying compliance with the requirements of an order. Finally investigation fees are proposed so that administrative agencies may recover the cost for the investigation of a contravention of the Act.

Under the Schedule to the Bill, the Environment, Resources and Development Committee of the Parliament is required to review the success of this scheme after 2 years.

**Miscellaneous**

Furthermore the Bill proposes a variety of changes to improve the efficiency and administration of environmental authorisations.

The EPA will be able to issue industry with longer licences, while maintaining the ability to annually vary licence conditions that pertain to testing, monitoring and auditing.

In addition, the EPA will be provided with broader powers to specifically allow conditions of licence relating to training and instruction of employees and agents and requiring licensees to provide certificates of compliance. This will assist industry in minimising the risk of causing an offence under the Act.

Additionally, in response to the recommendations of the Environment, Resources and Development Committee Parliamentary inquiry, increased community consultation is proposed for the issuing of new environmental authorisations, relaxation of conditions required through authorisations, and in developing environment improvement programs that may be required as a condition of licence.

Finally, the Bill proposes a range of minor procedural changes to the operation of the EPA Board to increase the Board’s efficiency and a range of technical amendments to the Act as listed in the explanation of clauses.

I commend the Bill to the Honourable Members.

**EXPLANATION OF CLAUSES**

**Part 1—Preliminary**

**1—Short title**

**2—Commencement**

**3—Amendment provisions**

These clauses are formal.

**Part 2—Amendment of *Environment Protection Act 1993***

**4—Amendment of long title**

This clause makes amendments of a statute law revision nature to the long title of the principal Act.

**5—Amendment of section 3—Interpretation**

This clause makes some consequential amendments to definitions in the principal Act, some amendments of a statute law revision nature and makes the following substantive changes:

- the definition of "environmental nuisance" is broadened
- the definition of "pollutant" is altered to allow regulations and policies to clarify what is, or isn’t, a pollutant
- the definition of "waste" is altered to make it clearer and to allow regulations and policies to clarify what is included in the term "waste".

**6—Amendment of section 5—Environmental harm**

The clause amends section 5 to allow regulations and policies to clarify what is, or isn’t, environmental harm.

**7—Amendment of section 7—Interaction with other Acts**

This clause makes an amendment of a statute law revision nature.

**8—Amendment of section 9—Territorial and extra-territorial application of Act**

This clause is consequential to the introduction of civil penalties (see clause 55)

**9—Amendment of section 10—Objects of Act**

This clause is consequential to the introduction of the concept of "administering agencies" (see clause 16).

**10—Substitution of heading to Part 3**

This clause is consequential to the introduction of the concept of "administering agencies".

**11—Amendment of section 14A—Chief Executive**

This is consequential to clause 14.

**12—Amendment of section 14B—Board of Authority**

This clause deletes subsection (7), the subject matter of which is also covered in section 16(2).

**13—Amendment of section 15—Terms and conditions of office**

This clause increases the maximum term of an appointed member of the Board from 2 years to 3 years.

**14—Amendment of section 16—Proceedings of Board**

This clause provides for the appointment of a member of the board as the deputy presiding member (to preside in the absence of the Chief Executive).

**15—Amendment of section 17—Board may establish committees and subcommittees**

This clause clarifies that a committee or subcommittee established by the Board may consist of such persons as the Board thinks fit.

**16—Insertion of Part 3 Division 1A**

This clause inserts a new Division in Part 3 dealing with administering agencies as follows:

- Proposed section 18A identifies administering agencies as councils and other public authorities prescribed by regulation. A regulation prescribing a council as an administering agency can only be made at the request of the council.
- Proposed section 18B outlines the powers and functions of administering agencies under the principal Act.
- Proposed section 18C provides for delegations by administering agencies.
- Proposed section 18D provides for reports by administering agencies to the Authority.

**17—Amendment of section 24—Environment Protection Fund**

This clause ensures that a prescribed percentage of civil penalties will go into the Environment Protection Fund.

**18—Amendment of section 27—Nature and contents of environment protection policies**

This clause clarifies and expands on the things that may be done by an environment protection policy and makes amendments that are consequential to other provisions

contained in the measure (in particular, to clause 16 and clause 22).

**19—Amendment of section 28—Normal procedure for making policies**

This clause amends section 28 of the principal Act as follows:

- Proposed new subsection (3) provides for consultation with the Minister prior to the giving of public notice in relation to a proposed environment protection policy;
- Proposed changes to subsection (6) provide for the holding of public information sessions in relation to draft policies. Currently the Act requires a public hearing to be held, but that requirement can be dispensed with in appropriate cases. Under the amendments, there would be no equivalent power to dispense with a public information session.
- The proposed amendments would also ensure that the Authority's response to any submissions is also made available to the public.

**20—Repeal of section 28A**

This clause repeals section 28A which currently provides for national environment protection measures to automatically operate as environment protection policies under the Act.

**21—Amendment of section 29—Simplified procedure for making certain policies**

This clause is consequential to the repeal of section 28A and provides a simplified procedure for the making of environment protection policies that implement national environment protection measures.

**22—Amendment of section 34—Offence to contravene mandatory provisions of policy**

This clause increases the penalty in section 34(2) of the principal Act for a category A offence by a body corporate and introduces new categories of offences against mandatory provisions of an environment protection policy.

**23—Amendment of section 36—Requirement for licence**

This clause provides a new exemption power under which the Authority can exempt a person from the requirement to hold a licence under the Act if the Authority is satisfied that another person is principally responsible for the relevant activity and will be licensed in respect of the activity and that the activity can be properly regulated through that other licence.

**24—Amendment of section 37—Exemptions**

This clause makes a minor change to section 37 to ensure that the wording is broad enough to cover relevant provisions in any part of the Act or in any subordinate legislation.

**25—Amendment of section 39—Notice and submissions in respect of applications for environmental authorisations**

This clause amends section 39 to provide that, where an activity is to be carried on on land, notice of an application for a licence under the Act in respect of the activity is to be given to adjoining land owners or occupiers (other than in circumstances prescribed by regulation).

**26—Amendment of section 43—Term and renewal of environmental authorisations**

This clause gives the Authority power to require an applicant for a licence to undertake public consultation on the application and makes an amendment to clarify the scope of the Authority's power to renew a licence under subsection (6).

**27—Amendment of section 45—Conditions**

This clause allows the Authority, where a licence is granted in respect of a period of more than one year, to vary conditions of the licence at any time within 3 months of the anniversary of the date of the grant of the licence. Such a variation may, however, only impose conditions of a kind that can be imposed under section 52 of the Act.

**28—Amendment of section 46—Notice and submissions in respect of proposed variations of conditions**

This clause amends section 46 to provide that, where a licensed activity is carried on on land, notice of a proposed variation of licence conditions is to be given to adjoining land owners or occupiers (except where the proposed variation will not result in any relaxation of requirements and will not have an adverse effect on the adjacent land owner or occupier or in circumstances prescribed by regulation). The amendments also provide for a copy of any submissions received by the Authority in relation to a proposed variation to be provided to the holder of the licence, and for the holder of the licence to be given an opportunity to respond to the submissions.

**29—Amendment of section 47—Criteria for grant and conditions of environmental authorisations**

This clause amends section 47 to ensure that the Authority has regard to, not only public submissions made in relation to the grant of a licence or the variation of conditions of a licence, but also to any response to those submissions made by the applicant or licensee (as the case may be).

**30—Amendment of section 48—Annual fees and returns**

This clause amends section 48 to allow the Authority to require verification of information contained in an annual return.

**31—Amendment of section 51—Conditions requiring financial assurance to secure compliance with Act**

This clause amends section 51—

- to remove words that may be interpreted as limiting the types of security that the Authority can seek from a person required to lodge a financial assurance; and
- to ensure that, when deciding whether or not to require a financial assurance, the Authority can take into account the risk associated with activities formerly undertaken at the site.

**32—Amendment of section 52—Conditions requiring tests, monitoring or audits**

This clause amends section 52 to ensure that the Authority can impose a condition on a licence requiring testing or monitoring of the site relating to an activity formerly undertaken at the site.

**33—Amendment of section 53—Conditions requiring preparation and publication of plan to deal with emergencies**

This clause amends section 53 to enable the Authority to specify requirements of the Authority that the holder of a licence must comply with in preparing an emergency plan of action, and (consistently with the amendments to sections 51 and 52) to ensure that the wording of the provision includes reference to activities formerly undertaken at the site.

**34—Amendment of section 54—Conditions requiring environment improvement program**

This clause amends section 54 to enable the Authority to specify requirements of the Authority that the holder of a licence must comply with in preparing an environment improvement program and to enable the Authority to include, a requirement for public consultation in the development of a proposed environment improvement program.

**35—Insertion of sections 54A and 54B**

This clause inserts new sections in the principal Act that would allow the Authority to impose licence conditions requiring training of employees or supervision or requiring the licensee to provide the Authority with certificates of compliance.

**36—Substitution of section 82**

This clause substitutes a new offence of creating an environmental nuisance by polluting the environment in the principal Act. Unlike the current section 82 offence, the new offence does not require proof of intention or recklessness or proof that the pollution was done with knowledge that an environmental nuisance will or might result.

**37—Amendment of section 83—Notification where serious or material environmental harm caused or threatened**

This clause amends section 83 to remove the references to an "incident" (which might have suggested that the section was only dealing with harm caused or threatened by a one-off event, rather than harm that might be caused or threatened slowly over time).

**38—Amendment of section 85—Appointment of authorised officers**

This clause amends section 85 to remove the requirement for the Minister's approval of authorised officers appointed by the Authority and the requirement for consultation with the Authority prior to the appointment of an authorised officer by a council.

**39—Amendment of section 86—Identification of authorised officers**

This clause removes the requirement for the form of identification of an authorised officer to be approved by the Authority.

**40—Amendment of section 87—Powers of authorised officers**

This clause amends the powers of authorised officers, imposes a jurisdictional limit on the powers of authorised officers appointed by a council and provides for the making good of any damage caused by the exercise of powers under the section.

**41—Amendment of section 90—Offence to hinder etc authorised officers**

This clause amends section 90 to broaden the offence in subsection (1)(e) and to increase the monetary penalties for offences against the section.

**42—Amendment of section 91—Self-incrimination**

This clause limits the protection against self-incrimination in section 91(2) to natural persons.

**43—Amendment of section 93—Environment protection orders**

Section 93 is amended:

- to include references to administering agencies;
- to add to the list of requirements that can be imposed by an environment protection order;
- to allow environment protection policies to specify certain matters as to environment protection orders;
- to alter the wording (but not the amount) of the penalty for failure to comply with an environment protection order as regards orders issued in circumstances specified in, or to secure compliance with, environment protection policies;
- to insert a provision dealing with self incrimination.

**44—Insertion of section 93A**

This clause inserts a new section 93A which would allow the Authority to issue a new type of environment protection order for the purpose of preventing or minimising harm that may result after cessation of a prescribed activity of environmental significance. Note that the section is not retrospective in that such an order can only be issued in relation to an activity that has ceased after commencement of the section. The form of the order is essentially the same as for an ordinary environment protection order under section 93, but these orders can (in addition to the sorts of requirements that can ordinarily be imposed in an environment protection order) impose any requirement that could be imposed as a condition of an environmental authorisation. The regulations may impose restrictions on the issue of such orders and the orders are appealable in the same way as for ordinary environment protection orders.

**45—Amendment of section 94—Registration of environment protection orders in relation to land**

This clause amends section 94 to include references to administering agencies and to ensure that the wording is broad enough to capture environment protection orders issued under proposed section 93A.

**46—Amendment of section 95—Action on non-compliance with environment protection order**

Section 95 is amended to include references to administering agencies and to allow recovery of a prescribed fee in respect of registration or cancellation of registration of an order in respect of land under section 94.

**47—Amendment of section 96—Information discovery orders**

This clause amends section 96 to include references to administering agencies.

**48—Amendment of section 97—Obtaining of information on non-compliance with order or condition of environmental authorisation**

This clause amends section 97 to include references to administering agencies.

**49—Amendment of section 98—Admissibility in evidence of information**

This clause amends section 98 to limit the protection against self-incrimination afforded by section 98(2) to natural persons.

**50—Amendment of section 99—Clean-up orders**

This clause amends the clean-up orders provision to add to the list of requirements that may be imposed in a clean-up order, to make a minor change to subsection (6) (consequentially to the introduction of civil penalties) and to include, consistently with the other orders provisions in the Act, a privilege against self-incrimination for natural persons.

**51—Amendment of section 101—Registration of clean-up orders or clean-up authorisations in relation to land**

This clause makes a minor drafting amendment.

**52—Amendment of section 103—Recovery of costs and expenses incurred by the Authority**

This clause amends section 103 to allow the Authority to recover a prescribed amount in respect of the registration, or the cancellation of registration, of a clean-up order or clean-up authorisation.

**53—Substitution of heading to Part 11**

This clause is consequential to the introduction of civil penalties.

**54—Amendment of section 104—Civil remedies**

This clause amends section 104 to include a reference to administering agencies and to provide some guidance for the Court in determining whether or not to make a costs order in proceedings for a civil remedy.

**55—Insertion of section 104A**

This clause introduces civil penalties into the principal Act. The proposed provision would allow the Authority, where it is satisfied that a person has contravened the Act, to recover (by negotiation or in civil proceedings in the Environment, Resources and Development Court) a civil penalty in respect of the contravention instead of prosecuting the person for the relevant offence. Other features of the proposed scheme are:

- the Authority can only pursue a civil penalty if the relevant offence does not require proof of intent or some other state of mind and must, in deciding whether to use the provision or prosecute in the ordinary way, consider the seriousness of the contravention, the previous record of the offender and any other relevant factors;
- civil penalties negotiated by the Authority are capped at $120 000 however the court can order, as a civil penalty in respect of a contravention, payment of an amount not exceeding the criminal penalty for the relevant offence;
- civil penalty proceedings are stayed if criminal proceedings are commenced in respect of the same contravention and can only be resumed if the person is not found to be guilty of the offence (note that the wording of subsection (1) would preclude the commencement of criminal proceedings in respect of the contravention if a civil penalty has already been recovered from the person in respect of the contravention, so this provision is only relevant where civil proceedings have not yet been finalised);
- the time limit for bringing civil penalty proceedings is three years or, with the authorisation of the Attorney-General, up to 10 years (which matches the time limit for commencement of summary offences under section 131 of the Act);
- the court can, in an application for a civil penalty, make an order for the payment of costs as the court thinks just and reasonable.

**56—Amendment of section 105—Emergency authorisations**

This clause would allow the recovery of a fee for the issue of an emergency authorisation and make amendments that are consequential to the introduction of civil penalties.

**57—Amendment of section 106—Appeals to Court**

This clause is consequential to the introduction of administering agencies.

**58—Amendment of section 109—Public register**

This clause makes some consequential amendments to the public register provision and allows the making of regulations providing for the removal of information from the register. Under the proposed consequential changes, the public register would include details of orders made by other administering agencies (as well as by the Authority), details of exemptions granted under section 36(2) (the new provision allowing the Authority to grant exemptions from the requirement to hold a licence in certain circumstances) and details of civil penalties recovered. The clause also makes a minor consequential amendment.

**59—Amendment of section 111—Annual reports by Authority**

This clause refers the annual report of the Authority to the Environment, Resources and Development Committee of the Parliament.

**60—Amendment of section 112—State of environment reports**

This clause requires the Minister to prepare (within a reasonable time) and table in the Parliament a response to a State of the Environment Report.

**61—Amendment of section 116—Waiver or refund of fees and levies and payment by instalments**

This clause amends section 116 to include references to administering agencies and to provide for waiver, refund or payment by instalment of a levy payable under the Act (currently the power only relates to fees payable under the Act).

**62—Amendment of section 118—Service**

This clause amends section 118 to include references to administering agencies and to update a reference to Commonwealth law.

**63—Amendment of section 119—False or misleading information**

This clause increases the penalty for providing false or misleading information (and in doing so distinguishes between offences by bodies corporate and offences by natural persons).

**64—Substitution of sections 120 and 120A**

This clause substitutes new versions of sections 120 and 120A in the principal Act. The new provisions cover essentially the same subject matter as the current sections but include references to administering agencies. Proposed new section 120A also differs from the current section 120A in creating the offence of making a "false or misleading" report to the Authority (where the current section 120A only refers to the making of a "false" report).

**65—Amendment of section 122—Immunity from personal liability**

Section 122 is amended to deal with other administering agencies.

**66—Amendment of section 124—General defence**

This clause makes amendments that are consequential to the introduction of civil penalties.

**67—Substitution of section 125**

This clause substitutes a new section 125 into the principal Act in order to make changes that are consequential to both the introduction of administering agencies and civil penalties.

**68—Amendment of section 126—Proof of intention etc**

This clause is consequential to the introduction of civil penalties.

**69—Amendment of section 127—Imputation of conduct or state of mind of officer, employee etc**

This clause is consequential to the introduction of civil penalties.

**70—Amendment of section 128—Statement of officer evidence against body corporate**

This clause is consequential to the introduction of civil penalties.

**71—Substitution of sections 129 and 130**

This clause substitutes a new version of section 129 in the principal Act (which is consequential to the introduction of civil penalties) and a new version of section 130 (which is consequential to the introduction of administering agencies and to the introduction of civil penalties).

**72—Amendment of section 133—Orders in respect of contraventions**

This clause is consequential to the introduction of civil penalties.

**73—Substitution of section 135**

This clause would allow the Authority and other administering agencies, where a person has contravened the Act, to recover various fees and costs in respect of actions taken by the Authority or agency in response to the contravention (including the investigation of the contravention, the monitoring of compliance with an order made in respect of the contravention or the taking of samples, tests, examinations or analyses). Failure to pay a required amount is an offence (punishable by a Division 8 fine or a $500 expiation fee) as well as the amount being recoverable as a debt.

**74—Amendment of section 136—Assessment of reasonable costs and expenses**

This clause amends section 136 to include references to administering agencies.

**75—Insertion of section 137A**

This clause inserts a new section providing for joint and several liability for amounts recoverable by the Authority.

**76—Amendment of section 138—Enforcement of charge on land**

This clause amends section 138 to include references to administering agencies.

**77—Amendment of section 139—Evidentiary provisions**

Section 139 is amended to include references to administering agencies and to make subsection (4) consistent with the amended definition of "environmental nuisance".

**78—Amendment of section 140—Regulations**

This clause would allow implementation of a national environment protection measure through the making of regulations.

**79—Amendment of Schedule 1—Prescribed activities of environmental significance**

This clause updates two legislative references in Schedule 1 of the principal Act.

**80—Repeal of Schedule 2**

This clause makes a statute law revision amendment to the principal Act. Schedule 2 of the principal Act is no longer necessary and can be repealed.

**Schedule 1—Transitional provisions**

The Schedule contains transitional provisions. Clause 2 requires the Environment, Resources and Development Committee of the Parliament to, no less than 2 years after the commencement of the relevant section, conduct an inquiry into the role and functions of the new administering agencies. Clause 3 of the Schedule is consequential to the amendments to section 34 of the principal Act (see clause 22 of the measure) and to the inclusion of administering agencies in the principal Act. It would allow the Minister, by notice in the Gazette, to amend an environment protection policy to alter the designated category of an offence from "category C" to "category D" and to include references to an administering agency.

Clause 4 of the Schedule is consequential to clause 20 of the measure and would allow policies currently in operation by virtue of section 28A of the principal Act to continue after the repeal of that section but to be replaced by a policy made by a simplified procedure (provided that the replacement policy covers the same subject matter and the only substantive changes relate to enforcement of the policy) or to be revoked by a policy made by a simplified procedure if the Minister is satisfied that the relevant national environment protection measure can be implemented without a policy.

**Mr HAMILTON-SMITH** secured the adjournment of the debate.

## ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 21 September. Page 180.)

**The SPEAKER:** Before the honourable member (whomever that may be) who seeks the call gets the call, I make the observation from the chair that the house has been addressing its response to the remarks made by the Lieutenant-Governor, which His Excellency was pleased to make on behalf of the Governor, for over a week now, and the house has adjourned early on several occasions. The chair makes the observation that for the debate to have been extended even beyond last night was extraordinary since the house has had plenty of time to conclude the debate and does so only on the grounds that by extending the debate for this inordinate length of time it denies the house the opportunity to debate those matters on the *Notice Paper* for private members, committees and bills, as would have otherwise been the case today.

To my mind, this is an abuse of the parliament. That is not intended to cause offence to the government, but only to make an observation from the chair that that is not what we sought to do at the outset of this parliament. We set out, to

begin with, to ensure that all honourable members had appropriate and dignified access to the agenda through the standing orders. It strikes me now that we already have a logjam on the *Notice Paper* and we need to try to rearrange those matters for which due and proper notice was given for debate during these next two hours. It disappoints me that we come to this sorry pass having adjourned early on several days when addressing this matter.

**Mr MEIER (Goyder):** Mr Speaker, I hear what you say and I agree with everything you say. Can I say, though, that the two Whips and the respective leaders of the houses have negotiated so that the private members' business that would normally have been scheduled now will take place tomorrow at this time. As the Whip for this side of the house, I am pleased that that accommodation has occurred.

**The SPEAKER:** Had the chair known that, the remarks the chair made might not have otherwise been made.

**Mr KOUTSANTONIS (West Torrens):** I would first like to make an apology to the house because I have a bout of hayfever. I will speak very slowly for Hansard to make sure they get every word.

**The SPEAKER:** I have some sympathy for the honourable member.

**Mr KOUTSANTONIS:** Thank you, Mr Speaker. I was pleased to be present at the opening of parliament when the Lieutenant-Governor made his remarks. Being a local member of parliament is often a difficult job, and being a backbencher in a government is even more difficult. Often constituents of mine are forced to deal with government decisions that they feel they are unable to change because of the bureaucracy and the level of government interaction with the bureaucracy. They feel that often their voices are the last to be heard.

As a government backbencher, I have experienced that on three occasions now, and I intend to make my displeasure with the government known today because of the way it has behaved in respect of these three matters. I believe it is the responsibility of all members of parliament no matter what their political persuasion to defend their constituency first and their political party second. I say that as someone who has a deep and loyal love and admiration for the Labor Party. I am completely committed to the Labor Party and I intend to remain that way.

The first matter to which I refer is the airport. I am sick and tired of people who live nowhere near the airport putting in their two cents worth and telling people that, if they live near an airport, they should expect there to be related noise and activities going on at night or extra traffic, etc. However, the facts are that people do live near the airport, and we expect every corporate entity (whether it be an airport, a bank or a doctor's surgery) to behave within the parameters of good corporate citizenship within our community.

The airport has been negotiating with me and local residents about extra points of entry into the airport off Sir Donald Bradman Drive. The local community was involved in the negotiations. Indeed, the former transport minister met with the residents about these issues. What has happened now is that Transport SA, without consulting me or informing the relevant minister, has gone ahead and approved the installation of traffic lights on Sir Donald Bradman Drive directly opposite people's homes. In my opinion, Transport SA has not only let down the minister but they have let down me, the community and the airport, because this has made the airport look bad because they got what they wanted. The airport is a company; they asked for something in the best interests of their business plan and they were granted it; so they took it—they are not silly. But who is left holding the baby? The local member of parliament and the community.

I was absolutely stunned when this decision was made. I spoke to the minister involved and he assured me—and I believe him—that Transport SA at no time informed him of the community consultation that was going on at the time between me, the residents and Transport SA. The minister approved this without having full knowledge of the decision he was making. As far as I am concerned, that is bad public service, and it is a bloody shame, because our public servants whom we employ, who are independent, who remain where they are after every election, have an obligation to inform the government of the day of the best information that they have at hand. This time, they did not do that. They let down the minister and the western suburbs, and I am not one bit happy about it.

The point I make is that, if you live next door to the airport, you will experience airport noise; if you live on a main road, you will experience traffic noise; but you do not expect to be woken up one day and told (without any consultation) that a set of traffic lights is going to be installed in front of your home. These are not one-way traffic lights for pedestrians; I am talking about traffic lights on a T-junction on Sir Donald Bradman Drive opposite people's homes. How will they get in and out of their properties? This is not a matter of buying a house at an existing intersection: this is a matter of buying a house and then being told, without consultation, 'By the way, we are putting a set of traffic lights here.' Not good enough! I will be fighting the government on this, and I do not care what the repercussions are.

On another matter, I read in the paper that a government plan amendment report has been put on homes in the vicinity of the Brownhill Creek and Keswick Creek areas. This amendment report will be difficult to explain but, basically, it says that these homes are in flood prone areas. That means that, if there is a one in 100 years rain event, there could be a one in 100 years flood. They will not necessarily coincide, because you do not necessarily need a one in 100 years rain event on the site for there to be a one in 100 years flood. A one in 100 years rain event can occur anywhere upstream. The government is now saying to people, 'If you have a home in this flood prone area, we have put on it a temporary plan amendment report, which means that if you have plans in at the local council to extend you must build your extension above the flood prone areas.' This means that, if you have a house at a certain level and you want to improve it—that is, build an extra living space, a new toilet or bathroom, for instance—you must have a step of 0.33 metres (about 330 millimetres). But it gets worse.

Before the government stepped in, the City of West Torrens stipulated a 1.5 metre block so, if you wanted to extend, it had to be 1.5 metres above. What concerns me is that I think the state government has been sold a pup by the City of West Torrens, the City of Unley and the councils which have had a responsibility for the past 100 years to deal with stormwater and which have now transferred their risk onto the state government, and the state government has accepted it. I am outraged.

**Ms Ciccarello:** Not all councils.

**Mr KOUTSANTONIS:** Not all councils; the member for Norwood is right. Some councils planned ahead. Other councils have just done nothing. The City of West Torrens

had its hands tied; if they approved building developments and there were a flood event and the new developments that were approved were not above the flood level, the people who constructed those homes were quite within their rights to sue the council on two grounds. The council is legally responsible for flood water mitigation and stormwater, and they gave it building approval. The council has moved that risk onto the state government.

Residents had a meeting last night, because they feel that the state government has devalued their homes by $50 000. I am not sure that is actually correct, but they have every right to be angry, because they were not consulted; no-one asked them or told them anything. It was just done. Imagine waking up one morning and being told that if you renovate your house—through no fault of your own, because you have been paying your rates and taxes for the last 30 years and you have paid the stamp duty on your house—you cannot extend unless you go up 0.33 metres. No-one else has that disadvantage—just these residents along this corridor.

The council was also doing another thing that the state government has now imposed, which is a section 7 requirement upon the bill of sale to the vendor. For example, let us say that your house is being auctioned and you live in this area. This only happens in the area where the PAR applies. The section 7 requirement is there to notify all buyers that they are buying a house in a flood prone area. You might say that that is fair enough, but it only applies to these residents, not other residents of flood prone areas, just these residents in the City of Unley and the City of West Torrens. It is completely unfair. There are other homes built on flood plains where the section 7 notice to identify it as a flood prone area places the onus upon the buyer, whereas in my electorate and the electorates of the members for Ashford and Unley, the onus is now on the vendor to produce that. You can imagine that the auction starts at someone's home and, before the auctioneer starts, he says, 'By the way, section 7: this is a 1.5 metre flood prone area. The water will be up to this level I am marking on the house. Start your bidding.' Imagine how these people are feeling. They have invested everything they had into their homes. The first thing in the Labor Party platform is about the right to own private property. We are saying to people that we will not devalue their home, but we will encumber it in some way to make it more difficult for them; and we will do it unfairly and unequally across the board. I am not happy about it one bit. I have spoken to the minister, and she is sympathetic to my cause.

**Mr Goldsworthy:** You've been done on that too, Tom—first, the western bypass road, now this.

**Mr KOUTSANTONIS:** Just listen. The minister is sympathetic to my cause, and I think that she will come up with some form of compromise. What upsets me is the rubbish put out by Liberal stooges. We were having a rational debate about flood mitigation. The minister for the environment, the LGA and the state government were putting in money to gradually mitigate flood damage in these areas over time. It was in consultation with the members for Unley and Morphett—Liberal members—the member for Ashford and me—both Labor members—for all the Patawalonga catchment area. The state government was putting in $4 million which, by the way, was cut by the previous government.

**The Hon. R.J. McEwen:** And we put it back. Brindal cut it to $2 million; we put it back to $4 million.

**Mr KOUTSANTONIS:** We put it back to $4 million. The LGA is putting in $4 million, so that is $8 million a year. Hopefully, in about 15 years we can do the capital works required to fix this. This joker called John Hipper of Millswood has put out a pamphlet in my electorate which states:' Rann Labor Government devalues your home [by] $50 000 or more in floodplain rip off.' What a load of rubbish! Talk about scaremongering! Where was Mr John Hipper when the Liberal Party cut stormwater mitigation by half? Where was he? I did not hear him saying that the Liberal Party had put his home at risk of flooding. Where was he? I think he was missing in action. I am considering legal action against this joker who has put this rubbish out in my electorate because, as far as I am concerned, he is scaremongering.

This fool did not contact me, and I do not think he contacted the member for Unley, the member for Ashford, or the member for Morphett. I stand to be corrected, but I do not think he has. However, he has issued this outrageous, scaremongering and deceitful pamphlet. He shows how little he knows about flood mitigation, when he says, 'In NSW new developments in flood prone areas are required to detain properly managed stormwater on site.' The New South Wales government wants to amend that, because it is not working: it is making stormwater problems worse. This guy has no idea. This government and the Local Government Association is working to mitigate floods. As a member of the ERD Committee, I will not support the minister's PAR. As the local member of parliament I do not think I can, because I think the encumbrance it has put on local residents is too strict. I will stand up for my local residents, no matter what the consequences.

The third issue about which I wish to speak is the western bypass road, but first I will give some background. A lot has been said about this road, and a lot of unfair comments have been made about the government's role. First, the western bypass was an election commitment of the former government. The Hon. Diana Laidlaw announced it in the 2002 state election campaign and committed the state government to going ahead with it. Secondly, the incoming Labor government was committed to continuing with the project by the former government. Thirdly, the former government engaged in consultation, but that consultation was incomplete, inadequate and did not cover all the residents who would be affected. The Liberal plan for the bypass—the Diana Laidlaw plan—was that that corridor would be right against residents' homes and directly next to the sound abatement wall on James Cogden Drive in Mile End.

After being approached by several residents about this road, I spoke to the minister, who came up with the compromise of giving some of the reserve back to the residents. They are still not happy, and I understand that. They have put up banners asking the Minister for Transport to consult and asking the Premier to become involved. They want Transport SA to be more understanding of their needs. They want independent sound engineers to carry out actual measurements. They want the road moved further away from their homes. They want a guarantee that sound levels will not increase and that the area is sound neutral (as the Public Works Committee was told it would be). I support residents on this issue.

I will give some background on a meeting the minister attended. She was called rude by many residents, but she was frank and firm—very firm. She was firm because she was dealing with someone at that meeting who was part of the negotiations from the very beginning, namely, a former councillor of the City of West Torrens. However, the other people who attended were innocents—mums and dads who were genuinely concerned about this road alignment. They

felt they were treated harshly, and they probably did not deserve to be part of the toing and froing between the former councillor and the minister. The reason the minister is upset about this is that the former councillor was a member of the council, knew about these plans, had been consulted completely, made changes to the route and then signed off on it, saying that it was fine and that she was happy about it. Now she has changed her mind. That is why the minister was frank at this meeting.

The other residents, of course, were consulted and had been involved in about seven meetings with the minister. However, they are not satisfied and, as their local member of parliament, it is my duty to stand up for them, and I will do so. We will put our request to the minister in writing, and I will detail that to her either tonight or tomorrow morning. I do not know what the exact outcome will be, but I tell you this: I will not cease my attempts to ensure that the local residents of Mile End have a fair hearing from this government because, in the end, it is their taxes. We work for them. We want to put roads next to their homes.

It is all very well for the government to say that there was always going to be a road corridor there. The local council was told not to develop this area, because a road was going to be put through it, but the council went ahead and developed it. It was a local government PAR, not a state government PAR. When the land was developed, the state government, Transport SA and local government entered into an agreement that, if any homes were built on that area, sound abatement must be provided by local government. That has not been done to cover the new road sufficiently, because the council approved two-storey dwellings instead of single-storey dwellings, and the sound barriers are not high enough to stop any noise from the new road and, of course, the residents are adversely affected.

What the residents want is for the new road to be moved in an easterly direction, away from their homes and onto land which is not parkland but dry scrub and a car park. I am not sure why we cannot do this, but the minister says it is because of safety issues. My answer to that is that if there are safety issues, please sit down with us and explain what the safety issues are. We are good and reasonable people and, if the safety issues are of a great concern, then we might have to accept that and move on from there. We need to have continual consultation and a dialogue; we cannot just have this system where we are given an outcome, and told 'That's it; you must be happy with that'. Local residents are not happy with it, and it is my job to stand up for them.

I am not happy about the western bypass at Mile End; I am not happy about the airport; and I am not happy about the PR. Apart from that, the state government is doing an excellent job. Apart from that, the state government is doing a wonderful job in terms of health, education and police. One thing that concerns many of my residents is the level of policing in South Australia. We had two police stations under threat by the former government: the Henley Beach Police Station and the Thebarton Police Station. The former government was always threatening to close these stations in the interests of cost cutting, because it was rationalising its police force. The residents rallied behind me, and we fought for a new police station. After they closed Thebarton Police Station, at much disgust to the local residents, we now have a new police station at Netley.

*The Hon. W.A. Matthew interjecting:*

**Mr KOUTSANTONIS:** Exactly; I am saying that. What amazes me is that this state government is opening up four new police stations: one in the member for Kavel's electorate; one in Port Lincoln, in the member for Flinders' electorate; one in Port Pirie, in the Leader of the Opposition's electorate; and one in Gawler. These four new police stations are being built on the basis of need, not on the basis of political expediency or pork-barrelling.

*Ms Rankine interjecting:*

**Mr KOUTSANTONIS:** I have to say that I nearly agree with the member for Wright. I think it is refreshing that we have a government that is actually listening to the Police Commissioner, asking, 'Where do you need a new police station?' The Commissioner says, 'We need them in these four areas.' The politicians are going to sit back and think, 'Well, hang on, Mt Barker—not much of a chance there; Port Lincoln—no chance at all—'

*Mr Goldsworthy interjecting:*

**Mr KOUTSANTONIS:** Don't get too cocky. My point is that this government is allocating its funds and resources based on need. How refreshing is that? We are actually looking at where there is a need. Look at education; look at the grants you have. We are going into electorates which we do not hold and which we are not likely to hold. Why? Because this is based on need. I think it is fantastic that a state government can sit back and say, 'Look; this isn't about winning votes: this is about applying the state government's resources—state tax dollars—to where they are needed'. I am very happy with what is going on at the QEH; after all the hollow promises of redevelopment we have got actual reality.

Earlier I heard some speeches made by conservative members on the other side about this being a very high taxing government.

**The Hon. W.A. Matthew:** The highest in our state's history.

**Mr KOUTSANTONIS:** The highest in our state's history. The state government has not introduced one new tax. All the taxes that we have now—

*The Hon. W.A. Matthew interjecting:*

**Mr KOUTSANTONIS:** It is not a tax; it is a levy.

**The Hon. W.A. Matthew:** I designed it.

**Mr KOUTSANTONIS:** Well, here we are; the member for Bright takes credit for the Emergency Services Levy. In private he says it is the tax but publicly that it is a levy. He just said that he designed it; it is his baby.

**The Hon. W.A. Matthew:** Absolutely.

**Mr KOUTSANTONIS:** 'Absolutely,' he says. I hope *Hansard* has that. Emergency Services Levy—his baby; absolutely; fantastic.

**Mr Goldsworthy:** If you don't like it, get rid of it.

**Mr KOUTSANTONIS:** The member for Kavel says 'Get rid of it.' My point is that the opposition claims that we are raising too many taxes and that we are the highest taxing state government in South Australia's history; I dispute that, but they say we are. Yet, on the other hand, they say that we are not spending enough on vital services. Either they want to run deficit budgets, or they want us to tax more. They cannot have it both ways. I think that at the next election you will see this government detail every single promise the opposition has made, and we will add them up. Then we will add up our tax base, and we will see if we can afford four more years of Liberal government. I think we all know the answer will be no, because they spend like drunken sailors.

The Leader of the Opposition gets up almost every day and promises everything to everyone. He is Father Christmas. He turns up to community groups and says, 'Whatever you need, whatever you want: yeah, sure. You want a new police

station? You can have it. A new fire station? No problem. We'll take it out of recurrent funding. We will build a capital works project out of recurrent funding. Don't worry about good economic management, we'll just make it up we go along.' The so-called conservatives—the so-called good economic managers—come into this place every day and complain about higher taxes, and yet they want more spending. It does not add up, and they know that, because they know that they are looking at four years in the wilderness after the next state election.

My final remarks relate to the federal election. Given what the member for Bright has said about this state government, it is without doubt that the federal government leaves us for dust in terms of taxing. It introduced the GST—the biggest ever tax impost on the Australian community. It raised more money than any other tax in Australia's history. In fact, one year of the GST collection (I think it was two years ago) combined five years of the old wholesale sales tax system. That is how much money the federal government has raised. It is the highest taxing government in Australia's history, and then they give tax cuts to everyone over $52 000. In the federal electorate of Adelaide, 85 per cent of people missed out on that tax cut. So much for governing for all Australians.

I think that the Howard government is looking at its last days. They inherited a good economy, but they imposed massive taxes and they are poor economic managers. They spend like drunken sailors, and yet they get credited as being good economic managers. I think that one day the Australian public will look at them and think that they are appalling economic managers. It is coming on 9 October. So, I say to all of those people who missed out on a tax cut, who are under $52 000, help is on its way, and it is coming on 9 October. I think that the Liberal Party will be shocked to see how well the Labor Party does in South Australia. I do not think that they have realised just yet how badly they are polling here in South Australia. I wonder if Graham Jaeschke has told their sitting members how badly they are doing in Boothby, and how the Hindmarsh campaign has had resources taken away from it and put into Boothby because of the polling. We are looking at a two party preferred vote in South Australia—54 per cent for Labor. That is a massive swing. If that result translates—

*Mr Goldsworthy interjecting:*

**Mr KOUTSANTONIS:** No worries; the expert at the back. The electoral tide will be lapping up at Andrew Southcott's feet. I am not saying that we are going to win this seat, but, I tell you what, he will be the embarrassed Liberal MP on election night because he will be the only one in South Australia—

**The Hon. W.A. Matthew:** The only one that there is a swing against; is that what you are saying?

**Mr KOUTSANTONIS:** No, that is not what I am saying. He will be the only federal Liberal MP in South Australia to be humiliated. He will be the one that they will be saying, 'What happened there? What happened with Andrew Southcott? Why was it so bad there? What went wrong for Andrew Southcott?' That is what they will be saying because the laziest member of parliament in South Australia is Andrew Southcott. Where has he been? Has anyone heard from him? What's he done? Not a thing. I suspect he will be the one who will be the most embarrassed.

**The Hon. W.A. MATTHEW (Bright):** I rise today to make what I believe is the fifteenth opening speech of parliament that I have had occasion to be involved in, from a Governor or from their representative, and I make the point that during that time I have heard many such speeches, many speeches similar to those that have just been made by the member for West Torrens, and I have been told repeatedly over those 15 years that I would be here for four years, or for eight years, or for 12 years. Well, I point out to the Labor Party that, try as they may, I am still here in the seat that I took from them by just 1 per cent when I entered the parliament.

On this occasion I take the opportunity to congratulate Her Excellency on the fabulous way in which she is undertaking her role as Governor. There is no doubting that she is very warmly regarded by the South Australian community, that she has found a very special place in their heart, and full credit to her for enjoying that place of pride and good feeling amongst South Australians after such a relatively short time in her public role. I also take the opportunity on this occasion to express my congratulations and appreciation to the Lieutenant-Governor, Bruno Krumins, on his address to the parliament. In fact, this is the second opportunity that the Lieutenant-Governor has had the privilege of conducting the opening address of our parliament. As he did on the last occasion, he addressed the opening in a manner that had all the dignity and professionalism that was demanded of such an occasion.

Regrettably, the dignity and professionalism of the Lieutenant-Governor was in sharp contrast to the content of the material that he had to read in the opening address, material that was prepared by the government, that was approved by the cabinet, and that was crafted in such a way that, I believe, is almost crass in the use of a vice-regal position to present such material for the opening of parliament. We now see spin put into the opening address of parliament in a way that has never occurred, certainly in the 15 years that I have been here, and, in talking to my esteemed colleague the member for Stuart, certainly not in the more than 30 years that he has been here has he seen such spin put into the Governor's speech, or in this case, the speech made by the Governor's deputy.

We have seen this government become one of rhetoric, broken promises, lack of credibility, budget cuts, plenty of tough talk, lots of reviews, but indeed very little action from what is a heavily distracted and very high taxing government—indeed the highest taxing government of our entire state's history. The member for West Torrens took issue with that point before, and I encourage the member for West Torrens to look at the budget papers, and he will have confirmation from those documents that this is indeed the highest taxing government in South Australia's history. But, as I indicated, it is a very heavily distracted government, for we have now seen a number of crises start to unfold during the term of this government. Having entered this parliament in 1989, I was here for the dying last four years of the previous Labor government—four years that became a shameful four years in South Australia's political and governmental history, and four years that were shameful to witness in this parliament, for we saw a number of crises of both economic and ministerial consequence that saw our state plunged into the depths of despair, that saw our state almost bankrupted by the incompetent management, the incompetent administration of that former Labor government.

I saw a series of in-fighting battles within the Labor Party in those days as they lurched from crisis to crisis. Initially we saw the denial—ministers denying there were problems, ministers denying that there were problems with the State

Bank, ministers alleging that the Liberal Party was threatening the stability of the state's revered institution, ministers claiming that we were scare-mongering and, indeed, the man who is now Premier moving a motion of condemnation in this house, accusing the Liberal Party of scare-mongering and highlighting Tim Marcus Clark as nothing short of an economic maestro.

It shocks me that someone with that lack of judgment is now the Premier of this state, and is it little wonder therefore that very early in the term of this government we are seeing scandals begin to evolve. It was just a little over 12 months ago that we saw the saga which became known as 'Rafflegate' develop and distract the government. We saw the saga which was tagged as the 'Ashbourne affair' and the saga which was tagged as the 'Atkinson affair' by the media start to unravel—and I cannot comment in detail about that because that matter is still before the courts. Now we are seeing the government further distracted by further revelations that have occurred in this house yesterday and today—again involving the Attorney-General; again involving questions not being fully answered in this house; again having all the hallmarks of cover-up. That comes hot on the heels of yet another saga in this government as it fought tooth and nail (for reasons which must be looking very strange to the South Australian public) for refusing to have an inquiry into allegations about child sex abuse in government institutions.

We have seen investigations within the Anglican Church and the Catholic Church, but this government did not want such an investigation. Now we will have one. At this stage, the investigation will start in December, we understand. It was to be October, but it has been expanded out—and watch this space because it will be interesting to see whether the government arranges for it to be further delayed into January of next year, or whenever. A six-month initial report will need to be tabled in this parliament. The government did not want that either. It certainly did not want the inquiry and it did not want an interim six-month report. I suggest that it wants to push that out as far as it can beyond an election. You would have to ask: 'What is it that this mob has to hide? What is it that they have to hide in relation to this investigation that may go back decades and may involve governments of all political persuasions? Why would they be so concerned about it? Why can we not get a straight answer in this house from the Minister for Families and Communities? Why can we not get a straight answer from the Minister for Youth? Why did they not want the inquiry? Why can we not get a straight answer in this house from the Attorney-General today?'

Similar parallels are developing with this government to the ones I saw in 1989—and the Labor government that left office in 1993 was a government that was stained by the stench of corruption and by the damage of its economic mismanagement. We are now seeing the same hallmarks start to occur. This is a government that will stop at nothing. This is a government that will negotiate to broker a deal to save its neck wherever it has to. It will be interesting to see what this government tries to do next when it runs out of so-called Independents with whom to negotiate; so-called Independents to coerce over to their side. Let no-one make any mistake about this, the so-called Independents representing the South-East and the Riverland are very much members of a Labor cabinet.

*The Hon. R.J. McEwen interjecting:*

**The Hon. W.A. MATTHEW:** The minister may not have heard but I did actually mention his electorate of Mount Gambier—he certainly is one that we are mentioning. It is fair to say that, in my 15 years here, I have never seen a local member of parliament receive such appalling local publicity as is occurring in the South-East of the current member—and I have no doubt that the people of Mount Gambier are waiting for their opportunity to cast their vote accordingly.

**The Hon. R.J. McEwen:** What a dickhead!

**The Hon. W.A. MATTHEW:** Madam Acting Speaker, I ask that the member for Mount Gambier, the minister, be requested to withdraw that most unparliamentary comment.

**The ACTING SPEAKER (Ms Bedford):** The member for Bright has asked the minister to withdraw.

**The Hon. R.J. McEWEN:** I withdraw, Madam Acting Speaker.

**The Hon. W.A. MATTHEW:** That is a measure of what the people from Mount Gambier need to see. They need to see what goes onto the parliamentary record as a result of that exchange so they can see the calibre of the person who purports to represent them. That drags the parliament down to whole new levels which have already been achieved through this appalling government. Whether or not this government likes it, just as the Liberal Party has done previously in opposition, we will bring it kicking and screaming to tell the truth and to confront the truth as we work through important issues. It is too busy indulging in the process of spin. I would like to share with the house just some of the spin titles given to different programs. I am not saying that all these programs are not worthwhile because, indeed, some of them are, but we are seeing names given to everything.

As we work through the speech that has been crafted for the Governor, we find that a State Work Force Development strategy is detailed. Then the first comprehensive strategic infrastructure plan is detailed. Then we have an export strategy that is scheduled to be released later this year. Then we have a plan for accelerating exploration. Then we have the new food centre. Then we have the Rediscover Yourself tourism marketing campaign; or, of course, we could refer to the First Steps Forward, a blueprint for health reform. Then there is the Every Chance for Every Child initiative—yet another type of new spin title. It continues with the Be Active program and then, of course, the Eat Well program. As we work further through the speech, we have the One Million Trees program and the Adelaide Thinkers in Residence program—and what an incredible waste of money that is proving to be! We have the Youth Arts Funding package, the Premier's Reading Challenge and the Active8 Premier's Youth Challenge. That is just a brief overview of some of the spin titles that have been allocated to many government programs. I would not want any member of parliament to believe that all these are new programs—indeed, they are not. Many of them are existing programs which are occurring within government and which are being rebadged and given a spin title. They put out a press release and the Premier stands in front of the cameras so he gets the chance to have his mug on TV.

Just one of these programs with which I am very familiar is that which has been given the title, Plan for Accelerating Exploration. This is nothing new. In fact, when the Premier announced it, I thought, 'Hello, that's familiar. I recognise the words in this press release.' Surprise, surprise! The words had been lifted from another document which, in fact, was released by the previous Liberal government from its

resources development plan when it set up a resources task force. All the targets that the Premier announced were a direct quote from that document; indeed, they were the same quotes I used in the house. That in itself is just a small example of the lengths to which this government will stoop to give the appearance of actually doing something.

It needs to be pointed out, as I pointed out to the house during an estimates committee, that this government has distinguished itself by cutting the target exploration initiative measures that were championed by the Liberal government and by abolishing funding for the state opal initiative, Opal SA, that was put to the opal mining industry on the map to ensure it had an opportunity to move forward. It is a government that puts out plenty of spin, uses existing money, cuts off a bit to put elsewhere and tries to make it appear that it is a good new initiative. I am sure my colleagues in their areas of expertise similarly will work through some of the spin headlines to determine how much money, if any, is new money; and, where it is not new money, how much equates to what was there before or whether it is yet another cut program.

I will backtrack to talk about the program that the government has termed 'the first comprehensive Strategic Infrastructure Plan for South Australia'. Many governments in our state's history have had comprehensive infrastructure programs. Indeed, a government which was distinguished in its service of this state and which had a premier for an unparalleled period of time was a Liberal government under the services of Sir Thomas Playford. Sir Thomas Playford distinguished himself in this state as being one of the great strategic masters of his time. He planned infrastructure for this state in a way which still benefits our state today. The rail infrastructure, the road infrastructure and the infrastructure which developed into towns and cities and which was planned by that government has been unparalleled compared with any efforts of any Labor government; and for this government to try to claim that its infrastructure plan is the first such plan is a joke, even going back to the time of Sir Thomas Playford, let alone the plans that have been put into place by successive Liberal governments.

In terms of infrastructure, Liberal governments planned many transport initiatives that, if fully delivered, would have solved many of the transport problems in our state. It was a Liberal government that built the O-Bahn system. I might add, it was a Labor government that opposed the O-Bahn through the then Labor leader. John Bannon vociferously opposed the O-Bahn, did not want it to happen and did not want it here and, as a consequence, the O-Bahn has not become what it should have been. The O-Bahn was to be a north-south system. It was going to be connected through to Glenelg. What did the Labor Party do? When the Bannon government came into office, because they did not believe in the O-Bahn, they scrapped the plans. They scrapped those infrastructure plans and the southern suburbs missed out on an O-Bahn. Also, as a consequence, the light rail that the O-Bahn could have become—because it is capable of electrification—did not go to Glenelg. Now decades later they are dabbling around with a public competition for the colour of a tram. What a joke!

We also saw the Labor Party in action over road infrastructure. It was a Liberal government that developed the north-south corridor plan: it was a Labor government under John Bannon that sold off the land that would have provided our state with a north-south road corridor; that would have solved many of the transport problems that our city today experiences. It was a Labor government that did that, because it was a Labor government that failed to properly plan its infrastructure. It is now a Labor government that will not tackle the remaining problems. It was a Liberal government that delivered on the Southern Expressway: it was a Labor government that talked about it. They talked about the southern arterial road (as they called it), and election after election they put out material promising it—but they never delivered. A Labor government does not deliver on major state infrastructure.

The Governor's speech states that we will see the first comprehensive Strategic Infrastructure Plan for South Australia. There are some words missing, namely, 'by a Labor government'. No previous Labor government in this state has put out a comprehensive infrastructure plan. Some of my colleagues may well call me cynical, but I very much doubt that we will see this Labor government put forward any such comprehensive plan.

There was a surprise for me in the Lieutenant-Governor's speech. I listened intently and I read the speech afterwards because I thought perhaps I had missed it—because this is an important issue—but I could find no mention at all of what this government is going to do to tackle the crippling increases in gas, water and electricity that have occurred under it—no mention at all. That surprised me, because I distinctly recall on the opening day of the last state election that the now Deputy Premier went in front of the TV cameras to announce that the election had been called on and he said: if you want cheaper electricity prices, vote for a Mike Rann Labor government. That is what he said, but it has not happened.

They were also going to do something about the high charges for water and gas. Well, I take the advice of the experts. I would like to share with the house the findings that have now been publicly released by a very respected group: the Institute of Chartered Accountants of Australia. They have undertaken an analysis of water, gas and electricity prices. This is a very detailed analysis that has been done in a very appropriate way: they have looked at the average usage per South Australian household in terms of water, electricity and gas. Their findings are fascinating, and I would like to share them with the house.

I refer to the figures that they published from 1 July 2001 (the last figures that were available under the previous Liberal government) to 1 July 2004, the most recent figures available for water and electricity, but not quite for gas—and I will come back to that in a moment. These figures show that, under this Labor government, the price of water has gone up by 27.9 per cent for the average South Australian household. It gets worse. They also found that the price of electricity under this Labor government from July 2001 to the present has gone up by 26.03 per cent for the average household.

**Ms Rankine:** Why? Because you sold it off.

**The Hon. W.A. MATTHEW:** The member for Wright interjects: because you sold it off.

*Ms Rankine interjecting:*

**The Hon. W.A. MATTHEW:** I will come back to that. According to this report, the price of gas has gone up from 3 August 2001 to 1 July 2004 by 17.9 per cent under this Labor government. However, a further increase took place 28 days later. To bring us up to the present day, in all fairness that needs to be added. That increase was announced by the government as 7.3 per cent. That is not quite accurate, because it was 7.3 per cent for people who are not pensioners. For pensioners, the government removed the concession on

the supply charge, so the price went up by a further 12 per cent. Under this Labor government the average South Australian household is now paying an extra 26.5 per cent for gas, but for the average pensioner it has gone up 32 per cent under this uncaring Labor government.

Now, back to the member for Wright's interjection. She seems to think that privatisation is the cause of these problems. If the member for Wright believes that, I ask her: which party privatised the South Australian Gas Company? It was the Labor Party. If the member for Wright believes that privatisation brought about the increase in electricity prices, I ask her: which party first privatised electricity? The electricity infrastructure at Torrens Island was privatised by the last Labor government. So, the first government to privatise energy was not a Liberal government but a Labor government.

That debate really adds nothing to the process. At the end of the day, South Australian are being dudded. In short, they have been told untruths by this government. South Australians were promised cheaper electricity, cheaper water and cheaper gas, but what have they been delivered by this Labor government? A 26.03 per cent increase in electricity prices; a 27.9 per cent increase in water prices; a 26.5 per cent increase in gas prices; but pensioners have been slugged with a 32 per cent increase—all this by a government that claims to be the champion of the working people! In my experience, Labor governments can fool some of the people some of the time, but they can't fool all of the people all of the time. There is no doubt that the untruths which were told before the election and which continue to be told in relation to energy costs will come back to bite this government, because the South Australian people are waking up to what this government has done to them.

This government has failed to deliver. It has not only failed, but it has failed miserably. This government could have, should have but did not do anything about electricity prices. This government could have done more with gas prices, and it disgusts me that those increases in gas prices, which I add are far greater than the increases that have occurred in electricity prices, occurred on the back of this government's sinking $64 million into the gas industry. My colleague the member for Davenport, through his role as a representative on the Economic and Finance Committee, endeavoured to have this deal reviewed. Quite rightfully, on behalf of the people of South Australia, he wanted this deal reviewed. What did the government do? It used its numbers to engineer yet another Labor cover-up. As I said, I have been here during the course of a previous Labor government, and a foul stench of cover-up and corruption is now starting to waft from the Labor government offices just as it has before. There is nothing surer than history repeating itself. What has happened time and time again in this state is that Labor governments get in, mess up badly and get thrown out, and then a Liberal government has to come back into office to fix up their mess.

I well recall the words of one Labor member after the state election who said to me after we had been in government for a few months, 'I have to say that you blokes are doing a good job of cleaning up our mess.' I said, 'Why is that? What is the catch?' He said, 'Nothing; you are just going to make yourselves so unpopular that we will probably be back in two terms. We will just spend up big and we will probably stay there for three.' It horrifies me that that is the sort of attitude that prevails among the people who purport to govern on behalf of all South Australians. In my experience, Labor ministers govern for nobody but themselves; they will do what they have to and pay whom they have to get them over to their side to allow them to continue with their grubby deals.

**Mr CAICA (Colton):** My attitude to the Address in Reply and proroguing of parliament has become reasonably well-known. Be that as it may, you can only deal with what you have, not with what you wish you may have. To that extent, I rise to support the motion to adopt the Address in Reply. I thank His Excellency Mr Bruno Krumins for deputising for the Governor and, in particular, I thank the Governor, Marjorie Jackson-Nelson, for her outstanding work and the contribution she is making to South Australia. It is safe to say that I am an unashamed republican. As I told those wonderful people taking Australian citizenship at the West Torrens citizenship ceremony last Friday on Australian Citizenship Day, we will revisit that issue and it will be a matter for them to decide whether or not it is appropriate that we have the Queen as our head of state. That is a debate that we will have but, in the interim, while we have to have a Governor, I am very pleased that we have an outstanding person in Marjorie Jackson-Nelson, who is making a wonderful contribution to South Australia and is dearly loved by the people of South Australia.

Today I wish to focus on a few relevant matters that relate to my electorate in the context of His Excellency's speech. It is safe to say that our government came to office with clear major policy priorities. Health is one of those priority areas. Since coming to government, we have undertaken the Generational Health Review, which is a 20-year plan for the better health of all South Australians to look at primary health care, early intervention and community management with a focus on all aspects of health, including mental health. I acknowledge the contribution made by my colleague the member for Giles with respect to specific issues that she raised in relation to mental health. As a member of the government, I admit that we have a long way to go but, unlike the previous government, we have a plan. It will be a plan that will go beyond the electoral cycles. For too long successive governments have governed for electoral cycles, and this is not what this government is doing. It is looking at long-term strategic plans in the areas of health, education and other priority areas. We have a long way to go, but it will be achieved through cooperation and the coalface ownership of progressive change.

We can compare this to what was occurring under the previous minister for health, when the matter of the silos that are our public hospitals was continually promoted. Those hospitals were pitted against each other to the detriment of the delivery of service. They were poaching each other's staff and squeezing the funding in such a way that whichever hospital that had the ear of the department seemed to benefit. Again, it was not government for all South Australians: it was specific government that targeted specific areas and pitted against each other departments that had the capacity to work collectively. I am very pleased that the honourable member is no longer the minister. I am very pleased to highlight the approach taken by our minister of health to make sure that there is some ownership of the progressive change that we intend to introduce in the form of the Generational Health Review over the next 20 years. We do not understate the enormous task ahead of us but, unlike the previous government, at least we have a plan, and we will stick to that plan.

Regarding the previous minister and the QEH, we have heard about some of the attitudes of the people opposite in relation to the speech delivered by the Lieutenant-Governor. How many times did the previous minister promise the people of South Australia a QEH upgrade? It was never going to happen. It was envisaged to transform the QEH into a community hospital and to remove its specialist areas of expertise. It would have resulted in the people of the western suburbs and the people of South Australia not having available to them the quality of expertise that the Queen Elizabeth has been renowned for over the past 50 years. So, we remedied that situation and ensured that the QEH has a strong, viable future in the context of the overall delivery of health services in this state. Indeed, we have added an extra $120 million for stages 2 and 3 of the redevelopment of that hospital. As opposed to the community hospital the people of the western suburbs and South Australia were going to get under the stewardship of the former minister, under this government the future of the QEH is secure.

At the moment, some challenges face the QEH. Stage 1 of the redevelopment, which originally was only ever going to be a community hospital, was never designed in such a way that there would ever be stages 2 and 3. Through the cooperative approach which the minister has undertaken and which I highlighted earlier, it is essential that we involve all the people at that hospital in the design of stages 2 and 3 to ensure that those stages are able to meld with stage 1. I am pleased that the QEH's future is secure and that it will be able to deliver the full range of services that the people of the western suburbs have had available to them for over 50 years. I am also pleased that our government has ensured that the QEH will remain vital to the health needs of all South Australian people.

Another priority area is that of education, and again we are a government with a vision and a plan with respect to the educational needs and requirements of South Australians. Again, these plans obviously need to go beyond the electoral cycles we have witnessed in the past. We are tackling classroom sizes, retention levels and a curriculum width that will cater for the needs of all South Australian children. We have SHIP programs and specialist SHIP schools. We have specialist sports schools and music schools. We have specialist drama schools. I think there needs to be greater focus on VET and technology in a more coordinated approach to the way in which this component of the curriculum is delivered to South Australian students.

The program of solar power in our schools is also very heartening. It looks at integrating our approach to the environment with respect to the needs of our schools and the environmental initiatives that this government takes on board. It ensures that, through such initiatives, there is also an educational component for students in regard to the benefits of solar power and other such environmental initiatives. I would like to see that extended to the collection and proper recycling of the precious resource of rainwater in schools, because we know there is ample roof space in all our schools in South Australia. In line with our approach to solar power, we should look at ways to capture and use that water for the benefit of all South Australians.

I have many excellent schools in my electorate—Seaton Park Primary School, Grange Primary School, Henley Primary School, Fulham Gardens Primary School, the Star of the Sea, Mater Christi, St Francis and St Michael's. I add that that list includes four of the Catholic schools that will benefit under the initiatives of Mark Latham with respect to proper equitable funding as it applies to independent and Catholic schools. I also have excellent high schools—Henley High School and Findon High School. In relation to Henley High School, as with promises made in regard to the QEH, we know that hollow promises were made by the previous government in regard to the redevelopment of Henley High School: it was on the never-never. I am pleased that our government has recognised the needs of Henley High School and that it has a focus based on the needs of all our schools. In our infinite wisdom, we have ensured that a proper redevelopment of Henley High School will take place. I congratulate the department and the minister on that initiative.

Another of my primary schools is Fulham North Primary School. It is a great school, and I was there only this morning with our Premier and one of our reading ambassadors, Che Cockatoo-Collins, to congratulate it on its outstanding performance with respect to grasping and embracing the Premier's Reading Challenge. I heard the member for Bright speak earlier about spin, and he included the Premier's Reading Challenge within his view of spin. I assume from his comments that either he does not support it or, indeed, he will advocate in his schools that this is mere spin.

Let us look at some of the statistics that apply to the Premier's Reading Challenge. Bearing in mind that Fulham North Primary School is no different from the raft of schools throughout South Australia that have embraced our Premier's Reading Challenge, 81 per cent, or 300 of its students, have completed the challenge. That figure is reflected throughout the schools in my district and, indeed, all schools in South Australia. When we look at some of the newsletters of those schools, we see that teachers have highlighted that the Premier's Reading Challenge has encouraged students who were previously reluctant to read or who were discouraged from reading due to weak reading skills to respond to being challenged. I think it has been a great initiative. The schools have found that the idea of being challenged appeals to many of the students—particularly the boys, who, in fact, have put more of an effort into reading than they had in the past. I think it is an outstanding initiative, and it is a wonder that it had not been thought of before.

We are now encouraging all South Australian students to enjoy the benefits of reading and, through this challenge, ensure that a foundation is laid for the rest of their lives with respect to the advantages that can accrue through reading. These are some of the comments made by some of the kids: 'It improved my reading,' 'It made me push to read and borrow more,' 'I can't believe that I've read so many books in such a short time,' 'It was fun' and 'We finished our books.'

Interestingly, I am reliably informed that the amount of children now attending public libraries to borrow books has increased as result of the Premier's Reading Challenge. Education is one of our government's priority areas, and I believe the future looks well in regard to present and future South Australian students because of the vision and the policy that will be implemented by this government. I am glad that the Minister for Family and Community Services is here, because if there is an area that I think we can improve upon it is children with special needs. There needs to be a greater link between the education department and the offices of the Minister for Family and Community Services, particularly in the disability area, to make sure that there is a more integrated approach to ensure that the needs of those students with special needs are met.

Another priority area of our government is, of course, the environment. Our approach to the environment is about sustainability. Since we have been in government, we have seen initiatives in regard to the River Murray, and the Premier being able to secure an historic deal with other premiers in regard to the well-being of what is South Australia's and Australia's lifeblood, the River Murray. We are looking at and about to introduce marine protected areas and policy in regard to the Living Coast. As a member whose electorate probably has six or seven kilometres of coastline, I welcome these particular initiatives. I think that our approach to the environment has been quite outstanding with its integrated approach to natural resource management and, as I mentioned earlier, the solar panelling of our schools. I only wish that the federal government would take on board the comments of the state premiers in regard to adopting the Kyoto Agreement. Of course, we saw that as a state government we were able to defeat the push by the federal coalition government in regard to the nuclear dump in South Australia which, indeed, was pushed by numerous South Australian federal members of parliament who, clearly, are not looking after or protecting the needs of the people who elected them by advocating the position that they did.

Another great initiative is the One Million Trees. It was only two weeks ago that I attended a planting session at Searange Court at Grange with a group of local constituents. It was conducted under the auspices of Our Patch Group, and we planted, whilst not necessarily trees, shrubs and grasses indigenous to that area. It was a pleasure for me to be able to work closely with members of my community, and to look at rehabilitating that particular area at the Grange Lakes adjacent to Searange Court.

One of the difficulties in ensuring that the various priorities of our government are met is the level of funding that we have available. To this extent, it would be greatly appreciated if the federal government could look at more equitable funding as it applies to the provision of funds to the states, because I believe that South Australia has been short-changed by this current federal government when it comes to the money that is provided to South Australians in the areas of roads, road maintenance, health and education. Earlier, I mentioned our South Australian representatives. There is often a fuss made about the fact that as a state we are batting well above our weight in regard to our representation on the front bench, but, again, when looking at the nuclear dump, and when looking at Patrick Secker and his earlier attitude, before he did a backflip, in relation to the River Murray, I question how well we have been represented by these federal members and federal frontbenchers.

So, I call on the federal government—and hopefully that will change on 9 October—to ensure that there is a proper amount of funding provided to the state that recognises our population, size and the needs of the state. We need a proper commitment to South Australia from our federal representatives and the current federal government. October 9, of course, is a very important day in the lives of all Australians. In fact, it is an election which will redefine Australia. I spoke earlier about Kyoto and the differences in education between our side and the opposition and, indeed, the River Murray and the nuclear dump, but on 9 October there is an opportunity for all South Australians to make sure that, in this election, we redefine Australia in a proper way.

Recently, I revisited the contributions made by honourable members of the house regarding the situation in the lead-up to the decision of the Coalition of the Willing to wage war in Iraq. It made very interesting reading. There was some very interesting contributions, and I would encourage members of this house to revisit the specific contributions they made at the time that this house debated the likely decision to go to war in Iraq, and to transpose the position they took at that stage with what we know today as being fact and reality. The fact is that our Prime Minister and the Coalition of the Willing sent Australians, and others, into war based on a lie; that is, there were no weapons of mass destruction. I would be asking the Prime Minister today if he believes that his actions and the actions of his government have made Australia a safer place. Indeed, can the Prime Minister guarantee the safety of Australian civilians in Iraq at this point in time? If he cannot, he should call for them to come home.

So, it is fact, no matter what was said during the debate on Iraq, that our soldiers, the American soldiers, and all those who are over there at the moment, were sent to wage war on matters that were not based in fact, that were indeed a lie. That gets me onto area of lies, and what it is that we want Australians to believe in with respect to the representation they get from elected members. I could talk for a while, and I could say that the Prime Minister was re-elected on a lie in regard to the children overboard affair. What message are we sending to Australian children? What message are we sending to the Australian people—that it is all right for their elected members of parliament to lie? I certainly do not believe it all right for my children to lie.

So I ask, what is it? Is it okay to lie? Is that what our Prime Minister believes is appropriate behaviour for members of Parliament, indeed, Australian people? Let us have a look at the record: I briefly mentioned children overboard; I mentioned Iraq; look at the *Tampa*; look at the warnings on Indonesian terrorism that never saw the light of day; look at the denials of any knowledge of torture at Abu Ghraib; look at the shocking behaviour of minister Reith with the phone-card, and his lies in regard to children overboard; look at former minister Wooldridge in regard to the MRI scandal, and then getting a job with the beneficiaries of that scandal.

So, 9 October is a crucial day in regard to the future of Australia, and it will be a day in which Australians will redefine themselves and their future. It is interesting that, when the Prime Minister is asked about those lies of the past, he says that he is not interested in the past, he is very dismissive of them and that this election is about the future. I agree that this election is about the future, but to be confident in the future you have to look at the past, and what we are going to get if Howard is re-elected is more lies and more of the same.

Yesterday in another place, the honourable—he is honourable by name or title only—Rob Lucas posed a question regarding the Labor candidate for Hindmarsh, Steve Georganas, and it was typical of Rob Lucas's attitudes and actions in this parliament over many years in regard to muck raking, which he is very good at. In fact, I think he has been bred to do that, because I am not sure whether or not Rob Lucas has had any form of employment other than as a member of the party apparatus or a member of Parliament. I do not believe that he has had too many life experiences, but he is very good at gutter politics. Yesterday he raised a question in relation to the Labor candidate, the future Labor member for Hindmarsh, Mr Steve Georganas and, again, I would highlight the fact that Rob Lucas, who is honourable by title only, is a consistent participant in grubby muck-raking politics. I am not sure which of his colleagues referred

to the Prime Minister as being—and I might not have it right so I will paraphrase it—'a lying little rodent'.

**Mr Snelling:** Brandis.

**Mr CAICA:** Brandis, was it? Senator Brandis. 'A lying little rodent.' A former high-ranking official of the Liberal Party, John Valder, is running against John Howard in the seat of Bennelong, because he believes that John Howard is not good for Australia. I agree with John Valder in that regard; I have not agreed with much of what he has said in the past but I agree with him in that regard. So, we have a senator who allegedly referred to the Prime Minister as 'a lying little rodent'; and we have, in the other house, someone whose politics are akin to a sewer rat. Why is Rob Lucas doing this? One, it is reflective of the way that he is, he knows no better; two, he's trying to get a political advantage for the Liberal candidate Simon Birmingham in the seat of Hindmarsh. Why is he doing that? Because he knows that things are not going too well in Hindmarsh. That is, that Mr Birmingham is an interloper and he has no local connection.

**Mr Snelling:** He is a blow-in.

**Mr CAICA:** He is a blow-in and they are trying to gain political advantage through muck raking and unsubstantiated allegations being done under the protection of privilege in another place. I have met the—

*The Hon. I.F. Evans interjecting:*

**Mr CAICA:** It is nice to see the member for Davenport laugh because we do not see it very often. I am glad that he can afford to chuckle at this time. This is a serious matter and that is how he treats a lot of serious matters, by chuckling.

**The Hon. I.F. Evans:** Make up your mind. I never laugh or I laugh too much.

**Mr CAICA:** You hardly laugh at all, Mr Stoneface. I have met the Liberal candidate for Hindmarsh and he seems to be a very nice man, but he is an interloper and he is a blow-in. The fact is that he is getting assistance through gutter politics from a member in another place.

*Mr Goldsworthy interjecting:*

**Mr CAICA:** For the benefit of the member for Kavel, I know a bit about the background of the Liberal candidate in Hindmarsh. I know a little bit about him, but it is not my style to come in here and play the same games as Rob Lucas does.

*The Hon. I.F. Evans interjecting:*

**Mr CAICA:** I do not play that game either.

**The ACTING SPEAKER (Ms Thompson):** I remind the member to be careful with his use of titles.

**Mr CAICA:** Thank you. I was getting excited, Madam Acting Speaker, and I will not do that again. I am not going to lay a bucket on anyone, because that is not my style. I would, however, issue a warning to the Hon. Rob Lucas in another place, and any other person in this house or the other place that, if that is the way the game is to be played, I will ultimately have no hesitation in playing exactly the same game.

I want to finish off by again congratulating the Governor's Deputy on his contribution at the opening of this session of parliament. I remind everyone that 9 October will be an extremely important day in the lives, and for the future, of all South Australians.

*An honourable member interjecting:*

**Mr CAICA:** I heard another interjection, and I will draw an analogy or a comparison. I have not been in this place very long but I have been around for a little time, and in the 1996 election the bloke who was leading Australia was particularly—if I use this word I am sure it will get some agreement on the other side—hated by the Australian public. I liked the man. I liked our prime minister at that time because I thought he was a good prime minister for Australia. It was clear at that stage that the people of Australia did not have an affinity with or a liking for Paul Keating. One thing I will mention is that, from going around the streets and talking to people, I know that the current Prime Minister is more hated than Paul Keating ever was, and that is a good sign for 9 October. It has been a privilege for me to respond to the Deputy Governor's address today, and I commend the motion to the house.

**The Hon. I.F. EVANS (Davenport):** I rise in support of the motion and congratulate Her Excellency on the good work she does and also congratulate the Governor's Deputy on his contribution to the opening of the Fourth Session of the Fiftieth Parliament. I agree with the member for Colton that 9 October is a very important day because it is the start of the cricket season—and we cannot wait to get out there with a bit of sun on our backs and have a bit of a hit. We cannot wait for the season to start. My only comment about the federal election for the member for Colton is that, ultimately, if people elect the Latham government, then they will get what they deserve—and that will be an interesting chapter in Australian history if it occurs. It will be interesting to see what the public does. These things go in cycles, and it will be interesting to see whether or not the cycle turns this time. I do not know whether the member for Colton will be that excited in a couple of years' time if Latham happens to get the nod. I do not think it will be an exciting period for Australia necessarily, but we will see what happens. All indications are that it will be fairly tight. I guess, to some degree, the member for West Torrens was probably lucky Latham did not get into his taxi because of the issues surrounding that.

I do not particularly want to give a 30-minute federal election speech. I think the federal politicians are quite capable of managing that little exercise on their own. I want to make some comments about some local issues which have been raised with me over the last few weeks and months in relation to my electorate of Davenport and, in particular, I raise the issue of the Black Road upgrade. The Black Road upgrade has a long history, and the most recent positioning by the government about the Black Road upgrade at Flagstaff Hill is unfortunate. I believe that the residents of Flagstaff Hill have every right to be angry with what this government is now proposing for Black Road. I do support the upgrade of Black Road. My understanding is that the state government has recently written to the City of Onkaparinga announcing the third downgrade in as many years, and for that reason I think the residents of Flagstaff Hill will be fairly upset when they find out about this.

On 9 August 2004, Tim O'Loughlin, who is Chief Executive of the Department of Transport, wrote to the City of Onkaparinga confirming that the state government's allocation of $1.09 million to the project will be used in conjunction with a $1.2 million allocation for the City of Onkaparinga. Unfortunately, what the letter also says is that the project will be smaller in its coverage than was originally envisaged—and that is what will cause considerable unrest in the suburb of Flagstaff Hill. The member for Fisher made some comments about the suburb of Flagstaff Hill. From memory, he said something along the lines of, 'They do not ask for a lot, but they do want Black Road upgraded.' I think that is probably a fair summary of it. Black Road is a major arterial road through that area and it really does need upgrading. The lack of footpaths, road sealing, traffic lights

or roundabouts has created a number of issues for that particular section of the electorate for a length of time.

What we are told is that the main concern regarding the Black Road upgrade is the continued reduction in the project scope by Transport SA, which occurred in December 2002 and then again more recently in August 2004. The reduction in project scope will result in a direct reduction to the benefits to be provided to the local community. The main areas of the project scope that have been decreased in the most recent changes are as follows: the length of road upgraded from 3.3 kilometres down to 1.2 kilometres; a 600-metre section over the Manning Road-Oakridge Road intersection; the junction treatments are reduced from 15 down to just six, with lighting only being installed at the upgraded junctions; the bus bays and platforms are reduced from 16 to eight; and the bitumen overlay excluded, which may result in a patch-work effect on the road's surface, which will mean a very rough ride over Black Road. They are the main areas of concern. There are a list of others but they are at least the main areas of concern.

The total project cost in 2001 (when this project was originally announced) was $2.23 million. In 2002, Transport SA increased the cost to $4.2 million—a $2 million blow-out in a project that was only $2.2 million suddenly went up to $4.2 million. The cost of providing the same project scope today (2004) has now increased to $4.97 million—we will call it $5 million in round figures. What we have is a project which was $2.23 million in 2001 and which has now blown out to $5 million in 2004 and, as a result, the scope of the project is being cut for the third time in as many years. It is unfortunate that the government lacks commitment to this project. It is trying to push more and more of the costs onto the City of Onkaparinga, which then results in an increase in rates to local residents. The local residents are not only getting a smaller project but ultimately they will get higher council rates as a result of this particular project if the government has its way. As the local member for half of Flagstaff Hill—the member for Fisher has the other half—I am particularly angry that the government has gone down this path.

This is a government that has announced in the last fortnight or so that it will get an extra $995 million out of the GST than was originally budgeted for. Yet this government cannot find enough money to completely upgrade Black Road without pushing extra costs onto the poor unsuspecting ratepayers of the City of Onkaparinga, in this case at Flagstaff Hill. I put on the record the community's and my disappointment at the pig-headness of the government in relation to the Black Road upgrade. If the residents of Flagstaff Hill have something to be upset about, they should talk to the residents of Eden Hills. They have had an upgrade or a replacement of their CFS fire station pushed out by 10 years. They have now been advised—and I understand there have been media reports—a replacement CFS station at Eden Hills that was going to cost around $750 000 to $800 000 in 2002 has been pushed out by 10 years. The Eden Hills and Mitcham Hills area of the state has not seen an Ash Wednesday style of fire for many years.

*The Hon. M.J. Atkinson interjecting:*

**The ACTING SPEAKER (Ms Thompson):** Order! Interjections are out of order.

**The Hon. I.F. EVANS:** An Ash Wednesday fire has not occurred in the Mitcham Hills area because of the excellent work of the CFS in that area. The CFS can perform that excellent work because of good facilities, and a new station at Eden Hills would be part of that facility upgrade, if you like. The government has shown a total lack of commitment to the Eden Hills area through its decision to delay the replacement of the Eden Hills CFS station by up to 10 years. Indeed, I think that is regrettable.

I wish to make some comment about events that have occurred in the past few months. I do not want to comment particularly about the member for Chaffey's rise to the ministry within the government. Not everyone gets the opportunity to serve at the ministerial level, and I am sure she will enjoy the experience. But I want to comment on the events of that week in this regard: I think it is a very sad state of affairs when we have a protest out the front of Parliament House from the disabled community seeking money for its Moving On program and the government saying it does not have enough money to assist those people, because of budget restraints, the perilous state of the budget and 'we are chasing the AAA rating'. Then the very next day the government announced it has enough money to spend at least $2 million extra a year on another minister. Whether or not the government should have had a 15th minister is not the argument I raise in the debate tonight.

I think it is sad that we have a government that thinks spending $2 million on a 15th minister is more important than spending $2 million on the disabled community. I do not understand that, to be honest. I do not understand how that becomes the priority. I guess it is that which really disturbed me about the establishment of the 15th ministry. It is not the fact that the government wants 14 or 15 ministers for its own political convenience. The convenience of the disabled community in South Australia was just shunned. The convenience of the disabled community was shut out. It reflects poorly on the government that it does that to the disabled community. I think that is something which parliament ultimately will need to consider in future debates about funding for the disabled. It disturbed me that the government was saying, 'We do not have money for wheelchairs, but we have money for white cars'. That is not the message I would have sent.

*Ms Rankine interjecting:*

**The Hon. I.F. EVANS:** It is not the message I would have sent if I were in government. The other issue I want to raise is the approach of the Premier in relation to the South Australian National Football League and the pokies reduction. I think the football community needs to understand, loud and clear, that the Premier's legislation is pushing for them to lose up to $2 million a year in revenue. I know the SANFL has had the Premier in their adverts occasionally, pushing the SANFL. But the Premier is now in the seat and driving the legislation. The Premier is driving the argument that our South Australian National Football League clubs could lose up to $2 million a year through legislation. I think the football community needs to understand that. Ultimately, it is the Premier's legislation and, if the Premier gets his way and if we believe what the SANFL tells us, then community clubs, at least the SANFL clubs, will lose up to $2 million a year as a result of the Premier's legislation.

I am not quite sure why the Premier would want to introduce legislation to take $2 million out of local football. At this point, I declare an interest. When I was younger and sillier and a lot fitter I had the pleasure of playing for the Sturt Football Club. I am no longer a member; I have drifted in and out of membership, but (from memory) currently I am not a member. I am concerned that the local football community do not understand that, if the Premier has his way,

$2 million will be taken out of football. What that really means is that it will be taken out of local football, because the SANFL will have to make bigger contributions to the clubs, and the next level down will suffer as a result of the Premier's legislation: the junior development programs and the umpire development programs.

I want to place on the record my congratulations for the Coromandel Valley Primary School. I think this school might have created history in South Australia; it might be the only school to have a capital works project totally funded by the federal government. When the state government came into power it decided that it would take $800 000 out of the Coromandel Valley Primary School upgrade. The federal government left its $1.2 million there, but the state government took $800 000 out. A few weeks ago I had the pleasure of attending the opening of the new buildings at the Coromandel Valley Primary School. It has been a huge workload for the Principal, Jaci Hockley, and the other members of the school community. So, I want to place on the record my congratulations to them for surviving all the drama and trauma that they have been put through by this government. They worked through the process and they delivered to their community a fantastic facility, but I think it is unfortunate that the state government was so small-minded that it took $800 000 out of that community within months of coming to office.

*Mrs Geraghty interjecting:*

**The ACTING SPEAKER (Ms Thompson):** Order! The member for Torrens will not interrupt the member for Davenport.

**The Hon. I.F. EVANS:** So, in my view, the Coromandel Valley Primary School needs to be congratulated for the facility it has developed.

There is another issue that I want to raise on behalf of my constituents. I must admit that this is a very complicated issue, not one in which I am expert. Some constituents have come to see me about the plight of milk vendors in South Australia. Some of my constituents have seen me in tears on a number of occasions because of the lack of response by this government to submissions made by the Milk Vendors Association about possible bail-outs or assistance for milk vendors who are getting done over by the bigger end of town in the milk industry. The last time one of my constituents came to see me the government had not responded to the second or third submission from the association. If they have in the meantime, I apologise to the minister, but to my knowledge they have not.

As I said, I am not an expert in this issue, but I understand the situation to this extent: the big end of town are playing a very tough commercial game with the small end of town (the milk vendors). The milk vendor who came to see me is in danger of losing their home. They tell me that they are one of many milk vendors who are going to lose their home. I hope the government is working through this issue with the Milk Vendors Association with a view to trying to assist these people to remain in their home and be able to earn a reasonable livelihood. As I said, I have raised this issue because constituents have come to see me about it.

I want to comment on a couple of other issues, one of which is, I think, a longer term issue. I am concerned that the state government is not moving quickly enough to continue to build the South Australian economy and diversify it into areas other than those in which we have traditional strengths. I note in the Lieutenant-Governor's speech a comment about a manufacturing strategy. The government went down the path of closing some of our overseas offices, but I hope that someone in government is looking at what is happening in China, because the Chinese economy is gearing up very quickly in the manufacturing sector. They have a far cheaper production regime than do we. If we are not careful in South Australia where manufacturing is one of our very big strengths, if we are not right on the ball and right on the money with diversifying our economy into other areas, we could be left behind.

What really concerns me is that we hear lots of talk from the government about manufacturing and infrastructure plans, population plans and plans for everything else, but there is nothing really happening. The feedback I get from the community is that, while the economy is good at a national level through a reasonably strong national economy which naturally flows on to the states, the state government is not really taking any tough decisions about restructuring our economy. If the federal economy turns for some reason, how well prepared are we to hold up at the current level? What concerns me is that the government really does not have a focus on economic development other than one for producing glossy documents. They keep producing glossy documents and having launches of glossy documents to make it look like they are actually doing something. I am concerned that hard decisions on the ground and the restructuring of industries are not necessarily happening.

The member for Bright raised some issues about the Economic and Finance Committee and some of the inquiries that we have tried to move. It is true that I did try to move for an inquiry into the $64 million gas subsidy. I thought it important that the parliament look at what is the biggest industry subsidy paid by this government. As luck would have it, my recollection was that there was an agreement that the committee would look at that and, some weeks later, the majority of the committee agreed—although the opposition did not agree—to dispatch that particular reference. That has happened three times: with the inquiry into the DPP's office, the $64 million gas subsidy and the land tax inquiry. It is unfortunate that the Economic and Finance Committee has not taken up those issues as fully as it could have. Hopefully, they will be taken up in other forums.

I need to place on the record that I have missed nine out of 57 Economic and Finance Committee meetings. It is only fair that I disclose that to my electorate. Some of the Labor MPs have had concerns about that issue and, while I am not sure what the point of it is, the whispering campaign is that they have had concerns about that, so I thought I would just mention that I have missed nine out of 57 meetings. That leaves about 80 per cent. I will continue to try to attend as many meetings of the Economic and Finance Committee as I can.

Another comment I wish to make is about some of the legislative matters that we might see between now and the next state election. We look forward to the debate on the Fair Work Bill, if the government intends to proceed with that at all. We look forward to the debate on the planning legislation under the new minister, Hon. Trish White—again, if the government intends to proceed with that at all. It will be interesting to see exactly where the state government goes with some of the legislation. I note that the environment minister mentioned contaminated land legislation; the government has been talking about that for nearly three years, and all we had the other day was a media announcement that it is still consulting about it. It is like the government's coastal development policies; they have delayed the imple-

mentation of marine protected areas by four or five years at least. They are saying that they are committed to marine planning and introducing marine parks as long as they take four or five years longer to do it. It really shows the lack of commitment of the government and that the department has been distracted in other areas from delivering those marine protected areas.

Another area I want to touch on is the continual breaking of promises by the government; whether it be on power prices, Sunday trading, the sale of Cheltenham, the government has a record of promising—

**The Hon. J.W. Weatherill:** I remember your record on the sale of Cheltenham: sell it for industrial land. I have the quote from *Hansard*.

**The Hon. I.F. EVANS:** The member for Cheltenham, the minister—

**The Hon. J.W. Weatherill:** I have you in *Hansard*. I know exactly what you said.

**The Hon. I.F. EVANS:** Well, the member for Cheltenham as the local member was the candidate. He was standing up in the *Messenger* with his good friend the councillor saying, 'We will defend it. It will never go to housing. It will always remain open space.'

**The Hon. J.W. Weatherill:** No.

**The Hon. I.F. EVANS:** It will always remain open space. So, it will be interesting to see what the government does with that and whether it backs up the member for Cheltenham or if it just rolls over on that promise as well. It will be interesting to see in due course. I have no doubt that the member for Adelaide will be out there saying that she will save the parklands. The government will have to manage both issues in relation to that issue.

**The Hon. J.W. Weatherill:** And we'll manage.

**The Hon. I.F. EVANS:** Well, the member for Cheltenham says that it will manage it. The proof will be in the pudding, I guess. If the performance of this government is anything to judge on, we will get many more announcements, plans and promises but very little action.

**Mrs GERAGHTY (Torrens):** I, too, congratulate the Lieutenant-Governor, Mr Bruno Krumins, on the opening of parliament and, of course, our Governor, Marjorie Jackson-Nelson, on the wonderful way that she communicates and participates with our community groups. Unfortunately I do not have much time in this debate, so I am going to concentrate on just one issue. Recently I visited the Dernancourt Primary School, which is one of several excellent public schools in my electorate, for a special presentation of certificates and recognition of the school's efforts in the Premier's Reading Challenge. I congratulate the 75 per cent of Dernancourt Primary students who completed the Premier's Reading Challenge. I was surprised to learn that some students have completed the challenge requirements not only once or twice but four times over, meaning that, from the start of the school year until 10 September—the time that the Premier's Reading Challenge finished—some Dernancourt Primary students read up to 48 books. That is a number well beyond the prescribed number of 12.

It is also important to make mention of and congratulate the number of special needs students at Dernancourt Primary who not only took part in the reading challenge but also completed it. This level of participation and accomplishment is an excellent sign that students at Dernancourt Primary receive very dedicated support from their teachers and are strongly encouraged to do their best in all circumstances. The level of encouragement and support was evident to me, especially in the way that the school library had been organised for the reading challenge. The school librarian, Ms Rene Wayville, set up a number of special displays in the library holding books from the Premier's Reading Challenge booklist in such a way as to assist the children in easily being able to pick up a listed book and participate in the challenge. Displays were primarily established for the younger students, with older students encouraged to use their library skills to track down the books they wanted to read. Perhaps the most encouraging aspect of the Premier's Reading Challenge is hearing from teachers and parents that the children are developing a love of reading which, in turn, feeds back into the development of their literacy skills.

The quality of the books selected for the reading challenge is another indication of why so many children have read with such a great appetite. The authors, such as Quentin Blake, Graeme Base, Mem Fox, Dr Seuss, Roald Dahl, Colin Thiele, Paul Jennings, Mark Twain, Max Fatchen, John Marsden, Gillian Rubenstein, Charles Dickens, May Gibbs, C.S. Lewis, Douglas Adams, Victor Kelleher, Emily Rodda, Tolkien, George Orwell and J.K. Rowling, are all recognised as creating literary works well-known for their quality, accessibility and the enduring themes they contain. These authors are but a small fraction of a large selection across a range of literary genres, meaning that the Premier's Reading Challenge is not just about reading but is also about providing students with a choice of reading material that suits them. It shows a genuine attempt to list books which students from right across the state might enjoy and identify with. Such an approach is key to providing choice and encouragement, rather than setting a narrow and inaccessible range of books that children view as a chore to read. This approach has been commended by many parents and teachers I have spoken to.

Arguably, the best thing to come from the reading challenge is that it has facilitated the development of a culture of reading, and I have heard this at all the schools I have visited. I have spoken to teachers who have praised the Premier for initiating the challenge to establish reading habits early in life and to develop a high degree of literacy and comprehension. The skills developed through reading are vitally important for later life, and the fact that the Premier has implemented a program that addresses the development of these skills early on is something that school communities in my electorate have recognised as valuable and important and has resulted in the Premier's Reading Challenge being readily integrated as part of day-to-day school activity.

I also congratulate other schools in my electorate who had high levels of participation and completion of the Premier's Reading Challenge, namely, Klemzig Primary School, Northfield Primary School (which was incredibly enthusiastic), Hampstead Primary School and Heritage College. I am still awaiting the results from Hillcrest Primary, but I have no doubt that they will be in line with the other schools. I was pleased to hear from DECS that schools in the Torrens electorate were listed as having a participation and successful completion rate well above average. I think that is extremely exciting and is another example of the high quality of schools and the excellent staff that allow these results to be achieved within my electorate. The staff in these schools are very dedicated and always work with the children to allow them to achieve their very best. As I often say, I am very proud to represent them—and I am very genuine about that—and I am glad to see that they have benefited from the experience of being involved in the Premier's Reading Challenge. Given

the successful completion of the challenge by over 46 000 students in South Australia, the Premier's Reading Challenge appears to have been a wonderful success in its first year. The students I spoke to at Dernancourt last week were so excited not only about participating in the challenge but also by the books they had read and were going to read in the future.

A couple of weeks ago, minister Weatherill and I attended a housing complex in Cressy Avenue, Windsor Gardens, for people who had an acquired brain injury. It is an excellent facility, and, as a government, we are very proud to be associated with it. This facility provides a very safe environment for those with an acquired brain injury, but it also allows them to explore themselves and live a very happy and comfortable life. I congratulate everyone involved in that process. I know that minister Weatherill was very impressed with the complex.

Motion carried.

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

## GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 September. Page 49.)

**Mr BROKENSHIRE (Mawson):** Finally, tonight we start a debate, which will continue for some time, I suggest, on the Premier's much trumpeted Gaming Machines (Miscellaneous) Amendment Bill. There has been a lot of talk about this bill, but it needs to be noted that it has been a long time coming from the initial stages until we got a bill to debate in this parliament.

This morning I put out a press release wherein I called for the Premier to withdraw his fundamentally flawed bill and to sit down with the parliament, the key stakeholders from the concerned sector and the industry sector, and representatives from the IGA, in order to come up with a real and serious solution to problem gambling. Sadly, all we got from the Premier was his throwing a few barbs across the chamber during question time, criticising me for bringing to the attention of the South Australian community the problems with this bill.

The greatest attribute of the Premier is perception, of painting a facade, of getting out there as good news media Mike and never being seen to talk to the community in this state about matters which a premier should talk to the community about. When it is a bad news story for the government, we do not see the Premier at all. A classic example was yesterday. For six weeks the opposition has been calling for something to be done about habitual offenders who continually breach their bail. We did not see or hear from the Premier at all. But when the heat got too much for him, after a page 2 story and an editorial in *The Advertiser*, and a page 1 story yesterday, the Premier comes out and the South Australian community is supposed to believe the Premier will fix the matter of habitual offenders who repeatedly breach their bail.

The Premier wants the South Australian community to believe that he will champion the cause of a serious reduction in problem gambling. How will he do it? He will reduce the number of poker machines in this state by 3 000; that alone will be the cure for problem gambling in this state. It is a joke! In fact, the South Australian community is starting to wake up to it. One only has to look at the poll in *The Advertiser* a couple of months ago which showed that, once people started to think through and look past the facade of the Premier's announcement, they realised that it was very shallow and, as far as fixing problem gambling, it has the strength of a piece of tissue paper.

That is why I have called for the Premier to show some real leadership and pull this bill. Of course, the Premier will not do that for a couple of reasons. Everything has to be the largest, the biggest, the greatest and the best when it comes to any announcement from Premier Rann. We hear it all the time. Today we heard that we have Australia's largest development at Port Adelaide, a $1.2 billion project. The Premier forgot to tell the South Australian community that all the history and foundation of that project happened when we were in government.

Of course, he always forgets to talk about when these things were initially developed, when the initiatives came forward, and the hard work done in the policy development. Today, what we are seeing is the Premier having his backbench, in particular, akin to maggots on a fish hook. That is how I would describe what the Premier is now doing with his backbench: it is akin to putting maggots on a fish hook. The Premier wants to come up with the number one catch so that in March 2006 the Premier will come out in debate with our leader and say 'I am the first Premier in Australia and, probably, the world to have a serious impact on problem gambling, because I alone championed the reduction of 3 000 poker machines in this state.' That is what the Premier's message will be all about: read this, consider it and then watch the debate; and watch in between whenever he gets a chance.

But the fact is that that is cold comfort for the concerned sector. It is cold comfort for the families tonight who do not have adequate nutrition in the way of good food on their tables; that tomorrow night, when many people will get pay packets, some of these men and women will spend half if not more of that pay packet before they even get home. And the reduction of 3 000 poker machines in a simplistic pea and thimble initiative of the Premier will not achieve what really needs to happen. I want to put on record my appreciation to the concerned sector, and I am talking about the public sector that deals with this through the relevant government agencies, the church sector and the welfare sector, because they are actually at the coal face of attempting to address these problems.

I know that many in the concerned sector want to see support for the reduction of the 3 000 machines, because they have said to me, 'At least it is something.' But it really is not much at all. This government said that what it would do is take Stephen Howells, the President of the Independent Gambling Authority—and we will talk about Mr Howells later. In fact, many of my colleagues are probably going to say a bit about Mr Howells. The fact is that all this government did was take the IGA report, run it through Treasury and say, 'If we were to adopt the IGA report, would it have any impact on our financial bottom line?' And that was one of the first things done with the IGA report. The government was not even honest enough to tell this parliament that it would not have any negative impact on their bottom line.

In fact, eventually, after many questions in this chamber, we got a response by virtue of the budget papers that showed that it was not going to have an impact negatively on the bottom line. In fact, reducing the approximately 20 per cent of poker machines (the 3 000 poker machines, if it was to be 3 000) would see compounding increases in revenue right

through to 2007-08. If we are serious about addressing problem gambling, are we going to have a real benefit to those problem gamblers and their families if we are projecting an increase in expenditure at the gaming machine outlets? The answer is clearly no, because you cannot spend more and get more taxes for the government and see that having a benefit in problem gambling, particularly the way this bill, initially at least, was tabled by the minister.

I guess that the minister is part of the scapegoat for the Premier when it comes to the fundamental flaws of this legislation. When I spoke about maggots on a fish hook, I need to put on public record what actually happened. The Premier will be squeaky clean on this. Watch the Premier: he will say very little and he will vote for the bill as he wants the bill to be passed, knowing full well that discussions have occurred within the caucus whereby certain members of the Labor Party have been given a job. And the job goes something like this. First, we are under pressure from the SANFL—and remember that our Premier suddenly becomes a major supporter of the Panthers. In fact, we all hear and see him say, 'Go Panthers' on a regular basis on the television. It is interesting that I did not see the Premier around the South Adelaide Football Club too much until we were getting close to the last election; nevertheless, I do not mind that because, as a Panther supporter myself, I support the Leader of the Government going with the Panthers. But pressure is coming to bear, and we saw it tonight when the SANFL—with more people in that room than even parliamentarians, I might add—was there doing a presentation on behalf of one of the Labor backbenchers.

The fact of the matter is that that Labor backbencher will not be sanctioned for that, even though it is on the public record that the minister has said, on many occasions, 'This bill is not negotiable; this bill is the bill that the Premier and the government want, and we will not entertain anything else.' In fact, when the minister would say that, I would ring in to the radio stations and say, 'Excuse me, given that you will not put a shadow minister on, can you at least ask the minister whether or not there is a conscious vote with this?' Traditionally there have been conscience votes on things like this. Then the minister would say, 'Well, of course, it is a conscience vote.' But I know what the member for Napier is doing—we are not that silly, and nor is the South Australian community that silly.

I hope that the media has a close look at this debate and exposes the Premier for what he is doing here; that is, another classic case of painting the facade and not having the substance behind it to address the problem. We have seen it time and again in the very long 2½ years that this government has been in power. Of course, it will go further than that, because I would not be surprised if other members of the Labor Party have been given the job of addressing concerns that other industry sectors may have regarding the fact that they do not think that this will work. Mark my words on this. We have already started to see quite a few amendments here, but that is nothing compared to what we will see over the next several weeks while we are debating this bill. There will be amendments everywhere. There will be amendments in this house and there will be a lot of amendments in the other place.

I think it is very important for the South Australian community to understand that the Premier—wink wink, nudge nudge—has realised that his fundamentally flawed legislation is going to cause him so much grief and pressure that, even though it is going to see an increased compounding in revenue to him, he will be happy for some of the backbench to champion little ways out of the problem that the Premier has. That is how this Premier works on a daily basis, and I would like to see a balanced media actually report some of that—even if they are intimidated.

I know for a fact that sometimes the media get heavied and intimidated by the media unit. I do not think that is democratic and I do not think that it is in the best interests of the South Australian community. I hope one day there will be some media with the fortitude to not be intimidated by the Premier's media unit when it starts to muscle in on them because it did not like a front page story or it did not like the fact that Brokenshire or the leader, Kerin, or any of our colleagues got a bit of a minuscule run to actually put the other side of the debate in a democratic country. I hope that one day some members of the media will not be intimidated by what the Premier's media unit does—and the Premier's media unit knows exactly what it is doing.

There are members of the media out there who are starting to tell members of parliament that they are being intimidated—whether they are electronic, print or any other form of media. So I call on the media, right up front in this debate, to show the South Australian community that this legislation is fundamentally flawed for one key reason—it will have little, if any, positive impact on addressing problem gambling. I also call on them to show the South Australian community upfront that the Premier like a slippery fish will let those maggots on the fish hooks (namely, the backbench) get their little bits through in order to appease organisations so that the pressure is taken off.

What will that do for the concerned sector? Let us look at the mathematics of this, for a start. When the Premier announced this, he had to round off the figures, because if you are going to get a good headline in the media you have to produce a percentage or some figure that sounds sexy. So, 20 per cent or a 3 000 reduction in the number of poker machines will get front-page stories that night in the print media and get radio talkback going. Surprise, surprise! Not long after that the Hon. Rob Lucas realised that those figures were wrong. The poor minister, who had just been given this wonderful portfolio following the cabinet reshuffle, had to come out and admit that the number was more like 2 500 machines. Where do you get the other 500 machines? That is done through transferability and trade-off. If you sell two machines, one goes off the books, and eventually you get to 3 000.

From what I am hearing I believe that the numbers are there in both houses of parliament to exempt the SANFL and the licensed clubs from this poker machine cut. I am almost confident that the numbers are there from what we hear in the corridors. Now we will have nowhere near a reduction of 3 000 machines; we will have a reduction of 2 000 machines. The Premier has two options. One is to say to the AHA, 'Sorry, but you will have to lose more. You won't go from 40 to 32; you will go from 40 to 30.' The second option is to say, 'We will drag out the time with respect to transferability and trade-off and, eventually, when we are all home and retired there might be a reduction of 3 000 machines.' Of course, in the meantime, the revenue coffers have kept spinning, and 20 000 people in this state will continue to be directly affected by problem gambling, and indirectly more than 20 000 will be affected.

Show me in this legislation where there is a serious attempt to actually combat problem gambling other than through this simplistic approach of flicking of 3 000 ma-

chines—problem solvered, and we just get on with life. Of course we need to remember at this point that the IGA said that, if this reduction did not show an improvement in problem gambling, in 12 months' time or thereabouts it will need to be revisited and more machines will have to be cut. Of course, that will not happen, because I predict that there will be moves afoot to ensure that amendments are brought in to address that matter—and I will say more about that at the appropriate time.

Just the other day a gentleman came to see me who has been through the ringer when it comes to problem gambling—through it like you would not believe. That person is a highly trained individual who has formulae to assist in a very successful way people who have caused significant damage to their families and themselves through problem gambling. He has tried to talk to this government about being given an opportunity to tender for funding so that he can help these people and their families in a positive way when they get caught up in problem gambling. This relates not just to poker machines, although clearly there has been an acceleration of problem gambling through poker machines, but if you have a look at the government's budget papers there are tens of millions of dollars of revenue forecast through all the other government taxes relating to other gambling measures as well.

The short answer this person got from the government was, 'We have listened to you, and we've had a meeting and showed some sympathy. However, we don't think we can help you, so run away and try to do it yourself.' So, in that case, just as one example, people who are desperate have got to the point where their marriage is shaky, if not completely destroyed. He even told me that, in a worst case scenario, some women he has worked with have offered their bodies to people to drive them home because they did not have the money to get home in the conventional way. He talked about people who had been caught up in crime, and he talked about the kids, families and grandparents who have all suffered as a result of this small but significant percentage of people who have become totally addicted to problem gambling.

If this bill was really comprehensive, it would include a money component as well. It would show good faith to the South Australian community, to the concerned sector and, frankly, the industry sector, because the industry sector is flogged regularly when it comes to gaming. I know the Premier talks regularly about these 'pokie barons'. However, I believe that the AHA has shown far more responsibility in relation to problem gambling than this government. For the public record, we need to go back a little and remember that the gambling portfolio was established after a significant review, and I want to thank each and every South Australian (and others) who was involved in that review. It allowed us to set up the first gambling portfolio in any state, and I had the privilege of being its first minister. That was when an earnest attempt was first made to try to address and turn around the issue of problem gambling. It was pretty similar to what we did in cabinet with the drug strategy subcommittee in relation to people who were addicted to drugs. I believe that both problem gambling and drug addiction are illnesses. In fact, evidence shows that problem gambling can be genetic. Again, work needs to be done in that area and support given where problem gambling is identified.

What did we do in relation to illicit drugs? We did a lot. We set up drug courts, drug action teams and drug diversion programs. I do not see any innovative, lateral, strategic or deep thinking attempts like that to address the issue of problem gambling, which we are debating tonight—I do not see any of that in this legislation. In real terms, in respect of the money that has been put into the Gamblers Rehabilitation Fund and problem gambling initiatives, the AHA has led the way, not the government. In fact, if you look at the proportion of money that goes into it, the government is dragging the chain. At the same time, even with the triumphant announcement by the Premier about the reduction of poker machines by 3 000, we are seeing a compounding increase in revenue to this government from problem gambling.

I have read this bill, and I will be going through it clause by clause. If I am incorrect, I will acknowledge that fact. I do not see anywhere in this bill, minister, where your government has made a commitment to any serious dollars for rehabilitation, early intervention or significant education programs. I see a concerned sector working their backsides off to try to help these problem gamblers with very little amounts of money. An example is a fundamental service like the Break Even program. I know that at times some of the agencies that offer Break Even programs have said that, if you have a problem and put your hand up, we can see you in a week or two weeks; but that is the exception rather than the rule. We did some ringing around to clarify this matter. The rule is that, with most of them, they get in within a month. You have to remember that it is a pretty bold person who is under a lot of pressure with stress in their families, where probably one of the partners in that marriage is desperately pleading for that person to ring up Break Even, and they get in within a month. You might think, 'Well, that is not too bad. They would not have lost their house in a month.' However, they might have. Let us say that they have not lost their house in a month; let us hope and pray that no-one loses their home over problem gambling. However, the fact is that in a month a lot can happen with someone addicted to gambling.

That is only the first meeting; from that, they are put on a waiting list. I am told that it can be anything up to three months before they get into any counselling at all. There is nothing in this legislation to address that. The Break Even program probably needs a serious amount of money like $5 million put into it, not a couple of hundred thousand. We will see some small amount, I am sure, as the pressure bears further in the debate. The Premier or the minister will announce some extra money for it, but it will not be a serious amount of money to address the problem.

Where will the constructive early intervention be? Where are the people who the government will employ as counsellors—highly trained specialist people—who can move through the gaming venues and other areas where people can access gambling? There are plenty of others, by the way. You only have to go to your local shopping centre to see that you do not have to go to a gaming venue to blow a lot of money if you are inclined to have that problem. Where is the initiative for specialist, highly trained and skilled counsellors to move through those venues, get to know the people, realise that there is a problem, and then start to work through those problems and prevent more by nipping them in the bud? None of that is in this legislation at all. These are the reasons why I am saying that this is fundamentally flawed, because many in the community have bought the Premier's facade.

In my position as a shadow minister, on a conscience vote I will support a reduction in poker machine numbers, and I support it with the absolute caveat that I have been highlighting in the last 30 minutes that, if you look past the simplistic message that the Premier wants to champion, there is little to

nothing in this legislation to really address the difficulty of problem gambling. One might ask why that is the case and what we can do about it. One of the things that I do know is that, if you have a gambling problem, you have to put your hand up and say first and foremost that you recognise that you have a gambling problem. The government has not put its hand up to recognise that it has a gambling problem. The biggest gambling addict in this state with a problem that needs urgent rehabilitation is the government, because it is the one with its hands in the pocket of everybody who spends a dollar in gambling and gaming in this state every day.

Today, the Rann government earned over $1 million from tax on gambling and gaming. Next year they will earn significantly more, and the year after that, they will earn significantly more, as they will the year after that. But we will see the Premier saying, 'Well, you know I tried my best. Okay, I got rolled by the conscience vote and I did not want to give the SANFL an exemption from these machines but, at the end of the day, it was a conscience vote. I stand proud because, as Premier Mike Rann, I championed the reduction; I did not get 3 000 but I got 2 000. No other Premier has done it, and you should vote for me because of that.'

That is too artificial, too synthetic and too plastic for me to accept, but I know that it is the sort of media spin that will occur in the coming weeks with respect to this debate. When the debate finishes, the Premier will be on the steps of parliament with all the cameras, saying how good a job he did with whatever reduction he achieves. That is how it works. I wonder what the IGA will think about this, when this dog's breakfast of a flawed bill finally passes both houses of parliament one way or another, while in the meantime people are suffering.

If you really wanted to do something about helping these people, you could continue a round table which has now finished. When we were in government and set up the gambling portfolio, we established a round table involving the concerned sector and the industry sector. The fact of the matter is that, when this government came into power, that round table stopped, and it is only in more recent months that it has started again. Those people have the answers. Of course the industry sector has a vested interest, but it is also creating jobs. It has strong codes of practice and legislative requirements. It is putting money upfront and working with the concerned sector, trying to address the issue of problem gamblers. Of course, the concerned sector sees the fallout of gambling addiction on its doorstep every day. As I say, we will have a situation where this government intends to collect more revenue, not less, and, if that is the case, how will that solve the issue of problem gambling?

I mentioned before that the member for Napier is doing a job for the Premier and the government by championing the cause of an exemption for SANFL clubs. I want to put on the public record some of the things that those clubs said tonight at the meeting, which I could attend only briefly because of a meeting that was already scheduled in my diary, but my portfolio adviser also attended and reported these facts to me. The clubs claimed that many of them have already been running at a deficit and that losing eight machines will result in a further loss of $200 000 for each club. There are nine clubs, so that will amount to $1.8 million.

The meeting was told that the SANFL clubs offer their facilities to a number of other clubs and community groups, such as the Rotary Club and church groups, either free of charge or at a low rate that does not produce a profit. They said that, regrettably, the major avenue of cutbacks, necessary as a result of this legislation, will reduce the amount of funds that go towards junior football development. That is a concern, because at the moment we have a situation where we have heard the Minister for Health talking about obesity, and we have heard the Minister for Education saying that we must get organised sport back into schools. I need to put that on the public record at this point because it is an example of what is happening with this fundamentally flawed bill.

It was a previous Labor government in the 1980s that removed competitive sport from our schools, because we are all supposed to be equal, we should not compete and we should play sport for the enjoyment of sport, and it is not to—

*Mr Caica interjecting:*

**Mr BROKENSHIRE:** I am sorry, member for Colton, but it is a statement of fact that it was another left wing, loony socialist Labor government that pulled competitive sport out of schools. That is a statement of fact, and you cannot deny that.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! The member for Playford is getting carried away.

**Mr BROKENSHIRE:** However, be that as it may, we are now seeing a situation where successive governments realise the importance of healthy lifestyles, healthy bodies and sport, yet we are told tonight that junior football is under threat as a result of the Premier's legislation. They say that many clubs are already in huge debt. They say that it is not an option for them to trade back up to their original number of machines, as this would mean getting into more debt. In other words, they are saying that, if they have 40 machines and they are putting the proceeds into not for profit initiatives and subsiding other groups, and if the number of machines in the bigger venues (which would be most, if not all, of the SANFL clubs) is cut back from 40 to, say, 32, they will not be able to buy back those machines.

Also, interestingly enough, the SANFL says that the five year renewal clause is absurd and that clubs cannot possibly invest money into something that may not exist in a few years. That is an important point because, whilst I detest gambling (I would rather spend my money in other ways), the fact is that a government and a parliament of the day has said, 'You can set up a legal business.' This is not an illegal business. It is not illegal in any way at all. There is nothing illegal at the moment about what anyone is doing with respect to gaming. The Premier has a go at us, but we need to put the facts to this parliament.

The Premier was in the ministry and a member of the Bannon/Arnold Labor government when a conscious decision was made to give hotels and clubs a legal right to buy poker machines and to set up a business, and the debate occurred in this parliament. Yes, it was a conscience vote, but a government had to introduce that legislation, and the fact of the matter is that it was a Labor government of which this Premier was a minister. We now see in this legislation the government saying that, in five years, people will have to go through a licence renewal process.

As to whether or not it is an individual making a conscience vote or a Liberal member with a basic principle about whether or not they support certain aspects of an industry, surely it is fair that, if someone is given a green flag and told that they can set up an industry, there should be certainty in that industry subject to the appropriate checks and balances. At present, hotels and clubs must report all their revenue (earnings and takings) every day. That happens every day. There are codes of practice. Our excellent liquor and

gambling commissioner, Mr Bill Pryor, and his staff are on duty day and night, whenever required, making sure that proper management practices are put in place.

Why would anyone now give such a clause breath? I know how hard it is to be in business today. Fair enough, this state and this nation have had seven consecutive years of growth, primarily thanks to the Howard Liberal government, as well as some tough decisions made by our government, which set the scene for the growth year this government is now enjoying with a record tax take. But, that aside, it is still very hard doing business, because legislators, like those of us here tonight, are forever trying to make business more bureaucratic. They are forever trying to get business more bogged down in reporting processes and whatever else.

Whilst we need accountability we also need practicalities. When, finally, we did get a briefing from Treasury officials (who are very professional in the way in which they go about their work), we asked whether or not all of the gaming machine venues could be shut down as they come up for their five year renewal, and the answer was, 'Yes, they could be.' The whole lot could be shut down. If you were a bank manager, how easily would you sleep at night if you had someone highly geared—where the equity to debt ratio was very slim, but they were geared high because there was a cash flow there, but there was a 15-year loan? All of a sudden you could have a situation where overnight a regulator could say, 'No, I'm not going to have a bar of this organisation any more, whether they are a licensed club or a hotel or whatever they are. You made one mistake; we are flicking you. See you later alligator.' That is what will happen.

**The Hon. K.O. Foley:** You're arguing every side of the fence. You don't like pokies.

**Mr BROKENSHIRE:** It is interesting now that the Treasurer has come in here, because the Treasurer knows that this was a really good deal around the cabinet table. I can just see the Treasurer and the Premier when they are discussing how they can get through this next hurdle and show the best face of the government: 'What's the bottom line, Treasurer?' 'Oh, a revenue increase, Premier, at 3 000.' 'Oh, we'll take that.' And that is what happened. But what would it be—

**The Hon. K.O. Foley:** Have you been drinking, Robert?

**Mr BROKENSHIRE:** No, I haven't. But what would happen if the Treasurer had a serious reduction in his income? It would be a different situation altogether, and we would not see the legislation that we are debating tonight.

I want to refer to a letter that I received, which is titled 'Don't destroy our clubs'. The letter is from a gentleman called Mr Bob Raphael, who is the CEO of the Salisbury North Footy and Community Club, and it states:

> We are writing to express our frustration of the IGA Report into the Gambling Industry. We cannot understand why our Club is being treated the same as Hotels in this report.

And he goes on, but I will not go through it. The bottom line is that he talks about all the community investment that is happening in his area as a result of the opportunity that this club had—not only the Salisbury North Football Club but also the community clubs in that area—to provide some dividends to a range of not for profit and volunteer organisations in the area. In the letter he highlights the problems that he sees with this legislation and how it is flawed.

One also picks up material such as an article that appeared in the *Messenger News Review* of 26 May, which is titled 'Clubs threatened'. The article states:

> Small northern community clubs say they will be crippled by massive income losses and some will be forced to close under state government plans to cut poker machine numbers. Salisbury North Football Club—

which is in the Premier's own electorate—

> which stands to lose eight of its 40 machines—

That is correct, if this legislation passes as the Premier wants it—

> expects an annual loss of about $260 000.

The Chief Executive said that the club would have to sack six staff and scale back its support of community sporting groups. He said:

> It certainly wouldn't close us down but it would stop us from helping anyone and that's why we're here. We give between $45 000 and $50 000 each year to people in the area. . .

The Para Hills Community Club General Manager, Cameron Taylor, said his club would lose eight of its 34 machines, which would force it to stop donations to more than 40 schools, clubs and charities. If the legislation is passed in this way I wonder whether, when the clubs cannot provide the services that the government should be providing, those 40 schools in the Para Hills area will have the facilities, amenities, services and educational opportunities that they have now.

I am putting both sides of the debate forward, and I make no apology for this. If we are to be serious about this debate, we have to look at it from both sides. As I said today, it is fundamentally flawed. The Premier now knows it, and he has people out there in his party trying to move amendments so that he can still be shown as the white knight in shining armour and other people will be happy.

I want to make mention of the 'concern' sector now and, in particular, an organisation known as United Way. It is a magnificent organisation, which I had a bit to do with several years ago. United Way has said that one poker machine at every significant gaming venue should devote its profits directly to charity. Their spokesperson, Executive Director Miss Christiansen, said that United Way had to move its fundraising bingo to a club with poker machines after the Octagon Theatre was razed last year. At the same time, she said that tighter legislation on food handling and shopping mall leases had killed other traditional fund raisers such as cake stalls and raffles. She then said that directing poker machine money back to the community would be more beneficial than reducing the number of machines. She states:

> If you take out 3 000 machines, you may be just taking out a percentage of dormant machines. . . let's take a step back and see how we can help the community. You've got to find a silver lining in every cloud. . . this is our way to do that.

That is the sort of person that I would like to see sitting with members of parliament, working through proper legislation that is going to have a proactive benefit for problem gambling, because this person is a realist; this person is not about media spin. In fact, being the CEO of United Way, she would be in the face of people who have enormous social problems every day of her life, far more than any politician in this place. But where is this lady being heard? The simple answer is that she is not. Again, the government has missed a fundamental opportunity to actually do something positive to address problem gambling and also not implode on an industry that, whether we like it or not, this government delivered to the South Australia community in the early nineties.

It is interesting that it goes on with the concerned sector, and this article is headed, 'Some support for United Way's gamble'. Anglicare, which runs the gambling support agency,

Break Even, says that it would not support poker money going to charity on an ethical ground. It is on an ethical ground that they are doing it, and I can understand that. Peter Bleby said:

> 'It's a serious ethical dilemma for us,' spokesman Peter Bleby said. 'We're not going to go and march on the streets and say United Way should not be doing this. But we oppose poker machines generally so there's no way we can encourage anybody to be using them.'

I understand his argument as well, but small amounts of money from poker machines are already going to these agencies. I do not have a problem with that, because they need help. The problem that I have is that they are not getting anywhere near enough money. I put it to the parliament and, in fact, I foreshadow to the minister that, amongst many amendments that I will be putting into the parliament, one will call on a significant and proper amount of funding to go to the concerned sector because, whether or not you get a cut in 2 000 or 3 000 poker machines, or probably any number through to zero, you are going to have a situation where there will be problem gamblers. Given a compounding increase in revenue by this government with this small cut in numbers, we need to see more money going to the concerned sector.

I will be bringing in an amendment before this house to ensure that that money does go to the concerned sector. I will be challenging the government to tell me why it should not put proper amounts of money into the concerned sector because, at the moment, the total amount of money that the government directly puts in—if I am generous, and I am feeling generous tonight so I will allow a generous amount to the government—is $3 million a year'. That is less than three days in tax revenue. That means that for 362 days of the year this government makes significant amounts of money out of problem gamblers, and for three days a year this addicted to gambling government puts $3 million back in to problem gambling. That is where a lot of this problem occurs. Let us look at making sure that we get legislative amendments through here that force government to provide proper amounts of money to the concerned sector.

I note with interest material that the AHA is putting out (and the public would not be necessarily aware of this), but the AHA has gone through this bill in a very detailed fashion. In fact, it has gone through it from go to whoa, from clause 1 right through to the end of the bill. The work the AHA has done is far more detailed than what the government has done, and it has tried to come up with some sort of balanced proposal that might allow its members to continue to employ thousands of people.

**The Hon. K.O. Foley:** You hate poker machines. You are a hypocrite.

**Mr BROKENSHIRE:** No, I am not a hypocrite. The hypocrites in this parliament are the Treasurer and the Premier. They are the hypocrites. My job—

**The DEPUTY SPEAKER:** Order! The term 'hypocrite' is unparliamentary. The Treasurer is out of order for interjecting and the member for Mawson should not respond to an interjection.

**Mr BROKENSHIRE:** It is my job as lead spokesperson on this matter to show both sides and give people in the community an opportunity to balance this up, because what we have not seen from the government, what we have not seen from the Treasurer, what we have not seen from the Deputy Premier, is any balance at all—only the media spin of the 30 or 40 people in that unit who are selling the message about the reduction. That is why I am putting both sides because, whilst the Treasurer is certainly right that I personally detest poker machines and any form of gambling, most of the South Australian community can go out in a responsible way and spend $20, or whatever they allocate that night, and go home having had a bit of fun, and it is not a problem for them. There are more jobs created in the hospitality industry than there are even with General Motors Holden's.

So, it is a significant industry and a lot of people come to us, not only from the concerned sector, people who detest poker machines and gambling and would like to shut them all down, but also those who say, 'Excuse me. Just remember us in the equation in this debate. My daughter and my son are university students. They are at home and we are happy to provide a home and food and clothing for them but we can't afford to provide for their extraordinaries and their social life. They work in these hotels while they are getting their degree. Can you, for one moment, think about that side of it as well?' That is why the Treasurer needs to understand that I am putting both sides of the debate, and that is what democracy and good consideration should be about in debating an important piece of legislation.

As I said before, the other side of the equation from the industry that creates jobs and makes some profits is the not-for-profit licensed clubs industry, which also creates jobs by returning dividends back to organisations in their area. So that I get this debate as accurate as I can, I also need to acknowledge that many hotels are also generous sponsors of many organisations in their area. You have only got to go to the football and the netball finals like I have recently to see how much sponsorship, trophies, etc., the clubs get from the hotels. When it comes to the clubs, at the end of the day they are not-for-profit and they are pumping lots of money into the community.

**The Hon. J.D. Hill:** You just want to have two bob each way, don't you?

**Mr BROKENSHIRE:** South Adelaide, in my own area, is doing that. I know that, when it comes to Neighbourhood Watch meetings at times, when it comes to community meetings, when it comes to its junior development policy right across the Fleurieu Peninsula, when it comes to having a vibrant community facility, South Adelaide is putting back into its area—that is my best example of a club with poker machines that is doing that. It is interesting that the Minister for Environment says that I want to have a bob each way. The government is the one having a bob each way.

**The Hon. J.D. Hill:** Two bob, I said.

**Mr BROKENSHIRE:** Two bob. Well, the government is having two bob both ways too. The government is saying to the South Australian community and to the parliament, 'Support a 3 000 machine reduction'—which will probably end up being 2 000—'because that will make us look good in the community, but disregard—

*Members interjecting:*

**Mr BROKENSHIRE:** I can understand why the members for Kaurna (the Minister for Environment and Conservation) and West Torrens are getting agitated now, because it must be hurting them immensely. The minister is probably locked into a cabinet solidarity position—

**Mr Koutsantonis:** I'm not a minister, you fool!

**Mr BROKENSHIRE:** I said 'the minister'. You're not a minister—you're just a joke, the joke from West Torrens.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**Mr BROKENSHIRE:** I said that the minister is locked into cabinet solidarity, so he would be fairly uncomfortable with this—

*The Hon. J.D. Hill interjecting:*

**The DEPUTY SPEAKER:** Order, the Minister for Environment and Conservation!

**Mr BROKENSHIRE:** —and that is why he is interjecting. The minister knows that the simplistic approach this government has taken does nothing in real terms—it is probably minuscule, at best—to benefit problem gambling, and that is being generous. The minister knows that. The government is having a bob each way.

Finally, we should have had a look at some of the other reports put into the parliament, like the inquiry into the proposed reduction in poker machines in South Australia. An interim report was tabled in the house and was ordered to be published on 1 June. They had a more comprehensive look at problem gambling and at what would happen with the proposed reduction than did the cabinet and the government. We need to look at harm minimisation and at a range of other issues that can make a real impact on problem gambling. We need to look at the fact that the AHA puts in $1.5 million to the Gamblers Rehabilitation Fund. I would like to see that whole fund structure reviewed. There is a better way of doing it now that it has been going for a few years, and I ask my colleagues to consider that and any amendments that might come through on the Gamblers Rehabilitation Fund so we can make improvements. At this point, the AHA directly puts $1.5 million into it, and the addictive Rann government's gambling contribution is $1.8 million, which is less than two days revenue.

One of the things we also do not hear about—and a bill is going through the parliament at the moment—is banning smoking in public places. It is interesting that the Premier and the government have opted not to take the bull by the horns on this matter until 2007, as is the government's position. Contrast that with the government's own budget projections between now and 2007, where it shows a compounding increase in revenue, even if it gets the reduction of 3 000 machines. Then we can look over in Victoria. We need to consider a couple of interesting points on what is happening with gaming in Victoria. I highlight Victoria, because it is probably the best comparison with South Australia if you look at the demographics. Victoria has fewer machines per capita than does South Australia, yet its spend per capita is higher than in South Australia. Then think about the fact that the government's own budget papers show that if the Premier can get through his 'you beaut' reduction and become the champion—the first, the largest, the longest and the greatest premier to reduce poker machines—there will be an increase in revenue. Why? Because the repositioning of the gaming venues will allow opportunities that will entice more spend on gambling and therefore we will have more problem gamblers than we have today—and that can be backed up by the evidence from Victoria.

The Bracks government appears to me to have a lot of media spin to it as well, and it talks the talk just like the Rann government, but it does actually walk the walk now and again. But we do not see the Rann government walking the walk. What has the Bracks government done? It has said, 'Smoking is a health hazard'. All the evidence around the world shows that—and passive smoking is the worst. The Bracks government has banned smoking in their gaming venues and, surprise, surprise, that is why the big revenue drop has occurred. In fact, after that happened over a year ago now, from memory, the gambling revenue has still not recovered to the level it was before that initiative.

Blind Freddy knows that the Rann government was not prepared to make the decision to bring in a smoking ban earlier because, first, it would have had the AHA after it like you would not believe. I have to say that the AHA has not had a good deal from this government. Look at the supertax for a start and the broken promises—'No new taxes', said the then leader of the opposition Mike Rann and the shadow treasurer, 'and no increase in taxes'. When we were in government, the AHA went along doing its business but, suddenly, when the Rann government was formed, it discovered that there would be an increase in tax take—and surprise, surprise, along comes a big supertax as well. Again this shows how false this government is when it comes to reliability, commitment, policy and promises. It also highlights again the reason why the smoking ban does not come in until 2007. That is, it has done so much disservice to the AHA over the 2½ long years it has been in government—and they have been 2½ long years, believe you me—that the AHA wants a bit of a go, so clearly that deal would have been brokered.

As I said, in the meantime, this government will reap $65 million—that is a big amount of money—in that period, and it will come from many people who have a gambling problem, yet it is offering no solution whatsoever other than to cut the numbers of poker machines. I want the minister to think about how he will handle the amendments to be moved by his own members. When it gets to the committee stage, we will be asking the minister many questions. I can foreshadow that there will be a lot of amendments from individual members on this side because it is a conscious vote and they have that right. I intend to move up to half a dozen amendments.

How will the minister handle the smoke and mirrors trick that is about to occur when the member for Napier does the job for the Premier and his cabinet and gets the licensed clubs exempt so that there is no reduction in clubs? That is the proposal of the member for Napier, in full concert with caucus I bet you, and certainly the Premier, the Treasurer and the cabinet. How will he handle the fact that he will have to explain that the reduction of 3 000 poker machines will become 2 000? Will there be a difference in protecting problem gamblers because he has had to do this to appease the licensed clubs and the SANFL? The answer is, 'No, it will not make any difference' because every piece of material that we have received shows that there is no revenue loss, just gain, when it comes to the government's smoke and mirrors sleight of hand stuff on this particular matter. If another backbencher's job is to stop the uncertainty and to move an amendment to ensure that there are no further cuts for 10 years, how will the minister handle that with the IGA? I ask the minister to think about that because I will be asking him the question. Up until now, the minister has been the champion of the IGA and, in particular, Stephen Howells.

I want to say a little about Mr Howells. Many in this parliament and many people in industry have expressed concern about the way in which Mr Howells manages being Chairperson of the Independent Gambling Authority. In fact, I believe it is the worst case of any presiding officer being appointed to a position for a government. I heard Stephen Howells publicly attack John Lewis, General Manager of the AHA. He publicly attacked him on radio. Most members in this house would know John Lewis. One can form an opinion about anyone, but I challenge anyone to show me that John

Lewis is not a balanced man; that he is not out there trying to do the best he can for his organisation and putting forward their debate. The transcript is there. In fact, I have a copy if any member wants to look at it. The way he went about having a go at Mr Lewis was absolutely disgusting.

That is not the only time Mr Howells has had a go. Mr Howells had a go at the Liberal Party in relation to child sexual abuse. He talked about the fact that he was a member of the synod. Being an Anglican myself, I know a bit about synod. I know that Mr Howells is one of 400 members of the synod in Victoria. Mr Howells came out batting for the Premier and the Rann government, which failed to listen to our request for a proper review and inquiry into wards of the state. He even had figures about what the Rann Labor Government had done. He is one of 400 people. Anyone can be a member of a synod if they are prepared to give up a few hours during a year. I could have been a member of the synod. He went on the public record and, if you were not a member of the Anglican Church, you would have believed Mr Howells was the voice of the Anglican Church. He started to talk about what a great job the Rann Labor government was doing in relation to child sexual abuse, and then he started to have a go at the Liberal Party for what we purportedly did not do when we were in government.

I do not think that that sort of thing is appropriate. I do not believe that any minister in a Liberal government would accept a presiding officer, appointed through the parliament, coming out so blatantly with their politics, as Mr Howells did. I think he should resign from his position; and I know a lot of other people believe that, also. The talk outside the IGA itself is that perhaps there would be more harmony and better opportunities if Mr Howells was not there. Mr Howells can have his say at any time he wants, but if he is going to attack certain people on the radio, and if he is going to do a job for the Labor Party, I do not think that is appropriate when he is supposed to be the presiding officer of the Independent Gambling Authority.

I have given an overview of this legislation. I have expressed enormous concern for the gambling problem we have in this state. No-one hides from the fact that there is a problem for a percentage of the South Australian community when it comes to gambling. It is an absolute tragedy. If someone becomes addicted to gambling, it is one of the worst things that can happen to that individual and their family. It is arguably worse than other forms of addiction because one can lose enormous amounts of money rapidly.

The heartache, the stress, the pain and the lack of opportunity for a family happen rapidly with problem gamblers. Each and every one of us in this parliament has a responsibility to do whatever we can to help those families, just the same as we do when people are addicted to drugs. I am sure that it is the same. I have not had anyone come into my office like this, but I have had a family come in who had a son who became addicted to illicit drugs. They were in tears in my office, saying that they were failed parents. I asked, 'How have you failed?' The fact was that they personally had not failed, but this lad was stealing the goods and chattels out of their home while they were out shopping, or whatever. They would come back in and he was on another high from the illicit drugs. I said, 'You haven't failed at all.'

They had had to kick that lad out. I said, 'Leave the door open, but you've done the right thing because you've tried everything else.' I talked to them about drug diversion, drug rehabilitation and about opportunities that were there. Hopefully, they were able to get that young man into drug rehabilitation. But the same thing can happen with problem gamblers. If we are to stop the politics just for once—the member for Mitchell may well laugh about that, but I am actually serious about it. If we were to stop the politics we could stop seeing who can be the first person to get the front page story in *The Australian*, *The Herald*, *The Age* and *The Advertiser* as being the Premier who championed the reduction of 3 000 poker machines and actually sit down as adults with the concerned sector, with the industry sector, and with people like the chief executive officer of United Way, and say: 'There are solutions out there. There are answers but it is not about media spin'.

It is not about them making agreements in the caucus to offset other pressures and profits that we have, but actually about sitting down and addressing the fact that we have an industry that is going to stay. I myself have been caned a bit by a couple of members of the media—and that is their right—saying, 'Have the guts to just get rid of all the poker machines.' It is not about having guts to do that but about being a realist. It is about remembering that the Bannon, Arnold and Rann ministries of Labor governments in 1992 or 1993 brought this devil of an initiative into South Australia. We have to live with that because it is a legal industry. We have already been through the State Bank and fixed that over the last few years. There is no compensation in this legislation for that cut but, rest assured, all of us here know that if you were to be so draconian on that, you would have the biggest High Court action you have ever seen in your life and you would have thousands of people out of jobs.

I am a realist, and that is not going to happen. We have to get into the root cause of the problems with gambling. We have to put in some serious money, serious initiatives and some genuine attempts to address problem gambling, help the concerned sector, listen to them and fund them. Just like police have to be on the beat and have to be there in numbers, the concerned sector need to be there in numbers. Problem gamblers are the ones putting a lot of that money into the Rann government's coffers. Give the concerned sector some of that money. Get the best science, the best initiatives, and give the best opportunities to South Australia so that we can fix this problem to the best of our ability and stop the media spin.

We will talk more about this throughout the debate, but I appeal to the media also to get these messages out in the community and not just give the Premier an accolade for being able to claim a reduction that will do next to nothing to fix the real problems associated with problem gambling. We all know that there are ways to do that. Let us work with the concerned sector, with the industry, with the best expertise around the world, and let us show the world—not just Australia—that South Australia is serious about combating problem gambling, not only in gaming but right across the gambling sector. Then we can not only show that we have been able to achieve something but we can allow other states and other countries to capitalise on how you can fix problem gambling. This initiative will do next to nothing to fix problem gambling.

**Mr HANNA (Mitchell):** I am speaking in relation to the Gaming Machines (Miscellaneous) Amendment Bill. It is an attempt by the government to cut the number of gaming machines—or, as I prefer to call them, gambling machines—in South Australia. There are at least 15 000 gambling machines in South Australia across 600 venues and, of course, we have about 700 in the casino as well.

I am not completely against gambling—there is a place for it in our society and it is going to happen anyway whether we attempt to prohibit that sort of behaviour or not—but there is a special focus on poker machines, and it is worth considering why that is. The Productivity Commission report into this very issue established that 65 per cent to 80 per cent of gambling problems are due to poker machines. It has also been established that for every problem gambler there are about seven other innocent people affected—family, friends, employers, etc. Combine that with an estimate that there are, perhaps, 23 000 problem gamblers in South Australia and we can readily see that at least 10 per cent of the population are affected by problem gambling one way or another—and the majority of that is due to involvement with poker machines.

It is a social problem which requires special attention, so it is commendable that the government has taken some steps to limit the harm caused by the proliferation of gambling machines. However, I feel a little like one of a group of surgeons about to operate on a serious anatomical problem and being handed a blunt knife by the government. We may be able to do the job with it, and we will certainly be able to make a start with it, but it is far from a perfect solution. There is a need for us to do something, and I can vouch for that from personal experience based on my representation of clients accused of various crimes such as theft or embezzlement. I am not the only lawyer to have the experience of having otherwise respectable people appear before the courts on theft and embezzlement crimes or other offences of dishonesty due to gambling addiction. Indeed, that is backed up by studies of the Australian Institute of Criminology.

One can also look at the demands placed on welfare agencies throughout South Australia since pokies were allowed to come in to the state. Those demands have been considerable, and they certainly have not been able to be met with any increase in funding from the Gamblers Rehabilitation Fund, etc. Compare the demand on welfare agencies here to Western Australia, where pokies have not yet been allowed to proliferate. I will be supporting the bill: that is, essentially, a proposal to cut 3 000 gambling machines out of South Australia.

I have a real question about the issue of transferability. There are some problems caused by creating additional value in the gambling machines. There are a lot of imponderables about how that will be played out in the market. We do know that the wealthiest and busiest gambling venues will go out and buy machines up to the 40 machine limit as soon as possible if the government's bill passes in its current form. Although there are those problems to which I refer, I am heartened by the prospect of some areas, particularly country areas, having all their machines purchased by some of these wealthier hotels and therefore becoming pokie free zones. I have no doubt that that will have a beneficial effect on the local community. It will also provide an opportunity for research into those areas to assess both before and after just how the economy and society of those communities might improve if the pokies are taken out. That could prove to be valuable research in the ongoing cause of limiting the availability and profitability of poker machines and thus the problem gambling issue itself.

I have difficulty with the government's proposals to freeze the tax regime for those who benefit from gambling machines. In my view, it is completely legitimate for a government, having provided a bonanza to so many hoteliers in this state, to extract even more of the surplus money passing through those machines for redistribution to schools and hospitals in South Australia.

As I have suggested, the reduction in the number of machines to 3 000 is nowhere near an effective measure in itself to address problem gambling, but it is a step forward. If members of parliament want to genuinely reduce the harm arising from problem gambling, this bill needs to be amended. I have already placed on file (published) a series of amendments which go to that issue. I suggest we need to slow down the rate of play. That would be one simple measure to limit the amount of money that problem gamblers can lose if they choose to stay at a machine for hours on end. I have worked out my amendments in conjunction with the Hon. Nick Xenophon who is well-known for his opposition to the problems caused by gambling machines.

I have an amendment which at this stage is not proposed by any other member, and that is in respect of the limit of 3 000 machines which the government says we should reach and then stop reducing the number of machines. I suggest that we should take out machines according to the government formula and then use the extraction system used by the government to take further machines out of the system as they are traded between venues. The government says that process should stop at 3 000. I say it should keep going ad infinitum so that we gradually reduce the number of machines. If that amendment is successful, then even if the government chooses not to revisit the number of machines generally there will be built into the system an ongoing reduction in the number of gambling machines in South Australia.

I will not go through all of the amendments which I have prepared. They are there for members to see, and I am happy to answer questions from members when those amendments are moved. Members will note that I favour the principle that clubs should be treated more leniently than hotels. I say that because I believe there is an equity or social utility factor that needs to be taken into account as well as the goal of reducing the harm caused by problem gambling. I suggest that, apart from any measures to reduce problem gambling, we need to consider that the money that goes into gambling machines in not-for-profit venues, apart from the money which is returned to the punter, ends up being used for the community generally, very often in sporting facilities or other facilities of social value, whereas the surplus money coming out of gambling machines in hotels simply goes into the pockets of people who are generally well off already. So, when I take that social utility factor into account, I suggest that approaching the gaming machine problem should not only be about reducing the harm of problem gambling but it needs to address that equity issue as well. Therefore, I have amendments on file that are identical to those of the member for Napier. They will obviously be appealing to those members who wish to preserve the position of the local sporting or other clubs in their electorate.

In conclusion, the bill is worthy of support because it does a little something to approach the problem gambling issue. It does nowhere near enough, and I am sure that the problem will be revisited—if not in this parliament, in the next one. Certainly, while we have this opportunity, we need to push the boundaries as far as we can in terms of reducing the availability and profitability of these gaming machines.

**Mr BRINDAL (Unley):** I am most pleased to follow the member for Mitchell, who always makes an intelligent contribution to the debate. I disagree with him on some of his principles, but I am very interested in his amendments. I was

trying to briefly look at what he was talking about in relation to clubs and the protection of clubs, because I, too, am minded to believe that they should be granted a special position. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

## ADJOURNMENT

At 8.58 p.m. the house adjourned until Thursday 23 September at 10.30 a.m.