HOUSE OF ASSEMBLY

Wednesday 16 February 2005

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

GAWLER HEALTH SERVICE

A petition signed by 99 electors of South Australia, requesting the house to urge the government to provide funding of $630 000 to the Gawler Health Service as a priority to ensure services are maintained at a level acceptable to the board, was presented by the Hon. M.R. Buckby.

Petition received.

LAND TAX RELIEF

A petition signed by 16 members of the South Australian Community, requesting the house to urge the government to provide immediate land tax relief through the reform of the current land tax system, was presented by the Hon. M.R. Buckby.

Petition received.

REGIONAL SITTING

The SPEAKER: Honourable members may be interested to learn, if perchance they have not—notwithstanding the efficiency of the bush telegraph around the corridors of this place they may not yet have heard—that it is the intention that the House of Assembly in South Australia will do as has happened in many other jurisdictions in Commonwealth Parliamentary Association parliaments in recent times and, in particular, in Australian parliaments and sit in a regional centre. A sitting of the House of Assembly will be in Mount Gambier on 3, 4 and 5 May; that is, the Tuesday, Wednesday and Thursday of the first week in May.

Arrangements will be communicated to honourable members, but they can expect—in the same way as country members receive an allowance of $158 a day for each day they need to spend in the city on parliamentary business—that, when the parliament goes to a regional area, those members not living in that regional area will receive the same allowance and they will be on their own to find from amongst the array of accommodation available in any formal sense in the marketplace, in a list provided to them by our House of Assembly staff, accommodation of their choice. Other information of that kind will be provided in the circular, including the usual rate of travel provided to country members when they travel to parliament in vehicles of their choice, which is not so unusual. There may be a bus travelling to Mount Gambier on the Monday. In any event, all the details will be provided.

Mr HANNA: Sir, I rise on a point of order. How can this happen without members being consulted? I never knew about it until now.

The SPEAKER: Sooner or later honourable members have to know. If honourable members wish to move a motion dissenting from the proposition, naturally, the chair is comfortable and relaxed about that.

BIODIESEL FUEL

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

Leave granted.

The Hon. P.L. WHITE: The state government is aware of the urgency of the greenhouse issue and is endeavouring to introduce policies and practices that will contribute to the reduction in greenhouse gas emissions. Today is the official introduction of the historic Kyoto Protocol and it is, therefore, an appropriate opportunity to advise the house of the developments towards the greening of South Australia's public transport fleet.

From 1 March this year, all metropolitan trains and all diesel buses will operate using biodiesel fuel, beginning on that date with a 5 per cent biomass/diesel mix. Torrens Transit has been trialing a bus that runs on 20 per cent biodiesel along the Henley Beach Road and Norwood Parade bus routes, and it is planned to progressively increase the level of biodiesel in all metro trains and diesel buses. The bio component of biodiesel is comprised of waste cooking oil, mustard seed oil, rapeseed oil and canola oil, or the like, combined with tallow and fats.

The Hon. M.D. Rann: Cooking oil—fish and chip shop oil.

The Hon. P.L. WHITE: Cooking oil, yes; I did say that, Premier. The environmental benefits of biodiesel include using recycled oils, as the Premier has indicated, cleaner emissions and, consequently, cleaner air. Biodiesel fuel is widely used in Europe and the US and can be used in South Australia to make Adelaide cleaner and greener in terms of air quality. The use of biodiesel will also reduce our dependence on imported fuel supplies. South Australian Farmers Federation President John Lush and the state government have agreed to explore possibilities for local farmers to supply a new biofuel production industry here in South Australia. Reducing energy consumption and greenhouse emissions is one of the objectives of South Australia's strategic plan, and this initiative is making a significant contribution to that objective.

REGIONAL SITTING

Mr BRINDAL: Sir, by way of a point of order, I would like you to clarify what you informed the house earlier about a proposed meeting in Mount Gambier. My understanding is that this house adjourns from time to time and from place to place and that, before this house can meet in Mount Gambier, it must in fact be a motion of this house that it seek to adjourn to such place and hold such a meeting. Can I ask you, Mr Speaker, whether you were ruling that we would meet in Mount Gambier or that this house will entertain a motion to meet in Mount Gambier?

The SPEAKER: The member knows that the house is the master of its own destiny and, accordingly, the Leader of Government Business, at an appropriate time, should the leader think fit, will move that the house adjourn until such and such a day—being 2 May—in such and such a venue in Mount Gambier, and honourable members will be able to debate it at that time, unless they wish to bring on a private member's motion and debate it. That is the reason for my making the remark I did at the outset of proceedings. It is not a dictum; it is information.

Members interjecting:

The SPEAKER: Order! I really do not understand the excitement. It has been the subject of several articles from the International Secretariat of the Commonwealth Parliamentary Association urging parliaments, which have large geographic constituted dominions, to meet from time to time in different places within those dominions and not restrict themselves to their formal buildings in the capital cities. Equally, it has been the practice quite successfully undertaken in Queensland to do that and Western Australia, as well as the Northern Territory, so much so that, on the second occasion in the near future, the Northern Territory will again meet as a parliament in Alice Springs. It provides such enormous benefit not only to honourable members but also to the communities and the children who live in those communities in particular, who would not otherwise have the opportunity each to come in contact with the other.

One of the great benefits to all members will be they will know what it is like to come to the capital city from their dwelling in the country for sittings of parliament, when on this occasion the majority will travel from the capital city and its suburbs to a regional centre—in this case, Mount Gambier. It would not cause me offence in the least if, in the latter part of this year, the parliament were to meet in yet another regional centre in South Australia. Whether that be, say, the Riverland or Port Lincoln is a matter for the parliament to decide.

Mr HANNA: Mr Speaker, I rise on a point of order. Are you now debating the issue?

The SPEAKER: I am not debating the issue at all. I am providing information to members who do not seem to read the kind of things which are in their CPA journals.

PAPER TABLED

The following paper was laid on the table:

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

National Environment Protection Council—Report 2003-04.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA: I bring up the 14th report of the committee.

Report received.

QUESTION TIME

WORKCOVER CORPORATION

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Treasurer. Has the Treasurer been briefed on a further deterioration in the performance and the financial position of WorkCover?

The Hon. K.O. FOLEY (Treasurer): I have not been briefed, that I can recall, in recent times of a deterioration at all. I will check that. What I can say is in the last conversation I had with the Under Treasurer, who is an observer on the WorkCover board, he was making the comment to me that the chairmanship of Mr Bruce Carter, the managing partner or director of Ferrier Hodgson in this state, and the composition of the board (which has a very strong level of business skills) is beginning to significantly turnaround that business.

The Minister for Industrial Relations would be in a better position to comment on this, but my understanding is that significant efficiencies are now being driven through the WorkCover Corporation. My understanding is that there have been personnel changes, a new CEO, management changes and good, solid, strong, firm business, community and union leadership on that board, but driven by Mr Carter—and I am very pleased the leader has given me this opportunity because Mr Bruce Carter would be known to many as one of this state's, if not this state's, leading turnaround business person—a clumsy set of words: a person who is able to turnaround businesses which are ailing. He has done that successfully with—

The Hon. Dean Brown interjecting:

The Hon. K.O. FOLEY: Are you suggesting Tim Marcus Clark and Bruce Carter have something in common? Is that what the Leader of the Opposition was trying to put?

The SPEAKER: Order!

The Hon. K.O. FOLEY: Well, Mr Speaker, I am offended that the Deputy Leader of the Opposition—

The SPEAKER: Order!

Mr MEIER: I have a point of order, Mr Speaker.

The Hon. K.O. FOLEY: —ought compare Tim Marcus Clark to Bruce Carter. That is a disgrace and he should apologise.

The SPEAKER: Order!

Mr MEIER: Mr Speaker, my point of order is regarding the interjection about Tim Marcus Clark. At the time he was considered the best person in Australia to look after the State Bank.

The SPEAKER: There is no point of order.

The Hon. K.O. FOLEY: It is rank politics that the Deputy Leader of the Opposition would in the same breath mention Tim Marcus Clark and Bruce Carter. You are a disgrace!

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. First, I think you had already ruled that the Deputy Premier was out of order, and he has stood and defied your ruling and immediately repeated a false accusation, because I made no such claim. But my concern is the extent to which the Deputy Premier, time after time, defies the rulings of the chair, knowing that he is breaching standing orders and knowing quite well that he is making dishonest claims within this house.

The SPEAKER: The Deputy Leader of the Opposition should understand that the reason the Deputy Premier reacted in the fashion in which he did was because of the interjections which he, the deputy leader, put into the proceedings in the chamber in a quite disorderly fashion. That is no less disorderly than the behaviour of the Deputy Premier—who should know, as I am sure he does know, that his role in question time is to answer questions and not attempt to second-guess anything that may be said by way of interjection across the chamber as to what it might mean or what the motives for saying it were. Leave it to the chair to keep the house in order and, more particularly, do not continue debating after the chair has called for order, and especially not when the chair rises. The matter is best put behind us, knowing that it does us no credit to indulge ourselves in this fashion. The honourable the Treasurer.

The Hon. K.O. FOLEY: Thank you, sir. I think enough has been said on that. What I am attempting to put on the record is this, if I can be allowed to do so. The question was: have I been briefed on a further deterioration in WorkCover? I will come back to the house with what information I can find in respect of WorkCover at this point, but it was a question that is timely in that it allows an answer that—

Members interjecting:

The Hon. K.O. FOLEY: No, it allows an answer that shows that WorkCover is under excellent management and excellent leadership from the board. That board is under Bruce Carter's chair, who has successfully turned around Balfours and Harris Scarfes, and appropriately dealt with the debacle that was the Wine Centre. This is a person who is one of the state's most experienced, qualified and talented business people, and he is now doing the same with WorkCover.

The Hon. R.G. KERIN: I rise on a point of order, Mr Speaker, concerning relevance. The question, very clearly, was whether or not the Deputy Premier had been briefed, and he has got into all sorts of debate ever since.

The SPEAKER: As to whether he has been briefed or not, I understand; but the Deputy Premier naturally sees that as indicating (especially using the pejorative 'deteriorating' as an adjective in the sentence in which the question was asked, thereby challenging, if not requiring) that the Treasurer defend the work undertaken by the person charged in law with the responsibility of managing the affairs of WorkCover. Whilst that is at the perimeter of relevance, it still remains relevant. The Deputy Premier.

The Hon. K.O. FOLEY: The important point here is that a question mark has been put into this place by the Leader. It is a financial institution supported by the government. It is very important that I immediately respond with the information that I can recall, and I will follow up because I do not want unnecessary speculation—

The Hon. R.G. Kerin interjecting:

The Hon. K.O. FOLEY: Sorry? I do not have immediate information to hand that would substantiate the wild accusation that the Leader has made. I will get it checked and come back to the house to see whether or not there is any issue for which the Leader may have a skerrick of correctness in what he said. I am not aware of it; I am going to check it. But I am not going to allow the Leader of the Opposition, firstly, to besmirch the quality, as the Deputy Leader did, of a senior business leader in this state and, secondly, I—

The Hon. R.G. KERIN: I rise on a point of order, sir. The Deputy Premier just misrepresented me, and I ask him to apologise.

The Hon. K.O. FOLEY: Take a substantive motion; I don't know what you are talking about.

The Hon. R.G. KERIN: I rise on a point of order, sir. I asked for an apology and he said that I have criticised Bruce Carter, which I doubt.

The Hon. K.O. FOLEY: I said it was you but then I said that I meant the Deputy Leader. I said that at the time. The point is that WorkCover is strengthening; it is in a much sounder position than when we came to office. The Minister for Industrial Relations has assembled an outstanding board with outstanding management and outstanding leadership, and we are turning it around like we have done to the state's finances, the Motor Accident Commission in this state, and the Wine Centre, like we are doing to every business that the opposition ran into the ground.

Mr WILLIAMS: I rise on a point of order under standing order 98 which states that, in answering a question, the minister should not debate the issue and, in fact, how can the Treasurer make the outrageous claims that he just did when he is trying to indicate that he has not been briefed.

The SPEAKER: I uphold the point of order.

The Hon. R.G. KERIN: I have a supplementary question. Does the Treasurer seek regular briefings from his observer at the board meetings?

The Hon. K.O. FOLEY: Mr Speaker, I—

The Hon. R.G. Kerin: He can't.

The Hon. K.O. FOLEY: Sorry? I have undertaken to come back to the house. The Under Treasurer is an observer on the WorkCover board. From time to time, if the Under Treasurer thinks I need to be made aware of certain matters, I am made aware of them. I actually answered the question. I cannot recall an issue that he has raised with me that would enable me to have any concern along the lines of which the Leader has outlined to the house in his first question. I have undertaken to get back to him and I will as soon as I can.

CLIMATE CHANGE

Mr CAICA (Colton): My question is to the Minister for Environment and Conservation. Given that a worldwide agreement has been reached on Kyoto and the state government's commitment to tackling climate change, what is being done to reduce greenhouse emissions from the Adelaide CBD?

The Hon. J.D. HILL (Minister for Environment and Conservation): This is an important day today because the Kyoto Protocol comes into play in many countries—sadly, not this one. Climate change is one of the most significant issues facing this world, so that is why the government is taking positive steps in conjunction with the City of Adelaide with the aim of making Adelaide a greenhouse-neutral city. The strategy will aim to make Adelaide a leading green city, dramatically reducing greenhouse gas emissions to become greenhouse-neutral in buildings by 2012 and in transport by 2020. Just under 2 million tonnes of carbon dioxide are emitted annually in the city of Adelaide with metropolitan Adelaide producing 25 million tonnes a year, or almost 23 tonnes per person. That is double the amount produced by the average Londoner.

To change these disturbing figures we must reduce our non-renewable energy use. We can do this through efficient energy use and buying renewable energy, such as solar and wind, and we need to use cars less and public transport more. We need to make it easier and safer for people to cycle and walk to work. Planting more trees through the government's Three Million Trees program is also part of the solution.

There are some demonstration projects under way, such as Active Adelaide, which encourages and supports people to cycle to work. There was a competition to develop plans for an affordable medium-density inner city housing development and the winning plan will be built demonstrating how green building design can be put into practice. Another joint program is Baseline, which has audited the energy use of 19 small businesses in the city and, through simple cost effective measures, the businesses are able to reduce their energy use by about 10 per cent. The Greenhouse Neutral Adelaide strategy will help meet some of the targets in South Australia's strategic plan as well. In particular, it will help achieve the targets for greenhouse emissions in the first commitment period of the Kyoto Protocol and reduce our state's ecological footprint.

I would like to congratulate the Adelaide City Council for its commitment to this, and to working in partnership with the state government to really, truly turn Adelaide into a green city.

WORKCOVER

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Industrial Relations. Will the minister inform the house on the extent of the deterioration of WorkCover's financial position this financial year and the latest forecast of unfunded liability?

The September WorkCover quarterly report shows that claim payments are up by 20 per cent on the previous July quarter and the opposition has been informed that this growth in claims has continued in the December quarter. The ministerial code of conduct states:

> Ministers are obliged to give parliament full, accurate and timely accounts of all public money over which parliament has given them authority.

The SPEAKER: The honourable leader knows that the explanation is really presenting cogent debating points which would justify and support the implied purpose behind asking the question and the righteous—if not self-righteous—rejoinder implied in the last sentence of the remarks made under the guise of being an explanation. That would be better undertaken after 20 to 25 minutes of question time in an hour-long debate on matters of public polity in the fashion I have suggested before. Greater balance can be obtained but, more important than that, the standing orders of the house—which the house has agreed to accept and conduct itself and its business by—would not be breached.

No-one can say that it is a little bit okay to do a little bit: it either is or it is not. We need to grow up and stop throwing sand in each other's eyes, knowing that if we do so we tempt the supervisor on duty in the kindergarten to try to discipline us. Then we can blame the duty supervisor or, at least, we can call on our parents—whoever they may be—to do likewise. It is childish behaviour.

The Hon. K.O. FOLEY (Deputy Premier): I will take this question because, while I am sure that my colleague can add more to it, I undertook to come back to the house. My chief of staff has just this moment briefly spoken to the Under Treasurer whose direct line of reporting—I must be correct in saying—in this instance, as an observer, is to the Minister for Industrial Relations. But, obviously as Treasurer—

Members interjecting:

The Hon. K.O. FOLEY: They will let him answer the question!

Members interjecting:

The Hon. K.O. FOLEY: And the Under Treasurer—

Members interjecting:

The Hon. K.O. FOLEY: No, I am providing up-to-date information. As I said, we will get a more detailed analysis of the issues put forward, but the Under Treasurer has advised—

Members interjecting:

The Hon. K.O. FOLEY: Perhaps we could just be a little quiet. The Under Treasurer has just advised my chief of staff, who has just advised me, that in recent months the percentage funding of WorkCover has improved—that with recent strengths in the equity market the funded position of WorkCover has improved in recent months. We will get more information and come back with a more complete answer.

SUICIDE, REGIONAL SA

Ms BREUER (Giles): My question is to the Minister for Health.

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! Will the honourable member for Giles begin again. The Deputy Premier's voice is much louder than the honourable member for Giles, even without a microphone.

Ms BREUER: Not always, sir. My question is to the Minister for Health. What is the government doing to address the prevalence of suicides in regional South Australia?

The Hon. L. STEVENS (Minister for Health): I thank the member for Giles for her question and for her interest in this issue. We know that suicides of young men are more common in rural and regional areas, and that is why the government is providing $680 000 over two years for suicide prevention initiatives in country South Australia. These initiatives will particularly focus on young men. Funded through the social inclusion board, the initiatives will support local communities in regional, rural and remote areas of this state to access existing suicide prevention and postvention services, and to help them to develop their own local and unique responses.

Support will be provided for training, resource materials and grants to establish initiatives and programs that bring together all the players including health agencies, schools, churches, community organisations and local government. Country health regions have been invited to submit expressions of interest to conduct these local projects. Suicide is having a heavy impact in regional and rural communities. This funding is deliberately directed at working with grass roots local communities. It will help them build their own local capacity to deal with suicide and its prevention. The initiative will also ensure that regional communities can access general mental health awareness programs such as beyondblue, Mind Matters and the Bounceback Foundation's Online Dreaming.

WORKCOVER

The Hon. R.G. KERIN (Leader of the Opposition): Has the Minister for Industrial Relations been told about problems in WorkCover across a range of its performance areas and, if so, will he advise the house what he has been told and what action he has taken? The September quarterly management performance report on WorkCover's own critical success indicators show that WorkCover failed to reach target in 12 of the 13 categories reported on.

The SPEAKER: Before the honourable Minister for Industrial Relations speaks, can I advise the house that any questions for the Premer during the course of question time today will be taken by the Deputy Premier.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): It is well known as a result of the mess left by the former government that there has been a range of problems that have been left for WorkCover. As has been already correctly reported by the Deputy Premier, at the very first opportunity this government brought in a new board, and that new board appointed a new chief executive officer. There is also now a new management structure that has been put in place. There may still be one appointment that needs to be made in regard to that. Of course, a lot of that in regard to the management structure was identified by the Mountford Report, which identified the mess that was left by the former Liberal government. As I have said previously, the mess that has been left by the former Liberal government will take some time to address—

Mr BRINDAL: On a point of order, Mr Speaker, the minister is required to answer the substance of the question and not enter into debate. The minister used the expression 'mess left by the former Liberal government' three times. Mr Speaker, is that not debate?

The Hon. K.O. Foley interjecting:

The SPEAKER: It is debate. The Deputy Premier is correct in saying that it is debate and it is out of order.

GOSSYP RESOURCE FOR YOUNG PARENTS

Mrs GERAGHTY (Torrens): My question is to the Minister for Youth. What resources are available to assist young parents through pregnancy?

The Hon. S.W. KEY (Minister for Youth): There is a wide range of support and services available to young parents through the health, families and communities, and also the youth portfolios. In my role as the Minister for Youth, I was very pleased to have the opportunity to launch a wonderful new publication called *Guide to Sanity and Survival for Young Parents* or, in short, GOSSYP.

GOSSYP is a collaborative effort, involving the Office for Youth, Adelaide Central Community Health, the Second Story, Child and Youth Health and, most importantly, a group of young parents who conceived the idea—as well as other things—nursed it through its gestation period and finally gave birth to what is an excellent reference guide.The member for Torrens and I had the opportunity to meet these young parents, and we were very impressed with the foresight demonstrated by these young people.

The Youth Grants Scheme provided $14 500 towards the production of the GOSSYP booklet, and it is pleasing to see that this scheme is being used in such a productive way and also adding to the different ways in which we are trying to give young people a voice in our community. The need for a parenting resource that is specifically for young people was an idea that came from the young parents themselves. They planned, researched, developed and helped write the document, incorporating their own stories, experiences and illustrations into the guide. The result is a comprehensive and impressive reference, covering a range of issues for young parents, such as caring for oneself during pregnancy, caring for a baby, safe and healthy relationships, nutrition and feeding, body image, managing stress, housing options, budgeting and child care.

In addition, the resource contains useful information on relevant services to assist young people. One of the chapters I particularly like is how to survive in Adelaide, and South Australia generally, on cheap and free services and activities that are available. I recommend that chapter to members in this house, because it demonstrates a way in which people on a low income can access services and support for little or no money. The good news is that this publication has been so well received that every one of the 4 500 women under 25 who give birth each year will receive a free copy of the booklet, through the Universal Home Visiting Program. I am happy to provide a copy of this publication to all members, through the parliamentary letterbox process. I hope members will order further copies for their electorate offices.

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. Why did the Attorney-General swear under oath that the phrase 'preserved funds' had not been used in talks with his former CEO when yesterday in question time the Attorney-General said that his former CEO, Kate Lennon, used expressions such as 'preserved funds' in discussions with him? In the transcript of the Attorney-General's evidence given under oath to the Auditor-General, Mr Marsh asked the Attorney the following question:

> In the documentation we have seen there is a reference by AGD staff to preservation of funds, was that a term that was ever used in talking to you?

The Attorney-General replied:

> I am afraid it doesn't ring a bell.

Yesterday, the Attorney-General told the house the following:

> . . . she [Kate Lennon] did not use the term 'Crown Solicitor's Trust Account'. What she used were expressions such as 'preserved funds', 'set aside funds', 'carryover funds'—euphemisms to avoid mentioning the trust account that dare not speak its name.

The Hon. M.J. ATKINSON (Attorney-General): Yesterday, I was, of course, paraphrasing what Kate Lennon said in her evidence.

An honourable member: What?

The Hon. M.J. ATKINSON: I was paraphrasing what Kate Lennon said in her evidence. For months—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: —the opposition has been coming in here and trying to say that I knew about the Crown Solicitor's Trust Account. They have now given up on that.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: Kate Lennon, in her evidence, made it quite clear—

Mr HANNA: I rise on a point of order, Mr Speaker. I ask whether this evidence is in the public domain because, if it is, it would be out of order to refer to it.

The SPEAKER: Order! It is out of order to refer to the evidence. I think the honourable Attorney has answered the thrust of the question put by the leader in any event. We will move on.

The Hon. R.G. KERIN: On a point of order, Mr Speaker, the question did not refer to any evidence before the committee. It was the Attorney who was referring to evidence.

The SPEAKER: Order! As I recall it, the question referred to the affidavit sworn by the Attorney-General before the Auditor-General prior to any inquiry getting on foot. However, as I understand it, the information contained in that affidavit is now in the possession of the Economic and Finance Committee. The Attorney can refer to what he said in the affidavit in his response to inquiries but not to what other people have said in response to inquiries put to them by the members of the committee in the course of doing their work. The Attorney has addressed the question as to why he used the term. In his opinion, he did not. I think it is time to move on.

SOUTH AUSTRALIAN YOUTH ENGAGEMENT STRATEGY

Ms RANKINE (Wright): My question is to the Minister for Education and Children's Services. What measures has the government put in place to ensure that all young people will remain in schools, in training or in work until the age of 19?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for

Wright for her question. As members would know she is committed to youth employment and engagement, so it is appropriate that she should ask this question. The government would like all South Australian youth to be earning or learning, and I am directing the South Australian Youth Engagement Strategy to bring about this end. SAYES will help all young people to achieve their potential. It is aimed at all young people aged between 15 and 19 to make sure that they are in school, in training or in work. This is a huge task that will take us well into the next decade. It is estimated that 8 000 young people aged between 15 and 19 are out of work, school or training, with a further 7 000 having only part-time work, and 500 involved in part-time schooling or training.

We have made significant headway in dealing with this cohort of young people through our $28.4 million school retention package through the Social Inclusion Unit. This year we have had the highest school retention rate in the last eight years. Staying at school improves a young person's opportunities for work and their life prospects in the future. That is why we increased the compulsory school leaving age from 15 to 16 in the first legislation that we passed through parliament following the election.

The South Australian State Strategic Plan has set a target to increase the school leaving age to 17 and to have 90 per cent of students in work, in school or in training by the year 2010. The South Australian Youth Engagement Strategy is the first strategy for more than a decade to deal solely with youth engagement through this cohort of young people. To assist in tracking the career paths of these young people and to make sure that each student is engaged in work, school or training, we have developed a unique student ID, which will be trialled this year in the government school sector, but in future years we hope to include non-government schools so that we can track young people through the education process into post-secondary career paths.

We intend that each person should realise their ambitions and dreams either through being at school or in work or in training, perhaps through TAFE or university. We are aware that some people have particular needs and difficulties in re-engaging once they have dropped out of school, so our learning or earning strategy involves a series of actions.

The first, as I mentioned, is the $28.4 million four-year school retention strategy. On top of that is my colleague's SA Works and Youth Works employment and study programs and the $13.5 million three-year strategy Futures Connect to support every student with career and transition advice. We have expanded vocational education and training opportunities in schools and instituted a $2 million school attendance improvement package. In addition, there is a $5.6 million four-year student mentoring program to assist up to 800 15-year-olds who are at risk of dropping out of school.

Finally, we expect the SACE review to deliver dividends even greater than through these programs by having certification which encourages and enhances a young person's opportunities but which, in particular, values achievement other than in traditional academic ways and encourages young people who might be disengaged to take alternative paths. By this means we want to guarantee that every young South Australian has a future and an opportunity—and perhaps it might have been better if those opposite had even thought of these strategies a decade ago.

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: The member for MacKillop is out of order.

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. When Kate Lennon discussed carryover funds with the Attorney-General, did the Attorney-General—

Mr Koutsantonis interjecting:

The SPEAKER: Order! The member for West Torrens will take a walk if he persists in such disorderly behaviour, on the two counts that it is not the place in which the member for West Torrens can be recognised, nor is it orderly to begin a diatribe against the member who has the call when making an inquiry.

The Hon. R.G. KERIN: Thank you, Mr Speaker. When Kate Lennon discussed carryover funds with the Attorney-General, did the Attorney-General ever ask Kate Lennon whether any of the funds being carried over had Treasury approval?

The Hon. M.J. ATKINSON (Attorney-General): The Auditor-General has dealt with this point. Ministers are entitled to rely on their chief executives managing the finances lawfully. Imagine if I had gone into my weekly meeting with my former chief executive and said 'Kate—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order! The member for Davenport is out of order.

The Hon. M.J. ATKINSON: What if I went into my meeting with my chief executive and said, 'Kate, are you breaching the Public Finance and Audit Act, or have you breached the Treasurer's instructions lately?' She would have said, 'Oh, no, Mr Attorney.' That is what she would have said. I am entitled to rely on my chief executive to act lawfully, in accordance with Treasurer's instructions and the Public Finance and Audit Act. The Public Sector Management Act allocates responsibility for the finances—

The Hon. DEAN BROWN: Sir, I rise on a point of order. The question asked was a very simple question; whether the Attorney-General had asked his chief executive officer. The Attorney-General is now trying to debate it but, more importantly, is not answering the question, as required under standing orders.

The SPEAKER: The Attorney has the call. I do not uphold the point of order.

The Hon. M.J. ATKINSON: Thank you, Mr Speaker. So, of course, I trusted my former chief executive to act in accordance with the law. I did not ask her whether she was behaving unlawfully because, as many people have said in this controversy, when the crookedness is at such high levels in the public service, there are no rules that could contain that crookedness.

I know the Liberal opposition does not like it being revealed that their people were not misusing the Crown Solicitor's Trust Account for the good of South Australians but to pamper themselves and their mates. Mr Speaker, I can assure the house that, for as long as I am a minister and that so long as I am a member of parliament, I will not be staying at a six-star hotel.

Mr BRINDAL (Unley): My supplementary question is directed to the Minister for Transport. Given the Attorney-General's answer to this house, why did she personally insist on signing all the cheques when she was minister for education? Did she not trust her CEO?

The SPEAKER: The member for Unley is mistaken in thinking that the question he seeks to ask as a supplementary

question is in any direct sense relevant to the inquiry made by the leader about the Attorney-General's interaction with the former CEO of the Justice Department: it is not. It is another matter altogether.

CARNEVALE

Ms CICCARELLO (Norwood): My question is to the Minister for Multicultural Affairs. Will the minister inform the house about the government support provided to the Italian community and the 2005 Carnevale?

The Hon. M.J. ATKINSON (Minister for Multicultural Affairs): Carnevale in Adelaide is recognised as one of the highlights of South Australia's multicultural calendar. Carnevale in Adelaide has a reputation for being among the best events on South Australia's impressive multicultural calendar. It is an event which South Australians of all backgrounds look forward to and enjoy each year. Once again, this year's Carnevale attracted huge crowds of which I was in the midst, along with my friend Bob Francis, and the Carnevale provided outstanding entertainment and information in true Italian style. This year the Premier delivered on his promise to address the people there in Italian. The Premier also led a choir of politicians, including that karaoke specialist the Leader of the Opposition and the member for Norwood (that songbird) in a rousing rendition of—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: —*That's Amoré*, to the wild applause of thousands. I have heard that there is a video circulating and I hope to acquire a copy. I gather that *Carnevale* roughly translated might mean 'goodbye to meat' because it is a carnival on the eve of Lent. It is a successful and important cultural event that provides an opportunity for the Italian community and others to showcase and share their culture, values and traditions with South Australians of all backgrounds. It was my culinary delight to attend the Calabria Sports and Social Club stall and to eat my fill of trippa before Ash Wednesday—one of my favourite dishes. I have just joined the tripe club.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: There is a tripe club that organises lunches, sir, you will be pleased to know.

The SPEAKER: Order! The Attorney-General—

The Hon. M.J. ATKINSON: Because I am served it in question time regularly from the other side and have got used to the flavour.

The SPEAKER: Order! The question was explicitly about funds for the Italian *Carnevale*, not food from it.

The Hon. M.J. ATKINSON: Mr Speaker, I was also pleased to attend the St Hilarion Society stall and to enjoy some zeppoli, and I was also pleased to be invited into the Veneto Club for some chinotto and snacks. The South Australian government recognises the benefits of this important festival and has been willing to support it appropriately. On Sunday the Premier handed over a cheque for $22 000 to the Coordinating Italian Committee, the organisers of Carnevale in Adelaide. I am pleased that this represents an increase of about 65 per cent on our support last year. The South Australian government recognises that multiculturalism is among the greatest achievements and assets of our state.

Alas, there are some members of the opposition who do not agree with that proposition.

An honourable member interjecting:

The Hon. M.J. ATKINSON: I suggest you talk to the member for Stuart. Multiculturalism has played an important role in preventing division and disunity in South Australia, even when other parts of the world are in turmoil. The event makes it possible for many South Australians to experience the fun and recognise the benefits of cultural diversity.

The festival is also an important fundraising event. Funds from the Carnevale in Adelaide help essential services to be given to ageing Italo-Australian community members and make possible contributions to many needy charity and cultural groups. The government has been pleased to be able to support this event, and I look forward to yet another successful Carnevale in Adelaide in 2006—and, as the member for Morialta said, may it be bathed again in glorious sunshine.

The SPEAKER: The honourable member for Mawson.

The Hon. P.F. Conlon: Come on, is that all there is, Kerin?

The SPEAKER: Order! The honourable member for Mawson has the call.

POLICE, RECRUITMENT

Mr BROKENSHIRE (Mawson): Thank you, Mr Speaker. My question is to the Minister for Police. Has the minister received any advice that reaching the target of 200 extra police above and beyond attrition by September 2005 is not obtainable? On Monday in the house the minister stated that the targets of recruiting 200 extra police are 'becoming increasingly difficult to meet, and it may be that there will be slippage'.

The Hon. K.O. FOLEY (Minister for Police): I have been saying that for some time, or words to that effect. The interesting point is that I attended a police graduation today when 25 fine South Australians—

Mr Brokenshire interjecting:

The Hon. K.O. FOLEY: I am getting to you. Twenty-five fine South Australians graduated—a very strong course in terms of numbers. It is interesting to note that, of the 25 who graduated today, 13 were females and 12 were males. That is a good ratio. I am told by the commissioner that applicants for recruitment are running at about 50-50 male and female, which is very good, and that was an encouraging sign. I made the point, which I have certainly not hidden from, that in the very tight labour market recruiting an extra 200—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Sir, there are more police today than when the Liberals were in office. That is point one. Secondly, we have a strong recruitment program but, because of the tight labour market, it is a very difficult task. That is why we are bringing in 60 extra police officers from the United Kingdom. The opposition does not want them to come to South Australia and thinks they are incompetent. Well, I do not share that view. The Commissioner of Police and I talk regularly—weekly—about the recruitment program, and it is a very fluid environment. The Police Commissioner in conversation today gave me some more information about recruitment that makes me feel more optimistic.

Members interjecting:

The Hon. K.O. FOLEY: Well, it is a very fluid environment at present.

Mr Brokenshire: So are your answers. They are different every day.

Members interjecting:

The Hon. K.O. FOLEY: It is a ghost town.

The SPEAKER: Order!

The Hon. K.O. FOLEY: Mr Speaker, let us see whether the shadow minister for police is as courageous with his questioning when he meets with the Police Commissioner to be briefed on recruitment as he is in this place, because I bet he did not put this question to the Police Commissioner today. I bet he does not criticise the Police Commissioner face-to-face when he is briefed. I suspect he will sit there and nod and agree—

Mr BROKENSHIRE: I rise on a point of order. I have let the minister go on for a while. It was a specific question: is he going to attain his target of September 2005—yes or no?

The Hon. K.O. FOLEY: It is too early to tell. I am confident that we are doing all we can to achieve that target. I think we will get there, but the point I make is that it is—

The Hon. W.A. Matthew: I think I can, I think I can.

The Hon. K.O. FOLEY: Exactly; I think I can. I think we can do it, but I cannot be any more confident than that because, as I have been telling the house for six months, there is 5 per cent unemployment in Australia. There is a tight labour market. Attrition, at times, appears to be running stronger than we can expect. All these things mean that it is a very fluid environment—the labour market is tight. I did not see the shadow minister for police questioning the Police Commissioner about this today. I do not think the shadow minister will have the courage to criticise the Commissioner face to face. I suspect that he will have a nice cup of tea with the Commissioner, receive a briefing, and wait until he can come back in here, in coward's castle, and throw the mud.

RAU, Ms C.

Mr HANNA (Mitchell): My question is to the Minister for Health. Given that the minister's answer to my question yesterday did not reveal any obstacles to intervention by South Australian mental health authorities when Cornelia Rau was detained in Baxter Detention Centre, what efforts were made by our agencies to assess or treat her while she was there?

The Hon. L. STEVENS (Minister for Health): I thank the member for Mitchell for the question. The member asked a question, as he mentioned, in relation to this matter yesterday and, during that answer, I said that there was an inquiry established by the federal government and that we would be cooperating fully with that inquiry in order to get to the bottom of all the issues involved. Efforts were made by rural and remote mental health services based at Glenside Hospital to assess Ms Rau in November last year and contact was again made in January. On 21 January, Dr Jonathan Phillips, the Director of Mental Health Services here in South Australia, took a direct interest in this matter and, subsequently, Ms Rau was transferred to Glenside Hospital, where she remains. However, the particulars of this are a matter for the inquiry, and it would be inappropriate for me to canvass those details outside that inquiry.

I can also inform members that over recent months we have been trying to finalise a memorandum of understanding with the federal government which will define smooth clinical pathways for the treatment of detainees requiring mental health services. Last week my department advised me that DIMIA has now committed to finalising the MOU.

POLICE, RECRUITMENT

Mr BROKENSHIRE (Mawson): My question is to the Treasurer.

Members interjecting:

The SPEAKER: Order!

Mr BROKENSHIRE: My question is to the Minister for Police. Given the increased need for training of police recruits and the importance of the police academy, why is the government assessing planning to sell prime esplanade frontage allotments for development that is currently being occupied as part of the police academy at Fort Largs? The opposition is aware that Colliers International has been appointed by South Australia Police to develop a land development concept. Police sources have advised the opposition that, because plans are being put into place to sell land at the police academy on the foreshore, maintenance is not occurring.

The Hon. K.O. FOLEY (Minister for Police): Maybe this is just a sign that I have been around for a little longer than I sometimes wish I had been, because I can recall the member for Bright, when he was the police minister, considering—and he is nodding his head in agreement—the sale of the police academy at Fort Largs. I campaigned against it as the local member, and do you know why, sir? It was because, I think in the mid-1990s—I think I am correct or pretty close to it—we did not recruit a police officer for one whole year. That is when the then Liberal government drove down police numbers in this state, from memory, to somewhere in the order of 3 500 police officers—about 500 fewer than there are today. And the member for Bright, the then minister for police, was giving serious consideration to selling the Police Academy.

Members interjecting:

The SPEAKER: Order!

Mr BROKENSHIRE: I rise on a point of order. This is a specific question under standing order 98. Colliers International has been appointed to do the assessments. Are they going to sell these prime esplanade blocks of land?

The SPEAKER: Order! The honourable member for Mawson did not have a point of order.

The Hon. K.O. FOLEY: The member for Wright reminds me that during those days they cut the budget for the police horses in half and put the police dogs on dry food. That is how stingy they were back in the 1990s. They wanted to get rid of the police band!

Members interjecting:

The SPEAKER: Order!

ABORIGINAL HOUSING AUTHORITY

The Hon. G.M. GUNN (Stuart): My question is directed to the minister responsible for Aboriginal housing. Does the ban placed on my staff and me having any contact with the Aboriginal Housing Authority office at Port Augusta still stand? Does this ban have the approval of the federal minister, who supplies the majority of the money for Aboriginal housing in this state? Does this ban also apply to Labor members of parliament? In the years 2000 to 2004, the federal government provided just on $14.5 million for Aboriginal housing. In a document circulated around Quorn, the member for Giles had this to say:

> This includes help with issues related to services provided by the state government like housing...

That was a letter put around indicating that they were allowed to help, but I have been denied my right as a member of parliament.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): In fact, I think I have direct responsibility for the Aboriginal Housing Authority, which was, I think, at the heart of the question raised by the member for Stuart. He raised these matters in a grievance yesterday and I have asked for a response to be prepared—indeed, I had officers from the AHA in my office this morning asking them about this. I make this absolutely clear: no member of parliament is banned from accessing any state government agency. If anyone has said such a thing then they can 'unsay' it.

Mr Brindal interjecting:

The SPEAKER: Order! I cannot hear the honourable minister. Would he please direct the other microphone to his left so that the house and I can hear what he is saying.

The Hon. J.W. WEATHERILL: I repeat, sir, I have responsibility for the Aboriginal Housing Authority, which, I understand, is the agency that the member for Stuart has had some difficulties with. All members are, of course, entitled to have access to state government agencies: there is no ban on any state member of parliament. I would like to make some remarks about Aboriginal housing issues in Port Augusta, which I understand might be at the heart of some of these issues.

The SPEAKER: Only in the context that they are relevant to the inquiry put by the member for Stuart about an interference in his rights, responsibilities and, indeed, privileges as a member of this place.

The Hon. J.W. WEATHERILL: Certainly, sir. I can say that it would be helpful for all members of the community in leadership positions—whether they be members of parliament, mayors or anyone who holds a position of some authority—to actually use temperate language in the way they seek to address the public policy matters that confront the Aboriginal housing issues in Port Augusta. I think what tends to happen (and it is a very easy thing to do) is that, whenever an Aboriginal person comes into the Port Augusta area—it does not matter whence they came, whether it is the Northern Territory, the APY lands or wherever—and if they behave in a way that causes concern in the community, it seems that the blame is sheeted home to the Aboriginal Housing Authority and it is mystically meant to be able to solve any concern or grievance within the Aboriginal community generally.

I think that that is an unfair burden to place on a small agency that deals with one very small aspect of housing of aboriginal people. That is not to say that there are not some serious issues that need to be addressed in the Port Augusta region, which I believe would be assisted if we could achieve an outcome in a collaborative way. One very important initiative that we are having discussions about with the Port Augusta community and the Port Augusta council is the opportunity for the establishment of a further transitional facility similar to the one that works very effectively in the Ceduna area. That facility will ensure that when we have large groups of people on a transient basis that move into town areas, they do not cause overcrowding in existing AHA tenancies, and that there is some place that they can go to be accommodated in the meantime, as they move in and out of these town areas.

A number of the disturbances which have been related, I think, to the issues that are presently a concern at Port Augusta can be related to the lack of appropriate accommodation facilities to grapple with those issues. I have had positive feedback from the Mayor of Port Augusta about these issues in the past. She continues to express concerns but I am confident that we can resolve with her, her council and, indeed, the member for Stuart, some of the difficult issues that occur in Port Augusta. I repeat, he is not banned from accessing any government agency, in particular the Aboriginal Housing Authority.

GOVERNMENT AGENCIES, ACCESS

Ms CHAPMAN (Bragg): I have a supplementary question to the Deputy Premier, whom I understand is taking questions on behalf of the Premier: given the statement of the minister that members of parliament are to have access to all agencies, does he agree with that?

The Hon. K.O. FOLEY (Deputy Premier): Do I agree with members of parliament having access to agencies? I served in opposition for eight years and I know exactly what the Liberal party was like in government with access. We are far different, and if members of the opposition want access to agencies all they need to do is ask.

POLICE SWITCHBOARD

Mr BROKENSHIRE (Mawson): My question is again to the Minister for Police. Will the minister advise the house why the government is closing down the main switchboard at South Australia Police headquarters at Flinders Street Adelaide. With your leave and by concurrence of the house I wish to explain.

The SPEAKER: Leave is not granted. The question is plain enough. The honourable Deputy Premier understands.

The Hon. K.O. FOLEY (Minister for Police): I don't know that we are closing down a switchboard, Mr Speaker. I think if the inference is that we are somehow not going to have communications with the police that is an absurd question. We are 'closing down the switchboard at Flinders Street because they have not got any money; budget cuts'—what a desperate, pathetic, nonsense question. I will ask the Commissioner of Police to advise me whether or not, due to maintenance or other reasons such as upgrading technology, shifting premises—I do not know why; there may be some activity involving a switchboard at a police station. What I can say to the house is that I am certain that there is no affect to communications. Anyway, I doubt that it is a reflection of any budgetary issues. It is at the end of question time on day three of a sitting week, and the opposition is so bereft of decent questions.

DISABLED, RESPITE

Mr VENNING (Schubert): Is the Minister for Families and Communities aware that the federal government is still awaiting the minister's sign-off on a funding package designed to provide respite for older people who care for disabled people? On 10 February 2005, the minister stated to the house:

> We have agreed with the federal government a $12 million package of additional support for respite for people who care for disabled people.

We have been advised by the office of minister Kay Patterson, the minister responsible for this program, that she is yet to send to the minister the formal offer or receive the state minister's sign-off. Furthermore, the offer of the federal

component of the funding was made to the state in May 2004, and no response—

The SPEAKER: Order! The honourable member is debating. It is all interesting information, but it does not enhance my understanding of the question. I understood the question clearly when it was asked. If the honourable member or any other honourable members want to engage in providing the house with that kind of information, they best do it in the grievance debates. The minister.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): This is a strange question indeed. In fact, earlier this week, I announced that we have put our money on the table, we had the funding in place and the scheme was being rolled out. We have had communications with the minister's office about these very matters. There was a little hiccup, I must say, because, apparently, while we had agreement between officers at a federal level, they had not brought the federal minister into the loop. So, there is some formal documentation that needs to be signed off. I was anxious to get out and start spending this money, and I would have thought that those opposite would be keen for me to get—

The SPEAKER: Order! The minister is now doing what I told the member for Schubert he may not do, that is, debate the question. The minister has answered the question. There was a problem; it has been solved.

SCHOOLS, FUNDING

Ms CHAPMAN (Bragg): Will the Minister for Education and Children's Services explain why there was a delay in the handing over of commonwealth funding grants to schools this year and what impact that had, particularly on low fee schools?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I understand that the member for Bragg's question relates to a delay in handing over funding to independent or low fee schools.

The SPEAKER: From the commonwealth.

The Hon. J.D. LOMAX-SMITH: I have no knowledge of any delay in funding that impacted adversely on schools. I do know that there was a request from the independent schools sector for us to expedite some funding release. Within two days of receiving that request, we had acted and the money went to the schools involved. If there is any other problem beyond that, I will look into it and report back.

WORKCOVER

The Hon. K.O. FOLEY (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: I can provide the house with further information on WorkCover's current financial position. As I understand it, the opposition today has released a press statement accusing the government of a cover-up and comparing the position of WorkCover, I am advised, with the fate of the State Bank.

The Hon. R.G. Kerin interjecting:

The Hon. K.O. FOLEY: I am advised that is what is in a press release. We will wait and see if that is the case. This is preliminary advice: as I have always said, we will come back to the house with more considered information. I am advised, from information provided by the Under Treasurer, that for the year to 31 December 2004 WorkCover is significantly ahead of budget because of higher than expected levy income (up $11.8 million) and investment income (up $42.9 million). I am further advised that this is partly offset by higher net claims paid by up to $7.9 million. I am advised that the budgeted funded position as at 30 December 2004 was 60.2 per cent. I am also advised that WorkCover has exceeded this budgeted target and reported an actual funded position of 64.2 per cent. If the opposition wishes to compare WorkCover with the State Bank, it is doing so and putting WorkCover in a position of risk it need not be in.

REPLIES TO QUESTIONS

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

Leave granted.

The Hon. P.L. WHITE: In the last week of the last session a large number of questions were put on notice by members opposite. There was no mechanism by which they could be tabled in parliament. At the beginning of this session, I began to read into *Hansard* some of the answers to those questions. At that time, there were complaints from members opposite, and it was agreed that those questions to be answered would be put on the *Notice Paper* again. However, a number of questions were not asked again, and there have been claims that I have not answered them. So, I wish to provide those answers for the parliamentary record. On 20 July 2004, Dr McFetridge—

The SPEAKER: Order! The minister knows that she must not refer to members by name.

The Hon. P.L. WHITE: My apologies, Mr Speaker.

Mr BRINDAL: On a point of order, Mr Speaker, would it be orderly for a member of this house to move that the answers the minister is about to read be inserted in *Hansard* without her reading them to the house?

The SPEAKER: Anything is possible.

Mr BRINDAL: I so move, sir.

The SPEAKER: It would not, of course, be possible unless standing orders were suspended. In any event, this is crazy. The opposition is not here to collaborate as between those members who see themselves as belonging to it. If an honourable member seeks information they should ask a question. If the minister has information which the minister believes it is in the public interest to put in the public domain, then the minister makes a statement. The debate in which the minister engaged at the outset of the leave granted by the house to make a statement was disorderly. The sooner members of parliament realise they are elected here to represent people and not parties, the better off we will all be. Does the honourable minister have information that she wishes to place in the public domain?

The Hon. P.L. WHITE: Yes, sir, I do.

The SPEAKER: The minister has leave to make a statement, not to debate her reasons.

The Hon. P.L. WHITE: My reply of 4 August 2004 to the member for Morphett's question of 20 July 2004 is as follows: my department does not provide financial assistance to local councils to dispute the erection of mobile phone towers in residential areas, and there is no expenditure allocated in the 2004-05 budget for this purpose.

My response of 12 August 2004 to the member for Morphett's question of 20 July 2004 is as follows: the increase in the State Bicycle Fund this year from $200 000 to $408 000 will ensure that more initiatives are progressed in partnership with local government to make cycling safer and attractive for more South Australians. The State Bicycle Fund is a subsidy scheme for local councils to progress bicycle initiatives in their local area. The fund has fostered a longstanding partnership between state and local government to encourage cycling. Funded initiatives can include: planning and construction of on or off road cycling paths and lanes; safer facilities to help cyclists to cross busy roads; bicycle parking; and other community-based programs to increase cycling safety and encourage more people to cycle. My department has received submissions from councils to the fund in June. An assessment of the numerous proposals will be completed in August. My response of 13 August 2004—

The SPEAKER: Order! I think the minister understands what I said about having information to put in the public domain. This is not the time to respond to questions that have not been asked during this session.

The Hon. P.L. WHITE: Okay.

The SPEAKER: It is a statement the minister has to make which she believes provides information which is not already in the public domain. What she is doing is debating by restating a proposition, and I believe several such propositions and the information have already been put in the public domain, simply because of the idiocy of the practice of asking questions on notice in the last week. Maybe we will cut questions on notice off two weeks before sessions end, so that there is adequate time for them to be answered by the end of the session. But this is highly disorderly. Does the minister have new information not available to the public that she wishes to put in the public domain? If not, we will move on.

GRIEVANCE DEBATE

EYRE PENINSULA BUSHFIRES

Mr WILLIAMS (MacKillop): Last Monday, at the beginning of this calendar year's sitting of the parliament, a condolence motion was moved in memory of the Black Tuesday fires on Eyre Peninsula on 11 January. In speaking to that motion, I said that there were some other matters that I wished to raise in regard to those fires, and I want to take that opportunity today, it being the twenty-second anniversary of the Ash Wednesday fires of 1983, which ravaged the Adelaide Hills, the South-East of the state and, to a lesser degree, other parts of South Australia and, indeed, Victoria. I want to talk about the culture which seems to have taken over in the CFS—a culture which I am afraid seems to be protected by the current government. In a nutshell, the culture is that it is very easy and expedient to use volunteers, but we had better be careful if in a timely fashion we are to use resources that might cost a few extra dollars. I suspect that that is what happened on the Lower Eyre Peninsula, not on Tuesday 11 January, but on Monday 10 January. That is the nub of what I want to bring to the attention of the house today.

When we suffered that disaster 22 years ago in the South-East, some things changed dramatically. One of the things that changed dramatically was that members of the forestry industry in the South-East, having suffered greatly in those fires, took it upon themselves to ensure that water bombing aeroplanes were on stand-by on high fire danger days. That has been the case for many years in the Lower South-East now. That was partly funded by the forestry industry, including Forestry SA, which is a government instrumentality, but also the other poor old foresters. The attitude to the use of those planes has been that, when there is an outbreak of fire—and, even more particularly, when imminent danger is caused by bad weather occurring simultaneously with an outbreak of fire—we throw everything at it and use those planes to their maximum ability to try to suppress the fire and bring it down to a situation where the volunteers on the ground can tackle it and get it under control, and then out, as quickly as possible.

For example, on Tuesday 11 January this year there was an outbreak of fire just north of Millicent that was started by a header in a paddock. I do not believe that the header should have been working in the paddock on that day, and a lot has been said in the local media about the occurrence of headers working on that day. Two water bombing aeroplanes were scrambled into the air and attended the scene and helped to douse the fire. The volunteer firefighters who travelled from Millicent and the surrounding districts converged on that fire and put it out before it had burnt more than about 30 hectares, I understand. I am told by the CFS personnel in the area that, if that series of events had not occurred, the fire would quickly have been out of control and we would have experienced a situation not dissimilar to that which occurred on the southern Eyre Peninsula.

The debate that has been raging in South Australia for the past month or so over what occurred on Eyre Peninsula should not be about what happened on Tuesday 11 January: it should be about what did not happen on Monday 10 January, and potentially what should have happened on Monday 10 January. The CFS was aware of the impending high fire danger weather conditions which were going to occur across the state on that Tuesday, yet I do not believe that they used every resource that was available on the ground and in the air to ensure that that fire was controlled on the Monday afternoon and throughout the night of Monday 10 January to ensure that there was no danger—not a reduced danger but no danger—of that fire breaking out on Tuesday 11 January.

My suspicions that there are even recriminations within the government and within the CFS and that there are great feelings of guilt are heightened by the fact that even the Premier made statements such as, 'We saw heroism here by the CFS volunteers, and I think it is totally wrong for anybody to be stabbing them in the back.' This is not about the volunteers—and I commend the work carried out by the volunteers in that fire and every other fire that they attend. What I am questioning is whether the CFS hierarchy and the government have a policy that, when a fire breaks out, they throw every resource that is available into the suppression of that fire.

Time expired.

GOLDEN GROVE

Ms RANKINE (Wright): As I said yesterday, Golden Grove is by anyone's standards a very well-planned and picturesque area, and we truly have some quite beautiful landscaping, particularly along our major roads, and some beautiful park areas. I guess the test of what is a successful

development is what residents think. I think it is true to say that the vast majority of people who live out there really enjoy doing so. The amenity of the area is what attracted many people to buy, plus the innovative approach that was taken by the state government at that time to ensure that families were able to access affordable land to build their first homes. We have a range of medium and high density housing, but the area retains a sense of openness because of the landscaping that was undertaken. The amenity of the area is important to residents in relation to the lifestyle they enjoy and, importantly, in relation to the value of their properties, which in turn, I point out, affect the level of rates collected by the local council. I know that the maintenance of Golden Grove has been of real concern to the residents as we face the council taking over full responsibility for the area, and I think it is also fair to say that it has also been a bugbear of council.

For lots of historic reasons, there has been much resentment in council towards Golden Grove, and myths have been allowed to perpetuate. Despite this—or perhaps I should say because of it—for a number of years residents have indicated that they are willing to work with the council in relation to maintenance issues. Indeed, after strong lobbying by the Golden Grove Community Action Group, the council set up a council-wide reference group. I have to pay tribute to Steve Curtis and Dave Haebich, who rallied around as far back as January 2001. I remember attending a council meeting at which 150 residents came along to voice their concern. They were, at that stage, promised consultation. In November 2001, residents still had not seen any action, and eventually a meeting was held at Golden Grove, to which local sporting clubs and even the local member were not invited. However, in April 2002, they eventually set up a city-wide landscape consultative committee. I have to say that the way in which they went about it indicated that they were not really committed to the process, and I guess that was evidenced when the group was disbanded as a result of the 2003 election and never reconvened.

But, credit where credit is due: the maintenance did improve when council decided to take control of these matters in-house rather than outsourcing them. In 2001, we were literally seeing mature trees, rose bushes and parks whither and die before our eyes—and we do not want that to happen again. Residents across our state have accepted very willingly the need to conserve water and use it in the most effective ways. The residents of Golden Grove are no different. In 2001 I was pleading with the council to involve residents in deciding on ways to better manage their parks and gardens. I renewed that plea again in late 2003 in response to council's draft strategic plan, which identified a range of water reduction targets, including a 30 per cent reduction for roadside verges and median strips and a 20 per cent reduction for medium level profile passive reserves such as neighbourhood parks.

I wrote to the council in 2003 urging it to establish a residents' group to help it identify priorities and ways in which we can save water. Residents know their area, they know what is important in their community and they know what can be modified. They know what works and what does not. Implementing water conservation measures is an opportunity to involve and engage residents in a positive and meaningful way. It will ensure council meets its conservation targets, ensure better use of resources and ensure the decisions that are made have the backing and support of the community. We are, after all, talking about their homes and their community. I have received no response to my suggestions, so I have written to council again. I am hoping this time it will listen. Involving residents in the decisions that are taken in their community will ensure a positive outcome for both the community and the council.

BAROSSA WINE TRAIN

Mr VENNING (Schubert): In April 2003 the Barossa Wine Train ceased operation due to the impost of public liability insurance. Since that time, there has been great concern from many sectors within the community as rumours developed about the possible sale of the three Bluebird railcars to interstate or overseas consortiums. Apparently, they were sold but the sales fell through and they are still here. I wonder if that is an omen. On Thursday 6 May 2004 we asked the minister:

1. What was the extent of the government's financial involvement with the former Barossa Wine Train?
2. Have the railcars been sold to a hotel consortium in Sri Lanka and, if so, what are the sale details?
3. Is there any proposal to develop a new tourist rail service to the Barossa Valley and, if so, what are the details?

The answer included that the government provided $170 000 for product marketing initiatives and extra marketing. Also, the Barossa Wine Train is a privately owned business and there are no plans by the government to develop another tourist train service to the Barossa Valley.

I am now reliably informed that two ministers are involved in the process of sale and purchase of our Bluebirds. I hope it is purchase. I am still hopeful that a private-public partnership can be formed to ensure that this service returns to the Barossa. It was a popular and very valued service. If the Bluebird railcars are sold off, the opportunity will be lost, or at least very much diminished. I urge the state government to retain this heritage state icon, the Bluebirds (in which the Queen travelled on her last visit to this state), and assist in partnering a private owner-operator with TransAdelaide to ensure the reinstatement of the Barossa Wine Train.

Many of us, and probably you included, sir, went to school in these historic South Australian railcars—that is, we went home on weekends from boarding school—and these were the last viable passenger rail services for our country rail, whether it be the Iron Triangle, the Mid North cities, the South-East or Broken Hill. These trains were popular. We can learn from the Victorians and other successful tourist trains throughout Australia. They all have government support—some up to 50 per cent. The Barossa community strongly supports the return of the wine train. It is also to be hoped that a daily commuter train service could become a reality for the many Barossa residents who daily commute to Gawler, a service that could be extended a few kilometres to encompass the Barossa.

We need an announcement from this government as to the future of the Bluebird railcars while they are still here (especially if they are going to be sold again) and also the reinstatement of our wine train, and how this government proposes to support the reinstatement of the Barossa service. It was a sad day when the wine train stopped running. It should not have stopped, and much goodwill is lost. It was extremely popular. The wine train—and any other tourism train, for that matter—needs to be able to operate under the auspices of Transport SA and be included in its insurance, because that was the big problem in operating the service.

I pay tribute to the previous operator of the train, Proud Australia. It did a great job and it was a great service. It was

extremely popular. I enjoyed bringing guests from interstate and overseas to South Australia. We would always go on the wine train and a great day was always assured. At the other end, at the Barossa, the whole community rallied and they had the buses there to greet the trains. People had so many options to go and spend the day in the Barossa and then be taken safely home to the city in the evening. It is a sad thing that this train ever left. Surely, if we cannot have a daily train service to South Australia's greatest tourism asset, the Barossa Valley, there is something wrong. We want our wine train back. I implore the minister to help and save the Bluebird.

KYOTO PROTOCOL

Mr HANNA (Mitchell): Today the world is celebrating a historic global achievement—the entry into force of the Kyoto Protocol. It is the world's first commitment to prevent global warming. The 136 countries around the world that have ratified the protocol can be proud of this important first step in the battle against global warming. There has been a lot of reactionary comment in the media in relation to the protocol. One would think it is a radical document; in fact, in my opinion, it is a very modest step forward indeed, seeking to limit our global emissions of greenhouse gases, including carbon dioxide and others, to roughly 1990 levels. The rate of poisoning of our atmosphere is increasing virtually exponentially, and here in Australia we have the world's highest greenhouse gas emissions per person.

We account for a significant percentage of the total emissions under the Kyoto Protocol. Australia, to its shame, fought in the Kyoto negotiations to achieve the most lenient emissions target of all developed countries as well as securing the controversial land use clause drafted specifically for Australia's benefit. In the end, the national government turned its back on the global community and on our own nation's future with the Howard government's refusal to ratify the protocol. Along with the United States, we are the only rich Western country not to have ratified the agreement. So, we have taken a very short-sighted path.

The negative effects of global warming are no longer disputed; they are going to have very significant effects for South Australia, rendering the northern part of the state uninhabitable and producing much greater bushfire and drought risks in the rest of the state except, perhaps, in the southern parts of the state, which may be subject to heavier rainfall and flooding. Where do we go, given that the federal government will not, for reasons of its misguided foreign affairs policy, differ from the US stand on the Kyoto Protocol? South Australia can and must go it alone.

We can do much just within South Australia. I give credit to the Rann government for some of the steps taken to move towards greenhouse gas reduction in terms of biodiesel buses, improvements in government buildings and so on, but much more can be done. Certainly, matters of policy need to be addressed, but it is also going to need money in the budget to promote further subsidies for photovoltaic cells. The use of these can reduce the need for fossil fuel-sourced electricity production. It will also take money to have some kind of effective sustainability agency which will be able to readily monitor and advise on greenhouse gas emissions of households and industry throughout the state.

We also need legislation, with financial incentives and even penalties, for our greenhouse gas emissions, and I refer to both industry and households. There are many simple things that householders can do; using their cars less and using less electricity, of course, are going to save money to the household budget as well as do something for our environment. But we do need action at state level and over the next 12 months I, along with many others, will be campaigning to lobby the state government to take legislative measures to make the targets mandatory. The South Australian government has signed up to some half decent targets; it is a matter of making those targets enforceable. If we do not do something now we really are jeopardising the future of industry and families in this state as the 21st century proceeds.

HANCOCK ROAD/GRENFELL ROAD ROUNDABOUT

The Hon. D.C. KOTZ (Newland): Today I rise to speak on a serious traffic issue within the Newland electorate which remains unresolved despite numerous calls to the Minister for Transport. Traffic management at the Hancock Road and Grenfell Road roundabout is causing immense concern for nearby residents; however, this government has consistently refused to acknowledge or address legitimate concerns.

I have been approached by a number of constituents in the past two years who are concerned about their safety and the safety of their property in the vicinity of the roundabout. Simply, they have asked for a guard rail or bollards to be erected on the footpath in front of their houses to protect themselves, their property and any pedestrians from any further accidents from drivers over-correcting as they negotiate that roundabout. The residents have had many incidents in previous years, ranging from skid marks on their properties to cars careering through their front fences. On one property in March 2003 a car smashed through a front fence and landed 12 metres onto private property. One of my constituents contacted Transport SA and was told that they do not erect bollards to protect property. When told bollards had been installed nearby on the same intersection, the resident was told they were there to protect streetlights.

Having lobbied the Liberal government of the day to have these protective bollards, which were installed to protect elderly residents and their homes situated behind brush fences adjacent to the roadway that encircles the roundabout, the comments made by Transport SA are quite incorrect. That may be the current government's policy but it most certainly was not the policy when the bollards were installed after several cars had spun out entering the roundabout and ended up through the brush fence and into the back walls of the units beyond.

I wrote to the Minister for Transport in August last year concerning this issue, and in answer the acting minister wrote:

> An examination of crash statistics for the three year period from 2000 to 2003 (inclusive) revealed that no casualty crashes have been recorded involving errant vehicles colliding with the properties in the south-east corner of the intersection. It is acknowledged that there may have been recent minor property crashes, however Transport SA no longer records this type of crash.

Transport SA no longer records this type of crash? What an ideal world this government has created for itself and its ministers. If vehicle and property related crashes are no longer recorded by government, this would mean that the incident never happened. If the incident never took place then the government does not need to deal with such an incident as it does not exist. They certainly would not have to examine

the crash site to make a determination on whether their roadway or roundabout was a contributing factor in a property related vehicle crash. Therefore, the government can relinquish any liability by a sweep of its delete pen and make the incident disappear.

Does that mean that this Labor government will take no notice of these legitimate concerns until someone is actually killed? Cars have crashed through front fences at an alarming rate and it is only a matter of time before someone is seriously injured or killed. The minister further stated that while 'your constituent's concerns regarding the safety of their property is understandable, any house abutting a busy road could potentially be the target of an out of control vehicle'.

Well, no-one is asking the government to install bollards on every road throughout the state. We are not asking for bollard protection along the length of Grenfell or Hancock Roads. We are asking that practical action to protect life and property at the known crash sites adjacent to the roundabout be undertaken immediately. We are demanding, however, that the Labor government stops protecting itself by engaging in this deceitful illusion that vehicle crashes do not take place unless they fit the new categories of vehicle crash incidents devised to adulterate vehicle crash statistics, which were critical to inform the experts on road safety management. The minister also stated that guard railing 'is only provided when there is a need to protect the motorist from roadside hazards such as an open drain or steep embankment.'

There we have the whole picture. The department only protects street lights from motorists, the minister protects motorists from open drains and steep embankments, but neither the minister nor the government wants to ensure that their road treatments are safe enough to protect residents and their property. Maybe we are looking at this wrongly. If, as stated by the acting minister, 'Guard railing is only provided when there is a need to protect the motorist from roadside hazards,' maybe we should classify crashing through a fence and into someone's living room as a roadside hazard. But no, that would not work, these crashes no longer exist, and the Labor government has made sure of that. These crashes are a figment of my constituents' imagination. I am sure that they will sleep easier at night knowing that this government resolved the real and present danger to households abutting this particular roundabout by using the delete pen, and making sure that these incidents are not recorded as a statistic in the state's road crashes. Is this open and accountable government? No, I do not think so.

Time expired.

CHILDHOOD OBESITY

Ms THOMPSON (Reynell): I have spoken several times in this place about the issue of childhood obesity, and have particularly commended the ministers for health and education on the work that they are doing to engage schools and parents in healthier eating within the school. I have also liaised with people in the United Kingdom who are campaigning to have advertising of junk food banned during children's television programs. So, I was very pleased to see today that *The Advertiser* dedicates its whole of page three to articles relating to food and activity, and the well-being of both children and adults in our state, and I certainly commend the editors for their decision to give these important issues such prominence.

The first article is headed 'Lolly Free Zone; Parents groups plan to make supermarket checkouts healthier and tantrum free.' It talks about a report commissioned by an organisation called the Parents Jury, an internet based group campaigning on issues of children's diet and fitness. This report, which was conducted in Victoria by the Centre for Behavioural Research in Cancer and Diabetes Australia, found that all supermarket display foods high in sugar, salt and fat at most of their checkouts. Chocolate was the dominant food appearing at 87 per cent of checkouts.

The reporter, Rebecca Jenkins, went on to investigate the policies of two of the major supermarket chains, Coles and Woolworths, and also to speak to parents who have to deal with all those yummy looking things at the checkout, where they might be waiting for some time with tired and anxious children. Coles said that it was testing confectionary-free checkouts and healthy eating options at its Caroline Springs store in Victoria. Woolworths said that its stores had already had at least one confectionary-free aisle each. So, there are some initiatives occurring. A parent, Kerren Lockwood, said that her son Jack would reach out for lollies if he saw them at the checkout. 'At his age he sees the wrappers and he knows that it is food. He says 'yum'. I would much rather use an aisle with no confectionery.'

In other work that I have done with parents they talk about the difficulty of dealing with their children at checkouts when everybody is tired, the queues are long, there are attractive things there, the kid stacks on a tantrum, the parent does not really have the space to deal with it effectively, and it becomes a very frustrating experience for all. So, it was interesting to follow through this organisation called the Parents Jury, and I discovered that it is a web-based parents' forum which seeks your view on food and activity. It is an initiative of Diabetes Australia Victoria, the Cancer Council of Victoria, and the Australian Society for the Study of Obesity. It is a very interesting web site which I commend to members to research themselves, and to also pass on to their constituents. It is a good way of using scarce resources when a Victoria-based web site can support people all over Australia in getting further information about this important issue, and also become a strong lobby group to encourage supermarkets to recognise the plight that parents experience.

The other article related to a $6 million project to beat the bulge. A metabolic fitness centre is to be established in Adelaide, with support from more than 30 experts in nutrition, exercise science, public health and behavioural research from throughout Australia, to research mental, as well as physical, fitness. The chief investigator, Professor Peter Howe, stated that the only way Australia's health system will cope with the rising demands of our ageing population is if we tackle the issue of diet and exercise. This is also consistent with the state plan, which includes an objective to reduce the percentage of South Australians who are overweight or obese by 10 per cent within 10 years. I am glad action is being taken in this important area.

TREASURER'S REMARKS

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

Leave granted.

The Hon. DEAN BROWN: Yesterday, the Treasurer and Deputy Premier made a ministerial statement about funds transfers, in which he made an allegation that between 1998 and 2003 the then Department of Human Services had misappropriated federal monies that were earmarked for housing to other areas. He also made the allegation that it had been done with my full knowledge.

The facts are that the federal government has fully investigated and found that there has been no misappropriation of funds at all. I point out that, during a ministerial statement, the member for Unley raised a point of order about such disorderly statements. The Treasurer decided not to withdraw those statements. However, I point out that the statement made by the Deputy Premier and Treasurer that there had been misappropriation of federal housing funds has been found by the federal government, which has investigated the matter, to be a false statement. I draw that information to the attention of the house, and I ask the Deputy Premier and Treasurer to apologise and withdraw the accusation that there had been misappropriation of housing monies when, in fact, the investigation conducted by the federal government found that all monies allocated for housing had been spent on housing.

DIGNITY IN DYING BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to provide for the administration of medical procedures to assist the death of patients who are hopelessly ill and who have expressed a desire for the procedures, subject to appropriate safeguards. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

There is a slight irony in reading this bill a second time, because this is the third time that I have introduced into this house a bill which was developed under the instructions of the Hon. Sandra Kanck in another place. I say that so members understand that this bill is identical to the bill that was prepared for the Hon. Sandra Kanck in another place, and I have had a longstanding commitment that I would introduce the bill here. Members may recall that the Social Development Committee conducted an inquiry into voluntary euthanasia in 1996. I do not think any member here is advocating compulsory euthanasia, although it could be tempting to consider that. The report of the Social Development Committee was laid on the table of the Legislative Council and ordered to be printed on 20 October 1999. On 15 March 2001 I introduced the Dignity in Dying Bill here, and on 26 March 2003 I sought to introduce the same bill, and I do so again now.

This is an important issue. The choice of voluntary euthanasia is supported by well over 70 per cent of the population. That figure is based on polling which consistently shows this sort of support. I respect the views of those who do not accept voluntary euthanasia. Many people—and I have said this before—in the Catholic and Lutheran faiths in particular do not accept it, and that is their absolute right, as it is the right of others who for other reasons may not support voluntary euthanasia. However, we need to remember that in the Christian faith there are many Christians who do advocate and accept the concept of voluntary euthanasia, particularly (but not exclusively) within the Uniting Church. There are many people who accept voluntary euthanasia in accordance with their conscience and their religious beliefs. There is no universal view, either for or against; it is contentious.

I was a member of that Social Development Committee. We heard evidence from a lot of witnesses, including families, and I think there were about 3 000 submissions, many of them extremely distressing in terms of the pain and suffering experienced by people who were hopelessly ill, and that was conveyed very strongly to the committee. Evidence was given by a range of people. I was intrigued by one member of the clergy who indicated that pain can be productive. I do not share that view. I have always found that people who advocate pain are usually advocating it for someone else. The reality is that pain cannot be removed totally for a small percentage of people suffering from terminal illness. The member for Adelaide (the Minister for Education) would know a lot more about medical topics than I, but I am informed that probably about 5 per cent of those who have a terminal illness cannot get total pain relief. I guess total relief comes with death.

We have had a case here close to home. A former President of the Legislative Council, the Hon. Gordon Bruce, did not have bone cancer, but he had one of those hideous diseases which resulted in his muscles and flesh degenerating. I was reminded of this only recently by a former colleague of his who said that when visiting Gordon he would often plead for someone to relieve him of the agony and the misery that he was in. He was a wonderful person, and for someone to experience that sort of chronic pain to a point where it cannot be relieved I think is part of the argument for allowing people to have dignity in dying, as the title of the bill suggests. In fact, I think you can turn the title round and say 'dignity in living' too, because there are people who get to the point where not only their pain cannot be treated through usual palliative care methods but also they have no control over their bodily functions. They find this extremely degrading and generally are not happy with their situation in life.

The people who gave evidence to the Social Development Committee included some wonderful nuns from the Mary Potter Hospice. I met a couple of them afterwards, and one of them took me by the arm and said, 'This issue isn't black and white, you know.' This was after hearing some of the church hierarchy give evidence. I think that is a pretty good summary. This issue is not black and white, and I appeal to members not to overlook the small percentage of people who are hopelessly ill, who have no prospect of getting total pain relief. We cannot just say, 'It's only a small percentage; let's ignore them.' I think that is just taking the easy way out.

I suspect from the evidence that was given and alluded to that, in effect, voluntary euthanasia is being practised now. Some people say: why formalise it? I think it is important that in a society such as ours we not have those sorts of activities happening behind closed doors in a hidden arena; we should be open and frank about it. The evidence that the committee heard was that it was not uncommon for doctors to increase pain relief to the point where it killed the person anyway. People from some of the churches said that they did not mind if life support was taken away, that they had no objection to that. People like me have been accused of playing God, but in reality through medicine and other techniques we are prolonging people's lives. There are many people alive today who would have died years ago if it were not for medicine and various techniques. So, I think the argument that people are playing God does not stack up. In fact, if people want to call in the 'God' aspect, one could say, 'God gave people intelligence and compassion to deal with issues that confront

us.' I do not think that using the 'God' argument really stacks up.

What we have is a situation that I believe is occurring behind closed doors. One could argue (and, once again, the member for Adelaide would be more knowledgeable than I) that, in a lot of treatments for cancer, the treatment is often the factor that kills the cancer patient. I stand to be corrected but, from what I hear, some of the chemotherapy techniques can result in the death of a patient. Obviously, that is not a deliberate outcome but, likewise, when giving pain relief, if someone keeps bumping up the dosage and the person dies, I guess the argument is then: did they intend to? I think we can end up playing with words if we are not careful.

The bill before the house, I think, highlights the fact that we are here to represent our community. There are people in my community for whom I have great respect and affection who do not, and would not, want me to introduce this bill. But, on the other hand, most of the people in my electorate would, and that is what I see as my role—not to seek to be popular but to do what is in the interests, as I can best judge them, of my electorate as a whole. I am here to represent their view: I am not here to be Bob Such pushing my view on someone else.

I ask members to think about it, because I was puzzled when I came here some years ago and an MP said to me, 'I'm a Catholic MP.' I said, 'No, you're not. You're an MP who is a Catholic. There is a big difference.' That argument would apply to anyone who said they were Lutheran, Muslim, or whatever. We are not here to be a representative of our church or of the Bob Such fan club, or whatever: we are here to represent our electorate. I think a lot of people confuse their role and take it upon themselves to seek to impose their religious, or whatever, views on others.

I see that as contrary to the thrust of a parliamentary democratic system. We are here to represent the views of our electorate. We obviously cannot represent them all in the same way: it would be a nonsense, because we have people in our electorates who are for abortion, who are against it and who support abortion, for example, under certain circumstances; and people who support prostitution under certain circumstances and not others. So, we cannot come in here and say that we are trying to do the right thing for all the people in our electorate. It is a nonsense. We have to make a choice, and the choice I make is that I think the overwhelming majority of people in my electorate believe that, in a situation where someone is hopelessly ill and there is no hope, where they have very serious pain that cannot be treated, they should have the right to die with dignity.

This bill does have safeguards in it. One hears people say, 'There will be doctors walking around with big injections knocking out people.' That is nonsense. It is not allowed under the bill. I do not support that sort of approach. I do not want to be critical of Philip Nitschke, who has sought reform in this area, but I am coming at it from an angle that emphasises the quality and dignity of life. I regard life as precious, but there is also an element to it where there has to be dignity.

I am sure that members who have pets and care for them would not want to see their pet suffer, and they would not let it suffer. Yet we do that very thing to our fellow human beings. We say, 'Look, because of the religious or other beliefs of some people in our community, we will not allow you to have control over your life and to make a decision about whether you live or die. We will ensure that you die in agony, because we don't want you being able to do what you want.' That, sadly, is the view of the Taliban—which we hope has largely receded. The Taliban's approach in life is to control other people, often women. They do not want them to be educated or to do this or that. I reject outright that sort of control over people's lives, whether it is men or women.

In a society such as ours, which is pluralistic and democratic, people should have the right to exercise their beliefs. As I said before, there are many people within, for example, the Uniting Church and other churches who quite openly and strongly support the right of voluntary euthanasia. It is quite compatible with their understanding, their view of religion, their view of God and all those things that are central to their way of life.

For those who say, 'Look, palliative care is here; you do not need voluntary euthanasia,' I would say that that is not quite correct. Palliative care has been fantastic and it has helped. It has not addressed all the issues; it cannot. It cannot address all the pain issues and, ultimately, it comes down to this one fundamental point of allowing people to have freedom of choice in regard to their life and their own religious and personal beliefs. It is not for me or anyone else to say, 'You must suffer in agony. Your life is not yours to make a decision about.' I find it completely unacceptable that we have people trying to deny that freedom of choice.

I commend this bill to the house. I trust members will support it and give that freedom of choice to the small number of people in our community who may wish to avail themselves legally, openly and with a clear conscience of the opportunity to access these measures to provide dignity in the way in which they wish to end their life, and not in misery and suffering which, sadly, is the lot of too many people in our society today.

Mr GOLDSWORTHY secured the adjournment of the debate.

THE STANDARD TIME (EASTERN STANDARD TIME) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 December. Page 1235.)

Mrs PENFOLD (Flinders): Once again, in my view, we have a move to emasculate South Australia by adding it to New South Wales and Victoria—a move which I think is based on fallacies, ignorance and a lack of self-belief in South Australia as a state. It demotes this state in every possible way, especially in the business domain which fallaciously is used as one of the principal arguments for putting forward this bill. The fallacies behind the bill and the ignorance of the mover were highlighted in the immediate negative public response to the proposal, and a definite thumbs down for shifting South Australia's time half an hour forward. Many responses asked instead for South Australia to be moved to true Central Standard Time; that is, one hour behind the Eastern States. These numerous phone calls and letters came from metropolitan Adelaide to my Port Lincoln office. It seems that many metropolitan members of parliament, especially on the government benches, are out of touch with their electorates. Proponents of the current time zones said that business wanted it. I believe that is an argument used by those who want this state to lose its identity by moving to Eastern Standard Time. A survey conducted by the South Australian Employers' Chamber in 1988 of 150 selected businesses found that only half were in favour of moving to Eastern Standard Time. Prior to that, a survey conducted in

1986 brought only an 8 per cent response, 50 per cent of whom opposed a move to Eastern Standard Time. All this points to a very small proportion of South Australia's business community being in favour of Eastern Standard Time, with the majority opposed to such a move.

If South Australian businesses were so disadvantaged by the half hour time difference with New South Wales and Victoria, then those businesses would change their working hours to fit with Eastern Standard Time. If the argument were correct in our current situation, then Western Australian business should be a basket case, and Queensland, which does not even have daylight saving, would also be going backwards during daylight saving. In fact, Western Australia and Queensland are arguably the two most prosperous Australian states. Western Australia's population has grown by 1 million in about 35 years, while South Australia's has remained almost stagnant. It seems that there is a small group of South Australian people who are 100 years behind the times. They obviously do not talk with this state's exporters, who see an advantage in this state's moving to a time zone more compatible with Japan, Korea and China. The chief argument used in 1898 in favour of adopting this state's current time zone related to communications. Communications have changed dramatically in the 107 years since that debate.

Nevertheless, even as long ago as that, doubt was cast on the validity of the argument—again, using Western Australia. The Hon. A.W. Sanford said the business people of the eastern colonies obtained an advantage over those in South Australia because they received their telegrams from Western Australia and their cables one hour earlier. To which the Hon. G. McGregor replied that the speaker had obviously forgotten that Western Australians were not about until two hours after the inhabitants of the eastern colonies. To an interjection that Western Australia handed in their telegrams the night before, Mr McGregor retorted that this meant South Australians had an hour's advantage in the evening. Now communications have advanced from the days of morse code and limited telegraph connections. Telegrams are virtually a forgotten relic of the past. Remember the telegrams at weddings; when did members last receive a telegram or hear a telegram read? I suggest that the majority of people under 35 would not know what a telegram is, it is so outdated.

Mobile phones, text messages and emails are just three examples of the latest technology that allows immediate communication anywhere in the world at any hour of the day or night, regardless of the clock time. Emails and text messages are a regular feature of business and private communications. They can be sent at any time, and they sit on the computer or the phone until the receiver chooses to open them at a time to suit him or herself. Anything of grave importance can be communicated immediately. We can sit in our lounges and watch events such as the tragedy of the tsunami as they unfold. We live in a different world from that of 1898 yet, according to the proponents of this bill, nothing has changed in the business world in the past 100 years or so.

Businesses which believe they must move to Eastern Standard Time to improve their businesses but which nevertheless do not change their business operating hours by 30 minutes to support their argument negate their own spurious case. They should be advised of the advances in technology as they apply to communications. Stan Webster of Henley Beach, in a letter to *The Advertiser* on 9 December 2004 wrote:

> If Kris Hanna is a true 'Greenie' he would be advocating that South Australia change to its true time zone which is one hour behind Eastern Standard Time. His proposed bill should be to reverse the 1898 decision and revert to our proper time zone, not make the situation worse.
>
> The advantages would be many. Adelaide would then appear on world charts in its own right and not disappear as an appendage to the Eastern States as it does now.

Stan is typical of the people and the comments that place our little piece of the globe firmly in the spotlight on the world stage, rather than as a dead glow-worm in a forgotten cage.

Submissions to a committee in 1995 indicated that a half-hour meridian created confusion and was dangerous in transport and communication due to the greater possibility of misinterpretation. The various ways of stating the time were given as an example. We usually say 'half past o'clock', while others say 'half after the hour' or 'half on the hour'. In an emergency it would be easy for someone to misunderstand what actual time was meant. An interesting side comment occurred in response to the suggestion that South Australia move to Eastern Standard Time. It was that the eastern states should move to come in line with our time, that is, move their time back half an hour, the reverse of what this bill proposes.

Let us look for a moment at the set times we currently use. Eastern standard time is already in the Tasman Sea off the east coast of Australia; what is called Central Standard Time, which South Australia and the Northern Territory use, runs through Warrnambool in Victoria; while Western Australia's time runs through about the centre of that state. Western Australia has only one time zone, there being no such thing as a second central Western Australian time as mentioned by the member for Mitchell when speaking to this bill. Maybe the honourable member imagined he was in Brigadoon, the fabled Scottish town that comes to life once a year in its own time zone. Perhaps it is used in the Hutt River Province. A call to almost anyone in Western Australia will quickly verify that Western Australia has only one official time zone. The only confusion appears to come from the honourable member for Mitchell, who opposed the bill. Doubtless, the honourable member has come across the unofficial border time used along the Eyre Highway from Border Village to Kingoonya. The 90-minute time difference between South Australia and Western Australia is broken into two 45-minute increments for the benefit of those who travel along this route. During daylight saving the two increments would be 75 minutes each.

Mr Hanna: So you do know about it.

Mrs PENFOLD: It is very unofficial, though. The small practical application of time management again points to the need for South Australia to be on true Central Standard Time. To return to Australian time zones, add in daylight saving and there are no less than five time zones across Australia—small wonder that aviators and seafarers push for a change to true Central Standard Time as a safety measure. One of the arguments put forward for South Australia to move to Eastern Standard Time is that countries covering similar or greater degrees of longitude have only one time zone. If Australia had one time zone then realistically it would be true central standard time, that is, one half-hour behind South Australia's current time. Rex Jory commented in his *Advertiser* column on 5 August 2004 that the whole of China has only one time zone, but he did not suggest that Australia might do the same, nor add the $64 question of what that time zone should be if South Australia went to one time zone.

Try to imagine Western Australia on Eastern Standard Time. Currently, 9.30 a.m. in Perth is 12.30 p.m. in Sydney

during daylight saving. The Chinese Embassy in Canberra said its time zone is eight hours ahead of Greenwich Time, so it is the same as in Western Australia. China is set to eventually overtake the United States of America as the largest economy in the world. Therefore, perhaps we should look at adopting Western Australian time for the whole of South Australia. The embassy spokesman also said China had tried daylight saving and had abandoned it as irrelevant for most of the country, and confusing.

The debate that this state must align itself with the New South Wales and Victorian time zone is fallacious. Note that I say aligning with New South Wales and Victoria rather than the eastern states. To talk about Eastern Standard Time is in itself a fallacy, because Queensland does not have daylight saving. This rather subtle point came out in Rex Jory's article. This in itself destroys the fallacy that the same clock time is essential for business. If the arguments put forward for changing South Australian time were valid, then surely Queensland would have adopted daylight saving at the same time as New South Wales and Victoria took on the practice.

Time expired.

The Hon. M.R. BUCKBY (Light): I rise to say a few words on this bill and express my opposition to it. I think the member for Mitchell usually has some pretty good ideas, and I respect those ideas on many occasions, but this is one that I cannot support. Many people in the business community—particularly in the television and media world—would wish to have Eastern Standard Time so that they do not have to delay their telecasts of various programs such as the news by half an hour for the sake of South Australia. So, it is not a matter of whether there are any practical purposes for this: it is just that it suits them better to do that. I am sure the member for Mitchell is not suggesting that South Australian businesses miss out on business because of the half-hour difference between Eastern Standard Time and the time under which South Australia operates because, if he was suggesting that, as the member for Flinders has just said, if you extend that argument when daylight saving is in operation, it means that, whatever business might have occurred between New South Wales and Victoria and Queensland, for instance, Queensland would miss out on business because that state does not have daylight saving and, of course, it then ends up an hour behind the eastern states and half an hour behind South Australia.

So, this argument that South Australia must change to Eastern Standard Time because it is going to enhance business is a furphy. As the member for Flinders also said, if businesses are so desperate that they believe it is imperative that they have that half an hour, all they have to do is get in at 8.30 in the morning and they are then operating at the same time as Eastern Standard Time. That has been my argument on this topic for years. If it is so imperative that you start operating at 9 o'clock Eastern Standard Time, get into the office at 8.30 a.m. Many people do exactly that, so this is just a ridiculous argument.

Across the United States of America, as you would be aware, Madam Acting Speaker, when you look at the distance from the east coast to the west coast, it is very similar to Australia. Four time zones operate across the United States; each of those is one hour apart. The suggestion in this bill is that we cannot operate business successfully because of this half-hour time lag. I would say that if you extend that argument that means that Chicago cannot talk to New York and Los Angeles cannot talk to them either; that is just a ridiculous argument. As the member for Flinders has adequately covered, the availability of communication technology in the form of emails, conference calls and so on means that you can communicate and operate businesses throughout various time zones. You only have to look at the exporters in South Australia who adjust their operations to communicate with Europe, America or wherever during their business day.

I just cannot see how anybody with commonsense can say that we should be shifting to this eastern time zone. As the member for Flinders has said, it would put the longitude over which we would take our time out in the Tasman Sea. If you think of those people on the West Coast of South Australia, and particularly schoolchildren who are getting up in the morning to catch buses, it would put them another half an hour earlier, which means they would be getting up in the dark to catch buses that travel long distances. Sunlight would probably last until 10 o'clock at night. There is no valid reason for this—none whatsoever. There is valid reason for Central Standard Time to be adopted here which, as the member for Flinders has said, then places us in that hourly time zone which aligns with just about every other country in the world. I think, and I stand to be corrected, that there are only four countries in the world that operate on a half-hour timeslot instead of the one-hour time difference between the longitudinal times. That is what we should be following, because this half-hour is just nonsensical.

Ms Breuer: Yes; but Tony Delroy's quiz would be half an hour earlier still. There would still be another half an hour of Tony Delroy's quiz at night. It would be terrible.

The Hon. M.R. BUCKBY: The member for Giles raises some interesting points, but the fact is that business can be conducted without any trouble with a half-hour time difference. I am sure that no business has been lost between South Australia and the eastern states because we operate in the time zone that we do. That is just a spurious argument, without any doubt at all, and I believe that we should either stick to the time zone we have now or go to a central time zone which places us one hour apart and within the world timeframe of accepted time zones. As I said, there is no argument for Eastern Standard Time even though business and some sections of the media raise this, and I do not believe it would suit the residents of South Australia or advantage the residents of South Australia one iota.

Mr BRINDAL (Unley): I similarly commend the members for Flinders and Light for their erudite contributions and say that it disappoints me that I should find myself in a different position from the member for Mitchell because, more often than not, I am compelled by his logic. One point not quite covered by the member for Flinders is that, prior to Federation, South Australia was on Central Standard Time. It shifted forward to what is our current time zone because there was an agreement with the eastern states that the eastern states would, on Federation, shift back half an hour so there would be a common time zone. South Australia dislocated its time zone in pledge and good faith on an agreement which was then reneged on by our eastern neighbours—somewhat redolent of a railway line that we built only recently where the same group of ne'er-do-wells reneged on an agreement with South Australia.

My point is simply this (and I think it is a point with which all members on this side would concur): time is not, as we understand it on a world scale, generally set by politicians. Time is generally determined by God and the

longitude that we happen to find ourselves on. We have arbitrarily and artificially shifted our time zone so that it is actually concurrent with the sun's position in Warrnambool, whereas it should be concurrent with the sun's position in Elliston—Elliston being about the mid-point in South Australia. What that means—and I do have some experience, because I taught at Cook for three years, and the member for Flinders will know, because she has particular problems with the Far West—

Mrs Geraghty interjecting:

Mr BRINDAL: The member interjects—and she represents a good seat within the capital city—to say basically that there is nothing except the capital city in South Australia. I find that a shocking interjection.

Mrs GERAGHTY: I rise on a point of order. The member for Unley has absolutely fabricated and misrepresented what I said and I ask him to withdraw it. That is not what I said, and he knows it. He is a scallywag.

Mr BRINDAL: I love being called a scallywag but, in view of the fact that the member feels I misrepresented her, although that is what I thought I heard her say, if I misrepresented her, I absolutely apologise and withdraw; and, yes, I will use some cotton balls on my ears tonight. Getting back to the serious substance of the debate, given the geographic spread of South Australia, its correct time zone should actually be fixed on Elliston. I acknowledge that the population is not dispersed around Elliston but, with our time zone presently fixed upon Warrnambool, I point out to honourable members that neither is the population of South Australia domiciled around Warrnambool.

What happens in the west (in Ceduna and Elliston, and those places) is that, effectively, they have at least half an hour daylight saving all year—not only in summer but in winter as well—because of the shift in the time zone. When we move to daylight saving (and just ask the member for Flinders or Giles how some of their electors scream about daylight saving) and artificially add the hour that we have for daylight saving—which I think, generally, is a good thing—you are imposing a one and a half hour time change on the west coast. So, at the end of daylight saving in places like Ceduna it is barely light when the kids are going to school. The member for Flinders is quite sensibly proposing that if we shift to a central standard time—

Ms Breuer: It doesn't hurt the kids in England; no kid ever died of daylight saving.

Mr BRINDAL: I did not say they did, the member misrepresents me. They do not muck around with their time zones in the UK, despite—

Ms Breuer: It is still dark when they go to school and dark when they come home, and none of them ever died of that!

Mr BRINDAL: That proves what the member knows, because if you go to Scotland in summer it never quite gets dark and you can drive around looking at the view at 11 o'clock at night. The problem they have is getting their kids to go bed, because it is bright as day. Then there is the problem in winter that the sun rises at around 11.30 a.m. when they are half way through the school day and sets at about 2 p.m. before they go home.

Do not let me be distracted. If we shifted to central standard time the people on the west coast would be much better treated when we go to daylight saving every summer—instead of having one and a half to two hours dislocation of their time they would just have the hour that the rest of us have. It would be much more tolerable to them. Cows actually need milking, I am told, when the sun gets up, and that is independent of what the clock says.

I commend the member for Flinders and the member for Light for their international vision. There are about three places in the world that have a time zone difference of half an hour and the other two are third world places. Now, perhaps we think we are a third world place and we want to keep ourselves a third world place, but I would like to think that we are a first world place and should go to our natural God given time zone, which is central standard time. The member for Flinders, supported by the member for Light, has adequately demonstrated that to be in a time zone absolutely concurrent—

Ms Breuer: How is our time zone God given? What is your logic?

Mr BRINDAL: It depends whether you think that the sun was created by God. I will correct that for the atheists here. Sun given; the sun determines the day as the moon determines the night, the rotation of the earth. Those things are immutable. And I have some news for the member (because she is loyal to her party): even the Premier of South Australia cannot change the rotation of the earth, the rising of the sun, or the setting of the moon.

Members interjecting:

The ACTING SPEAKER (Ms M.G. Thompson): Order!

Mr BRINDAL: Now we get to it! Labor members are locked into that world where a previous Labor premier went down to the beach and commanded the waves to be still. They have still got the doctrinal belief that the Labor caucus can order the sun and the moon. What about—

The ACTING SPEAKER: Order! The member for Unley previously begged that I do not allow him to be distracted. I ask him to return to the subject of the motion.

Mr BRINDAL: I will, because I was just contemplating the stars falling from the sky at the behest of the Premier, and that goes a little too far.The points made by my colleagues are correct. To put ourselves in our rightful time zone, central standard time, is to put ourselves in a position of advantage, I think, in the national business economy. As everyone has said, the world is a place of opportunity and to be in Adelaide, to be able to go in at 8 a.m. and communicate with the eastern seaboard and to be able to stay until 6 p.m. and be in communication with the west, puts us in a very good position vis-a-vis wages, conditions and pay for acting as a central office location for the whole of the nation. We are then in a time zone concurrent with most of Indonesia, with Korea—

Mr HANNA: I rise on a point of order. The member for Unley seems to be speaking in favour of the bill moved by the member for Flinders. Strictly speaking, he is not speaking against the bill I moved, which is the topic we are debating.

Mr BRINDAL: That is most interesting, because I do not understand how the house can entertain two bills which are opposing propositions.

Mr Hanna: Why don't you take a point of order, you do with everything else!

Mr BRINDAL: I did not think of that. Two bills which are opposing propositions on the same question. While I generally admire the stance taken by the member for Mitchell on many things I think he is totally wrong on this. He is ill-informed. He should consider his own position and, I suggest, vote against his own bill and later on in the *Notice Paper*, when the member for Flinders' eminently sensible suggestion is brought forward, I suggest he vote for that.

Mr GOLDSWORTHY (Kavel): I have pleasure in rising to speak to the proposition before the house. In supporting the comments from the member for Unley, I believe the member for Mitchell is a deep thinking, serious and intelligent person. He is not a person who brings matters before the house in a flippant or irrelevant manner and I believe he brings this matter before us in good faith. Unfortunately, I will be opposing this particular proposition.

An honourable member interjecting:

Mr GOLDSWORTHY: I will try to be brief with my comments, but sometimes members opposite take me off down different tracks and make me digress from the points that I endeavour to make. However, I will do my best to stick to the issue at hand. This issue has been debated for decades. The time zones created for the nation go back centuries to when the nation was first colonised and the interior of the country became inhabited, and there was a need to establish time zones. As the member for Unley pointed out, and I did not know this historical fact—

Mr Brindal: I am older than you.

Mr GOLDSWORTHY: Yes, you are a lot older than me, but we will not debate that this afternoon. South Australia made an agreement with the eastern states that it would have its time zone half an hour later than the eastern states, with a view that in time the eastern states would adopt the Central Standard Time zone as their own. However, that did not occur. The debate on this issue, I would imagine, has gone on since the establishment of the time zones in the country. We have had three distinct time zones: eastern, central, and western. A lot of the problems regarding time zones occur when daylight saving is instituted, and it is implemented on different dates in different states, and that is when a lot of the confusion comes in.

I recall clearly the member for Napier making a speech during the grievance debate at the end of last year, towards the end of the last session before we had our summer recess, and he debated strongly in favour of the proposal that the member for Mitchell is putting forward today. The member for Napier's argument was based on business, and that business people in South Australia find it difficult to carry out their business with companies and the like in the eastern states. The member for Napier was a very successful businessman, I understand. However, I too, have had some involvement in the business world, not owning my own business, but I worked for a large corporation and I think that I have covered that adequately in previous contributions to the house. I worked for a large corporation for 22 years, and I had the need to communicate with accompanying officers in the eastern states on a regular basis. I knew that 8.30 South Australian time and it was 9 o'clock in New South Wales and Victoria. Likewise, if it was 5 o'clock in South Australia it was 5.30 in Victoria, New South Wales and Queensland, and so you worked to that. It was not difficult.

I will admit that it was difficult when South Australia was on Central Summer Time, when daylight saving was implemented; it meant that Western Australia was 2½ hours behind South Australia. If I had to contact the west for some reason it would be 11 o'clock, because at the company where I worked we started work at 8.30 in the morning. We would have to wait until 11 o'clock our time to ring the west to be able to get anybody at work. I admit that that was a problem, but if we turn the clock even a half hour further forward, as the member for Mitchell is proposing, that would mean that in summer when daylight saving comes into South Australia we would have to wait until 11.30, and it would put us three hours in front of Western Australia, because I understand that the west does not have daylight saving.

Mrs Geraghty: Thank goodness for email.

Mr GOLDSWORTHY: The member for Torrens raises a very good point, and that is actually my next point of discussion. There is no necessity to change our time zones whatsoever, because we have very modern methods of communication. We do not have to pick up the telephone at a certain time of the day to communicate with our colleagues, our business contacts, or whoever we want to deal with in the east, west or whatever, because we have other means of communication. We all should know how to use email now. If people are in business and they do not know how to use electronic mail, I strongly suggest that they take themselves off to a computer training course and learn how to do that. People do business at midnight or 2 o'clock in the morning if they are insomniacs. They can type up messages, send them through, and people open their email when it suits them. They can also use fax machines; if they cannot use a computer they can hand write a note and fax it through. It is not terribly difficult to fax and say, 'Can you please ring me at such and such a time?' So, communication is not reliant on telephones. At one stage it was, but not any more. So, the member for Torrens raised a good point, and that was an issue that I was going to cover.

I can understand the issue raised by the member for Flinders. I worked in Ceduna for a couple of years, and I believe that daylight saving is not necessary on the West Coast. Daylight saving is a good initiative here in South Australia. Obviously, it gives people more time to carry out their activities during daylight hours after they have finished work for the day. However, on Eyre Peninsula, because it is several hundred kilometres to the west of the major populated area of the state, people are exposed to longer daylight time in the evening. I recall quite clearly that, in the middle of summer when daylight saving was in operation, it would not get dark at Ceduna until almost half past nine or quarter to ten at night. That makes it very difficult for families with young children to settle. I know myself that you do not look to have an evening meal until nightfall.

Time expired.

Mr KOUTSANTONIS (West Torrens): I understand the member for Mitchell's push—

Mr Hanna: At least you understand.

Mr KOUTSANTONIS: I understand it. I do not think it has much to do with emails and using the telephone. However, there are some advantages to being on Central Standard Time, some of which are involved with the stock market. South Australian investors are fortunate that the stock market opens here at 10 o'clock rather than at 9.30, as it does on the east coast, and closes a little later. I understand that the advantage for South Australians who are investing on the stock market is that they have more time to gather information; they have half an hour or even an hour longer than our eastern states counterparts to do research into what stocks should and should not be moving. This bill has had a bit of publicity. I understand it was discussed on the Leon Byner show on radio, as well as the ABC, with the members for Napier and Mitchell advocating a change to Eastern Standard Time. From my cursory talks with investors, I know they are not necessarily opposed to the change, but they do not see that there would be much benefit, either. In fact, they might see it as a bit of a disadvantage.

Apart from minor banking problems for people working in banks and the way in which they operate across the country, especially in Western Australia, where the banks open 2½ hours later than they do here, generally, people who are involved in different time zones just get accustomed to them. I understand that people who work in the Bank of Chicago in the CBD start work at 1 a.m., because that is when the European markets open. I believe this bill has some merit, but do not think there are overwhelming arguments why we should move to Eastern Standard Time. I think South Australians function quite well on Central Standard Time, and there are some advantages for us in our stock market opening a little later. I cannot see any reason why we should do this, although it is a good attempt by the member for Mitchell to try to put us on a par with the eastern states.

I also think that the eastern states have some disadvantages by being ahead of us in the time zone. I cannot see any real need for this change. It is something that would probably be expensive to implement. It would take a lot of getting used to, especially with daylight saving. I can understand how we would be thrown off a couple of hours in relation to Western Australia, but I can see no real advantage to this. He may have already done so, but I ask the member for Mitchell to speak to the major stockbroking houses in South Australia to see what their views are, especially the Stock Exchange (ASX). I think the member might find that their views might be sympathetic, but I also think they might like a bit more research done on the benefits for their stock market work.

Mr MEIER (Goyder): I also oppose this bill. It is something that has come before this parliament—or has certainly been suggested in South Australia—on many occasions. I remember back in the 1980s when I think it was the leader of my own party—

Mr Hanna: Did you say the 1890s?

Mr MEIER: No. I mean when I was in this parliament; I have been around a while but not quite that long. I put out a very strong release to be published in my own local newspaper. I think the newspaper went a bit further. It stated that for South Australia's sake the change cannot and should not occur and that we as a state were off our time median as it was—that we were already half an hour off kilter—and to take it further out of kilter did not make any sense at all. I hold to that position very clearly. I will never forget when some years ago it was suggested for the first time that daylight saving be extended for two weeks to accommodate the Festival of Arts. The parliament had to ratify that extension, and I decided not only to support that move but also to speak to the motion extending daylight saving for two weeks for that year only. I received a plethora of abusive letters from not only my own electorate but particularly from the west coast and beyond, condemning me for having agreed to a two week extension of daylight saving. I learnt a very significant lesson from that. Subsequently, the member for Flinders, as well as many other members, including myself, have highlighted that there are real problems once daylight saving comes into operation on our current time system.

If we change to Eastern Standard Time, we would have the equivalent of half an hour daylight saving all year round. If we went for daylight saving, then, of course, we would have the better part of an hour and a half. In fact, some people would argue that we would have the better part of two hours. When we get to it, I will certainly argue in favour of true Central Standard Time, because this is not just a step in the right direction, it should have happened many years ago. In fact, as the member for Mitchell pointed out, for one period of time we had our own time line through Oodnadatta, and that put us exactly one hour out from Victoria and New South Wales. Likewise, it will bring us closer to Western Australia by being one hour out. I think we could look closer to Western Australia. Sometimes they feel a little isolated, so why should we not be aligned a little closer to them?

It has also been pointed out in this debate that it gives us three very clear, distinct time zones: Eastern Standard Time, Central Standard Time and Western time. That is pretty good for a continent the size of Australia. I think, from memory, America has five time zones, and they seem to get on well. In fact, I think they are still leading the world economically. However, I would never want to try the situation that applies in China where there is one time zone. It must be fascinating to see how that works.

So, I do not agree with this measure. The member for Flinders had a lot more to say in her contribution. She had hoped to go into greater detail identifying the problems with daylight saving currently experienced by school teachers, parents and children and similar problems with a variety of other issues as diverse as the collection of weather information and our connection with the rest of the world as well as with our close neighbour, Western Australia. The member for Flinders had hoped to bring to the attention of the house a letter to the Editor of *The Advertiser* of November 2000 from Mara Milne of Blackwood. On behalf of the member for Flinders, I will highlight this letter, which states:

> The pleas for introduction of Eastern Standard Time to benefit so-called business people clearly illustrate why our state is economically lagging. Our business people lack acumen and versatility. People with vision know that Sydney is not the world and efficiently adjust their business hours to suit, just as competent business people do when dealing internationally. Perhaps someone should tell these businessmen in Adelaide that Tokyo is larger than Sydney and that people do business with Tokyo which is nearer the correct time than Adelaide is.
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> The poor souls should also be told that Perth is thriving economically despite being two hours behind Sydney in time. Perth clearly has efficient business people which is the reason for their prosperity. A visionary and practical business community would be lobbying for a one-hour difference between Sydney and Adelaide, and Adelaide and Perth, instead of advertising its inadequacy.

I think that summarises the feeling of many people in South Australia that we can adapt our businesses appropriately—we have for so long—and that the time difference will not make any real difference to whether or not your business is going to run efficiently.

Our current time zone runs near Warrnambool in Victoria. I have always used the town of Portland, but research also indicates Warrnambool. I must have a careful look at a map again soon. However, it is not in our state, which makes it a bit ridiculous. Why should we go even further towards the Eastern States? I do not support the bill.

Mr HANNA (Mitchell): The debate has been somewhat reminiscent of what happened in the 1890s and, with the exception of the member for Flinders' contribution, I am not sure that the standard has improved in over 100 years. However, the arguments are much the same. In the 1890s, it was the business community which promoted the idea that we should be closer to the Eastern States time zone, and again it is Business SA (formerly the chamber of employers) in South Australia that promotes the idea today.

I can understand the Labor government disregarding the point of view of Business SA, but I am quite surprised that the Liberal Party members are not listening to one of their

core constituencies. I think the Liberal Party has lost its way—I am not sure if it knows who its core constituencies are any more—but I respect the fact that the member for Flinders is sincere and passionate in her objection to this proposition. The arguments have been canvassed; I do not think there is anything I particularly need to rebut in this final contribution. So, let the matter be put.

Second reading negatived.

THE STANDARD TIME (TRUE CENTRAL STANDARD TIME) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 February. Page 1441.)

Mr HANNA (Mitchell): We have just been debating The Standard Time (Eastern Standard Time) Amendment Bill, which I introduced, which was to bring South Australian time in line with the eastern states. It is true that it would create a meridian upon which our time zone was based a considerable way to the east of Adelaide. This measure, The Standard Time (True Central Standard Time) Amendment Bill, drags the time zone back the other way, so that there would be a one-hour interval between the time zones for Western Australia on the one hand and the eastern states on the other hand.

We are not talking about true Central Standard Time for Adelaide, of course. The member for Flinders in this legislation bases our time zone on a line running roughly through the middle of the state, more or less through Port Lincoln and Oodnadatta—in the vicinity. It means that Adelaide would, essentially, be a quarter of an hour ahead of the artificial centre of the time zone put forward by the bill as opposed to being quarter of an hour behind the time zone that presently applies by virtue of the current legislation.

I am put in an interesting position whereby the parliament is clearly against moving our time zone to coincide with the states to the east of South Australia. However, I do see considerable merit in a time zone that is a whole integer different from other time zones rather than being merely half an hour apart. So, I will have to give very careful consideration to this proposal. We have just canvassed this day, as I said, a whole range of debates pertinent to time zones, and in relation to the eastern standard time zone amendment bill, which I put forward, so I see no reason to delay a decision with respect to this proposal.

The ACTING SPEAKER (Mr Koutsantonis): If the member for Flinders speaks she closes the debate. The member for Flinders.

Mrs PENFOLD (Flinders): I want to thank the member for Mitchell for seeing merit in having the one hour difference. I hope that perhaps the debate will go forward and that, at some later date, we might be able to see that change, because I think there is a considerable amount of support for it.

Mr Meier interjecting:

Mrs PENFOLD: No-one was standing up.

Mr Meier: This happened last time, too. It is very hard when you are trying to do two or three things. I had very much wanted to speak to this bill.

The ACTING SPEAKER: Order! I understand that the member for Goyder is carrying a very heavy burden, indeed, being the only person in the house. I invited the member for Flinders to speak. I apologise to the member for Goyder: I did not know that he had an interest in speaking in relation to this bill. With the indulgence of the house, I would ask the member to take his place and make his remarks.

Mr MEIER (Goyder): Mr Acting Speaker, I want to thank you very sincerely: it is appreciated. I apologise for not having been in my place at the time when I should have been there ready to receive the call. I would also like to thank the member for Flinders for agreeing to allow her colleague to speak. I certainly support this bill. This is something that I think will show that South Australia is once again seeking to lead the nation, because we do not want to be tied to the eastern states. We are the central state, and we have promoted that in past times. We have shown that we can be one of the best (if not the best) states in so many ways. Certainly, our living style and our quality of life is as good as, if not better than, the rest. We are also aligned time wise with the Northern Territory, and I am sure that the Northern Territory would be very pleased to follow on with the half hour time variation to come to true Central Standard Time.

One of the most annoying things, if one is seeking to align overseas time (and I think most people these days would probably know of people travelling overseas or have acquaintances overseas), is trying to work out what time it is. There is certainly Sydney time, which is aligned exactly, and there is Western Australian time, but we do not have the half hour difference. It is extremely annoying when one has to think, 'Hang on, do I add or subtract half an hour, and what is the exact time there?' More importantly, when businesses are dealing with Asian countries and our other neighbours to the north, it will make the process simpler.

However, probably most importantly, it will bring our time clock onto the right sequence. The situation where we perhaps have the sun rising and setting a fraction earlier will not occur. We will be on our true time. Surely that is something that everyone here should welcome and promote. People should recognise that it will be to the benefit of South Australia and Australia as a whole. I guess that, with our modern technology, the ability to communicate is much easier than it was 10 years ago, and certainly a lot easier than it was 20 or 50 years ago. That is not the problem.

We see this where delayed telecasts on television can be spot on to within split seconds. This also happens with radio programs. The ABC's night-time program is synchronised to the different time zones. I know I was caught out when they asked interested people to ring if they wanted to speak to so and so. I rang to find that that person had left the studio a half an hour before. We were receiving it direct at that time, so they had synchronised it with our time zone, but most times we are synchronised to our own time. Anyone who listens to Tony Delroy would appreciate the time zone differences and that, if people want to participate in the quiz program, they would need to ring a half an hour beforehand.

To make it an hour difference would not be a problem one way or the other. I compliment the member for Flinders. I think she said a lot in her second reading contribution to explain the attributes of this proposal. It is one which I believe South Australia will adopt in due course. I have a suspicion that the member may not have convinced government members on this occasion. It is a pity that we do not have a forward looking government. It is a pity that we do not have a government that seizes the initiative and looks to the future to ensure that we stay ahead. This is an opportunity which presents itself in that respect. I guess there is still time, even though it is a matter of minutes now, for the government

to reconsider its position and support the member for Flinders, for whom I know they have a lot of time and respect.

In fact, I think that was shown very clearly during the recent tragedies on Eyre Peninsula when the work of the member for Flinders was acknowledged by government members. I think all members on both sides of the house realise what an important member she is to this house. I support the bill.

The Hon. J.W. Weatherill interjecting:

Mr SNELLING (Playford): The minister interjects, 'Don't not let your sun go down on me,' which might be the theme song for this debate. I will speak very briefly against this bill. I notice that the meridian at which the member for Flinders wants to set the state's time passes smack bang through the middle of her electorate. I applaud her for her obvious pride in her electorate, but I do not see how setting our clocks back half an hour will achieve terribly much, apart from causing a fair amount of confusion and disruption. I do applaud the member for Flinders for her obvious devotion to her electorate. There may come a time when she also introduces a private member's bill to move the capital of South Australia to Port Lincoln, but I do not think we will be going down that path either. Without wanting to hold up the house any longer, I indicate that the government will be opposing the bill.

The Hon. M.R. BUCKBY (Light): I support the member for Flinders. I put forward some arguments when debating a previous bill about Eastern Standard Time earlier this afternoon. If my memory is correct, I believe that South Australia is only one of four places around the world which operates on a half hour time zone. As I said earlier, the United States has four different time zones, each one an hour apart, and business operates perfectly well in the United States, from what I understand. If South Australia changed to Central Standard Time and if my memory is correct, we would be on the same time zone as Tokyo, which places us in the same time zone as Japan and Hong Kong, and the longitudinal meridian in which we would operate would be in this state instead of Victoria and New South Wales. I commend the member for Flinders for bringing this bill before the house. It is something which I have supported for a long time, both in the party room and privately, and I sincerely hope it gets through.

Mrs PENFOLD (Flinders): Once again, I thank the member for Mitchell for seeing the merit in perhaps having true Central Standard Time and hope he will consider supporting it, as I hope others will—although maybe not this time but in the future. I will refer to some comments of which Mr Vaughan and Business SA should take note. Recent statements in *The Advertiser* would indicate that there is a lot of support for this measure, perhaps more than people realise. Kay Matthews of Strathalbyn states:

> The CEO of Business SA says that all that people who do not want daylight saving to start in August need to do is to 'wind the clocks forward'. . . Mr Vaughan, all you need to do is to start work earlier like Baker Young Stockbrokers and others. Stop blaming others for your inability to find solutions and adapt to trends.

Elizabeth Dew of Ceduna states:

> Perhaps Mr Vaughan should look at his business practices, not the daylight-saving issues. Hasn't he ever heard of flexitime? I suppose he doesn't do business with any other country in the world which has a different time zone.

Paul Scott of Wattle Park states:

> The fact is that our state lies considerably west of the Eastern States and our time should reflect this. If certain businesses find this detrimental, there is no reason why they can't adjust their own working hours. This would have the added advantage of helping to alleviate traffic congestion.

Peter Stocking of Edithburgh said:

> I am sure that the editor and Peter Vaughan. . . are in the same class of business that they need to go east. . . The attitude of the editor and Peter Vaughan to the rural areas of South Australia is what we have all known for a long time—South Australia stops at Gepps Cross. If that is all the two can offer [South Australia] then it is no wonder why we are in a mess. . . To hell with timing to the east—go central and get the east to wait for us!

My sentiments exactly, Mr Stocking. I therefore urge all of South Australia, and particularly at this time the members of the house, to have pride in our state, to acknowledge our achievements, to have confidence in our ability, to be leaders not followers, and let us have true Central Standard Time. I support the bill.

The house divided on the second reading:

AYES (12)

Brindal, M. K.	Buckby, M. R.
Chapman, V. A.	Gunn, G. M.
Hamilton-Smith, M. L. J.	Matthew, W. A.
McFetridge, D.	Meier, E. J.
Penfold, E. M. (teller)	Redmond, I. M.
Scalzi, G.	Venning, I. H.

NOES (34)

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

Majority of 22 for the noes.

Second reading thus negatived.

The SPEAKER: Without reflecting on the division result, I place on record my own views containing material not provided by other honourable members as I believe ought to be placed on the record at this time. Were we to align ourselves with our true meridian, we would be aligning ourselves with Japan, Korea and Eastern Siberia, rather than being seen as a branch office of the eastern part of Australia. The other point I place on the record for all honourable members is that airline pilots see us as a joke in that we cannot make up our minds where we belong in the world, even though that is clearly determined for us by geography. Our present position is, of course, a hangover from over a hundred years ago when we made a deal with the eastern states to adjust our time to a time which would be a compromise between their standard time and ours and, as with the railway gauges, they refused to do that. In the final analysis, they just never carried it through. So, we do not have a

standard time with eastern Australia in the same way that we never had a standard railway gauge. The exigencies of the railway gauge were seen to be obvious after 70-odd years and were done away with. Sooner or later, now that we are in this day and age of the internet, automatic pilots and so on in aircraft, we will wake up to the fact that we ought to align ourselves with the conventional time zone in which we are located on the face of this earth and enjoy the benefits of doing so.

Finally, I make the point that across America there is no detrimental consequence for commerce in any way, shape or form between Atlantic coast time, central time (otherwise known as prairie time)—that is, the New York Stock Exchange, the Chicago Stock Exchange—the business interests and stock exchanges of Las Vegas and Denver in mountain time, and the business interests and stock exchanges of San Francisco and Los Angeles in Pacific coast time, and Hawaii; none of those time zones, all being an hour apart, suffer any disadvantage whatever in consequence of them accepting the time zone in which the state happens to fall. To my mind the arguments about that, put by the captains of industry, are specious. I thank the house for its attention.

SHOP TRADING HOURS (TOURIST PRECINCTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 February. Page 1450.)

Mr SNELLING (Playford): This bill proposes to amend the Shop Trading Hours Act 1977 to rename the central shopping district which is currently defined in the act as anything in the hundred of Adelaide—and this includes the area within the four terraces—to a central tourist precinct. The government cannot agree with this amendment. The effect of this amendment is that non-exempt shops both in the central tourist precinct (the central city shopping district) and the Glenelg tourist precinct, in addition to current hours of trading, will be permitted to trade on public holidays. Good Friday and Anzac Day are not included in the public holidays except that on Anzac Day trading between the hours of 11 a.m. and 5 p.m. or 1 p.m. and 5 p.m. is allowed. The current restrictions are not compelling traders to trade on Sunday or employees to work on Sunday, as the current section 13A is expanded to include the public holidays above. The 1st of January, Easter Day, and 25 and 26 December each year are already excluded under the act—that is under current section 13(6)(a), and the bill does not seek to change them.

In terms of the holidays over Christmas and New Year this year, the major changes would be in relation to 27 and 28 December and 3 January 2005, which are presently non-trading days for the large retailers. In shopping districts, under the act, non-exempt shops must close on public holidays as well as 1 January, Easter Day, and 25 and 26 December each year. As a result of the Christmas Day, Proclamation Day and New Year's Day holidays all falling on either a Saturday or a Sunday, the recognised public holidays for these days will, therefore, be transferred to the closest following weekday. This means that the Christmas Day public holiday will be held on Monday 27 December, the Proclamation Day holiday will be held on Tuesday 28 December, and the New Year's Day holiday will be held on Monday 3 January 2005.The effect of this is that over the Christmas to New Year period, non-exempt shops will be closed, effectively, for six days out of 10.

Non-exempt shops (primarily larger retailers and supermarkets) closing for four straight days over the Christmas period this year is unusual, and we do not normally have the situation where Christmas Day and Proclamation Day fall on a weekend. There is no real pattern to when the four-day closure would occur but, apart from 2004, I understand this will occur in 2010, 2021, 2027 and 2032—which is not very often. Generally speaking, large department stores and supermarkets over 400 square metres are required to be closed on public holidays. In general, other shops can open.

We have always been very clear that we do not support full deregulation: there must be a balance in regulating shop trading hours. This government has delivered the biggest reforms to shop trading hours in South Australian history and has provided more than 700 hours extra shopping time. We now have trading almost every Sunday of the year and have late-night trading in the suburbs. When the house was debating the major reforms that the government implemented, the government said that it believed that there were special days that Australians should be able to spend together with their families and friends.

Christmas is more than a weekend, and it should be respected. Many small-business people and employees in the retail industry will work long hours every day in the period leading up to Christmas, and a reasonable break to spend time with family and friends at Christmas is only fair. While small business owners can choose not to open and employees can choose not to work, if the law is changed, we believe that many do not feel this is a real choice. Many small-business people feel compelled to open when their competition opens and many employees, particularly casuals, are fearful that declining work will hurt their relationship with their employer and disadvantage them in terms of obtaining extra work hours.

The overwhelming feedback I get from my constituents is that they want a decent break at Christmas and that keeping the law as it is is the only realistic way to make sure that they get a decent break. Small supermarkets can open and can trade whatever hours they like, as they do on any normal public holiday. The government opposes the bill before the house.

Second reading negatived.

CONSTITUTION (BASIC DEMOCRATIC PRINCIPLES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 February. Page 1451.)

Mr KOUTSANTONIS (West Torrens): I rise to oppose this bill for the hypocrisy that it is. Mr Speaker, you yourself have been a victim of the Liberal Party's own blatant kangaroo court in which they attempted to throw you out of the party that you have loved and have been a member of for 25 years, I understand, because they did not like a decision you made when you exercised your conscience. Now, they come to us telling us that the Labor Party is somehow hypocritical because we require people who wish to be members of the Labor Party and who wish to remain members of the Labor Party to abide by caucus decisions.

The Labor Party has never forced anyone to vote a certain way: all we say to them is that, if you vote contrary to a decision of the caucus, you are no longer a member of this

party. You do not lose your seat in parliament, you lose none of the rights of a member of parliament—all you lose is status as a member of the Australian Labor Party. We are a party in our own right and we decide who our members are—no-one else. If the Hon. Graham Gunn wants to have a say in the Labor Party, I say, 'Apply to the Labor Party.' If you want to make changes to the way we run ourselves, then join our party. Do not try to impose your will on us.

The idea that the Liberal Party, and members such as the member for Stuart, after having voted to expel you—in a kangaroo court in the middle of the night in the last parliament—from membership of the parliamentary Liberal Party because you exercised your conscience, breaking every rule they had and allowing you to stay on as a member of the Liberal Party if you chose just shows the hypocrisy of what they are trying to do. The bill that the member for Stuart proposes ignores that completely.

I cannot believe that members opposite, who voted to expel the member for Hammond from the Liberal Party, can actually stand up with a straight face and support this bill without first going on their knees to apologise to the member for Hammond for what they did to him in the middle of the night. They have got form on this sort of thing: they like knifing leaders and their colleagues in the middle of the night. Just ask the member for Finniss and the former member for Waite, the Hon. Stephen Baker, about what the Liberal Party does in the middle of the night. Those opposite who support the Night of the Long Knives are now trying to make law their deceit, to make law their covert actions. They are saying, 'Deal with us or we will deal with you.'

I find this bill to be completely unfair and undemocratic. I choose to be a member of the Labor Party and I choose to be bound by our rules—no-one forces me to. My electors know at the election, when I stand for parliament, that I am a member of the oldest and greatest political party in Australia, formed in 1889 in Queensland. They know what I stand for, because I have the words 'Australian Labor Party' after my name.

What they do not know about those in the Liberal Party is that they make up rules as they go along. No-one can compel me on how to vote in this chamber; in fact, I understand that it would be illegal to compel me to vote in a certain way. However, the Australian Labor Party has every right to expel and admit people as it sees fit. Anything other than that breaches our basic democratic principles. The idea that a parliament can impose its will on a democratic party is outrageous. It is like this parliament enacting legislation to tell the Liberal Party who it can and cannot have as members, or to tell its members how they can and cannot vote. It is an absolute outrage, and I would ask every democratic-minded member of the Liberal Party to absolutely oppose this bill.

The Hon. D.C. Kotz interjecting:

Mr KOUTSANTONIS: I am glad that the member for Newland agrees with me on this, Mr Speaker. She must be one of those who voted against your being expelled in the middle of the night. No, she was not. She was one of those carrying the knives and the knitting needles, standing near the guillotine with her knitting needles, along with the member for—

An honourable member interjecting:

Mr KOUTSANTONIS: That is right; Madame Defarge. I find this to be the height of hypocrisy.

I understand that the member for Stuart might have ulterior motives for this. I am sure that when he summarises his bill—if he turns up to speak on it—he might come up with an explanation about why he wants to compel members of parliament to vote a certain way.

Mr Scalzi interjecting:

Mr KOUTSANTONIS: I understand that the member for Hartley, who also wants to compel us to be citizens of certain nations, wants also to tell us how to vote. Mr Speaker, you have often said that we have ancient rights and privileges which you claim for us every four years as the Speaker of the house. I think that this bill goes to eroding those ancient rights and privileges and that we should oppose it. It is undemocratic and unfair. Of course, the Liberal Party has never been about fairness or democracy: all it is about is enforcing its will on the individual, because it opposes individual rights. That is what the Liberal Party really believes in: an opposition to individual rights. It wants to tell people what they should and should not believe. It does not want people to have independent thought processes. It does not want them belonging to unions or political parties unless they agree with Liberal Party ideology. That is why it holds only a few seats in regional areas; it has had Independents come along and knock them off, because those communities have abandoned Liberal ideology, because it has abandoned them.

Mr VENNING (Schubert): I did not originally intend to speak to this motion, but after that speech I was provoked to make some comments. I certainly support the member for Stuart in raising this matter. I cannot believe that I heard a speech like the one we just heard. I would almost ask the honourable member to read it, considering what freedom of speech is all about, what freedom of choice is all about, and what democracy is all about. It is about individual choice. Each one of us is elected into this place by approximately 24 500 people, and they are voting for us as individuals. Yes, it is publicly known that we belong to political parties, and your interest, sir, is as an Independent. We happen to deal with the tag. However, I believe that many people out there when they vote for a candidate with 'ALP' alongside it are not aware that their candidate, their person of choice, does not have the right to stand up in this place and speak for them, because they have to speak for the party.

The decision is made in the caucus room, and often it is the unions and the faceless men down on South Terrace who make these decisions. They really are, in Keating's words, 'unelected swill.' I cannot believe that the member for West Torrens (and he is a reasonable sort of a bloke) could look at us and ridicule us. I can stand here as a member of the Liberal Party, which allows me the freedom, firstly, to speak my mind, and secondly, and most importantly—because I believe that members of the Labor Party have the freedom to speak their mind, but they do not have the freedom to vote; they are locked in—I have the freedom to vote.

I have crossed the floor only once in my time here against my party line, and that was a rather obvious time. I believed that that was a responsibility that I had.

An honourable member interjecting:

Mr VENNING: Almost; I do not have to. I have that right, and I believe that I am responsible for that. I told my party that I was going to do that and I did it. We have some heroes. We have one Normie Foster, who was a South Australian state hero, because what did he do? He gave us Roxby Downs. He has given us the greatest resource opportunity that we have seen in six decades in this state. He paid the ultimate price. He went against the party line on uranium, and what happened to him?

Mr Koutsantonis: Where is he now?

Mr VENNING: He is history. So, I challenge the member for West Torrens, where is the honesty in that? Where is there a true reward in that? That man did the right thing. He had guts and courage. I do believe that you have just invited him back into the party. I think he has been reinstated, because he has been out in the wilderness now for over 14 or 15 years, but you have now reinstated him as a member of the ALP, and so you ought, because he is a national hero. I commend the member for Stuart for this motion. It is a basic democratic principle that we are elected here as a person first, and as a member of a political party second. If the member for West Torrens and I happen to agree on a matter, it should not matter which party we belong to. If we are here representing our people and we have their support, we should be able to vote for what and how we like.

In recent days it has really concerned me that the Labor Party allows its members the right to vote for themselves, but it has to declare a conscience vote for that to occur. These days we are seeing the Labor Party allowing its members fewer and fewer conscience votes. This is a breach of the basic democratic principle for people elected. I am sure that I believe that not many people out there understand the difference between the Liberal Party and the Labor Party. The key difference is that the Liberals have the freedom to vote as they wish.

Members interjecting:

Mr VENNING: It has nothing to do with this principle at all. I cannot believe that many of our political journalists do not highlight this fact more often. I will not list all the political journalists. There are not many of them left, because they have all been bought off by the Labor Party. However, there are a few left who do write constructive stuff about what happens in this place, but very few highlight the difference: that we as Liberals have that freedom. Some would say that this is the reason that we sometimes govern with our hands behind our backs: that we do allow our members the right to the freedom of conscience. There is no doubt that it is a lot harder to manage people under such a system, because you do not know what will happen, particularly when you are in government with a large majority, as we found out in 1993. We had a few rebels.

Mr Koutsantonis: You were one of them.

Mr VENNING: I certainly was not one of them. Irrespective of that, on this side of the house we are elected by our people, and we are responsible to them first and foremost, as the member for West Torrens would agree. I might disagree with my constituency, but if I cannot convince them to my point of view, I vote with them every time. I consult regularly with my electorate via newsletters, the local media, or whatever. I think it is a basic tenet. I cannot believe that people can stand in this place and tell me with an honest and straight face that the way in which the Labor Party does things is the right way, because it is not. I say to members opposite: this is 2005, you know. I say to the member for West Torrens: the Labor Party might have done this 93 years ago, when they set it up. That is okay. However, I believe that it is a modern world today; everything is changing.

I do not believe that members will recognise this place in 20 years' time. I believe that in 20 years' time there will be only one house. We will see some rapid and big changes in the way in which things are done in South Australia. I think it is high time that the Labor Party got with it, got into the modern era and allowed a policy of freedom. The Labor Party can have its conferences and all its strong heavyweights in the caucus. However, the member for West Torrens should have the right to cross the floor on a personal issue—and I know he has plenty. We know that he has been prohibited on many issues. I will not quote the instances, but there are several on which the member for West Torrens has a very strong point of view. He got rolled in the cabinet, and I do not say that rudely. He comes into this place, and he has to sit over there like a mute. One such case was—and I will not mention it because it was in confidence; I will not mention any of that. But he knows. We have confidences across this place, and I will not breach any confidences across this house.

Mr Koutsantonis: You just have.

Mr VENNING: No, I haven't. No, I will not put the examples; you know what they are, anyway. But I just believe that democracy is flawed when only one side of the house allows its members the freedom to vote as they wish, without the threat of being thrown out. Whether you are Liberal or Labor, we know that without the support of your party your long-term future is in doubt. You might survive—and they might survive—

Mr Koutsantonis interjecting:

Mr VENNING: I am young enough to come back and say, 'I told you so.' Stick around, lad. My greatest adviser in relation to this was the late Thomas Stott. He had been everywhere and done everything. As the member for Hammond would know, because he has his seat, the late Thomas Stott said, 'You can only ever be an Independent for one election,' and sure as eggs that is what happened to him, too. He was a great Independent. I think he was a member of all parties, and finished his time. In hindsight, we should have knighted that bloke, because Tom Stott was a great South Australian and did a lot for everybody. I cannot believe that anybody with any datum of reason in their mind can say that the Liberal Party, which allows its members freedoms, irrespective, sir—and I have seen what happened to you; but we are a broad church on this side of the house. We are all individuals—

Mr Koutsantonis: No, you're not.

Mr VENNING: We certainly are. I know many members on the other side of the house have strong personal views. However, when you come into this house—

Members interjecting:

Mr VENNING: I think it is wrong that the decisions of this house can be decided down on South Terrace. I reckon that is wrong. I believe we should come in here with an open mind, have the debate and then each and every one of us, irrespective of their party, vote on the issue on the day, at the moment, on the argument and debate before this house. I know that is pie in the sky, but I believe that is the principle we should aspire to—that is what we should be in this place for. We are here to represent our people: people first, us second, and the politics a long way last.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I rise to make a contribution in relation to this bill. The bill is inappropriately named. The bill, in large measure, seeks to detract from the democracy that is implicit in the system. With all due respect to you, sir, and other Independents who hold positions in this house, the role of political parties in our system is an incredibly important and vital one. I make this brief contribution in order to defend the important place political parties play in this system.

Not all Independents go to their electorate with a clear platform of what they choose to do in the next election. Indeed, it is the exception, rather than the rule. I do take you

out of that equation, Mr Speaker, because I know that you communicated very clearly with your electorate before facing the last election. However, in many cases that is not the case. Democracy is not served by having a representative for whom their electorate will not know where they are to vote on a particular issue. In relation to political parties, we are obliged to and do publish very complete manifestos or platforms, which are subject to extraordinary scrutiny by the mainstream media outlets during the course of an election campaign. They play a vital role. Further, it is only because of the strength of a political party and the diversity of opinions represented in it that enable us to present such a comprehensive platform to the community to form a basis for government.

We have a system that is well suited to political parties. I think the preferential voting system obliges us to come up with a comprehensive platform, so that a majority of the community support it. That is one of the reasons why the Labor Party is such a great party, because it has always had to think big and come up with a positive platform to seek to attract the mainstream of opinion across a very broad range of views within its own party. I think democracy is served by this current system.

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

STATUTES AMENDMENT (LIQUOR, GAMBLING AND SECURITY INDUSTRIES) BILL

Adjourned debate on second reading.

(Continued from 9 December 2004. Page 1304.)

Ms CHAPMAN (Bragg): This bill was introduced by the Attorney-General on 9 December 2004. It amends the Security Investigation Agents Act 1995 (SIAA), the Liquor Licensing Act 1997 (LLA) and the Gaming Machines Act 1992 (GMA). At the time of the introduction of this bill, the Attorney informed the house that the amendments to this legislation are intended to deal with two separate but related issues: first, the infiltration of organised crime into the security and hospitality industries; and, secondly, violence and aggressive behaviour by crowd controllers working in licensed premises or at licensed events. The opposition shares the government's concern about these two issues which, clearly, need to be addressed. Accordingly, I indicate that, subject to some amendments which are being considered by the opposition for debate in another place, the opposition will support this bill.

This bill introduces an associate test under the SIAA so that the licensing authority (the Commissioner for Consumer Affairs) must take into account the character of the associates of security licence applicants and licensees in assessing whether the applicant or licensee is fit and proper to hold a security agent's licence. This is an area—similar to many others where a product or service is provided—where the parliament considers that the assessment of persons in charge of that industry or the production of that service as fit and proper will require due diligence. This is not a unique position. Historically, flammable products, dynamite, liquor and drugs are all examples of where legislators have taken the view that it is important that we place the responsibility for the sale, possession and distribution of these products and services on people who are fit and proper in the community.

Secondly, this bill makes the investigation of those associates by the licensing authority (the Liquor and Gambling Commissioner) mandatory under the Liquor Licensing Act. Thirdly, it makes it mandatory for the relevant licensing authority to refer all applications under the SIAA and the LLA to the Commissioner of Police so that the Commissioner may investigate the probity of those applicants. The Commissioner of Police will then be required to provide information to the relevant licensing authority about criminal convictions and other information held by the Commissioner relevant to whether an application should be granted. Again, this is not unique legislation in that the Commissioner of Police plays a role in relation to the provision of information for the purposes of this assessment. This assessment will now apply to a much broader group of persons with the introduction of the associate test, to which I have referred. It will also provide the police with the right to object to an applicant and to appeal against the grant of a licence under the SIAA similar to the right of intervention afforded to the police under the LLA and the GMA.

Importantly, it will also allow the use of criminal intelligence. This is perhaps one of the more controversial aspects of this legislation. The bill also provides some protection for the confidentiality of criminal intelligence. It is important that we appreciate that criminal intelligence is information relating to actual or suspected criminal activity (whether in this state or elsewhere), the disclosure of which could reasonably be expected to prejudice criminal investigations or to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement. It is certainly very general, but it is designed to not prejudice other action and to protect those who have been willing to come forward to provide that information because, as members may appreciate, the disclosure of their identity could cause them harm. Importantly, the criminal intelligence provided by the police is not to be disclosed to the person affected. I suppose this is where controversy enters this bill, and I think it is the most significant element.

The bill provides that, where police intelligence is used in any proceedings under the three acts, including in determinations of applications and disciplinary proceedings that can lead to a cancellation of a licence or approval, that information or intelligence must not be disclosed, including to the applicant, the licensee, approved person or his or her representatives. That is, of course, quite extensive and means that that person—or, indeed, their legal representative—is not to be privy to that information. Where the licensing authority makes a determination of an application on the basis of the police information that is classified in that category of criminal intelligence, it will not be required to provide reasons for that determination other than that to grant the application would be contrary to the public interest. The District Court, pursuant to the bill, is the appealing authority, and it may hear an appeal against a licence refusal or a disciplinary action against a licensee or approved person. It must hear the information in a court closed to all—as I have said, including the applicant, licensee, approved person and that person's representative.

This is not a unique circumstance in our legislative regime. It is fair to say that these provisions have been modelled on the Firearms Act 2003. As the house would appreciate, this is another category, of course, for those who may be deemed fit and proper for the purposes of being in possession of, and have carriage and use of, firearms. These provisions in that legislation, of course, have been included to prevent organised crime from obtaining firearms. As in the Firearms Act, 'criminal intelligence' is defined as information

about actual or suspected criminal activity, the disclosure of which, as I have indicated, could reasonably be expected to prejudice the criminal investigations, or to enable the discovery of the existence or identity of a confidential source of information relevant to the law enforcement. Classification of information as criminal intelligence may be made by the Commissioner of Police personally or by a deputy or assistant commissioner of police.

The government tells us that the amendments are not retrospective and, on viewing the bill, one will see that that is so. Notwithstanding that, the bill allows criminal intelligence to be used to take disciplinary action against existing licensees or approved persons even where the criminal intelligence existed at the time of the licence or approval having been granted. So, existing licensees may find that, although this legislation is not retrospective, if they come before the Commissioner for the purposes of disciplinary action, information about them which has accumulated even before the period which is relevant to the disciplinary action and which might even have existed at the time of their original licence being approved can still be taken into account. I will come back to that aspect shortly.

Another significant aspect of this legislation deals with crowd controllers who, of course, work in licensed premises or at licensed events. I think well publicised incidents—the death of David Hookes, for example—identify where there has been the use of violence on the part of a person in this industry. I will not go into the details of the events of that case; suffice to say that Mr Hookes died as a result of there being an exchange and the conduct of a crowd controller in Victoria. The bill restricts their power to use force in the ejection of persons from licensed premises. This measure, which introduces a new offence—that is, failing to quit licensed premises—is an important one. The bill will stipulate that physical removal or prevention of entry can occur only in the presence of an authorised person as defined. The definition of 'authorised person' currently under the LLA is considered to be too broad, because it includes in that category of those who are authorised 'any employee or agent to use force to remove persons or to prevent their entry', and so on.

The restriction in this sense limits authorised persons to include a licensee, a responsible person, a police officer or such other persons approved by the Liquor and Gambling Commissioner and to make it a condition for approval that that person must have the appropriate knowledge, skills and experience for that purpose. These are all defined in the proposed legislation. They have been detailed by the Attorney-General in his contribution to the house, so I will not repeat them. This definition of 'authorised person' and the introduction of this limitation is designed to overcome the problem of management's denying knowledge of the actions of crowd controllers and places responsibility where it should rest, that is, with management.

Essentially they cannot act unilaterally. As I have indicated, management is involved in the process, and accordingly they cannot simply say at a later date, 'Look, I did not know that this event occurred. I did not know that this ejection and this inappropriate conduct had been undertaken by a crowd controller in my employment on this occasion. I was not present; I did not know anything about it.' It is an important restriction in the circumstances. Most importantly, because of this new offence of fail to quit licensed premises, it means that the physical removal or prevention of an entry can then only occur after the person has failed to comply with the request to leave being made by the authorised person. A new category of approved crowd controller is created under the LLA, and a security agent authorised to control crowds under the SIA. The latter can be required to undergo an alcohol test while on duty and a drug test. There are a number of aspects in relation to the provision of extra requirements, including fingerprinting security agents and applicants under the Liquor Licensing Act; the introduction of the random drug and alcohol testing of crowd controllers; and the psychological assessment of crowd controllers.

It is important to point out that this is not unique to this industry. The concerns in relation to the type of persons attracted to a career in the crowd control industry because of any predilection for conflict is one to be mindful of in this type of industry. It is not uncommon in a number of occupations for potential employees to undertake psychological assessments. It is required, for example, for anyone entering the police force. I suppose arguably these days it applies to medical students before they are allowed to undertake their degree. There are many occupations where employers now invite an applicant for employment to undertake a psychological assessment for the purpose of assessing their aptitude and their capacity to undertake the type of work and their ability to cope with the stress required to perform the job.

However, in this case it is particularly important to test for characteristics including tolerance, self-control, some conflict resolution skills (hopefully other than in a violent manner) and communication skills. These are important skills that must be associated with this industry if its members are to undertake their work without endangering members of the public. There are also requirements for refresher training and continuing development. This is a new phenomenon in relation to crowd controllers, but to undertake specific further training is something which again is not unique to many professions. The Liberal Party takes no issue with the precautions being introduced which are valid and which are appropriately applicable in a number of other occupations.

I return to the process in relation to the operation of security agents' licences. The bill provides for the Commissioner to suspend a security agent's licence. The present disciplinary scheme under the FIAA requires proof of unlawful conduct. It is common for there to be significant delays (up to a year or longer) between the laying of a charge and a conviction. As a result of the application under the disciplinary scheme being on the balance of probability, this extensive period needs to elapse before that can take place. The question then arises as to whether, in this type of occupation, it is safe to leave someone in those circumstances in a position to continue to operate when they may be able to inflict some other improper conduct on another person attending a licensed premises.

Therefore, the bill gives the Commissioner of Consumer Affairs the power to suspend the security agent's licence upon the agent being charged with a prescribed offence. We do not know what exactly will be in the prescribed offence, but again in his explanation to the house the Attorney-General has stated that the bill intends to prescribe offences of violence, as well as drug and firearm offences for licences authorising crowd control work, with the addition of theft and robbery offences in case of licences authorising guarding work, that is, for protection of persons and property. We have a fairly clear indication of the intent in relation to what will be in the prescribed offences. Clearly, they relate to offences which are serious and which would have a direct impact, I suggest, on the capacity for a person carrying out these duties

not to be exercising those characteristics that we are looking for—that is, tolerance, self-control, conflict management and so on.

Although a licensee will have a right to be heard about a licence suspension, the suspension will apply from service of the notice of suspension, and then there is a right of appeal against the decision to suspend a licence. In New South Wales, Queensland, Victoria and Western Australia either the licensing authority has power to revoke licences or automatic cancellation applies if the licensee is convicted of a disentitling offence. This bill provides for automatic cancellation of a security agent's licence where the licensee has been convicted of a prescribed offence.

I think it is important to note here that the opposition is concerned to look at some amendment to give an opportunity to proceed immediately to a right of appeal rather than the delay that is outlined in this bill, as being a more appropriate way to ensure that there is an opportunity for remedy. We are in a situation where there can be a licence suspension on the charging of an offence—which may, of course, be found later to be inappropriately laid, or even mischievously laid, so there needs to be a prompt opportunity of remedy for the person affected, particularly as we are talking about conduct which will affect the career and employment of these persons without there being a conviction. So the opposition is looking at a way in which it might be able to assist the government to produce legislation which will be effective but fair.

The Hon. M.J. Atkinson: Will you move that here, or upstairs?

Ms CHAPMAN: Upstairs. I briefly referred to the requirement for fingerprinting of security agents and applicants, which the opposition supports. The bill provides that the Commissioner of Police may but is not required to destroy those fingerprints on the application of a former licensee or employer or refused applicant; and, as I have referred to, the bill also allows the Commissioner for Consumer Affairs to require crowd controllers and applicants for the security agent's licence to undergo psychological assessments for the reasons I have outlined, and the refresher training course. I think these are all important steps towards tightening up and ensuring we have a high quality and high standard of persons employed in this industry, and an industry that can, hopefully, reform its reputation which may well be a result of only some in the industry but from which it now suffers as a result of the type of behaviour that we have heard of.

To the best of the opposition's knowledge, there has been a significant opportunity for interested parties, including the Australian Hotels Association and stakeholders in the industry, to consider the bill and to put forward their views on this matter; and the introduction of this bill and its passing, as I understand it, is with their blessing.

I will clarify a matter in view of a comment just made that, whilst there are some areas that the opposition feels we can tighten up in relation to procedure, it is proposed that they will be drafted before this bill reaches another house. But, so that the Attorney is aware, one aspect that we are considering at present is how we might enable the appointment of counsel to assist the commissioner in hearing applications, one who would also be able to ask questions directly in relation to the criminal intelligence information that is presented and have an opportunity to question and cross-examine those presenting that material, and this would be seen as an aid to the commissioner in relation to extracting the validity and substance of the information being put forward. Of course, it must meet with those two tests in relation to prejudicing other criminal action and also the disclosure of parties who need to be protected in those circumstances.

That may be one aspect in which we can assist to ensure that the proceedings that are otherwise behind closed doors are properly considered, bearing in mind that the person who is affected by this legislation and his or her representative are not allowed to be privy to any of that information for all the reasons that have been outlined. But let us make sure that, when we do introduce legislation like this which others will describe as star chamber activity, we make sure that we do it with a level of vigilance in its testing that ensures that we have the best possible outcome in view of the uniqueness of this type of process which otherwise, quite rightly, will receive criticism from those in the community, of whom there are a number, who will be concerned about the civil liberties of persons.

I raise this issue as an indication to the Attorney-General that one of the concerns that I have in relation to legislation such as this is that, as much as on the face of it, it seems to be appropriate for the purposes of the industries to which this legislation is confined, when we are dealing with the sale and distribution of alcohol and a large group of people who participate on these occasions at licensed events and in licensed premises and who are young people: this is part of the justification for going to this level in the interests of protecting them.

But let me just alert the Attorney-General to circumstances which we have recently dealt with in another industry—the education industry. Late last year we debated in this house the teachers registration legislation. We are setting very high standards for those who are able to be registered, both in their qualification and training, and also that they be fit and proper persons and that they have no improper conduct in their past which would deem them unsafe, unfit or inadequate for the purposes of teaching our young people. These are children usually of ages between about four and 18. Some very high standards have been imposed on teachers now in relation to what they are also required to consent to and disclose; and that relates to the consent to the provision of criminal records (police checks, as they are often referred to) and to make information available even in a circumstance where there has been no charge laid against them. In the interests of—and under this umbrella of—child protection, we now require the reporting and disclosure of where an allegation of improper conduct is made against a teacher which is to be reported to the Teachers Registration Board. It is for the course of the lifetime of that allegation, whether or not it crystallises into a charge, prosecution and conviction. During the lifetime of the allegation, that information now goes before a board which it can take into account to initiate an inquiry as to whether or not that person should be allowed to teach.

I raise one point of caution that, in our important attempt to try to protect young people, whether they are in a school room or visiting a local licensed premises, we be careful not to be seen to be hastily interfering with people's right to employment, particularly when they have undertaken years of study or to be able to rub out that opportunity of employment on the basis of a process, and on information which will never be known to that person. So, I move cautiously in this area but, given the information presented by the Attorney-General and our having read the bill and considered it with the opposition, it is a matter where, although we tread lightly, the principle of what the government is attempting to achieve here has our full support. We will endeavour, particularly in

the other place, to present amendments which will help to provide a level of protection for those who are in this industry, taking into account that it will inevitably flow to other industries when we use the protection of those less able to protect themselves in the community, particularly the young, to justify this type of legislation. With those comments, I indicate the opposition's support for the bill.

Mr O'BRIEN (Napier): I rise to support this bill. My support for the bill and my interest in it arises from my participation in the Drugs Summit that was held shortly after the formation of the current Labor government. In participating in that summit, I served on a working group that included the Liquor Licensing Commissioner and several senior crime intelligence officers from SAPOL. From our working group it emerged that organised crime had involved itself in the security industry, and it was using its participation within the security industry basically to get amphetamines into hotels and into the hands of young South Australians. So, the Liquor Licensing Commissioner and the senior crime intelligence officers from SAPOL were quite adamant that we require the type of legislation that is before us this evening.

The bill will make important and widespread changes to the Security and Investigation Agents Act 1995, the Gaming Machines Act 1992 and the Liquor Licensing Act 1997. The changes that this bill proposes are intended to ensure that there is adequate security and protection within our hospitality and liquor industries. The measures within the bill are therefore designed to ensure that the current infiltration of organised crime into the security and hospitality industries is put to an end. The bill also introduces important measures that will ensure that crowd controllers or bouncers are subject to strict standards of conduct in relation to their behaviour and recruitment. These strict standards of conduct will ensure that crowd controllers are suitable for this valuable occupation, which provides for the security and safety of many South Australians, most them young South Australians.

The bill has had widespread media coverage and was introduced into this house in early December last year. The parliamentary break has, therefore, ensured that there has been sufficient time to allow for adequate consultation with representatives from the security and hospitality industries as well as other interested parties. As I noted earlier, a major objective of the bill is to ensure that organised crime can no longer infiltrate the security, liquor and hospitality industries in this state. Recent research conducted by South Australia Police has illustrated that organised crime currently has an unacceptable influence over security industries.

In fact, it has been revealed that up to 80 per cent of licensed premises in Adelaide's central business district that employ security firms are using companies with links to outlaw motorcycle gangs. Sadly, such unacceptable links are not limited to Adelaide's CBD, and police also have evidence that 60 licensed premises in South Australia outside the CBD are using security companies that have inappropriate links to organised crime. Even John Pike, the manager and part owner of Heaven, one of South Australia's most popular and perhaps notorious clubs, has admitted that there is a link between bikie gangs and security companies.

The link between bikie gangs and security companies is extremely disturbing. Recent police evidence reveals that crowd controllers who have links to bikie gangs are more likely to be involved in unwarranted assaults than crowd controllers who have no such links. Further, concern is also warranted by the type of activities that bikie gangs involve themselves with. Police evidence reveals that there are strong links between members of motorcycle gangs and firearms activity, violence, supply of drugs and general organised crime activity. Furthermore, it is also believed that bikie gangs use the links they have in the security industry as an avenue for money-laundering as well as the control and expansion of illicit drug distribution networks. This link can only be seen to create an unsafe environment for the patrons of these venues where criminal activities are rife.

The fact that the patrons of these venues are often younger South Australians is, perhaps, the most disturbing aspect of the link between the security industry and organised crime. Sadly, under such circumstances the youth of our state is subjected to an unsafe environment whereby drugs are easily accessible. Such circumstances have exacerbated the normalisation of drug use within youth culture. The normalisation of drug use within youth culture, as well as the increased accessibility of drugs, is believed to be an important reason why drugs are used by youth and why there has been a progressive increase in drug uptake over the last decade or so. The removal of organised crime from our security industries will, therefore, ensure a safer environment for all South Australians and also greatly reduce the accessibility of illicit drugs, particularly amphetamines.

Some of the measures that the bill introduces that will help stamp out organised crime from the liquor and security industries include the following: an ability for the licensing authority to take into account the character of persons with whom the applicant chooses to associate, when assessing whether an applicant or licensee is fit and proper to hold a security licence. This will ensure that applicants or licensees who are known to have close links with criminal organisations will be unable to hold a security licence. It also states that applications for a security licence must be sent to the Commissioner of Police so that the Commissioner of Police can determine the suitability of the applicant. Police will also be given the right to object against an applicant and to appeal against the grant of a licence. This will help ensure that applicants or licensees who are not suitable to be crowd controllers are not given the right to become crowd controllers.

The bill also facilitates the use of police intelligence by ensuring that it is kept confidential, thereby ensuring that police operations are not compromised. Thus, police will not be required to disclose valuable information that has been used to deny an applicant from receiving a security licence. To ensure that these measures are successful in their enforcement and their administration, the bill also provides for an extra $1 million in funding, which will allow for the appointment of an additional 15 police officers as well as five more consumer and business affairs officers. Such funding illustrates the government's commitment to cleaning up the security and liquor industries.

While the removal of organised crime from the security and liquor industries is a major objective of the bill, it also seeks to make crowd controllers responsible for their actions by imposing standards of conduct. These standards of conduct will ensure that crowd controllers are properly trained as well as accountable for their actions and behaviour. The need for the strengthening of the standards to which crowd controllers are to operate has been highlighted by the many reports and allegations of excessive violence perpetrated by crowd controllers. For example, it is alleged that security staff at one particular venue, Heaven nightclub, assaulted 80 patrons between the years 2003 and 2004.

Furthermore, the tragic death of David Hookes also serves as an important reminder of the harm that can be caused by grossly excessive responses by crowd controllers—and the opposition has highlighted this particular instance in a speech made by the member for Bragg.

Some of the measures which the bill introduces and which will ensure that crowd controllers abide by strict standards of conduct include the narrowing of the definition of 'authorised person' so that only licensees, responsible persons, police officers or other persons approved by the Liquor and Gambling Commissioner will have the power to use force to remove persons or prevent entry. This will ensure that only people who have the appropriate training and who therefore possess the appropriate knowledge, skills and experience will be able to use force. Furthermore, authorised persons who use force will also be required to record removals.

The bill also widens the grounds for disciplinary action against authorised persons. This will ensure that crowd controllers who fail to exercise their responsibilities or exceed their authority can be reprimanded. The bill vests the Commissioner for Consumer Affairs with the power to suspend a security licence upon a licensee being charged with a prescribed offence. This will ensure that crowd controllers who are charged with serious offences, such as assault and drug offences, can be removed from this occupation without unnecessary delays.

The bill also enables the random drug and alcohol testing of people who hold security licences. Such measures are a response to the inherent dangers that a crowd controller who is under the influence of alcohol or drugs presents to the wider public. One of the things that emerged from the drugs summit was the impact that the consumption of amphetamines has on human behaviour, particularly the aggravation of aggressive behaviour. It is clear that a person under the influence of drugs or alcohol is more likely to act aggressively. Therefore, it is crucial that crowd controllers, who are often involved in situations of conflict, do not illegally use such substances. Under the new measures, if a crowd controller is found to have traces of any proscribed drug or any trace of alcohol while on duty, their licence will be cancelled.

Finally, the Commissioner for Consumer Affairs will also be given the power to order crowd controllers or applicants for a security licence to undergo psychological assessment to demonstrate their fitness to hold a licence. This will help to ensure that people who have a tendency to use unnecessary violence or who are considered mentally unsound to perform such duties are stamped out of the industry.

These measures will therefore ensure that crowd controllers are subject to the strictest standards and regulations in the country in relation to their appointment, behaviour and conduct. It is hoped that, by introducing these strict regulations, crowd controllers will get the message that there is zero tolerance for inappropriate links or behaviours within South Australia. I commend the government for a bill that will ensure the increased safety of all South Australians, particularly our young people. By reducing the resources of organised crime within South Australia, as well as ensuring that crowd controllers act in an appropriate manner, I also expect that this legislation will reduce the amount of amphetamine on the market in South Australia.

Dr McFETRIDGE (Morphett): We hear a lot about the tragic death of David Hookes but we had only a moment of notice about the death of one of my constituents, Dean Eustice. Dean Eustice was shopping at Westfield Marion and there was an altercation with a security guard. I will not say too much about it because the security guard has been charged and the matter will be before the courts. Mr Eustice died as a result of that altercation and the coroner, in his inquiry, was quite scathing of security officers in South Australia. So, I am very pleased to see this legislation before this place. Certainly, as shadow minister for consumer affairs, I am more than happy to see the introduction of this legislation, which hopefully will be enacted as soon as possible.

Dean Eustice was an absolutely charming fellow and he has a lovely family. I used to door-knock his home in Dunrobin Road, Warradale. Dean would not have hurt a fly, and this is a classic example of why we need to look at controlling security officers and bouncers—and I will talk more about bouncers in a minute. Coroner Wayne Chivell's comments were to the effect that it is an absolute legal minefield out there when it comes to what security officers can do, their powers of arrest and detention, their over use of force, and certainly their levels of training. It is good to see that the Attorney is bringing in this legislation, because there has been some talk for nearly 12 months now about this. I congratulate him on that. The opposition is supporting the principle of the bill. I think that one minor amendment has been proposed. It is now a matter of getting this legislation through so that it can be enacted and this industry can be controlled.

At a recent meeting at Glenelg attended by the police, the Jetty Road Main Street Board and some of the local hoteliers and licensees, serious issues regarding the influence of organised crime in that area were discussed. In his second reading explanation the minister talked about the intelligence that the South Australia Police has, and the involvement of organised crime and bikie gangs in the security industry, certainly as bouncers. It is a tragic indictment on our society when such elements come into legitimate industries: they muscle in (no pun intended) and then use their position to sell drugs. They use standover tactics and, basically, act like the scum that they are. It cannot be tolerated by anybody, and certainly all members in this place will not tolerate it. No matter what the cost to them personally, they will stand up in this place and say exactly what needs to be done—and I hope they do that for the memory of people such as Dean Eustice.

A young fellow at Marion Shopping Centre, again, was chased by security guards. He jumped over a low wall (he thought) but the problem was that on the other side of the low wall there was a drop of 30 or 40 feet down to a car park. I am not sure whether he died or whether he was seriously injured but, once again, these security guards were way out of control. The effect of this bill in licensing not only crowd controllers but also security officers is something that I certainly applaud. Regarding the police using intelligence, there are some people who have concerns about this secret intelligence but I do not, because I know from discussions with the police how these outlaw motorcycle gangs, their associates and others in the organised crime networks work. Nobody will stand and be counted under normal circumstances when your life can be threatened, your family can be threatened and your business can be threatened. So in terms of giving intelligence in secrecy in this particular case, I do trust the police to do the right thing. I know that the Commissioner of Consumer Affairs and the Liquor and Gambling Commissioner will do the right thing as well. It is very important that we do not allow these 'road rage lunatics to get out there and use their muscle to boost their own egos at the

cost of members of the community, particularly young people, in and around licensed venues.

The crowd controllers (also known as bouncers) are a real issue. My adult children have related many stories to me of their going to licensed venues and witnessing and, in one case, having been subject to the ridiculous requests and actions of bouncers. My daughter was in a queue outside a licensed nightclub in the city, and there was a telephone just inside the entrance. My daughter asked to use that telephone, and the bouncer said no. I will not use the exact words he said to her, but he was not at all complimentary. She had to walk off by herself around the streets to telephone from a public telephone to find out why her friends were running late. That is the very small tip of the iceberg. Just two weeks ago, my daughter and her friends witnessed an incident in a hotel involving a drunk. I had a mate who was an angry drunk, and there is nothing worse than an angry drunk. Unfortunately, some of the people that these bouncers have to deal with, who are on booze and probably on drugs as well, are not very pleasant. However, as was stated in *The Advertiser* at one stage, bouncers have to learn to use their mouths and their brains, not just their muscles.

This particular incident in a hotel occurred whilst my daughter and her friends were there. A drunken guy upset someone else, and there was a bit of pushing and shoving. The next thing, the bouncers came in and inflamed the situation. In the end, about 20 people were involved—not trying to beat up each other but trying to protect the initial protagonists from the bouncers. That is a classic example of where the bouncers' attitude was, 'The deed is done. We will worry about the consequences later.' The need for bouncers to be controlled and watched by the licensees or the management is something that cannot be reinforced. The need for them to be psychologically tested goes without saying. The need for them to be drug tested is an absolute necessity.

I had a guy come into my veterinary clinic once: I knew he was a bouncer, because I had seen him at a local hotel. He came in with the excuse that he had a horse with sore muscles, and he wanted steroids for this horse. I advised him that, if he took steroids, he would end up with big muscles but his vital parts would end up shrunken and his liver would end up cancerous. I do not think he was thinking with his head along those lines. The 'road rage that takes hold of some of these bouncers is a time bomb; they are out of control. You see it with the Hookes incident and other incidents. A normal person should be psychologically able to cope with abuse. Our police officers do it every day; I would not have their job for any money in the world. The bouncers do not seem to be able to cope with that sort of abuse. If you cannot stand the heat, get out of the kitchen. Surely, they know what they are getting into. But, no, they do not. They get in there, and they use their muscles, not their brains.

As I understand it, this bill will provide adequate safety checks for patrons of licensed venues, and I want that for my children and all young people who are frequenting licensed venues. Articles in *The Advertiser* bring it home. In *The Advertiser* of 16 April 2004, the Australian Hoteliers Association was quoted as saying:

> We don't need to teach them to be tougher or to go to the gym, we need to teach them to use their mouths and their brains to deflect verbally the sort of abuse that they will get from the public.

The association goes on to say:

> There is the perception security don't treat them (young people) with respect or hear their side of the story.

That is very true: that is what is happening out there at the moment. In *The Advertiser* of 24 August, there is a quote from journalist David Howard, who states:

> But following people outside and giving them a 'hiding' is not part of a bouncer's job. Unfortunately, it happens. Frequently. Sometimes really serious injury is caused.

Once again, I quote the case of the young fellow who leapt over the fence.

An honourable member interjecting:

Dr McFETRIDGE: I have been informed that David Howard is the President of the Law Society—obviously, a man who knows what he is talking about.

An honourable member interjecting:

Dr McFETRIDGE: He would not like to be called a journo. We will walk away from that one. In the Editorial in *The Advertiser* of 22 January 2004, the Editor commented as follows:

> In South Australia alone, there are several cases before the courts in which victims who were beaten within an inch of their life are taking action against the bouncers who attacked them.
>
> Police figures showing 34 bouncers faced assault charges last year and another 53 in 2002 should also have had alarm bells ringing loudly. In Victoria, more than 50 people are seeking compensation after being assaulted by bouncers.

I understand that there are some civil cases, and I now recollect the case where the fellow was chased at Marion, and he jumped over the fence. He is actually suing the security company for damages. The Editorial in *The Advertiser* goes on to state:

> There is no place in the security industry for anyone prone to violence or unable to control their temper. Bouncers should not fracture skulls, break noses or give people who give them a bit of cheek a black eye.

It goes on:

> Premier Rann's plans for closer police scrutiny of licence applicants will help, but more stringent training initiatives and tests will help identify potential hotheads

This is going to be implemented by the psychological testing and the drug testing.

On Thursday 22 January 2004, Nigel Hunt (I know Nigel: he is a top journo) pointed out that there are 5 973 licensed crowd controllers in South Australia and 148 licensed companies. Last year, the Office of Business and Consumer Affairs took action against nine of them for matters, including drug offences, but none related to violence. I know that would not be because the Commissioner, Mr Bodycoat, is not doing his job. He is an excellent Commissioner. I know that with his increased powers he will be able to do his job to a greater degree. As I said before, I trust him and the other commissioners to implement this legislation to make sure that it is used to do what it aims to do: that is, to control the security industry, bouncers and crowd controllers.

This legislation has one or two bits that need tightening up, according to my colleagues in the upper house, but they are minor issues. I support the legislation with the small proviso that we talk about the handling of police intelligence. Although we trust the police and their intelligence, it may be that we need a little bit of assistance to be given to the commissioners to use that intelligence as intelligently as they possibly can. I will say no more, other than that Dean Eustice will not have died for nothing if his demise has been instrumental in instigating this legislation. People like Dean Eustice should not become the victims of these out-of-control security agents and crowd controllers.

Mr SNELLING (Playford): I rise briefly to express my support for the bill. Over a number of years, the security industry has become increasingly dominated by outlaw motorcycle gangs. This bill will go some way towards breaking down the outlaw motorcycle gangs' grip on the security industry. The nexus that currently exists between outlaw motorcycle gangs and the security industry needs to be broken. I think this bill will go a long way towards achieving that.

Mr KOUTSANTONIS (West Torrens): I will also be brief. I fully support this measure, and I applaud the opposition for supporting it. I have received a lot of complaints from young members of my sub-branch and from family and friends about the behaviour of some of these people, especially towards young men who are lining up outside, often standing in line for hours, while someone who knows someone in the club or young women are given preferential treatment and young men kept outside.

Ms Breuer: That's sad.

Mr KOUTSANTONIS: Well, it is sad. It is not fair on a lot of these young people who spend a lot of time lining up. I think crowd controllers like having people lining up outside these venues—it adds an air of attractiveness to the venues—but the way they select people is appalling. I think this bill might go a long way towards cleaning up the type of people who stand at these doors and make sure we get some decent people there rather than the thugs that we have now.

The Hon. M.J. ATKINSON (Attorney-General): I thank all members who have participated in the debate, and I thank the opposition for its support. When the law comes into effect, many crowd controllers will be required to leave the industry. Therefore, we will have fewer crowd controllers in South Australia and probably fewer than we need, because it is an important vocation for the reasons outlined by the member for Morphett. What this means is that crowd controllers will have to be paid more and receive better working conditions. That is the inexorable law of the labour market, and that I think will be a wholly good thing. I will not move any amendments in this place, but I foreshadow that the government will move amendments in another place. It would be most unsatisfactory if a person could initiate a private prosecution against a crowd controller for assault and have the effect under this proposal of depriving the crowd controller of his livelihood. So, we will be moving to confine charges to those laid by police or the Office of the Director of Public Prosecutions.

Bill read a second time and taken through its remaining stages.

Mr MEIER: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

PARLIAMENTARY COMMITTEES (PUBLIC WORKS) AMENDMENT BILL

Adjourned motion of Hon. Mr Hamilton-Smith:

That it be an instruction to the committee of the whole of the house that it have power to consider amendments relating to the functions of the Economic and Finance Committee and procedure at meetings of parliamentary standing committees.

(Continued from 15 February. Page 1635.)

Mr HAMILTON-SMITH (Waite): In moving this contingent notice of motion, my purpose is to expand the bill so as to address my more detailed amendments which have to do with the anomaly in section 24 of the parent act (the Parliamentary Committees Act) and which require an opposition member or a person appointed to the committee from a group led by the Leader of the Opposition to be present, so that it be extended beyond the present requirement—that is, for a committee of five—to committees of more than five. I spoke to this amendment last night in my second reading contribution and I made the point that there is an anomaly in the existing act. We have this, I think, peculiar situation whereby a committee such as the Public Works Committee (which, as we heard last night from its chair, is a very effective, productive and cooperative committee which seems to work in a spirit of bipartisanship) is required, in accordance with the act, to have a member representing the Leader of the Opposition present to form a quorum. But, conversely, we have a situation where the Economic and Finance Committee, which has seven members—and, of course, other committees—do not require a member of the opposition to be present before a quorum can be called. I think that needs to be rectified.

As I argued last night, the strength of parliamentary committees is that they are parliamentary committees. They are vehicles of the appointing house. They are not vehicles to be used by one political party or another or by the government acting alone or by the opposition acting alone. They are to be used by both parties—by the house, in fact—and, indeed, in many cases, by Independents, who form part of those committees. They are committees of the house that has appointed them. We know that any committee report that has a minority associated with it is diminished. The reports that really matter are the ones where the committee as a whole has agreed on the recommendations contained therein. They are the committee reports that the parliament, the public and the media can pick up and say, 'Here is something that we need to look at seriously.' I would extend that to say that any act, really, by a committee acting on the basis of only one political party's representation, is an act that carries far less weight and is of far less worth than an act of a committee where at least one representative of the opposition has been present.

By moving my amendment, which will be enabled if this contingent notice of motion passes, I will seek to rectify this anomaly and ensure that all committees of the house—and, indeed, all committees of the parliament—have the same provision that presently exists in clause 24(2) part A so as to ensure that the opposition is represented.

I think I know from the second reading contributions what the arguments coming forth from the government will be in opposition to my proposition. We had a bit of a test of that last night from the member for Enfield. I am delighted that we did not get into the pooey nappies or some of the other picturesque rhetoric that sometimes bursts forth from the member for Enfield: we seemed to stay on the subject. But the thrust of his concern was, 'Oh my God, if a member of the opposition was required before a quorum could be formed, whoever the opposition might happen to be'—it might very well be the member for Enfield and his party—

The SPEAKER: Order! The member for Waite needs to remember that the debate at this point is whether to allow the honourable member to have the motion for the purposes of instructing the committee to consider a new clause determined, not the merits or otherwise of that clause. That comes

during the course of the debate upon it. We are now arguing that the honourable member should be allowed to move the merits of the case in support of the proposition; that the honourable member be allowed to make this as an instruction to the committee.

Mr HAMILTON-SMITH: Yes.

The SPEAKER: The honourable member should presumably be canvassing why it is desirable—not giving reasons for or against the proposition—that the committee consider the proposition. It is merely a matter then of having the whole house instruct the committee to consider the proposition that he would want to move. The motion is to do that.

Mr HAMILTON-SMITH: Thank you for your guidance, Mr Speaker, and I understand your direction clearly. However, I seek further guidance, because my understanding is that, should my contingent notice of motion fail, I will not have an opportunity to talk to my other amendments.

The SPEAKER: It is entirely proper that the honourable member understand that he will not have that opportunity, because it would be highly disorderly otherwise. The honourable member would know and hardly needs me to remind him, but for the benefit of other members I would say, that it is still open to him of course to bring in a private member's bill, which would separately amend the act in the fashion which he seeks to have it considered when we go into committee.

Mr HAMILTON-SMITH: Thank you, sir, and, indeed, I acknowledge your guidance. In seeking to persuade members of the house to agree to my contingent notice of motion, I am alerting them to the reasons why I propose the contingent notice of motion. I will be brief and to the point. As you can see from my motion, it does ask that it be an instruction to the committee of the whole of the house that it have power to consider amendments relating to the functions of the Economic and Finance Committee and procedure at meetings of parliamentary standing committees. I am assuming that members want to know why I would move such a contingent notice of motion and why I would seek to go in the direction of these other matters.

The SPEAKER: The opportunity to convince them of the merits of that will come should they decide, on balance, that it is something that needs to be debated at this time.

Mr HAMILTON-SMITH: Yes, sir. I am making an appeal to members to agree to this contingent notice of motion because, if they do agree to it, this house will have an opportunity to debate the amendment standing in my name, which specifically calls for committees of more than five members to require a member of the opposition to be present. Of course, it would also mean that the likelihood of either the opposition or the government holding meetings on their own would be averted: there would be representation from both sides. I think it is important to deal with this matter through this contingent notice of motion as part of a government bill.

Regrettably, if I move a private member's motion, then it is possible that the government could leave it languishing on the *Notice Paper* for a considerable period unattended but, by bringing it before the house as part of this bill, the house will have an opportunity to make a decision on whether it wants to extend this openness to all committees now as part of a government bill, and that is why I have done it in this way. In fact I did consider a private member's bill in the first instance.

The simple decision in moving this motion is: do members want the committees, and particularly the Economic and Finance Committee, but other standing committees, to be genuinely bipartisan; or do they want to leave arrangements as they are? If members want to leave arrangements as they are so that one party, if you like, the government of the day (whatever party it is), can hijack the committee process, then they will oppose the contingent notice of motion but, if they are genuinely committed to Westminster parliamentary democracy, if they want to consider these amendments and if they really want to ensure that we have a truly open and bipartisan parliament, then they will agree to the contingent notice of motion so that my amendments can be dealt with.

That is the simple choice. The opposition will be supporting my proposition. It is up to the government (the Labor Party) and the so-called Independent members to decide whether they want to deal with this matter today. I appeal to them to do so. I commend the contingent notice of motion to the house. My second address dealt in detail with the issues, and I ask that it be agreed to.

The Hon. P.F. CONLON (Minister for Infrastructure): The government certainly does not agree to the motion and the suggestion that the amendments should be made cognate with the bill. I will say no more than that, except it is necessary to answer some of the comments of the member for Waite. He can quote a lot of weasel words and motherhood statements about openness, bipartisanship and making things work. The simple truth is this, sir: the points made by the member for Waite do not enter quite properly in the debate but they need to be answered. The point that was made is that his amendment would mean that the opposition would always have to be present. However, what we have seen, sir—and I am sure you have noted it, sir—in recent times was the member for Waite refusing to allow a witness to give evidence because he did not want it to proceed. It was the most ghastly, unsightly performance—

Mr HAMILTON-SMITH: Mr Speaker, I rise on a point of order. My point of order is to do with privilege. The minister is referring to a most serious matter of privilege that was before the house and he is reflecting on events linked to that matter of privilege. The debate has been had and I just ask you to rule as to whether or not that is relevant.

The SPEAKER: Notwithstanding the fact that there is no question of privilege involved here, the minister is far wide of the ambit necessary and should not reflect on the proceedings in the committee at this point where there is no report from the committee, nor was there any remark or report from the presiding member of the committee, if such a thing occurred. Leave it alone.

The Hon. P.F. CONLON: Thank you, sir. All I will say is that, if you are going to talk the talk on bipartisanship, making committees work and openness, you have to walk the walk. That is the only point I will make. The suggestion for the improvement of this bill would be to ensure that, any time an opposition member wants to stop a committee of the parliament from continuing its business, they simply do not attend. I have to say we have seen the form and we will not agree to it: it is as simple as that.

The house divided on the motion:

AYES (17)

Brown, D. C.	Buckby, M. R.
Chapman, V. A.	Evans, I. F.
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. (teller)
Kotz, D. C.	Matthew, W. A.
McFetridge, D.	Meier, E. J.

AYES (cont.)

Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (23)

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

PAIR(S)

Kerin, R. G.	Rann, M. D.
Brokenshire, R. L.	White, P. L.
Brindal, M. K.	Hill, J. D.

Majority of 6 for the noes.

Motion thus negatived.

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. W.A. MATTHEW: I move:

Page 2, lines 13 to 15—Delete lines and substitute:

Computing project means a project involving the purchase of any components of computing technology to improve services, including computer hardware, software products, software modification, software development, cabling, building work, furnishings, associated labour costs, consultancy fees and equipment;

Page 3, subclause (3)(b), delete 'software development'.

This amendment comes about because of the way in which computing software development is defined in the amendment the government has before us. As I indicated in my second reading speech, the opposition supports the intent of the government to have computing projects referred to the Public Works Committee, and we agree that computing projects, particularly over the last couple of decades, have changed so much in nature and become so integral to the business of government and, indeed, business throughout our community, that it is important that a committee such as the Public Works Committee has scrutiny of such important projects.

However, the way in which this particular amendment is written is so prescriptive as to have the effect of actually eliminating a whole range of computer projects from consideration. The way in which the government's bill is before us prescribes that a computing software development project is one where more than 30 per cent of the cost of the project is attributable to work involved in development or modification of software. In the first instance, that is particularly difficult to define. For example, it may be that a government agency wishes to implement a new human resources system, and that human resources system is for an agency that may have 10 000 employees and, to process that system, there is a need to purchase a significant amount of computer hardware and, obviously, the software package. In addition to the software that drives the human resources management, software also drives the computer. All of that needs to be bundled together in one cost, but the way this is prescribed, unless that agency has requested that significant modification occur, and that modification is 30 per cent of the cost of the whole job, such computer projects will never be referred to the Public Works Committee.

If the agency buys $10 million worth of software, and has no changes made to that software, then that project will not go to the Public Works Committee. If it buys $10 million worth of software and has changes made to it that comprise $2 million (only 20 per cent of the total cost of the project) that will never make it to the Public Works Committee even though there is a $10 million expenditure that lies unscrutinised. If an agency buys software in this way, there is a dilemma on how you determine what is changed and what is not changed; for example, at the very basic level, most computer software companies will tailor their software even to a minor extent. There will be a welcome screen to the user which might be agency or business specific. That is a modification; how do they separate out the cost of that? Amendments to the software are likely to be made available in the future. That would be included underneath part of the contract in normal process. How do you define that at the start? Effectively, it is going to involve, in its present form, a lot of projects not getting up; equally, it is going to involve a number of bureaucrats and software companies going through the composition of their cost structure to determine exactly how much of that cost structure might be specialised, as distinct from off the shelf, to see whether or not this 30 per cent mark is reached.

My amendment takes this back to the pure form. The pure form simply is that, if you have a computer project of size, I argue that it is fair and reasonable that it goes to the Economic and Finance Committee. I argue that it is equally valid for something to go before the Public Works Committee if that software package is $10 million in public expenditure with no modification, or, if it is $10 million worth of public expenditure with $3 million of that being modification, or, if it is $10 million worth of public expenditure with $5 million of that being modification, the issue surely is that the original $10 million expenditure should be a valid and appropriate one?

To take this to another dimension, at the moment the government makes considerable purchase from Microsoft, and that is usually done through one overall contract. It may be that the government or departments decide that instead of subscribing to Microsoft software they may use other software instead; for example, they may decide to buy Lotus Notes from IBM, and that would involve some fairly significant expenditure by government—significant funds expended for software refreshment—but it is off the shelf so that means that, as it stands, with the wording that government has in its bill, that will not get picked up in this net. So, I am saying that I commend the government's intent to bring significant computing projects before the Public Works Committee but I am suggesting that the intent as defined in the second reading speech is not being met by the what the government has before this committee. Therefore, I am putting forward to the committee that, instead of defining a computing software project that needs to go to the committee, we define a computing project and that that project be defined as meaning:

a project involving the purchase of any components of computing technology to improve services, including computer hardware, software products, software modification, software development, cabling, building work, furnishings, associated labour costs, consultancy fees and equipment.

I have specified those things because they are all routinely part of computing projects. I have specified three different things in relation to software: software products, to cover off-the-shelf purchases; software modifications, to cover off-the-shelf purchases that may be modified or, indeed, an existing system that may be extensively upgraded and therefore be considered to be modified; and software development, to cover systems which may be developed from scratch, as government, too, has done from time to time and, I am sure, will continue to do.

Equally, consultancy fees need to be included, because significant consultancy work often needs to be undertaken for government in developing computer software. Consultancy will normally take the form of, initially, a computer consulting company to do an initial overview, which will then bring in a team, usually analysts, who will undertake the business analysis of the agency, and that work is often needed to define the full extent of the purchase. These are all things that could blow out, and could blow out quite significantly.

I would like to give a specific example, and it is rather interesting that I am in a position to give this example, because it is one of the very reasons that I am in parliament today. Most members are aware that I come out of the information technology industry. The last project I worked on was, in fact, a state government project, and it was the Justice Information System. It was a good project in concept; in fact, it was a Labor government project and, I repeat, a good project in concept. However, the project was poorly presented to parliament through the budget process; in fact, I would argue that it was poorly presented to its minister, the Hon. Chris Sumner, in his role as the then attorney-general. The bureaucrats and the former attorney-general are well aware of my views on this, because we discussed it privately. I believe he was poorly served by his agency, and we saw a significant cost blow-out occur that I believe would not have occurred if proper assessment had been undertaken.

The end result of that project was that it was brought before the equivalent of today's Economic and Finance Committee, the then Public Accounts Committee, and a number of fundamental problems were found with that particular project. The project essentially initially involved the purchase of computer software for the purpose of development. The software purchased was Cullinet software. Cullinet, an American company, provided the software development tools for this particular project—a good company and a good product, I might add. The mainframes purchased were Fujitsu mainframes using their operating system—again, good products and good software. However, the problem was that the message given to the then attorney-general, the Hon. Chris Sumner, by the bureaucrats as to the capability of the software was, frankly, blatantly and knowingly wrong. In other words, the then attorney-general was given wrong information.

In my view, had there been scrutiny at that time, in the infancy of that project, the information that was never given to the attorney-general would have been brought out by that process and what amounted to a significant cost blow-out for government would have been avoided. What in fact had been advocated to the then attorney and, therefore, repeated by him in the parliament was that the software development tools that were going to be used for this project were third generation of a sort not used before in Australia, and they would enable the development process for this project, a considerably complicated project involving five government agencies. It was essentially a judicial and offender tracking system involving the Courts Administration Authority, the then department of industrial affairs, the then department for community welfare, the Attorney-General's Department, the Department for Correctional Services and the police. So, it was five justice agencies plus industrial courts.

In fact, the software would do nothing like what was said, and I know that because I was present at the very first meeting of five people employed to manage this project. After the first one-hour meeting, the five of us turned to each other and said, 'This software will not do what they believe it will do.' Therefore, I would argue that if any one of the five of us had been called before a Public Works Committee hearing and asked to give evidence, any one of us would have said, 'This software will not do what the government has been told it will do.' So, on day one we indicated that the project was under-budgeted and that we expected it was by millions of dollars. That is very serious, and I have no doubt that that could well be part of the reason the government brings forward this amendment.

I will put this to the minister because, in fairness, the minister has not seen it until now. I put the amendment together only today and, therefore, I think it only reasonable that the minister take further counsel on it if he wishes to do so. I am quite comfortable if the minister indicates that he wishes to do that; or, if he wishes to accept, that is fine.

The Hon. P.F. Conlon: What is the third option?

The Hon. W.A. MATTHEW: If the minister wishes to reject it, then clearly there will be significant further advice, because I believe that this issue is absolutely fundamental to good governance, particularly for a Labor government that has fallen foul of a computer project before.

The Hon. P.F. Conlon interjecting:

The CHAIRMAN: Order!

The Hon. W.A. MATTHEW: The minister interjected that we should not go down people's track records of software procurement, and I indicate to the minister that software procurement is procurement by government. During the time of the Liberal party in government, the software that was procured that had significant widespread ramifications was the purchase of Microsoft software. In fact, it was a mandated software for all of government. It is my very firm view that it would have been appropriate to have a parliamentary scrutiny process for that.

Mr Koutsantonis interjecting:

The Hon. W.A. MATTHEW: The member indicates that I was the minister and asks why I did not ensure that it happened. There was no statutory requirement for that to occur. For the benefit of the member, the premier at the time was the Hon. Dean Brown, and it was a very good purchase decision, one that has withstood the scrutiny of time, and time in all of these things is the best scrutiny. There were other systems that were purchased such as the Concept human resources system. That is one which was purchased for multi-government agencies and which may well have been a good one to have such scrutiny on. So, to arrest the concerns of members who feel that the Public Works Committee would get bogged down on these purchases, those of this magnitude are not everyday purchases. The government does not purchase multi-million dollars worth of software on a daily basis. These are the sorts of purchases that might happen three, four, five or six times over a four-year term. I do not believe that any government should be afraid of such scrutiny. I think that it is imperative to the process of good governance, and I would certainly be interested in the minister's view in relation to the amendment.

The Hon. P.F. CONLON: My advice to the member for Bright is that the example that he gave would be covered by the clause that we have provided to the house. The problem with the wording of the member for Bright is that it would bring every off-the-shelf purchase of a substantial size before the Public Works Committee, which I think misconceives the role of that committee. There is, within government, scrutiny for off-the-shelf purchases as well, in the sense that they must abide by the strictures of the State Supply Board and the other procurement rules. It simply misconceives the function of the Public Works Committee to suggest that every off-the-shelf purchase should come before it, any more than we would bring before it the purchase of $10 million worth of stationery. We have attempted find a happy balance where those projects that require scrutiny because of their complexity and potential impact, such as the example given by the member for Bright, would come before it. However, we do not see how the working of parliament or government procurement is assisted by bringing off-the-shelf purchases before the committee.

The Hon. W.A. MATTHEW: Sir, I require your guidance at this juncture. I wish to ask the minister a number of questions in relation to his clause. Is it your intention that my amendment be debated first and, if that is unsuccessful, debate then occur around the minister's clause, or is it your intention that they be debated and questioned concurrently?

The CHAIRMAN: We will deal with the amendments in order first. So, we are dealing with your amendment.

The Hon. W.A. MATTHEW: If I may then, I ask the minister: is he able to advise the committee precisely how many computer software purchases of $10 million or more there have been over the past four or five years?

The Hon. P.F. CONLON: I think that the member for Bright misconceives not only the role of the Public Works Committee but also what you just told him. I think I should be asking him questions about his amendment, not him asking me questions about the clause. We can do that when we have finished with his amendment.

The Hon. W.A. MATTHEW: It would seem that the spirit of good governance vanishes rapidly in this chamber after the last three years, and during that time. When amendments are moved and ministers make broad, sweeping statements, it does not help good debate. The minister believes that the clause I am putting forward is cumbersome, would put extraordinary effort before the Public Works Committee and does not do the Public Works Committee justice, but he cannot even tell the Public Works Committee how many referrals there may be. Maybe he can say that over the last five years there would not have been any.

The Hon. P.F. CONLON: I rise on a point of order, sir: I come back to the point. The member for Bright is proposing an amendment. It is up to the member for Bright to explain why his amendment would work. It is not up to me to provide the information to argue the case for the member for Bright's amendment.

The CHAIRMAN: Within the committee the member can explore options and raise questions. It is up to the minister how he or she responds, but the member can legitimately canvass aspects of his amendment.

The Hon. W.A. MATTHEW: Thank you, sir. As I was trying to illustrate, the simple fact is that the process of good governance is assisted by the exchange of information. Clearly, through the sources of advice freely available to him, the minister has a far greater opportunity to avail himself of such information, and clearly that information should have been collected in order to formulate this bill. So, the minister's officers would, I expect, be in possession of information as to how many such computing projects they would expect to have referred to the committee. They would know how many such projects have occurred over recent years, and I dare say they would know how many such projects would be covered by the breadth of the amendment that I propose. One thing gives me great concern, and that is for the minister to compare the purchase of computing software with the purchase of stationery. They are very different purchases, and that is to either trivialise or underestimate the effect that computer software can have on a business and the effect that a poor purchase can have on the efficient operation of a business

I do not believe that it is unwieldy, and I do not believe that it is in any way irresponsible, to suggest that the purchase of significant amounts of software from a company ought be referred to a committee. In fact, I am surprised that this very amendment was never put forward in the previous parliament by either the Labor Party or the Democrats, because both parties have been going on about this for years. Indeed, the now Treasurer regularly used to stand up in this house and bemoan the purchases that were made of various items of computing software. What this amendment does is to facilitate the very arguments that for eight years we heard in this chamber and the other place. Indeed, we still hear these arguments in the other place, particularly from the Democrats.

This has been put forward not for mischievous reasons, but for reason of good governance. If the minister does not want to participate in responsible debate and is not interested in good governance, so be it: it will be rectified in another place. I daresay that this house will then be forced to consider it again. I put the offer to the minister that, in view of the short time frame he has been given to consider this bill, if he wants to take the amendment away and consider it back in the other place, I will happily withdraw the amendment on that basis today so that it can be considered in another place. Of course, if the minister wants to reject it outright, that is his option. However, that is where my intent lies.

The Hon. P.F. CONLON: In relation to the remarks made by the member for Bright that we are not interested in good governance, but he is because he has brought forward this amendment, I really wish I could meet someone who took the member for Bright as seriously as he takes himself. That would be a red letter day. If the member for Bright is so interested in good governance, he would not have wasted his nine years in government. He asked me how many were referred in the past. He said that I should know, and I do. None were referred, because we are creating the jurisdiction for the first time.

The Hon. W.A. Matthew interjecting:

The Hon. P.F. CONLON: I see. The member wants to know how many there would have been if a certain set of circumstances had existed. That is something we refer to as a hypothetical question, which, of course, is out of order under standing orders, unless the member would like to explain to me that standing orders have somehow changed. The member should not make snide remarks about good governance, open debate or dealing fairly with debate when he does not know what he is talking about. It is simply out of order—and it would be out of order for me, to answer a question about what would happen if a certain set of circumstances had existed in the past when, in fact, they did not. I do not know whether there is a better definition of a hypo-

thetical set of circumstances than that. I say to the member: none have been referred in the past because Labor is creating a new jurisdiction for scrutiny. The member wants to lecture me about governance after nine years of failing to scrutinise projects over and over again and failing to do the thing we are doing here today.

The member comes in to this place and says that we are not into good governance, because we will not do more; we will not let him bring every off-the-shelf purchase into public works. The member for Bright does not have a single compelling argument for this. I do not need to go away to think about it. We are the party that has created the possibility for scrutiny of these deals. We know the track record on the other side. We know the Motorola deal; we know how many years it took to drag out the truth in relation to that matter. So, do not come in here with snide remarks about good governance and open debate, when you lost the then premier, because he would not tell the truth about software deals.

Mr Scalzi interjecting:

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

Ms Thompson interjecting:

The CHAIRMAN: Order! the member for Reynell is out of order. I encourage the—

Mr Scalzi interjecting:

The CHAIRMAN: Order! The member for Hartley has been cautioned already. I advise and encourage the committee not to go down the path of making remarks which do not help in our deliberations. We will be here longer than we need to be if we go down that path. The member for Bright, and any member, can ask questions of the minister, and the minister can choose how he or she answers them. We do not need to go down the path of either side having a shot at each other, because it is not helpful. Does the minister wish to say anything more in relation to the matter? The member for Bright.

The Hon. W.A. MATTHEW: Inevitably, this debate will be continued in another place. The minister has indicated that he will be opposing the amendment. One thing I have always been renowned for is my ability to count. There is no point in me, when the minister carries through his desire, wasting the time of the chamber with a division. It will be sorted out in the other place. I would say that there is a fair chance (I can also count in the other place) that it will be back here again. One thing that disappoints me is the poor memory of the minister, or perhaps it could be that he was not here at the time. The reason we have a public works committee is because it was re-introduced by a Liberal government, and the reason that it was re-introduced was because the Labor Party had form on public works—very bad form. As you full well know, sir, we spent eight years commencing the clean-up of the Labor Party's mess. Initially, our concern was focused on their, in today's terms, equivalent of $10 billion of debt, which was devastating.

Ms Bedford interjecting:

The Hon. W.A. MATTHEW: The member for Florey might not like being reminded of it; I am sure that all members opposite want it to go away. The mess they left us needed a number of rectification processes. One was this bill that has us debating tonight, namely, a public works bill. I am sure that we would all like to be perfect. When we first introduced that public works bill, I am sure we would have liked to have had 20-20 vision into the future to examine the magnitude of a variety of projects. Had we done so, perhaps computer projects would have been included in a public works bill of that nature at that time. One thing I do full well recall is that the Public Works Committee of the last government was processing in the vicinity of up 100 matters per annum, or thereabouts. I know that under this government there have been about 35 over three years. That is quite a difference in volume. Part of that, and probably the major reason, is a drop in activity in public works.

The other reason is because the government has just stymied its processes. To answer the minister's question, that is probably the major reason why we did not do it or why that never occurred at that time, but it does not change the fact that this amendment provides proper probity and accountability of computing purchases by government, not purchases like a pen or a pencil—for the minister's benefit—but computing software purchases. If the minister wishes to dismiss it tonight, so be it, as long as he does so in the knowledge that there is every chance that it will come back from the other place to be debated again.

The Hon. I.P. LEWIS: I am amused somewhat by the proposition that comes before us, because it relies upon everybody knowing and having a common understanding of the meaning of the words 'computing' and 'computer', which are not defined in the Acts Interpretation Act or the Parliamentary Committees Act. Let me tell you, Mr Chairman—and may other honourable members in the course of my remarks take an interest in this—that in the minds of some people a computer is a piece of equipment that sits on the desk where they work, but it is equally that part of a motor car which determines how much fuel will be injected through the cylinder head. It controls the car's electronics, not only its fuel injection system but every other thing in the car that is electronic. The signal that goes to the radio aerial from the button on the dashboard is not hardwired and analoged any more; it is digital; it is part of a computer. Most mobile telephones now in their internal function are not hardwired, and the signal is not analoged; it is digital. It requires computers.

Therefore, what honourable members may think the word means—that is, a box that has a hard disk drive in it that sits on a desk that people use for word processing and other things that we have begun to hang off that box—is becoming more a part of the state of nature in society. So, the argument is not just about those things that sit on our desks; it is about every damn thing used for the processing of information and the carriage of signals in society. Part of that society is the public sector. I think honourable members are beginning to understand my point. Pretty soon it will be difficult to distinguish between what is a computer and what is a component part of an overall integrated computing system. Where does the boundary lie? We make idiots of ourselves here and now if we think that we can define computers as though they were sheep in a paddock. They are not. The science of computing, by definition, is migrating very rapidly across a field of tasks in modern society, which means that this definition is already irrelevant and outdated.

Let us assume for a moment, however, that it is in some fashion relevant. My concern is that 30 per cent of the cost of the project which is attributable to work involved in the development or modification of the software is not something that we can calculate. What makes the chip work and direct its signal through the binary responses to give an outcome that is controlled is software, and there is primary software and secondary users' software. It then becomes clear to those who are following what I am saying that the arbitrary decision of 30 per cent is impossible to police and impossible

to determine because, when one buys a piece of hardware upon which one might add additional software, if the hardware is functional there is already software on it, and the law would require the people or firms making the tender to state how much software comes already installed on the hardware in terms of the dollar value that is purchased for us to be able to apply this provision in either of its forms (the amended form or the form in which it stands at present) in deciding whether this amendment of section 3 can function, or stand, or will work—put whatever words on it you wish.

It is about as sensible as the definition of a 'public work' that we have struggled with, because what will happen is that, where it is inconvenient for Sir Humphrey, Sir Humphrey will go to the solicitor's office available to him and ask that solicitor to give him (or her if it is Lady Humphrey) an opinion, and as the client they will want the opinion which suits their side of the argument. So, the solicitor's office (known as the Crown Solicitor's Office) will come up with the argument the client seeks. And that will not be a definitive analysis of the law that might be, if you like, an indicative judgment, should it ever have gone to court and you got a judge to hear the matter. It will be the side of the argument that Lady Humphrey, or Sir Humphrey, wants. So, that is an ass as well.

I can illustrate that point (as I have to this house on other occasions) by referring to the Old Treasury Building as a classic case in point. And, equally, when it would suit the Humphreys of this world to fudge the story or fob the minister, or both, they would simply split it up and say, 'Well, this is a project,' and that it is less than however many dollars we as a committee ultimately decide it will be worth as a threshold before it has to be referred—whether it is $4 million, $5 million or $10 million in total worth. They would do what former minister Ingerson did, that is, make sure that it was estimated in cost value as a project, as with what happened at Memorial Drive with respect to the refurbishment of the northern stand: $3 970 000, not $4 million. Then there was the south stand and then there was, of course, all the money that went into creating those massage parlours and other facilities on the ground next door that belonged to the Memorial Drive Tennis Club. So, Sir Humphrey, colluding with the minister, defeated the intent of the act and got around it.

Why the hell do we bother? Well, it is because some of us believe it is worth trying, and it is in the nature of democracy to continue to contemplate why the system fails when it does not deliver our expectation of openness and accountability for the use of our dollars by officials in the public sector after they have been taken from us in the form of tax revenue and placed in the hands of Sir Humphrey or Lady Humphrey and the minister. We will not go into the relationship between the Humphreys of either gender and the minister—that is irrelevant, though interesting. We will just stick to the consequences of attempting to capture expenditure on cybernetic data processing equipment, because that is what computing is—data processing using cybernetic technology. And you find them everywhere. They are becoming more and more a part of our society in its structure and decision making processes. We are reducing the analogue hard wiring and increasing, if you like, what most of us would understand to be not infra-red, where there has to be direct line of sight, but blue tooth connections using specialised FM transmissions rather than hard wiring or optic fibre to carry the signal around a given office space, or around our own person, for instance.

I also want to make some remarks about other things, but I guess I can take that up in yet another clause. It is a pity, though, that we debate this kind of thing when it is more important in my judgment that, rather than try to use ill-defined terms, of which we expect 30 per cent and more of the cost of what those terms subjectively mean (those terms not being properly defined), we should be talking about when should a committee of the parliament, such as the Public Works Committee, first contemplate a project and have a say about it.

In my judgment, if you leave the threshold at $4 million and leave it to the Public Works Committee, after having an initial hearing on any project which it is possible—not likely—might exceed $4 million, and if the Public Works Committee, in the process of its examination of the proposition being contemplated by the public sector agency, gives its opinion about the thing that the agency ought to be considering before the preparation—before the proposal gets to be set in some measure in concrete (rather than at the end of the process, when it is set in concrete as a fixed thing and it has been through cabinet and all the necessary acquittals), if it starts before that—and gives the kind of considerations which are in the public interest and which may be part of argument in polity between those of us on one side or other of the philosophical divide (whatever that may mean), at least there is a chance that it will be for society's benefit, rather than what Sir Humphrey or Lady Humphrey wants for the construction of their empire, and we will be doing something useful. If we do that, we will be able to have the input that we could not have with respect to the police complex at Netley, for instance, when, I remember, the witnesses fudged it, literally, because we raised the question in the committee: 'What about containment of the run-off water on the site?'

No other members of the committee felt inclined to support my accurate and scientific contention that it was possible to contain the water on the site and make better use of it in that fashion, and that it is on such broad acre areas. We ought to have not listened to the proposition that was put to us: 'If you keep the water on the site, of course, what it will do in Adelaide's reactive soils is cause the footings to move and distort, and that will bring weaknesses into the structure and result in our having to have strong piers and beams in the footings. The slab will need to be thicker to carry the same weight.' I would have said in reply, in the common Australian vernacular, something like 'hot, wet, sloppy, green, bovine excrement from the male gender' because that is what it was.

I am saying that the Public Works Committee ought to be involved at an earlier time to decide these matters such as what is a computing project in total? We ought to be saying that it is not 30 per cent: 29.999 per cent recurrent is not 30 per cent. We get away with it. If we say, 'The estimated cost at that late stage when it comes before the Public Works Committee (after having gone through cabinet and all the other acquittals) is a particular figure', it will not get to the Public Works Committee. However, it will regrettably probably exceed the 30 per cent.

The CHAIRMAN: I draw the honourable member's attention to the fact that he has had 15 minutes. According to our rules, the honourable member is quite entitled to put points for additional clauses or amendments, but I think he is now straying a little from this issue of the definition of 'computing'.

The Hon. I.P. LEWIS: Yes, as I understand it, Mr Chairman—correct me if I am mistaken—I may sit and then rise again and speak for another 15 minutes and, indeed, for

a third time. That is what the standing orders, as I remember them, say about proceedings in a committee.

The CHAIRMAN: You can, provided your comments are relevant. In fairness to all members, you have had over 15 minutes on the one item. At this point, I will put that amendment, if the member for Bright wishes it to be tested. Does the member for Bright wish to test the amendment?

The Hon. W.A. MATTHEW: If I can first respond quickly to some of the matters raised by the member for Hammond. I am taking that, in part, they are questions asked of me as it is my amendment. Then, if the member has nothing further, I am happy to test the amendment. In relation to the member's concern about the definition of 'computing' in the bill, I believe he is correct. I think it is important that he has raised that issue with the committee. Certainly, the definition of what is a computer has changed over time, and I agree with him that there is no doubt that it will continue to change. However, that is always the very nature of parliamentary legislation: that it, it is legislation of the moment. There are many other definitions that have equally changed over time and this place is forever amending acts to keep pace with those changes.

However, I do take his point that the advancement is so rapid that very quickly there could be different interpretations placed upon this and it may be that the bill would be further assisted through such a definition. That is something the minister may wish to take on board and have considered in another place. The member also spoke of the scope of those things that would be referred to Public Works, and gave examples of where bureaucrats have very neatly worked their way around such occurrences before. He echoed the concerns that I have in relation to the government's 30 per cent mark. I agree with his comments that such measurement is difficult; how would it be measured; and it would be easy to work around.

The important point in relation to my amendment is that I believe it makes it more difficult, because it does not prescribe a 30 per cent amount for bureaucrats to work around and, importantly, my amendment would track a project of the magnitude of the Government Radio Network, a significant project involving significant capital expenditure and having as part of it significant amounts of software, software (to use the member's terminology) in chip form in things as small as a pager and other communication devices through to what it is now. However, I believe that, to use the member for Hammond's analogy, it is possible for a project such as the GRN project to be broken up in such a way that no part of it, or at the very least some parts of it, would not face such scrutiny by a Public Works Committee because, as I understand the GRN project, the software that drives the GRN is largely Motorola off the shelf—

The Hon. P.F. Conlon: If it assists, it went to Public Works.

The Hon. W.A. MATTHEW: —it went to Public Works as it is now—and some Telstra off the shelf. It is possible, under the auspices of this definition, to break that project up in a different way. I agree with the member for Hammond that, if governments are desiring and public servants are willing, it is possible to rebadge and rebreak projects in all ways, shapes and forms to present them before a Public Works Committee. That project increased in cost against the initial projected cost and—regardless of what party was in government and the project—computing associated projects have tended to be greater in budget than was initially intended.

The minister responded to an example that I gave of the justice information system project, saying that it would be picked up by that definition. I would argue that it would not. The reason is that I am sure the minister's advice would have been in relation to the final cost, and the final proportion of that was development cost. That was very different (which is my point) from the original costs that were put to parliament. Based on the costs that were originally put to parliament in the budget process and based on the development costs associated with that, that project would not have been picked up in this net. That is why I am proposing that the amendment be more encompassing.

I am well aware that the GRN project was, in fact, considered through the parliamentary committee process, but it would have been possible to break it up in such ways that it was not. The reason it got picked up was the nature of the capital infrastructure associated with it. But you can break up lots of projects in many different ways. My definition just ensures that that avenue in relation to software components cannot be used to avoid at least scrutiny of part of a project. I still believe that it is in the best interests of good governance. I am not advocating that the words cannot be improved and I certainly agree with the member for Hammond that both my amendment and, indeed, the government's bill as it stands would benefit from a definition of the word 'computer', but that at this stage is in the hands of the minister.

The Hon. P.F. CONLON: I will just explain one or two things. First, the member for Bright misconceives the operation of the current law. Once the project reaches the threshold, it goes. That is how the law operates. One point is that he is wrong about the justice project; it would have gone when it reached the threshold.

The Hon. W.A. Matthew interjecting:

The Hon. P.F. CONLON: Well, you are just wrong and I am helping you here. The second thing is his proposition is that this is a definition that the government will exploit to prevent projects from going there. Of course, the member for Bright suggests that we come in here to create the capacity for those projects to go there in the first place but we are actually trying to create a device to prevent them from going there. I advise the member for Bright that, if we wanted to do that, we would not try to be so clever: we simply would not be creating this jurisdiction. It is the Labor government that is creating the jurisdiction.

I take on board the member for Hammond's views about definitions, and I will think about it. We believe the definition will work, precisely because it refers to an existing software project. I think most people, even lawyers (of which I am one), would understand what existing software is, and it is where a large proportion of the work is a modification of existing software. That is what a software project is. But I am not one to ever challenge lightly the views of the member for Hammond, and I will certainly take further advice on that. We believe it will work at present.

But the bottom line is that we are making it possible for those projects to go there. The notion propounded by the member for Bright is that we are trying to find a way of avoiding going there. We are not quite that devious. What we would do if we wanted that to happen is not do that at all. We would not introduce it at all.

The Hon. W.A. Matthew interjecting:

The Hon. P.F. CONLON: We are. The member for Bright supports it. He says it is really about creating this jurisdiction and then avoiding it. He should listen to himself. We are doing something that the Liberal Party should have

done in nine years of government. We are creating a jurisdiction to which to take very important works. I take the view of the member for Hammond that it may be a difficult definition, but at least we have attempted to do this for the first time, and we do it with goodwill and with the view that it will go there. My advice is that the sort of projects we are talking about going there are probably the sorts of things we do about twice a year at present. That is a significant body of referrals. It would be unfortunate if the member for Bright's amendment meant that we got everything, whether or not it was necessary, referred to the Public Works Committee, because I am absolutely certain that, if we referred things that are important for it to do along with things that are not important for it to do, it would affect the quality of the committee's work. I cannot understand where the member for Bright is coming from.

Amendments negatived.

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

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

Motion carried.

The Hon. I.P. LEWIS: Before we put the clause, having defeated the amendments, may I make some further observations about the best time for work to be referred to the committee by force of the act which are relevant under part 2 of the provisions but which time defeated me in being able to make during the course of the remarks I was making last evening? Those remarks are that the committee ought to be involved at a much earlier time in all public works so that it can consider good ideas that come out of the community which the people within the agency might not have thought of—because all they think of doing is providing themselves with the structure that they require for the explicit narrow purpose that they imagine, but it is not their money they are spending.

Earlier, I referred to the police complex at Netley. I could have also referred to the Government Radio Network, and I intended to, but chose not to take issue with you over the length of time I had spoken. Had the Government Radio Network project been referred to the committee at an earlier concept stage, it would have heard from members of the committee in a useful and constructive way that it ought not to be the exclusive software of Motorola, but the open and generic software that was available and being used by Motorola that was not controversial like Motorola software was in Florida. I cannot remember the name of that generic software; I have tried to remember it while standing here. It was in use by Phillips and by the other German cybernetic firms as well as other European and Japanese firms, and it is superior. Motorola's software and the architecture associated with it was not the best, as it turns out. We would have done better because there would have been more competition available to us in the provision of the other parts that hang off that architecture based on the software.

More people—and I am sure the members for Reynell, Hartley and MacKillop would remember—and more firms could have competed for the provision of the handheld sets, for instance, used by the emergency services whether it is the Sea Rescue, the SES, the CFS or any of the other volunteer agencies that need to be able to use it. They would have been able to make a better selection and a more cost competitive selection of the hardware equipment. The Public Works Committee could have alerted the government and the parliament to that fact if it had been allowed to have a hearing at an earlier stage in the concept, then the government agencies, not the ministers, would not have been compelled, as they felt at the time, to restrict the ambit of their examination to just Motorola gear. That was the debacle that brought the premier undone really, regrettably. May I say that I do not cast aspersions on, about or at the current Labor government in making these remarks—any of them. You see, governments and ministers change over time and the way in which things get to be administered is different when they are not the same. That is my concern. You do not get a chop at this very often, and if you do not speak up at the time when you are considering the legislation, it does not come back on to the parliamentary agenda for another decade or more, so you constrain the capacity of society to see that the resources are properly allocated in the process. Under Part 2—Parliamentary Committees clause 4 which you seek to have us now pass, even if it is only part one, or are we taking part 2, 3 and 4 all together, Mr Chairman?

The CHAIRMAN: The chair understood that we would take it as a whole but, obviously, the member for Hammond is speaking to whichever part of clause 4 he wishes. You can speak to any part of it, if you wish. The chair was somewhat flexible because I was in the process of calling for a vote on that clause, but then the member for Hammond indicated just before he got to his place that he wanted to speak, so the chair was trying to accommodate him.

The Hon. I.P. LEWIS: I do not want to cause angst. If it is the whole of part 4, I will make some remarks about that, because we are deleting the definition that is there and, in some measure, denying ourselves access to the criteria by which we evaluate a public work in so doing, and I think that is unwise. I would want to make further remarks about the calculation of a net present value after evaluating the social consequences of doing things one way or doing them the other and compel lazy agencies to go and do that research instead of sending along the spokesperson to the Public Works Committee right at the end of the determination of whether or not the work ought to proceed without having evaluated those important sociological inputs and saying, 'Well, it is just all too hard.' Damn it. If the New South Wales public sector can evaluate the social benefits that arise from the north-western by-pass from Parramatta to Hornsby and quantify the net present value and the cost-to-benefit ratio or the internal rate of return that the investment of public funds in that infrastructure provided in the fashion in which they did, and it was very good indeed, but, if they can do it, so can we.

If SA Water, for instance, cannot evaluate the consequential effects in what they called the Queensbury locality in the metropolitan area, the Fleurieu Peninsula and the areas around the Port which used have all their effluent (that is, sewage and the like) taken to the Port Adelaide treatment works before that was closed down. If they cannot evaluate what the consequences would be of replacing all the leaky pipeware which drains all the sea water into the sewage system and then stuffs up the use of the fresh water coming from Bolivar by increasing its salinity—that is exactly what happens. That is what the previous government allowed to happen without question. It did not bother to ask that question, and when the Public Works Committee witnesses came before the committee and we asked them to give us that information, it was all too hard. They said, in any case, if we did that, if did not drain the saltwater out constantly that was

coming from the sea into the sand under the sand dunes and take it away, it might cause corrosion to the footings of buildings, and that would cost more.

I can tell you now what it has done is stuff up the capacity for that water and the sustainable way it can be used in perpetuity for irrigation of horticultural crops. The people who have been conned into paying for the right to get that water have been told that they can expect that it will remain at the salinity levels at which they are getting it when, in fact, that is a lie.

We were not able to make any suggestions about that public work at the outset, which we would have been able to do had it been referred to the committee for general remark at the time that it was decided that maybe we ought to go ahead with this. As I said earlier, if it is likely, not certain, but even if it is possible that it will go over the threshold in total value it ought to go for remark to the Public Works Committee. The service that is sought by the public work to provide additional amenity and benefit ought to be put before the committee so that the committee can then say, 'Well, these are the things that the community at large would want us to tell you, government agency, to include in your work to make it more functional and to get better bang for our buck, a better outcome and a more rapid movement towards a more sustainable and better future. We also want you to come back bringing costs about certain factors into the equation to calculate the cost benefit ratio.'

Clause passed.

Clause 5 passed.

Clause 6.

The Hon. W.A. MATTHEW: Mr Chairman, I draw your attention to the state of the committee.

A quorum having been formed:

Mr HANNA: I move:

Page 4, line 21-Delete '$10 000 000' and substitute:
$5 000 000

The government believes that the threshold above which items should be referred to the Public Works Committee should be $10 million—that is more than doubling the existing threshold. I think allowance should be made for inflation, and so some increase above the $4 million threshold is warranted. I am told—although I have not checked personally—that since the $4 million figure was set, if one applied the standard inflation rate that the figure would be about $5.7 million. However, for the sake of scrutiny, I think the figure needs to be about what it is now and so I have set on the figure of $5 million.

I am concerned that there would actually be very few projects each year referred to the Public Works Committee if the threshold was set at $10 million. I commend the amendment to the house.

The Hon. W.A. MATTHEW: The opposition indicates it will be supporting the amendment of the member for Mitchell. The present amount for referral to the Public Works Committee sits at $4 million; the government has indicated through this bill its desire to extend that to $10 million and the minister has explained to the house, through his second reading explanation, that one of the prime reasons for doing so was because this was a recommendation from the Economic Development Board.

We are certainly mindful of the government's reasons for doing so, but we are also mindful of the fact that, first, if inflation were applied against the $4 million it would be $5.7 million today, not $10 million. So the committee is, effectively, being asked to make a conscious decision to specifically exclude some projects from consideration that have been considered by the Public Works Committee in the past. That leads one to say that if we were to preserve the situation as it is, the limit ought perhaps to be lifted to $5.7 million. However, I also put to the committee that, with the benefit of the wisdom of hindsight, the previous limit of $4 million was actually set too high. There were projects that did not receive Public Works Committee scrutiny—because they were under the $4 million limit—that perhaps should have.

The member for Hammond, as chair of the Public Works Committee at that time, can no doubt list off particular primary school and preschool projects, for example, that were not referred because they were under the limit. Certainly, under a limit of $10 million there would, at the very least, be a number of school projects which have a variety of complexities and a broad range of public interest that just will not be referred for scrutiny by this committee.

On those projects alone, I have seen some very valuable contributions by the Public Works Committee in the past. The opposition would argue that the amendment put forward by the member for Mitchell is sensible and that it recognises that the $4 million bar that was set in the first place under the Liberal government—and I volunteer that I was the minister responsible for construction for two of those years—was a limit that was too high. We have now got the benefit of the wisdom of hindsight and the evidence to suggest that, and the member for Mitchell takes into account an inflationary factor but then reduces it back to $5 million. For those very good and logical reasons we support his amendment.

The Hon. I.P. LEWIS: I too will be supporting the member for Mitchell's proposition to hold it at $5 million, given what I know from my personal experience, both as an ordinary member of the committee and as its chair, about the way in which government agencies sought to get around having to go before the committee. I do not think that that has changed in a long time, and I do not see any indication that it is ever likely to change much in the future. It is bad enough now, where there is no early reference to enable input to be made that might avert some of the sorts of idiocies that ultimately end up being incorporated where it has to be politely pointed out to the proponents that they ought to go away, amend and fix up.

Ten million dollars is far too much. I remark again that the Economic Development Board ought to have done its homework. They are intelligent, capable people, but they got it dead wrong when they said that the threshold is too low and that it holds up vital economic development in South Australia. That is a bloody nonsense; an absolute and utter nonsense. The fact is that none of the Public Works Committee's referrals, by definition, are private sector developments. They do not, therefore, prevent or detract from the capacity of private sector investors to make developments in South Australia, unless there is some sort of a deal being done for them to be a joint venture on government land. In those circumstances they do indeed require scrutiny, because it would be too easy otherwise for corruption to creep into the process of the kind that bedevilled many of the Asian economies and societies over the last 30 years, and still bedevils many of them.

We just do not need to put temptation in people's way. We only have to look at the waste of time that we have had over recent months over the stashed cash affair to see the idiocy of allowing people to be tempted to think that they can do

things that suit themselves when in fact they are explicitly outside the law. Notwithstanding the fact that not one dollar went missing, the real fact is that the dollars went to where Lady Humphrey and Sir Humphrey wanted them to go and not where the government said they should or should not go, and there was a better way of dealing with it than the way it has been dealt with. It illustrates my point. You will not get adequate scrutiny under the provisions of these proposals, especially if you lift the threshold to $10 million. So, for his alert contemplation of what has been proposed, the member for Mitchell is to be commended. The minister does not deserve to be condemned, because I believe the minister was advised by public servants and, more particularly, compelled to accept what might have regrettably been the government's decision to adopt all the recommendations from the Economic Development Board which, in this instance, as I have already said, got it dead wrong.

The Hon. P.F. CONLON: I do not think that any matter was more covered in second reading debate, and I do not intend to detain the house. The government has attempted to keep a balance between the interest of getting projects done in a reasonable time frame and proper scrutiny. We all know the history of the recommendation, and we know that the government has inserted the $10 million dollar provision in there to try to preserve that balance. I can understand entirely the views of people that that is too high. The level will always be set somewhere, and it will always be set with a view to creating a balance between proper parliamentary scrutiny and the ability not to hold up all, or too many, projects. In defence of the Economic Development Board, I am sure that any minister who has ever been a minister responsible for projects knows that there is a frustration. I say to the member for Hammond, that I know it is a necessary frustration, but there is frustration at the time that it takes us to achieve things in government. I think that, if all ministers and former ministers were honest, they would say that in any government, the speed at which we are able to do things is a frustration. The recommendation was made with the best intentions in the world to achieve a better balance. We believe that it is the right balance. We believe that the addition of the $10 million dollar referral makes it right but, as I have said, I do not think that anything was more discussed in the second reading, and I leave it to the house to make up its mind. Given some of the views in here, I am not sure how it will go in the other place anyway, but we will see.

The Hon. W.A. MATTHEW: I have a number of questions in relation to this clause and prefix them by agreeing with the minister that, indeed, there are frustrations with the rate at which public works progress, regardless of which government is in power, and that has been something that has occurred for many decades. I agree with him that the recommendations of the Economic Development Board were made with the best of intent, and the $10 million limit is doubtless a genuine endeavour to try to speed that up, but I also put to the house that it is the view of the opposition that that endeavour is misplaced in this instance, as we are not aware that it is actually the Public Works Committee that has been the problem. As the minister well knows, there are many processes in government that have to be worked through for a public work to become a reality.

The Public Works Committee is one the last parts of that process, when the major part of the works is in place. The process involves defining the project and its cost, preparing concept plans and plans, and often tendering for architectural services. There is a huge process to go through. I put to the committee that that process is the delay. Because of the necessary probity that has to be applied, it is not possible for us to abbreviate that process.

The opposition is certainly supportive of anything which meets with probity and which will shorten the public works process from concept to building. However, we argue that this will not do that. To assist the committee in its consideration, I ask the minister whether he is able to provide to the committee details, during his time around the cabinet table (that is, the last three years), of how many projects of between $4 million and $10 million have been referred to the Public Works Committee and, of that number, how many of those projects have been delayed for any time at all because of the need to refer them to that committee?

The Hon. P.F. CONLON: The best advice I can give the member at present is most of the last 40 have been dealt with in between two and 12 weeks. Without getting into a debating point, the mere fact that it goes there adds the time.

An honourable member interjecting:

The Hon. P.F. CONLON: If it does not go there—that is a good point. We will get more details on that. Something like 76 per cent of the projects would finish in between two and 12 weeks. I would have to break it down better than that project by project.

The Hon. W.A. MATTHEW: I am surprised that the minister's officer does not have the figures at his disposal. In order to help the committee to understand the sort of numbers we are talking about, is the minister able to advise the committee how many projects in total have been referred to the Public Works Committee over those three years, and can he give an educated assessment of how many of those projects would be between $4 million and $10 million? If the minister has a list of projects, that surely would provide some guidance.

The Hon. P.F. CONLON: Whatever is not provided will be provided before the bill gets through the parliament. The problem is that I am not sure that we can break it down in the three-year period the member is asking for.

The Hon. W.A. Matthew interjecting:

The Hon. P.F. CONLON: From 29 November, 29 projects were reviewed and 22 were reported within two sitting weeks. Because of the restricted nature of sitting weeks, the actual time varied between two and 12 weeks. That illustrates the point I have been trying to make. It is not that the committee itself unduly delays projects: it is the mere fact that they are referred that adds to the delay. That is simply a matter of fact.

The Hon. W.A. MATTHEW: I appreciate the minister's information that there have indeed been 29 projects. We are quite happy that it is November 2001 onwards; that certainly covers the period we were looking for. Can the minister be further prescriptive and advise the committee how many of those 29 projects would have fallen between that $4 million and $10 million limit, so that we know how many projects we are talking about over a three year period? So far, we are talking about 10 projects a year over three years as a maximum. It looks as if it may be even fewer than that.

The Hon. P.F. CONLON: Don't worry—we will have more projects for you this year.

The Hon. I.P. LEWIS: I do not know whether it is in order for me to draw attention to an aspect of clause 6—what will become section 16A in the principal act—but I will do so, anyway. I draw your attention, Mr Chairman, and that of all other honourable members, to subclause (2)(b). I point out that, notwithstanding what the minister may think it means,

it clearly means—and if the member for Bright takes an interest in this point, he will understand what I am saying—that the government, at any time on whim, can simply proclaim that the amount be increased above $10 million in general, or proclaim that, for a particular public work, the amount is $160 million, where the estimated cost of that particular public work is $155 million, or $159.5 million, and then the act does not apply, except that the committee can call an inquiry into it. The Sir Humphreys and Lady Humphreys of this world can then tell the committee, 'We're going ahead anyway, and we haven't got time to see you for the next four months.' That is what happened during the time I was chair of the Public Works Committee when, on behalf of the committee, in consequence of a resolution passed by that committee, I called the attention, through the committee's secretary, of an agency to the desire of the committee to examine the work. It was not with arrogance that was impertinent in tone but certainly with arrogance that was impertinent in consequence I was told, 'We'll get there when we can, but we are a bit busy now,' and they just went on with the work, because the act allowed them to. In this instance, the act allows it. So I must ask the minister why he did not expressly state this. If his answer to my proposition is, 'We won't do this other than every two or three years when we will adjust the amount upwards for inflation', why was that not put there?

The Hon. P.F. Conlon: It's over the page.

The Hon. I.P. LEWIS: In some other section?

The Hon. P.F. Conlon: Yes.

The Hon. I.P. LEWIS: Then I stand corrected.

Mr HANNA: I want to speak briefly to subsection (2)(b). I seek to replace $10 million with $5 million. Everybody understands that, but there is also a reference to the future cost of public works exceeding an amount 'fixed by proclamation for the purposes of this subsection'. I note that subsection (8) of the proposed new section provides that the Governor may proclaim another amount or that the amount cannot exceed $10 million multiplied by the relevant indexation factor. The indexation factor effectively is the CPI. So, although there will be higher figures, they are limited by law to the $5 million that I would prefer plus inflation. So, if we have the figure of $5 million, it will increase every year by proclamation once the CPI is taken into account, but it will not increase above that amount for unscrupulous purposes.

The Hon. P.F. CONLON: That is entirely correct. As I understand it, does not your third amendment take care of the $10 million?

Mr Hanna: Yes.

The Hon. I.P. LEWIS: In clarification of the point that has been made, subsection (7) provides that the Governor may from time to time. That means that, from day to day or week to week, the Governor may increase the amount by not more than $1 million multiplied by the CPI. So, if it is 2 per cent, it might be $1 020 000. That would be the outcome of 2 per cent inflation, but tomorrow the government can add another million, and the next day it can add another million, because it does not say that it has to be annually. It simply says, 'from time to time, by proclamation, fix an amount for the purposes of subsection (1), provided that the amount does not exceed $1 million'. It does not say that the Governor may from year to year or every four years; it says 'from time to time', and that means day to day or week to week if you only have one executive council meeting a week.

The Hon. P.F. CONLON: I assure the member for Hammond that, whilst technically that may be correct—you could do it on a frequent basis—you could only apply the indexation that has occurred in the period. So, there would be no point in it, because you cannot apply a greater indexation rate than has occurred in the period of time. It is certainly not the intention of the government to do it frequently, only when it would be a meaningful change, and I do not think even an annual change would be a meaningful one. Perhaps if we had the inflation of the Wehrmacht Republic at the time, we might want to do it more frequently, maybe on a daily basis, but until that occurs—and God forbid it ever does—it probably would not even be annually.

The Hon. I.P. LEWIS: I am pleased to have the minister's assurance that that is what he thinks it means, but let me tell you: I have sat in the party room when the Premier said, 'If it doesn't say you can't, it must mean you can.' Here, it does not say you can't, so it must mean you can. When you get politicians willing to do that, they are not breaking the law, and they will do it when it suits them to do whatever it is they have a mind to do. If the law allows it, it will be done, whenever it suits. 'From time to time' does not mean 'from year to year', and it is not qualified by the calculation referred to in subsection (9). That is the calculation of the amount by which the $1 million can be multiplied that will be added on each occasion. So, every time there is an executive council meeting it could be resolved to increase the amount for a public work by a million and then some dollars. That is the law the way we are proposing it.

Mr HANNA: With respect, that is simply not correct, because subsections (7) and (8), which build in the increase by inflation, are both constrained by subsection (9). They both say that the government may not increase the amount by $1 million or $10 million; they say that the government may proclaim a new amount. That new amount cannot exceed the base amount multiplied by the relevant indexation factor. The relevant indexation factor must refer to an annual CPI figure, and that is what subsection (9) provides. So, you actually cannot ever get more than the base figure with the inflation figure added to it.

The Hon. P.F. CONLON: Out of due respect for the opinions of the member for Hammond, my understanding is the same as that of the member for Mitchell; that is the reading. However, I indicate to the member for Hammond that we will take proper advice between the bill's going between here and the other place and, if the legal effect is not what I have said it is and what the member for Mitchell says it is, we will make the appropriate change.

The Hon. W.A. MATTHEW: I do not know whether it assists the member for Hammond further, but the opposition's counsel received the same advice, and we are satisfied that what this clause does is provide for no greater increase than the CPI of the relevant period. In fact, the way in which we interpreted the clause was that the words 'time to time' would enable the minister to increase the amount, perhaps on a three, four or five yearly period, rather than even an annual period. We do not read into that anything mischievous but, rather, we think it provides commonsense flexibility so we do not have an undue rash of increases.

The Hon. I.P. Lewis: If that is what you think it means, why don't you say it?

The Hon. P.F. CONLON: I do not think the member for Hammond heard me. I repeat that we will take proper advice on his view of this and, if it does not do legally what we say it does—because that is our commitment—we will make sure that it is changed in another place. That is the legal effect of it, as we understand it; that is the best of our advice. I am

happy to check it again and change it if it does not do that, because that is all we intend to happen and we believe that, on our legal advice, that is all that can happen. As I said, my own view is that we would not do it for a number of years, because it is not meaningful.

The Hon. I.P. LEWIS: To put it beyond ambiguity is to simply include the words 'but so as not to do so more than once in any calendar year'. I rest my case at that. What we think we mean, Mr Chairman, as you well know, is not necessarily what the Supreme Court and the High Court justices, in their wisdom, decide we mean, when it comes to their attention to determine it.

The CHAIRMAN: The minister has given a commitment that he will look at this issue between the houses.

The committee divided on the amendment:

AYES (19)

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

NOES (21)

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

PAIR(S)

Kerin, R. G.	Rann, M. D.
Brokenshire, R. L.	White, P. L.
Brindal, M. K.	Hill, J. D.

Majority of 2 for the noes.

Amendment thus negatived.

The Hon. W.A. MATTHEW: I move:

Page 5—
Delete subclause (5).

This subsection provides that a matter does not go to the Public Works Committee if, after the commencement of the inquiry (that is the important thing; that is, the committee gets the public work referred to it) and with the agreement of the committee, it is exempted as a public work for the consideration of the committee. The concern the opposition has is that it could occur; and, just so the minister does not feel too precious or sensitive over this, I am not accusing him of any ulterior motive; governments change, ministers change. Usually a committee has five representatives, three of whom are government members, so the government, on most occasions, has a majority vote, so it is possible that the government members of a committee could utilise their vote to prevent the scrutiny of a project before that committee. As I said, I am not accusing the minister of wanting to do that. I am not even necessarily accusing this government of wanting to do that. I am simply pointing out that that could be the effect of the flexibility provided by this subclause. The minister may well argue that the intent of the subclause is simply to provide for a reasonable basis to shorten the process of a public work through government processes.

There may be a whole range of very valid reasons why the committee may say, 'Well, we do not need to consider this. We have had a look at it. Let us dispense with it now and in that way we save a few weeks.' I am sure the minister could put that argument and it could be validly argued, but I put to the committee that, regrettably, by providing that power, it can be abused. I believe that in considering good legislation the parliament needs to consider the fact that that power could very easily be abused, and could be abused in such a way as to bring about all the concerns which various members have put to the committee when projects are manipulated by the bureaucracy to avoid proper scrutiny.

The minister has put to us that, since November 2001, 29 public works projects have gone up for scrutiny—that is, 10 projects a year. He is not able to tell the committee how many of those 10 projects a year fit between the current limit of $4 million and $10 million. It is a maximum of 10 a year and probably some figure less than that. In relation to the handful of projects with which we are left, we are prepared to risk the probity of the process by allowing any government of the day the power to use its three members to say, 'No, we will not consider that. No, do not need to', and move on without having to report. That gives me cause for concern. I put to the minister that his endeavour to shorten the public works process could provide for an abuse of the process, albeit unintentionally.

The Hon. P.F. CONLON: It is certainly not the intention of the subsection. My own view and my advice is that the section does not allow the exemption with the agreement of the committee because a project is substantially similar. There is a way of testing the view of the committee that it is similar, but it does not allow a project that is substantially similar. The majority of the committee still have to abide by the law of the land, including the act. The big risk for anyone who attempted to use this provision as a rort to get it out of there is that, as we have seen in the past, it would throw the committee and the minister open to judicial review. We know that has happened in the past. Decisions by a minister have to be made according to law. It is a difficult remedy to take. It is also very painful to be caught up in that process. It is not the intention of the government to use that for a rort; and there are other legal protections if someone attempts to use the subsection for the purposes for which, in my view, it was not intended. If I can go back to it, it says, 'the minister has exempted the project from the subsection on the ground that the project is substantially similar'. You have to have grounds for making that judgment. You cannot simply exempt it. You cannot say that a project is similar to something when it is not. The only option is to do it without the agreement. It is a good power to have.

I think the member for Bright conceded that there are circumstances in which it would be a waste of time for the committee to be reexamining a project that is substantially the same as another one. All we are doing is trying to ensure that the committee does have a vote on it. We have not sought to exempt it simply by the minister doing it and, if it is not done according to the law as set out, as I say, it would be open to the very blunt instrument of judicial review, which would certainly hold up the project longer than any minister would want to see occur.

The Hon. I.P. LEWIS: Can the minister explain under what process and on whose motion a judicial review could be undertaken in the circumstances to which he has been referring? I had contemplated doing that myself as chair of the committee but was told that not even I, as chair of the Public Works Committee, had standing to do that, other than that the house would approve it. That means that, if the minister says in the party room to the caucus and therefore the chair of the Public Works Committee, 'We will agree, won't we, that this work will not go to the committee?', then the chair says, 'Of course I agree. That is the majority decision of the party room and caucus. Of course.' And the majority on the committee is there to ensure that that sticks, and the minister is home free. There is no-one that I know of who has the standing to take the matter to a judicial review other than the chairperson on the motion of the house, which is never going to happen. So there is no circumstance in which a judicial review will ever occur unless the government loses the confidence of the chamber.

It is not, therefore, in my judgment appropriate to have such a provision in the act, because once again I say through you, Mr Chairman, to the honourable minister and other members, if it does not say you cannot, it must mean you can. So we will crunch numbers behind locked doors and take this one away from the Public Works Committee because we have discovered there is a king-sized stuff up and we do not want it to become public knowledge. Then it becomes a matter of chance as to whether some member, other than a government member (or even a government member who might dare, and that only happens once every hundred years or so), would be aware of what was going on and raise the matter in the chamber, or in the other place, to cause the government sufficient embarrassment as a result of the way in which it is raised and drawn to the public's attention through the publication of it in the media that that might be revoked. But I doubt it would be revoked even then. It would have the unfortunate and detrimental consequences which arose in the course of the Olsen government's term in office through which—well, the story is well enough known. I do not have to recount it here.

My question to the minister, lest he forgot it, is: who is empowered to seek the judicial review; and under what provisions of the law can such a review be sought as it relates to subsection (3)?

The Hon. P.F. CONLON: I am going to dredge up my administrative law from decades ago. I think, from memory, the classic grounds in Anisminic were asking the wrong questions and taking the wrong approach. Other administrative law cases say that you do it wrongly when you do it for incorrect reasons or when you have taken improper considerations or considerations that are extraneous. All of those matters would go to that. In terms of standing, the member for Hammond may well have agitated this in the past and got an answer on standing for a person to bring a judicial review. I would have thought that anyone whose statutory rights were trammelled by it, including a member of the committee, would be able to, but I have to say that I am now straying into an area in which I am the first to say I am not qualified to give a legal opinion, and I will find that out for the member.

But the bottom line is that there is a political price to be paid for every time you try to run a rort like that. The mere fact that you have a majority of the committee does not mean that the other two will go quietly, or the other three, or however many it is. If someone goes to a committee and attempts to remove a project through the sheer and brutal use of numbers because they falsely allege it is like a project they have already looked at, it is going to light up the sky, apart from anything else. I can assure you it is not something that any government likes to have occur.

I also point out that merely because such an exemption is made does not prevent the committee from continuing its inquiry. It just allows money to be spent. But, in relation to your earlier question, my own humble opinion is that the minister would have to use proper consideration when they sought an exemption, and it is not a proper consideration, in my view, to say that a project is substantially similar if it is not. And who would have standing? I would have to ask a better lawyer than I am, but I would have thought it would be anybody whose interests were affected by statutory rights.

The Hon. W.A. MATTHEW: Again, I prefix my comments by saying I understand the intent of the government's amendment and take at face value the minister's assurances that the endeavour of this amendment is to expedite public works. The problem is that the interpretation of a project being substantively similar is subjective by its very nature. It could, in fact, be quite broad, to the extent that it may be that a project is a police station and a police station was built at another location using similar plans that are substantially similar; therefore, it does not need the rigorous assessment of the Public Works Committee, and likewise with a school or a variety of other types of projects. I put to the minister that, within the current framework of the Public Works Committee, if it does receive a project that, using commonsense, is quite obviously very similar to one they have already given approval to, the Public Works Committee actually has the power to restrict the amount of time that it would need for its investigation accordingly. I am not convinced that the amendment actually provides the power to shortcut the process beyond that which already exists. There is nothing within the current process that prevents the minister or the ministers' departments from submitting to the Public Works Committee that a particular project is similar to one that the committee recently passed, or passed two years ago, for example, and encouraging the committee to refer to its deliberations on that project and, as a consequence, shorten the time of their deliberation.

I believe that a reasonable committee would do so, and I am not aware of any examples where a minister has made such a submission to a committee where that submission has not been heeded. I invite the minister to provide to the committee, if he has any, information where he or the Minister for Administrative Services actually asked the committee to shorten the consideration process because a project was similar to one they had previously approved and whether it has received short shrift. If there are not any cases, it concerns me that we provide a power in the future to be abused and used mischievously. I hear the minister say that there are other processes of public accountability that can be used through the forum of this parliament and outside to hold such government to account, and those processes are used regularly, but that does not change the fact that, unless the amendment is providing a benefit for shortcutting projects that is not there, we remain concerned about it. We do not see it as providing a benefit beyond powers that are already in existence, but it actually opens up the potential for abuse, and it is for that reason that we are opposed to this clause.

The Hon. P.F. CONLON: I have to say that the member for Bright substantially argues against himself, because he recognises that, if you have the numbers, you can do a number of other things anyway. The truth is that if you have

the numbers you can make the inquiry come out any way you want. The trouble is that the minority will always be able to agitate their viewpoint so, if we were to take a project there and say, 'This is good; stop asking questions; we're happy,' (anyone who has the numbers could use them like that) we would pay a political price. Similarly, in this cynical world that we live in, if a minister and the committee of the majority were to collude to make an exemption that should not be given, again, they are going to pay a political price. I cannot assist the house to prevent the naked use of a majority on this provision—no more than I can on any other. But the truth is that that does not occur, because a political price has to be paid when you do things like that. It is just as easy to use a naked majority to look at a project and say, 'This is fine. No more questions. Thank you very much. Off you go.' But you do not do it because, as I said, the minority cause you difficulty. You just do not get to do those sorts of things. I am in the hands of the house. I cannot protect people from the outcome of a voting system where the majority tends to win—not on this clause or any other, and not on the provisions. If any Public Works Committee were to nakedly use government numbers in this way or in any of the other ways I have suggested, it would have a very serious political price for the party responsible for doing it.

The Hon. I.P. LEWIS: I move:

Delete (4)(a)
and
4(b)
at the end of line 39—
insert after 'has' the word 'unanimously'

I know this amendment has not been circulated to the chamber, but let me explain. Subsection (4) is the bit which allows the minister to exempt a public work that would otherwise be examined by the committee from being examined by the committee. Part A is an outrageous part of the act that ought to be removed anyway.

The ACTING CHAIRMAN (Mr Snelling): Order! Can I interrupt the member for Hammond for a moment. The minister does not have a copy of the amendment, because it has just been brought up to the table.

The Hon. I.P. LEWIS: Yes; I am explaining it to him. There is nothing in standing orders that says I have to give a copy to anybody, Mr Chairman, other than to you.

The ACTING CHAIRMAN: Order! I think it is reasonable for the minister to have it in front of him.

The Hon. I.P. LEWIS: I cannot hear what you are saying, Mr Chairman.

The ACTING CHAIRMAN: I think it is reasonable for the minister to have a copy of the amendment in front of him.

The Hon. I.P. LEWIS: Notwithstanding what you think is reasonable, the standing orders do not require it, and I am quite happy for the minister to have a copy. I regret that he does not have a copy, but I resent being called to order when I am not being disorderly. I was explaining. Subsection (4) has two provisions under which it might be possible for the minister to exempt a public work from being referred to the Public Works Committee. The first one is outrageous. It should never have been in the previous act, because as a student of economics in no small measure, you would know, as would other honourable members here that, if the government has to resort to using superannuation funds, it means that no-one else in the private sector—no bank or finance house—will back the project. It is totally uneconomic, and we have recent history to illustrate the point I am making, where the superannuation funds were used at the government's behest to do the renovations of the Samuel Way building, as it is now known—the old Moore's building. The project just kept blowing out from where it was going to be $5 million or $6 million to over $30 million. It was a botch and ought never to have been contemplated in the manner in which it was. It should have been subjected to rigorous scrutiny but was not because superannuation funds were used.

The real wickedness in that is not the principle that superannuation funds were used but the principle that, where you use superannuation funds from South Australian taxpayer funded top up, you are really saying that you are going to use the money from general revenue, because the effect of using those superannuation funds on a project like that, where the economic benefit is negative, is that you are really saying that the taxpayer has to top up the unfunded liability out of general revenue. You may as well have taken the money out of general revenue to start with.

This is a deceitful ploy. It is rotten, crooked and old hat. It does not belong in the 21st century, and the member for Bright ought to understand that. There is no place for pork-barrelling government's desires by resorting to the plunder of a superannuation fund only to have to top up what it took with its left hand with the right hand in the general revenue section. The superannuation of public servants has to be paid, so you should not be using superannuation funds in this manner. The funds ought to be managed in a way which assures that they can meet the reasonable obligations and pay-outs required as they arise.

Applying funds to these kinds of projects is dead wrong because it means that you will not get any return on them, let alone a reasonable return. That is subsection (4)(a).

In relation to subsection (4)(b) to which the member for Bright has been referring, the part about where the minister can exempt it so long as the committee agrees, I warn the minister against keeping that, because he will not be minister forever and neither will the rest of his colleagues. Some of the scoundrels who follow after him will do as the member for Bright and I have suggested—and I do not know who those scoundrels will be: they are not yet known, but they will come in the fullness of time (however full that may be). All we have to do to put this proposition beyond reasonable doubt as to its probity in public terms is to insert one word, and that is the word 'unanimously', where the clause provides:

refer to the Public Works Committee by force of this section and the committee has unanimously agreed to the exemption [proposed by the minister] to this project.

If the committee is not unanimous, it does not get exempted: it is as simple as that. In that way, there is no chance for the minister to either deliberately or inadvertently get trapped in controversy, because there are members from other than the government party on the committee and, if they see something about the exemption to which they object, they can simply, if you like, question it and call it.

The Hon. P.F. CONLON: I indicate that the reason for new subsection (4)(a) is that, if it were not there, and a committee sought to review a matter undertaken by a superannuation fund, it would run into direct conflict with at least one (and probably two) federal laws and would lose. The new subsection prevents that from occurring. We may not like it, but the truth is that, where there is a direct conflict, federal laws prevail over state laws. The federal superannuation act provides that we cannot direct a superannuation trustee. It prevents the committee running into conflict with the federal law. I understand what the honourable member is saying, but I do not think we can—

The Hon. I.P. Lewis interjecting:

The Hon. P.F. CONLON: Even though I was not sure about administrative law, I know that I am on safe ground in saying that, if we run into conflict with the federal law, we will lose. On the second issue, I say: why cure this one small element of the committee and not all the others? Why not make them all a unanimous vote? The truth is because unanimity in a political system is very hard to obtain, and it would render useless the worthwhile intent of the clause.

The Hon. I.P. Lewis's amendment negatived; the Hon. W.A. Matthew's amendment negatived.

Mr HANNA: I want to proceed with my amendment No. 2, but I do not want to proceed with amendment No. 3 because it is consequential. I move:

Page 5, after line 5—Insert:

(5a) In determining what is a public work, and in estimating the future cost of a public work, any artificial division of a project so as to make it appear to be a number of separate projects is to be ignored.

This amendment inserts a new subclause. Essentially, it is a direction that governments should not disaggregate the value of a particular public work so as to get in under the radar and, through fraudulent accounting, come up with a series of small projects that are not worthy of the attention of the Public Works Committee according to the thresholds established under this legislation.

For example, if there was a long stretch of road which could be let out as the subject of a single contract for $10.8 million, an unscrupulous government could, in theory, let out 12 contracts for $900 000 each. None of those individual contracts would need to be referred to the Public Works Committee—not even brought to its attention. That may be unlikely: it may be something that is ultimately uncovered and a political price would be paid for it if that is the case. But the intention of the amendment is to stop any attempt at that unscrupulous practice. There have been examples of this in the past. I will go into details if I need to but I think that everyone appreciates that this has occurred in the past, and so it is a matter of stating that principle to guide the deliberations of future governments and committees.

The Hon. P.F. CONLON: I sympathise with the position of the member for Mitchell, and it surprises me that he says that there have been examples, because I would have thought that the law had some capacity to defend itself, but I take on board what he says. I cannot accept the amendment at this point. I am not in a position to do that and I need to take advice from my colleagues. I would like to take advice, because I have not been able to do that to this point, as to whether there are any unintended consequences of the wording as suggested. I cannot accept it here but I will undertake to take some further advice and talk to colleagues. The logic of it is attractive in the sense that, if we create a law in this place, I do not think that we want to see it undermined by device, which is the purpose. I am not in a position to accept it now but I can indicate that between here and the other place I will take further advice and talk further to my party colleagues.

The committee divided on the amendment:

AYES (4)

Gunn, G. M.	Hanna, K. (teller)
Lewis, I. P.	Venning, I. H.

NOES (36)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Brown, D. C.
Buckby M. R.	Caica, P.
Chapman, v. A.	Ciccarello, V.
Conlon, P. F. (teller)	Evans, I. F.
Foley, K. O.	Geraghty, R. K.
Goldsworthy, R. M.	Hall, J. L.
Hamilton-Smith M. L. J.	Key, S. W.
Kotz, D. C.	Koutsantonis, T.
Lomax-Smith, J. D.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
McFetridge, D.	Meier, E. J.
O'Brien, M. F.	Penfold, E. M.
Rankine, J. M.	Rau, J. R.
Redmond, I. M.	Scalzi G.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	Weatherill, J. W.
Williams, M. R.	Wright, M. J.

Majority of 32 for the noes.

Amendment thus negatived; clause passed.

Schedule and long title passed.

Bill reported without amendment.

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

That this bill be now read a third time.

The Hon. W.A. MATTHEW (Bright): I will be very brief with my comments. In accordance with my address to the house during the second reading stage, I advise that as the amendment put forward by the member for Mitchell in relation to the ceiling of works to be referred to the Public Works Committee has remained at $10 million, it is for that reason and that reason alone the opposition will be opposing the bill at its third reading stage.

As I indicated during my second reading speech, the opposition is supportive of many of the principles of the bill. However, it is the view of the opposition that increasing the threshold from the present $4 million to $10 million unacceptably restricts the number of projects that go to the Public Works Committee. The minister has told the house that since November 2001 only 29 projects have been referred to that committee, which is an average of fewer than 10 a year. We find it untenable that that number could be further reduced by such an amendment. We have been given no evidence of any project that has been unduly delayed as a consequence of the level being where it is, and there has been no evidence of any complaint (not one complaint has been detailed to the committee), and therefore, despite some other provisions in the bill which are commendable, it is with regret that we are placed in a position where we must oppose it.

There is every chance that we will be unsuccessful and that the bill will then go to another place. I point out to the house that the reason why opposition members opposed the amendment put by the member for Mitchell to prevent projects from being separated so that they avoid referral to the Public Works Committee was not because we disagreed with the intent of the member for Mitchell. In fact, we strongly agreed with the intent, and we commend him for bringing his amendment to the house. The reason that we opposed that amendment was to uphold a longstanding convention, that is, that when a minister indicates that he supports the intent of an amendment and when a minister indicates that he needs to take further legal advice and will bring that legal advice to another place, in my experience it has been the convention of the parliament that the minister's offer will be accepted, and

therefore the amendment will not be proceeded with so that the minister has the opportunity to take that further counsel.

It is for that reason, and that reason alone, that opposition members oppose the amendment of the member for Mitchell, and we take the minister on his word that he will obtain that advice, that he will bring it back to another place if the bill does pass the third reading tonight and that that matter will be dealt with appropriately.

The committee divided on the third reading:

AYES (23)

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

NOES (17)

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

PAIR(S)

Rann, M. D.	Kerin, R. G.
White, P. L.	Brokenshire, R. L.
Hill, J. D.	Brindal, M. K.

Majority of 6 for the ayes.

Third reading thus carried.

ADJOURNMENT

At 11.36 p.m. the house adjourned until Thursday 17 February at 10.30 a.m.