HOUSE OF ASSEMBLY

Wednesday 6 April 2005

The SPEAKER (Hon. R.B. Such) took the chair at 2 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor's Deputy, by message, assented to the following bills:

Classification (Publications, Films and Computer Games) (Types of Classification) Amendment,

Industrial Law Reform (Fair Work) Amendment.

CENTRAL STANDARD TIME

A petition signed by 317 residents of South Australia, requesting the house to urge the government to move South Australia to true Central Standard Time of our correct Greenwich Mean Time of 135 degrees longitude, being one hour behind the eastern states and one hour ahead of Western Australia, at 2 a.m. on Sunday 27 March 2005 at the end of daylight saving time, was presented by Mrs Penfold.

Petition received.

QUESTIONS WITHOUT NOTICE

The SPEAKER: I direct that the following written answers to questions without notice be distributed and printed in *Hansard*.

GORGE WEIR/HOPE VALLEY RESERVOIR AQUEDUCT

In reply to **Mr BRINDAL** (23 November 2004).

The Hon. M.J. WRIGHT: No decisions have been made at this stage regarding the future use of the aqueduct land.

HOPE VALLEY RESERVOIR

In reply to **Mr BRINDAL** (23 November 2004).

The Hon. M.J. WRIGHT: The Hope Valley reservoir is an off-river storage and is the source of raw water for the Hope Valley water treatment plant which provides filtered water to the north western suburbs and the central business district of Adelaide. To supply water to Hope Valley reservoir, water is diverted through an aqueduct from the River Torrens at the Torrens Gorge weir. The supply at the weir is from natural catchment runoff and water released from Kangaroo Creek reservoir.

As housing development that has occurred on land below the aqueduct would be at risk in the event of any major leakage, the preferred option is to replace the existing aqueduct with an underground pipeline and pump station on an alternate route through the adjacent River Torrens Linear Park. The Torrens Gorge weir is on the State Heritage Register and care will be taken to protect the weir and preserve a section of the aqueduct.

While the provision has been made in SA Water's budget, the project has not yet been approved to proceed. The project is currently in a public consultation phase which commenced in September 2004. Briefings and communication have been provided to local residents, government agencies, local members, the Tea Tree Gully and Campbelltown Councils and special interest groups such as walking and cycling associations.

Feedback from residents and other stakeholders will be taken into account in finalising the proposal for the transfer of water from the Torrens Gorge weir to the Hope Valley reservoir.

Upon finalising the proposal, concept design and analysis details will be completed, and the necessary project approvals will be sought. Presentation to the Public Works Committee will occur as a component of this approval process.

SA WATER, CONNECTION FEES

In reply to **Mr WILLIAMS** (10 November 2004).

The Hon. M.J. WRIGHT: Connection fees have bee adjusted to reflect the costs incurred in providing the service. Whilst there are different connection charges according to the size and specific requirement, 95 per cent of connections involve 20mm water connections and 100mm sewerage connections. Specific changes for these have been:

	Fee Level	
	2001-02	2004-05
20mm Water Supply Service		
Schedule A Fee (Provide connection and meter to unserviced property)	$1 018	$1 648
Schedule B Fee (Commission prelaid connection and fit meter)	$261	$264
100mm Sewerage Connection		
Schedule A Fee (Construct connection—fee includes provision for plumbing inspection)	$1 679	$2 965
Schedule B Fee (Secure authority to connect to prelaid connection—fee includes provision for plumbing inspection)	$287	$112

Notably the fees which have risen significantly are those for which the costs are substantially driven by contractor charges. These costs have risen significantly in recent years, including prior to 2001-02. These cost increases were influenced by:

- More stringent backfill, soil compaction and bitumen reinstatement obligations imposed by councils and Transport SA.
- Increased traffic control obligations and requirements to undertake work after hours.
- Requirements to notify councils and customers prior to commencing work.
- More stringent occupational health and safety requirements.
- Higher contractor rates because of the level of building activity.

The substantial reduction in the schedule B sewer fee recognises work practices now in place.

GOVERNMENT PRIVACY COMMITTEE

In reply to **Mr WILLIAMS** (9 November 2004).

The Hon. M.J. WRIGHT: The Privacy Committee of South Australia's annual report for the period 1 July 2003 to 30 June 2004 was tabled in Parliament on 11 November 2004.

The Committee's annual report notes at page 5 that:

" …the Committee has enjoyed one of its more productive years in 2003-2004. . . ".

The report also notes that the Committee met on nine occasions during the reporting year.

The Privacy Committee of South Australia last met on 1 December 2004.

CITY OF CHARLES STURT

The SPEAKER: Pursuant to section 131 of the Local Government Act 1991, I lay on the table the annual report 2003-04 of the City of Charles Sturt.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 17th report of the committee.

Report received.

Mr HANNA: In accordance with the preceding report, I advise that I no longer wish to proceed with Private Members Business: Bills/Committees/Regulations: Notices of Motions Nos 3 to 6.

LEGISLATIVE REVIEW COMMITTEE: INQUIRY INTO SECTION 69A OF THE EVIDENCE ACT 1929 (SUPPRESSION ORDERS)

Mr HANNA (Mitchell): I bring up the report of the committee on an inquiry into section 69A of the Evidence Act 1929 (Suppression Orders).

Report received.

Mr HANNA: I seek leave to make a short statement on the report of the Legislative Review Committee just tabled.

Leave granted.

Mr HANNA: Because of the importance of this report to the community, particularly those concerned with the legal system (including the media), I outline the recommendations of the majority of the committee. It is a 74-page report. The key recommendations include: that information identifying an accused should be suppressed until the accused is acquitted of the charge or, if convicted, has exhausted an appeal to the Court of Criminal Appeal, but excluding the High Court appeal process. However, the majority of the committee recommended that publication of information identifying an accused should be permitted if it would help a relevant police investigation: an order of the court would be required. As an alternative, the majority recommended at least that the 'undue hardship to the family' test should be incorporated into the test for suppression orders.

A majority of the committee also recommended that suppression orders, which currently can be inspected only at the court in the suppression register, should be available by email upon request. I mention one more recommendation. A majority of the committee recommended that, where an identified accused has been acquitted of a charge that was reported in the media, a report of the acquittal must be published with the same prominence as the charge report. For example, where the charge report was published on page 3, so should the acquittal report.

PUBLIC WORKS COMMITTEE

Mr CAICA (Colton): I bring up the 213th report of the committee, on the deepening of the Outer Harbor shipping channel.

Report received and ordered to be published.

QUESTION TIME

INFRASTRUCTURE

The Hon. R.G. KERIN (Leader of the Opposition): Thank you for your forbearance, sir. Will the Minister for Infrastructure advise the house of just one major infrastructure project that will be initiated, funded and completed by this government in this parliamentary term?

The Hon. P.F. CONLON (Minister for Infrastructure): I do not think one would be doing it justice, but one that was initiated by this government, funded by this government and completed by this government to fix a stuff up by the previous government involves the Port River Expressway—

Members interjecting:

The Hon. P.F. CONLON: That's right. Now listen. Let me tell you a story. In our first year of government, as Minister for Infrastructure—

Members interjecting:

The Hon. P.F. CONLON: They do not want to hear this.

Members interjecting:

The SPEAKER: Order! The minister will resume his seat until the house comes to order. We have an hour; we do not want to get too excited at the start.

The Hon. P.F. CONLON: Let me tell you. A fellow came to see me from a company called Bardavcol. He was building the Port River Expressway. It was an initiative of the previous government, as they so rightly claim. He said, 'There's a problem—

The Hon. R.G. KERIN: On a point of order relating to relevance, sir, the question was about projects that this government has initiated.

The Hon. P.F. CONLON: That's right. One of the projects we initiated was to fix the problem that was identified. Listen: what he said was this—

Members interjecting:

The Hon. P.F. CONLON: No. They have to listen. He said, 'The expressway that they are building has a problem; it is not an expressway, because we have to put sets of traffic lights on it to stop traffic.' He said, 'It's an expressway where people can't express; they have to stop.' He said, 'If they were going to build an expressway, they would have to put in overpasses, but they did not; they forgot those.' So I called in transport and asked, 'Is this right?' And they said, 'Yes; I'm sorry; it is right.' And do you know what we did?

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: On a point of order, sir.

Members interjecting:

The SPEAKER: The house will come to order. The leader does not yet have the call. I am waiting for the house to come to order. The leader will resume his seat until the house comes to order and then we can proceed. The leader now has the call.

The Hon. R.G. KERIN: On a point of order regarding relevance, I think the minister is just trying to gain enough time for his office to think of a project so that they can ring up.

The Hon. P.F. CONLON: If I can assist: what we did was to take away the traffic lights and add $24 million worth of overpasses to make it an expressway, because they did not. If the honourable member takes a drive down to the airport, he will see the new airport—started under this government and completed under this government. In their day, the airport was a bit like John Olsen's tower. Remember John Olsen's tower? The knockers can step aside. The airport was like that. We started it: we will finish it. I have more.

The Hon. W.A. MATTHEW: I take a point of order under standing order number 98 in relation to relevance. The question was simple.

The SPEAKER: The member has made his point. The minister needs to conclude his answer.

The Hon. P.F. CONLON: Let me run through what has been done and what is being done.

The SPEAKER: The member for McKillop is out of order. Order, the member for Bright!

The Hon. P.F. CONLON: There has been $45 million worth of deepening in the Port. What happened when they privatised the Port? It went out with two options: one was for deepening; one was without. They went without because they wanted to maximise returns. We have added $45 million for deepening. That is what has happened. When we inherited the deep sea grain terminal project, it was in the wrong place. We moved it and we saved the money to deepen the port. When we came to government, we moved it to Greece. They had the government; they had a looney tunes—

Members interjecting:

The Hon. P.F. CONLON: I am sorry, but it is a long list: there is not just one.

The Hon. W.A. MATTHEW: Again, sir, my point of order is under standing order number 98 and relates to relevance. The minister has not attempted to address the question.

The SPEAKER: The member has made his point.

Members interjecting:

The SPEAKER: Order! I remind all members that under standing orders there are no interjections. I noticed that the member for Bright was interjecting, so he should look at all the standing orders, not just some of them. The minister, I think, needs to conclude his answer.

The Hon. P.F. CONLON: Sir, I cannot give them just one; there are too many. When we came to government they had two small pipelines on the drawing board. We achieved, finished, completed, and saved the state with the SeaGas pipeline. Let me go on. Let me tell you what we inherited in terms of Port River crossings: a completely false notion that tolls would fund two bridges. We committed our funds to it, and we opened the bridges and kept our promise. Do you know what else we did? We took away the Liberal's toll; that is another project. Let me tell you what the government has announced today, and works will start by the end of this year. For 30 years people have said, 'Do something about South Road.' We have committed $65 million to an underpass of South Road under Anzac Highway, and another $120 million-odd for a 600 metre tunnel under Grange Road, Port Road and the rail line to address the problem. Do you know what we were told today? The RAA said that they were the two most important projects for the state. Do you know what the Freight Council said today? It was that their six most important priorities were achieved by today's announcement. If the opposition wants me to go on, I will go on: a tram line extended to North Terrace; a $7 million interchange for the Marion Shopping Centre; and a swag of infrastructure projects that this state has not seen for decades. We have expressed confidence in our future by investing.

Members interjecting:

The Hon. P.F. CONLON: I am willing to admit that we have not built a soccer stadium, that we have not built a wine centre, and I am willing to admit—

Members interjecting:

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

Members interjecting:

The SPEAKER: Order! I feel as though I am in infrastructure heaven, but the member for Finniss has a point of order.

The Hon. DEAN BROWN: The standing orders require the minister to address the chair. He became totally disoriented there, as he has throughout answering this question, where he seemed to come into a spin going nowhere.

The Hon. P.F. CONLON: Let me add a few more: the Lyell McEwen Hospital and the QEH. According to the previous mob, all of these were like John Olsen's tower. The knockers can step aside. We have actually put them on the ground.

The Hon. DEAN BROWN: Point of order, sir: the previous government let the contract, started construction, and it was well underway before this government even came to office. The minister is misleading the house.

Members interjecting:

The SPEAKER: Order! That is not a point of order.

The Hon. P.F. CONLON: But wait, there is more: the $7 million interchange at Marion Shopping Centre—

An honourable member interjecting:

The Hon. P.F. CONLON: A downgrade, he says! I conclude by saying this, sir: I admit that we never built a wine centre; I admit that we never built a soccer stadium; and I admit that we did not sell ETSA. However, we are doing the roundabout, we are doing Bakewell Bridge, we are doing the projects that matter, and if they want to run to the next election on infrastructure I am more than happy to see them at the door.

The Hon. R.G. KERIN: A supplementary question to the Minister for Infrastructure: will the Premier have the pleasure of opening one project which was decided on by this cabinet?

The Hon. P.F. CONLON: One in particular—

The Hon. W.A. Matthew interjecting:

The SPEAKER: Order! The member for Bright.

The Hon. P.F. CONLON: There is one in particular that he will enjoy opening. I sat in the Premier's office with Qantas, with the airports, with the banks, with all of them, when the Premier brought them together and finally got the airport. I know that the Premier will have enormous pleasure in opening that, and so gracious are we, that we will invite the failures on the other side to the opening. But I am sure that he will take great pleasure in it.

Members interjecting:

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

LYELL McEWIN HEALTH SERVICE

Mr O'BRIEN (Napier): Will the Minister for Health inform the house as to when the people in the northern suburbs will have improved MRI access at the Lyell McEwin Health Service?

The Hon. L. STEVENS (Minister for Health): I thank the member for Napier for this question: we certainly share a mutual interest in services in the northern suburbs. Residents of Adelaide's northern suburbs will soon have improved access to MRI services. MRI machines use a large magnet and radio waves which allow doctors to examine tissues inside the body to safely look for signs of disease before a problem spreads. The Lyell McEwin Hospital is set to receive a licence from the federal government, which will enable outpatients visiting the hospital to receive MRI services paid for by Medicare. This is great news for the people of the north. Of course, the Medicare licence is provided by the federal government but sealed by a state government decision to provide up to $2.25 million to upgrade the hospital's current MRI machine and undertake some accommodating minor works.

Until now, people from Adelaide's north who were not inpatients at the Lyell McEwin but who needed MRI scans have had to travel either to the Royal Adelaide or even to Flinders Medical Centre to obtain those services. Now they will be able to access the service far closer to home at the Lyell McEwin Hospital. This is certainly something about which I have been lobbying Tony Abbott for about a year and it is great to see the decision made by the federal government—and the state government has had much pleasure in providing $2.25 million to upgrade the current machine.

INFRASTRUCTURE

The Hon. R.G. KERIN (Leader of the Opposition): My question (and I hope it receives a shorter answer) is to the

Minister for Infrastructure. Will the minister confirm that not one new government funded infrastructure project announced by the minister today will occur in regional South Australia?

The Hon. P.F. CONLON (Minister for Infrastructure): If the Leader of the Opposition believes that the $45 million for deepening our port is not of benefit for regional Australia, the man is a fool.

The Hon. R.G. KERIN: I have a supplementary question, because I think the minister totally misunderstood the question. Did he announce any projects for regional South Australia today?

The Hon. P.F. CONLON: They do not believe that deepening our port helps farmers. They do not believe that the underpass helps the freight industry. Okay, maybe we will ask the member for Schubert. What we have today is an opposition, faced with the government's announcing the most significant infrastructure projects for the state, that is desperate to find something negative. What—

The Hon. Dean Brown interjecting:

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

The Hon. R.G. KERIN: Mr Speaker, I rise on a point of order. We are not looking for something negative: we are looking for something positive.

The SPEAKER: Order! That is not a point of order.

The Hon. P.F. CONLON: Okay, I will go back to the freight council today and tell them that the opposition does not support this set of announcements and that it says they are not positive. Today the freight council said that its first six priorities have been met by these announcements.

The Hon. K.O. Foley: The first six.

The Hon. P.F. CONLON: The first six priorities. I put on the record my support for upgrading Eyre Peninsula rail, if members opposite can get their federal colleagues to lend their support as well—an enormous project for farmers. We talk about regional Australia. I think the Leader of the Opposition should take a trip to Eyre Peninsula to find out who supported those people in their time of need. It was the state government, not the federal government or anyone else. They are a bunch of whingers; they are downtrodden. They are a bunch of people trying to find something negative to drag this state down on a day on which some of the most significant announcements ever have been made.

I have to say this: what did the wine centre do for regional Australia? What did the soccer stadium do for regional Australia? Those were their great infrastructure projects. We are building this state; we are building the economy; we are delivering for people such as the member for Schubert who has the good sense to stay quiet. We are delivering for those people. You can squirm around all you like trying to find something negative, but this is a very good day for South Australia.

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson might be able to ask a question later if he behaves himself.

TOURISM INDUSTRY

Ms CICCARELLO (Norwood): My question is to the Minister for Tourism. How is the government forging partnerships with the tourism industry to reach the tourism targets as set out in the South Australian Strategic Plan?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): The member for Norwood has a keen interest in tourism and recognises that, in order to achieve our strategic plan target of $5 billion per annum by the year 2008, we need to form partnerships with industry and local government. These targets were set down jointly in the strategic plan. The elements of the plan can only be coordinated through discussion and debate. To bring this about, we have developed a ministerial round table which allows about 70 industry leaders to meet with heads of departments. The tourism industry is dependent on activity through the planning department and transport and a whole range of areas, particularly education. The reason for this is that there are several issues that go across portfolios, and we have to meet many challenges in developing these partnerships to bring about change.

Matters that have been discussed include: how to develop regional tourism opportunities; how to have an overall state brand; and particularly how to deal with work force planning issues. The whole industry recognises that the tourism sector has a major problem with work force retention, recruitment and training. Training is not just about staff in the front office or kitchen staff but about management as well, particularly in small business where there are skill shortages on the management side as well as in the employment of workers.

We have also worked on a winter strategy. Again, this is a joint initiative which involves collaborative marketing to find activities in the winter months when hotels throughout the regions and Adelaide are reduced in occupancy. We are particularly looking at how we can work with infrastructure issues, recognising that there are particular challenges in tourism investments that relate to the amount of finance that one can achieve and also problems in regional areas in developing infrastructure. This working relationship has been highly constructive. We have put a considerable amount of work into specific issues, particularly in areas where the government and the industry can work together.

I am particularly pleased that the relationship that we have had with the federal government in tourism strategic planning will continue. We will be welcoming the federal minister (Hon. Fran Bailey) to attend our meeting in August so that we can work collaboratively with the federal plan as well. I thank the member for Norwood for her question, because she, like me, recognises that the only way that we can improve tourism is by working collaboratively, and she particularly recognises the jobs that come from a vibrant tourism industry.

INFRASTRUCTURE

The Hon. W.A. MATTHEW (Bright): My question is also to the Minister for Infrastructure. In relation to the government's infrastructure plan, which has been released today, will the minister confirm that government vehicle replacements account for $111 million of the government's capital works budget and that, in reality therefore, the capital works budget is not $950 million but $839 million or nearly $200 million less than the previous Liberal government's budget of $1 035 million?

The Hon. P.F. CONLON (Minister for Infrastructure): Sir, really—

Members interjecting:

The Hon. P.F. CONLON: If they could just pay attention. This is the first government in 30 years to address infrastructure issues on South Road. It is $200 million worth. And $45 million to make our port the best.

Members interjecting:

The SPEAKER: Order! The minister is shy and retiring and he could be put off if members interject.

The Hon. P.F. CONLON: There is $120 million on a deep sea terminal and $180 million on bridges, plus the expressway and trams back in our city—all of this is the Premier's vision.

The Hon. W.A. MATTHEW: On a point of order, sir, again I refer to standing order 98. The question was about $111 million for public servants' vehicles—

The SPEAKER: The point is relevance—the member has made his point. The minister should address the question relating to motor vehicles.

The Hon. P.F. CONLON: I am suggesting to the member for Bright that, if he is trying to suggest that this is not the most significant infrastructure committed by any government for decades, then he is wrong. I ask him to compare the infrastructure achievements of the previous government: the Wine Centre, a soccer stadium. Of course, there was John Olsen's famous tower, the one where the knockers could step aside.

Mr Brokenshire interjecting:

The Hon. P.F. CONLON: They can squirm and wriggle but let me tell them this.

Members interjecting:

The SPEAKER: Order, the member for Mawson and the member for Bright!

Mr Koutsantonis: The Heysen tunnels.

The Hon. P.F. CONLON: The danger man's tunnels: Laurie Brereton's tunnels. Their significant problem is that today their traditional supporters—the business community, Business SA (people normally associated with them), the Freight Council, strong business—have all welcomed this as a bold and visionary move, and they just hate it. That is what it is all about.

The Hon. W.A. Matthew: So the answer was yes—that is all you had to say.

The Hon. R.G. Kerin interjecting:

The SPEAKER: Order! The leader is out of order. Question Time is ticking away.

MOVING ON PROGRAM

Ms BEDFORD (Florey): My question is to the Minister for Families and Communities. What has the state government done to fulfil its commitment to providing five-day-a-week activities through the Moving On program for last year's school leavers?

The Hon. Dean Brown interjecting:

The SPEAKER: Order! The member for Finniss will be down at Elder Park shortly, if he is not careful.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I was pleased to relate to the house what I announced at the Dignity for the Disabled picnic at Elder Park a few hours ago, namely, that every school leaver—

Members interjecting:

The Hon. J.W. WEATHERILL: No, I didn't actually. It was quite a pleasant crowd. Two things were missing from that rally: an apology from the Liberal Party and a commitment to what they could do to fix up its mess. However, we outlined a very important first initiative. One of the first things Dignity for the Disabled asked for was the addressing of the immediate need of those young men and women who are leaving our special schools at about age 20 and who do not have anywhere secure to go to. They are used to five days of developmental activities. Thus there was an urgent need to grapple with the next crop of school leavers for this year, numbering in the order of 64. I was pleased to announce that, for each of these young people, we have managed to provide a combination of school, day options, employment or five days of activities. That is a tremendous achievement in a very short period of time. Of course, there is so much more to do.

Members interjecting:

The Hon. J.W. WEATHERILL: They are fighting among themselves and blaming each other over this. There are about 447 people in the existing program and now the challenge is to ensure that we meet their needs. That is just in the intellectually disabled area. There is much more to be done in expanding these programs to ensure that they meet a whole range of disability needs in our community. This commitment was made by speaking to the parents, listening closely to them and having a working party that they designed and ran come up with recommendations. The other thing we learned is that, by listening to parents and not trying to guess what they need, we can design these programs in a cost-effective way. A number of the parents who have participated in the working party also have children who are participating in these various programs, and they report that these programs are having a tremendous effect on their children. Young people being able to engage in day activities, apart from just developing and enjoying themselves during the day, also provides much needed respite for their parents.

Importantly, they are able to enjoy a much more fulfilling life when they come home at the end of the day. What we must remember in all this is that, while we provide a brief amount of respite and developmental activities during the day, at the end of the day the often difficult and arduous task of caring for a child with a disability continues. This builds on a number of important announcements: 16.8 per cent additional funding in relation to people with disabilities; the clearing of the waiting list of $5.9 million for equipment; and the additional $12 million of support for respite for ageing carers. Much more needs to be done, but we have embarked upon the task. I have committed us to continue that task on behalf of the most vulnerable people in the community.

Mrs REDMOND (Heysen): As a supplementary question, given the minister's commitment to the people who have just left school to get five days a week, can the minister advise the house how many people remain not sufficiently funded but needing funding for five days a week?

The Hon. J.W. WEATHERILL: I just mentioned that in my answer, that the balance of the program is about 447 people, many of whom would be asking for additional day activities, although the experience that we had from dealing with this group of school leavers was that only 24 out of those 60 school leavers were actually looking for those five-day-a-week day activities. A number of others were able to find their way into supported employment. One of the difficulties that we are finding in this task is that the commonwealth has recently changed its policy in relation to supported employment and will make it much more difficult in future for people with greater levels of disability to find their way into supported employment, putting further pressure on our day activities program.

We continue to lobby the federal government to make sure it is a partner in this arrangement, but there continues to be some accommodation of school day options and employment, so it is not a question of seeing the whole of those 447 as requiring five days of day activities. Many of them will have one, two or three, in some cases five, days of activities already. But we continue to work away at this important task.

INFRASTRUCTURE

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Infrastructure explain why the proposed Eyre Peninsula desalination plant is not included in the infrastructure plan released this morning, and does that indicate the government will not honour its promise to build a desalination plant to serve Eyre Peninsula? In 2002, the then Minister for Government Enterprises promised a $32 million public/private partnership to build a desalination plant at the Todd Reservoir. The infrastructure plan contains a total of three sentences on desalination and makes no commitment whatsoever, despite a previous minister's commitment that the pledge to build the desalination plant on Eyre Peninsula was written in blood.

The Hon. P.F. CONLON (Minister for Infrastructure): I indicate to the Leader of the Opposition, first, that most of the detail will need to be provided by the Minister for Administrative Services, who is responsible for SA Water. But there is one very important and very good difference since the announcement of that plan, something we have been working on with Western Mining, and that is their massive extension of their mine.

Members interjecting:

The SPEAKER: Order! The member for MacKillop.

The Hon. P.F. CONLON: There are a number of issues to address with both water and energy supplied to that. As we have said in the infrastructure plan, we need to be able to respond to the changing circumstances, especially when a major mine announces an expansion of extraordinary importance to South Australia and which requires a greater use of water. I can say that we are continuing to do very productive work with WMC on a number of issues associated with that that are relevant to this question. If we want to talk about people making infrastructure promises that are not kept and about complaints regarding the priority of infrastructure, when the current member for Finniss was premier (some considerable time ago) he said that a five year forward infrastructure program would be released each year. That was in 1997, and we are still waiting for their first five year program! But we know circumstances change, and one of the great things that have changed is that it is a different government. Obviously, the opposition does not support the infrastructure announcements we have made today; perhaps they could tell us which ones we should not go ahead with. Maybe the Leader of the Opposition, since he is so critical of this, can tell us which of those projects we should not go ahead with, which are the ones upsetting him the most.

The Hon. R.G. KERIN: Point of order, sir. I thought I was asking the questions. My question was specifically about the desalination plant on Eyre Peninsula, where the promise was written in blood by this government. Will it go ahead?

The SPEAKER: I uphold the point of order. The minister has not really spoken about Eyre Peninsula.

The Hon. P.F. CONLON: Sir, I have explained that a number of very significant considerations were taken into account in discussions with Western Mining, a huge program for the state—

Members interjecting:

The Hon. P.F. CONLON: Well, the issue is whether they make water or draw it from the Great Artesian Basin. To come back to the point, it would be extremely helpful for the public debate in South Australia if the opposition could say which one of the projects we have announced today they do not like, so that we can know what they would be doing instead.

Members interjecting:

The SPEAKER: Order! The minister is out of order.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! The minister is defying the chair; he will be warned in a minute.

The Hon. R.G. KERIN: I have a supplementary question. Through frustration, I ask the minister again: will the desalination plant go ahead on Eyre Peninsula?

Mrs GERAGHTY: I rise on a point of order.

Members interjecting:

The SPEAKER: Order! The member for Torrens had a point of order and we will take that first.

Mrs GERAGHTY: Sir, I was going to raise my point of order before the Leader of the Opposition asked what I understand is a second supplementary question. The fact is that yet again today, as in the past, we have seen numerous supplementary questions. We have one hour for question time and 10 questions—we are now at question four with three supplementaries and we are half-way through question time. Sir, I ask that you consider the number of supplementaries that can be asked and their validity.

Members interjecting:

The SPEAKER: Order! Supplementary questions should be the exception. The chair may count them as part of the promised 10.

The Hon. M.J. WRIGHT (Minister for Administrative Services): Sir, the government is working to resolve the water problems on Eyre Peninsula. Unlike the previous government, we take the interests of all South Australians seriously—whether they be in the country or the metropolitan area. This government put money in the previous budget and the Leader of the Opposition should be aware of that. It is on page 43 of Budget Paper No. 5.

As the Minister for Infrastructure has already highlighted, Western Mining has recently raised synergies between the need for the expansion of Olympic Dam Mine—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order! The member for Davenport!

The Hon. M.J. WRIGHT: —and the current water supply between the Upper Spencer Gulf and Eyre Peninsula. We are looking at that seriously—indeed, we are taking all these issues seriously, unlike the previous government.

SOUTHERN SUBURBS, GRAFFITI

Ms THOMPSON (Reynell): My question is to the Attorney-General. Can he inform the house how the government is addressing the matter of graffiti in the southern suburbs?

Members interjecting:

The SPEAKER: Before I call the Attorney, the house will come to order.

The Hon. M.J. ATKINSON (Attorney-General): It would not be proper to discuss the Graffiti Control (Orders on Conviction) Amendment Bill, moved by you, sir, because it is still before the house. Nevertheless, the government has taken steps to address graffiti removal in the southern suburbs, independently of these worthy legislative reforms. Together with Child, Youth and Family Services and the Department for Correctional Services, the Attorney-General's Department has established a pilot program for graffiti removal through the Christies Beach Magistrates Court. This

course has been urged on us by you, sir, by the members for Kaurna and Reynell, and, per medium of the Leon Byner program, through the host and his regular caller from the electorate of Mawson. When a graffiti control—

Mr BRINDAL: I rise on a point of order, sir. The minister, both in his preamble and his answer, is clearly addressing a matter that is before the house in the form of legislation. He has admitted that, and he is canvassing debate that is properly a matter for the time when your legislation, sir, comes before the house.

The SPEAKER: Order! The Attorney is well aware that he needs to be careful in what he says, but I do not believe that he has breached standing orders thus far.

The Hon. M.J. ATKINSON: When a Graffiti Control Act offence is determined by the court at Christies Beach, the magistrates have agreed to consider an order that the offender is:

> . . . to perform X hours of community service within Y months from the date of this order, and until such time as the required number of hours are completed, to obey the lawful directions of the Child, Youth and Family Services or Department for Correctional Services supervisor, the person nominated by the court to supervise this order. This community service should, as far as possible, involve graffiti removal in the community.

The pilot program involves removal of graffiti across 16 United Water locations in the southern area. These locations are monitored weekly, with graffiti removed as required. Graffiti tags are photographed with a digital camera, and the pictures form a database on the areas most targeted by graffiti vandals. This acts as a valuable tool in identifying hot spot areas. The Department for Correctional Services is also involved in supervising graffiti offenders and removing graffiti from TransAdelaide stations and tunnels and public toilets in the City of Onkaparinga.

As of 29 March 2005, SA Police have supervised 15 young males, all of whom have removed graffiti in the local community. A total of 46 hours of community service work was completed. All young offenders agreed to participate, either via a formal caution or family conference, pursuant to the Young Offenders Act. Children, Youth and Family Services is currently supervising six offenders through the pilot program. They are engaged 100 per cent of the time on graffiti removal work. The Department for Correctional Services has supervised four graffiti offenders. The DCS has not been able to engage them in graffiti removal work all the time. The pilot program is expected to continue for one year. If it proves successful, the government will consider extending the pilot program to other courts.

BUS DRIVERS

Mr BROKENSHIRE (Mawson): What is the Minister for Transport doing to address job opportunities for existing bus drivers who are subject to the new tender arrangements? I am advised that there are at least 30 from the St Agnes bus depot and at least 30 from Morphettville, as an example, who have yet to be guaranteed a job and who are, in fact, very concerned about getting a job.

An honourable member interjecting:

Mr BROKENSHIRE: No. In a letter to a constituent, the member for Elizabeth advised that constituent that jobs would be available for those people who were driving for the existing company. I have also been advised this week that at the same time many bus drivers—

Members interjecting:

The SPEAKER: Order! It is hard to hear the member for Mawson.

Mr BROKENSHIRE: Thank you, sir, because this is very important. At the same time, I am advised that the state government is training people to receive their bus licences in order to gain employment with the new metropolitan bus service providers.

The Hon. P.F. CONLON (Minister for Transport): If I understand the question, a representative of the government that would outsource the water contract, shed 3 000 workers, outsource the buses and give their employment relations to a private sector so that there are now private relations between two other parties—if we are to believe the member for Mawson—has suddenly discovered a concern for workers.

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson.

The Hon. P.F. CONLON: I can tell you that I do have a concern for workers. That is why later this afternoon I will be meeting the secretary of the TWU to discuss these issues. I have urged those companies dealing with workers to treat them with compassion and flexibility. There are limitations once someone has created private legal relations between two parties that are not the government. No-one in this place believes—

Members interjecting:

The SPEAKER: Order, the members for Mawson and MacKillop!

The Hon. P.F. CONLON: No-one in this place believes that those people who have destroyed more public sector jobs than any government in history have any regard for workers. I do. I will meet Alex Gallagher this afternoon, and I will talk to him about what can be done. But let's be completely honest: the time of job destruction, privatisation and outsourcing has left a legacy for many, and it is absolutely hypocritical to hear questions about the interests of workers from those destroyers of jobs on the other side.

Members interjecting:

The SPEAKER: Order!

BOTANIC GARDENS

Mr CAICA (Colton): My question is to the Minister for Environment and Conservation. What work is being done to improve the Botanic Gardens?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Colton for this question, because a lot of work is occurring to improve the Botanic Gardens. As members would know, the Botanic Gardens has commenced its 150th anniversary this—

The Hon. I.F. EVANS: On a point of order, the minister gave a ministerial statement on the 150th birthday of the Botanic Gardens, outlining the improvements that are taking place. This answer is already before the house.

The SPEAKER: It does not prevent the minister from answering a question.

The Hon. J.D. HILL: Members on the other side do not want to hear good news, and they do not want to know about investment by this government in infrastructure which looks after the citizens of our state and the institutions of South Australia. They just do not want to hear: they only knock, knock, knock. As I said, this year we are celebrating the 150th anniversary of the Botanic Gardens. The Botanic Gardens is an institution that has been serving our state with great accomplishment for that length of time. It is one of the most popular places in our state: more than one million

people visit it each year. The Botanic Gardens will receive investment support of $10 million over the next three years for upgrading. Construction in the first stage of the program is due to start in May this year, with the completion expected by Christmas. That will be a great piece of infrastructure that the Premier will be able to open in December, or in January next year.

The Hon. M.D. Rann interjecting:

The Hon. J.D. HILL: Well, perhaps February, sir, if you would care to do that. Construction is due to begin in May this year. The work includes the building of the Schomburgk Pavilion, which is a new glass canopy pavilion to be added to the north of the Museum of Economic Botany to provide a sheltered meeting area. The contemporary light and airy design will provide a central space and facility for visitors and tour groups in the heart of the gardens. There will also be a new gardens shop, toilet, public information service and adjacent education and performance area, espresso bar, as well as public and disabled access into the museum. The building pavilion is named in commemoration of Dr Richard Schomburgk, who was the second director of the Botanic Gardens, and who was responsible for the building of the Museum of Economic Botany in 1881.

The planned mediterranean garden involves the redevelopment of the existing Italianate garden to the north of the Schomburgk Pavilion. It will showcase sustainable landscapes suited to South Australia's environment in an exciting and vibrant way. A multi-purpose lecture space is also being built in the western end of Tram Barn A, with funded assistance from the Friends of the Botanic Gardens. Other work planned includes the construction of the Amazon Waterlily Pavilion, a contemporary energy efficient glasshouse displaying the giant Victoria amazonica waterlily. I will be very pleased to give further updates to the house as information comes to hand.

TRAM LINE

Mr BROKENSHIRE (Mawson): Will the Minister for Transport advise the house today what bus services will no longer be required to travel along King William Street as a result of the tram line extension from Victoria Square to North Terrace? The Premier today in *The Advertiser* stated, and I quote:

> People have complained for many years about buses impeding traffic down King William Street, and the tram line extension is about reducing the bus load.

The Hon. P.F. CONLON (Minister for Transport): Sometimes one wonders about the member for Mawson. Let me explain a simple matter of science to him: each tram can hold as many people as two buses. If he wants to think about it for a moment, the bus routes that would be reduced are the buses that go the same way as the trams. I have not checked with technical experts at transport, but I would say that that is probably the case. They have told us that we can reduce the number of buses on King William Street by 20 per cent. I want to know this: does the member for Mawson support the extension of the tram, because the member for Glenelg not only supports it but wants it to go further. He wants it to go—where do you want it to go—North Adelaide?

Dr McFetridge interjecting:

The Hon. P.F. CONLON: North Adelaide, anywhere, you do not care, anywhere at all. Can we be clear: does the member for Mawson support putting trams back in the city? Yes or no, Robbie? do you support it?

Mr Brokenshire: I said today when we were both on radio.

The Hon. P.F. CONLON: No, I don't listen to you. Do you support it?

Mr Brokenshire: How many buses will come off? None.

The SPEAKER: Order!

The Hon. P.F. CONLON: Sir, the interjection is that no buses will come off—

Mr Brokenshire: They won't.

The SPEAKER: Order, the member for Mawson is out of order!

The Hon. P.F. CONLON: Because the people who catch the tram—in Robbie's world—will catch the bus as well somehow. They are going to catch a tram, race back, and catch the bus as well. I mean, think about it Robbie, please—the tram carries twice as many people as the bus does. They cannot catch both things; it is impossible. It may be in some surreal sort of matrix that you live in, but in the real world they cannot catch two things at once. That is the simple answer, and it will reduce the number of buses because of that, and I would have thought that that is something that one would not have to explain to one's very young daughter, let alone the opposition spokesperson.

The Hon. R.G. KERIN (Leader of the Opposition): I have a supplementary question.

Members interjecting:

The SPEAKER: Order! The house will come to order. I remind the Minister for Infrastructure that question time is when members ask ministers questions: ministers do not normally ask other members questions.

The Hon. R.G. KERIN: He is not doing a bad job, though, sir. I have a supplementary question on that very point. A couple of days ago, the Minister for Infrastructure undertook to come back to the house and tell us whether or not any traffic impact statement had been done on the basis of the trams coming to the railway station?

The Hon. P.F. CONLON: I give you an assurance, sir, that if they have not made an assessment of the impact, I will sack someone over there, because we like to think that they do those things. A 20 per cent reduction in buses on King William Street—I do not know what is wrong with that. I do not know what is wrong with putting trams back in the city. A tram carries twice as many people as a bus. I do not know whether I can help them understand it any better than that, but they are the facts. I think that, no matter what those whingers on the other side think—those knockers, those people who are negative about our beautiful state—I like the tram, the Premier likes the tram. We all like the tram; we are going to catch the tram—

The Hon. J.D. Lomax-Smith: I like the tram.

The Hon. P.F. CONLON: And the member for Adelaide especially likes the tram. And do you know what, guys over there, the people like the trams, too.

Mr Brokenshire interjecting:

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

SPORT RAGE

The Hon. P.L. WHITE (Taylor): My question is to the Minister for Recreation, Sport and Racing. What is the government doing to address the problem of sport rage in South Australia?

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): The issue of inappropriate behaviour in sport is an ongoing concern world wide. It is now widely accepted that examples of unsporting behaviour can discourage players and officials from participating and can affect everyone's enjoyment of the sporting experience. The government is committed to working with the recreation and sport community to address the issue of sport rage by introducing a number of initiatives, including:

- a stakeholders' workshop to raise awareness and address the issues surrounding sport rage;
- developing and providing resources to assist sporting bodies to implement programs to address inappropriate behaviour; and
- a sports rage pilot program to assist clubs and associations to educate their members about conflict in sport.

I will have the opportunity to open the inaugural sports rage workshop on 22 April this year. I am delighted that local sports personality Rachel Sporn will be delivering the keynote presentation.

Further, I advise that a children's panel will be facilitated by well-respected South Australian sporting and education identities, Jenny Williams and Wendy Piltz. The panel will examine what young people think about inappropriate sporting behaviour at their sporting events. Other presentations planned for the workshop include:

- examining programs and pilots that have been effective in addressing this issue interstate;
- understanding the legal ramifications of bad behaviour;
- exploring the psychology of the so-called 'ugly parent' syndrome; and
- a hypothetical involving representatives from all levels of the sporting sector in South Australia.

The workshop aims to raise the awareness about this issue in South Australia and to educate those involved in the organising, playing, officiating and watching of sport.

It will also be part of a broader strategy to change the negative cultural stereotypes and practices that have led to many forms of abuse and an intolerance of mistakes made by officials. Following this initial work, a program, modelled on a successful pilot undertaken by the South Australian National Football League, will be introduced across a range of sports in South Australia to deal with abuse of new sporting officials. The government is committed to increasing the participation rate in physical activity by all South Australians to above the national average. To encourage our community to become involved in sport in the long term, we recognise there is no place for the intimidation and abuse inherent in examples of sport rage. The government will be working with our sporting community to eradicate this form of behaviour at sporting events for the benefit of all South Australian sporting participants.

POLICE, ACCESS TO PARLIAMENT

Mr BRINDAL (Unley): My question is to the Minister for Police. Did the Commissioner of Police request that he be given the power to search any parts of these precincts and, if so, when did he make that request?

The Hon. K.O. FOLEY (Minister for Police): The Police Commissioner and I have discussed a number of issues relating to police access to this parliament. The matter to which the honourable member refers is clearly—

An honourable member: Operational.

The Hon. K.O. FOLEY: —an operational matter.

Members interjecting:

The Hon. K.O. FOLEY: I was looking for the right word.

Ms Chapman interjecting:

The SPEAKER: Order! The member for Bragg.

The Hon. K.O. FOLEY: The Police Commissioner and I discussed as recently as today the issue of police access to the parliament and we—

Mr Hamilton-Smith interjecting:

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

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The Attorney is out of order.

Mr Hamilton-Smith: No. I said, 'Did you'.

The Hon. M.J. Atkinson: 'Did you make it up'?

Mr Hamilton-Smith interjecting:

The Hon. M.J. Atkinson: You're a brave man, aren't you?

The Hon. K.O. FOLEY: This was a slur that the member for Waite put on our police the other day during debate. The Police Commissioner has made it clear to me that he wants access to this parliament, and we discussed that matter again today.

Mr Hamilton-Smith interjecting:

The Hon. M.J. Atkinson: Have the guts! Be a man!

The SPEAKER: Order! The chair makes the point that any police access would first be requested of the presiding officers, which is the practice in every parliament, unless there is a state of emergency situation where obviously the police would have to act immediately.

Mr BRINDAL: Mr Speaker, will you clarify something for me in view of the fact that I may want to ask a supplementary question? Is police access to these premises or this parliament an operational matter for the police or is it the true province of this parliament to consider whether access should or should not be granted? I ask for your ruling.

The SPEAKER: Order! The Minister for Police may wish to clarify that. I am not privy to the conversation that he had with the Police Commissioner.

The Hon. K.O. FOLEY: The Police Commissioner and the Police Minister have confidential discussions. I am not going to openly discuss the details of any sensitive issues but, from memory, the Commissioner or his office has sought advice from the Crown on this matter. I will not go into chapter and verse on the nature of our discussions—we have had that debate, and the Liberal Party of South Australia does not believe that the police should have access to this parliament to investigate and search offices. I think that is wrong. If you have nothing to hide, you should not fear the police in that sense. What I will say—

The Hon. Dean Brown interjecting:

The SPEAKER: Order! The deputy leader!

The Hon. K.O. FOLEY: —is that I believe the issue of access by the police into parliament has yet to be resolved. Over time, this parliament will need to come to grips with the fact that we do not have a set of arrangements or any protocol for police to access this parliament—in my belief. I pose some hypotheticals for members in terms of what attitudes would be if certain events were to occur within the four walls of this parliament as to whether or not we would accept police coming into this place. I believe that we will have to revisit at some point a debate about police access to the parliament, because one thing that the commissioner did advise me of was the arrangements insofar as they affect the commonwealth parliament. I do not have that material in

front of me but, from memory, there is an arrangement in the commonwealth parliament that allows the police access to parliamentary offices. I believe that to be the case.

Mrs Hall interjecting:

The Hon. K.O. FOLEY: The member for Morialta raises a very good point: that took five years to develop. The point I am making is, as the commissioner pointed out to me, there is an arrangement that would satisfy the situation in Canberra, in the national parliament, and we need to have one here. That is a matter we should all follow up as a matter of some urgency because I for one believe that police should have real access to this place and it should not be left up to us parliamentarians to decide when they come in. I would be relaxed with unfettered access to this parliament. They could walk into my office or any other office every day of the week, as far as I am concerned. That is not the view of the Liberal Party. But if you have nothing to hide you have nothing to fear. I look forward to this debate continuing in the months and years ahead.

The Hon. DEAN BROWN: On a point of order, I move:

That question time be so far extended to allow another three questions from the opposition.

The SPEAKER: It is not a point of order.

Mrs GERAGHTY: On a point of order, sir: earlier today in question time, after we had had certainly two, possibly three, supplementaries in a row between a question by the opposition, you said that supplementaries should be a rarity and not the norm and that they could be counted as questions. I asked whether you could consider—

The SPEAKER: It is up to members of the house to sort out that arrangement.

The Hon. P.F. CONLON: As the Leader of the Government Business I indicate that we are counting supplementary questions because they abused the privilege so much.

The Hon. DEAN BROWN: I have moved that question time be extended to allow a further three questions by the opposition.

The SPEAKER: The member for Unley has a point of order.

Mr BRINDAL: My point of order simply is that standing orders are quite clear. They require a member taking a point of order to rise to their feet and not to engage in debate, as we have just seen with the Government Whip and the Leader of the Government Business.

The SPEAKER: I do not think either side is as pure as snow in this matter. The Deputy Leader of the Opposition has moved a motion that question time be extended.

The house divided on the motion:

AYES (19)

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

NOES (22)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F. (teller)
Geraghty, R. K.	Hill, J. D.

NOES (cont.)

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.
White, P. L.	Wright, M. J.

PAIR(S)

Kotz, D. C.	Rann, M. D.
Penfold, E. M.	Foley, K. O.

Majority of 3 for the noes.

Motion thus negatived.

The SPEAKER: The chair did not think that the supplementaries were excessive today, although it was getting close to the line. I suggest that the managers sort out this matter so we do not find ourselves arguing over it in the future.

PATIENT ASSISTED TRANSPORT SCHEME

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

Leave granted.

The Hon. L. STEVENS: In question time on 8 March this year the member for Finniss stated that a constituent of his, Ms Sara Sorensen, was twice refused a financial contribution toward travel costs under the Patient Assisted Transport Scheme. Members will recall that the purpose of this scheme is to provide financial assistance to country patients who are required to travel to keep a medical appointment in the metropolitan area. There are provisions under the PAT scheme for partial reimbursement where an appointment has been cancelled by the health service and travel has occurred. I have been advised by the Department of Health that there is no record of Ms Sorensen having actually submitted a claim form for either of the appointments to which the member for Finniss has referred. The Department of Health has since spoken with Ms Sorensen and advised her that she is, indeed, eligible for contribution under the PAT scheme if she chooses to submit a claim form.

HOSPITAL AT HOME PROGRAM

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

Leave granted.

The Hon. L. STEVENS: Yesterday, the Deputy Leader asked a question about the Hospital at Home program. In particular, he highlighted the 2003-04 annual report of the Flinders Medical Centre, which states that Hospital at Home services have been reduced at Flinders by 6 per cent.

I have been advised by the Hospital at Home unit at the Flinders Medical Centre that there is, in fact, an error in the 2003-04 annual report. Hospital at Home activity at Flinders Medical Centre actually increased between 2002-03 and 2003-04 by 158 visits to a total of 8 455 visits, which represents a 2 per cent increase. The unit also reported that this year to date the Hospital at Home program is running at a 5 per cent increase from last year, and additional resources have already been put into that unit to cater for the extra activity.

GRIEVANCE DEBATE

GOVERNMENT PERFORMANCE

Mr HAMILTON-SMITH (Waite): I would like to touch on two issues during this grievance debate: one is the Mitcham Shopping Centre rebuild and the other is government tactics.

Very briefly, in regard to Mitcham Shopping Centre, I advise the house that last night the council resolved to rebuild the shopping centre and approved plans by the Taplin Group for that to occur. I hasten to add that the rebuild will include cinemas and extensive shops and underground car parking. In light of that, I repeat my call to the government to provide $2.9 million towards the upgrade of surrounding roads, particularly the main street project and the Belair Road upgrade—a multimillion dollar council initiative for which government support is sought.

I have written to the Minister for Transport on this previously and have not had a satisfactory response; I wrote to the Premier following the fire. I think it would be appropriate for the government to make some contribution towards this project, given that the roads carry heavy commuter traffic and are vital to the survival of the shops. I again ask the government: could you please make that contribution?

I now move to the government's tactics yesterday, because I really want to ask the Premier, since the Attorney is so keen to interject this afternoon, whether it was the Attorney-General who was the prime architect of the government's failed attempt to introduce the Parliamentary Privilege (Temporary Abrogation) Bill.

The Hon. M.J. ATKINSON: I have a point of order. The member for Waite is referring to a bill which is before the house and he is now proceeding to canvass whether it should have been introduced. His contributions would more appropriately be made in debate on that bill, and I suggest that he is out of order in making reference to a bill on the *Notice Paper.*

The SPEAKER: The member for Waite must not talk about the bill per se or the issues canvassed by the bill. He can talk about government tactics in a general sense but he cannot specifically refer to the focus of the bill. He needs to be careful.

Mr HAMILTON-SMITH: Thank you, Mr Speaker. I will not address the substance of the bill: I will simply say that the government has withdrawn it. It has been universally condemned and, as they know, it will be unsuccessful. It was a massive tactical blunder and it has been described as such by commentators around the country. It was a massive mistake by the government and I understand that the architect of it was the Attorney.

I would like to ask the Premier whether this is yet another in a string of mistakes from the Attorney. After all, the Attorney was the architect of the deal done with the former speaker, the member for Hammond, and was responsible for managing the compact for good government—which has now collapsed with the resignation of the member for Hammond in circumstances which have damaged the status of the parliament and the standing of all MPs. Of course, it was the Attorney who was stood down after the Ashbourne-Clarke inducement scandal, for which Ashbourne is now facing corruption charges. On the Thursday of the week ending 30 August, I note that Wendy Abraham QC (the then acting DPP) said that there was insufficient evidence to charge anybody else.

It was, of course, the Attorney who, according to his former CEO, was revealed as having read from the form guide whilst briefing the Chief Justice. That was the subject of a question by me in the house some weeks ago. It was the Attorney who was accused by his former chief executive of the department of lying over the stashed cash affair, during which at least 21 senior people in the government knew what was going on.

The Hon. M.J. ATKINSON: I rise on a point of order, sir. The member for Waite has accused me just now of lying. Furthermore, in the Economic and Finance Committee recently, he also accused me of lying. I draw your attention to that transcript.

Mr Hamilton-Smith: No, I didn't: someone else did.

The Hon. M.J. ATKINSON: No; you called me a liar on the transcript in the Economic and Finance Committee. I now call upon him to apologise and withdraw.

The SPEAKER: No member is able to reflect on a member or, or suggest that they have misled, other than by way of substantive motion. If the member for Waite has called the Attorney a liar, or implied that he has lied, he should apologise and withdraw.

Mr HAMILTON-SMITH: Well, I have not, Mr Speaker. I have indicated what the chief executive—

The Hon. M.J. ATKINSON: A point of order, sir. The matter is on the record of the Economic and Finance Committee. The member is now misleading the house by saying that he did not use those words. He did use those words. I call upon him to apologise and withdraw.

Mr HAMILTON-SMITH: I have not used those words, sir.

The SPEAKER: The chair has not seen the transcript.

Mr HAMILTON-SMITH: The Attorney has also presided over a period during which the status of the DPP and the Deputy DPP (Wendy Abraham) has been damaged, and there have been public statements on the paper today. I simply make the point: does the Premier now feel that the Attorney is now a little bit accident prone? Should he direct the Attorney to follow the member for Taylor to the back bench? We have now had a string of events over the last three years, all involving the Attorney—most recently, the debacle of the bill which was withdrawn, or at least deferred, by the government yesterday—all of which raise questions about whether or not arrangements need to be changed. I for one was very surprised to pick up the paper this morning and find the comments made by Wendy Abraham contained therein.

KEEPING KIDS CLEAN

Ms THOMPSON (Reynell): The member for Waite seems to have a problem with either his hearing or his recollection. I heard the Attorney-General refer to statements made, and recorded in the *Hansard*, in the Economic and Finance Committee. Perhaps the member needs to recall his statements in that committee.

Recently in the *Southern Times* Messenger, I noticed an article, entitled Keeping Kids Clean, which referred to a new hand-washing program established by Noarlunga Health Services. Some people seem to think that this house talks about only huge matters, such as the Crown Solicitor's Trust Account and privilege. I like to think that it is a place where we can raise points about our community and important achievements in that community. This new hand-washing

program is an example of the type of activity supported by the Generational Health Review. The program was initiated when one of the nurses at Noarlunga Health Services found that her child was thought to have hepatitis A. The child was attending kindergarten at the time and had very good handwashing habits at home, so the nurse was concerned that perhaps the same was not occurring at the kindergarten. She went to the Infection Control Coordinator, Liz Randall, at Noarlunga Health Services and asked whether something could be done. I really commend those two staff for identifying a community problem and determining to do something about it.

The Infection Control Coordinator got the support of the health services and worked with Ms Deb Kay, Manager of the Department of Children and Youth Services, to work out a plan to develop an appropriate way to approach schools about this topic and to look at the material suitable for presentation to fairly young children. The presentation covers the topics of germs, infection, why and when we wash our hands, and how to wash our hands. During the program, the facilitators applied some show and tell hand wash potion onto the children's hands. The children then washed their hands, and put them under a purple fluorescent light that showed up the areas the children had missed. They talk about eating safe, blood and body exposure, and safety with sharps. They finish off with a song and dance to the music of the hokey pokey, and then leave the children a sticker and work sheets to do later.

This program was recently conducted at two schools in my electorate—Morphett Vale East and Morphett Vale West primary schools—and the feedback from teachers at both schools is excellent. The Deputy Principal of Morphett Vale West, Linda Oliphant, indicated that the program was informative and interesting. There was an interactive video, a PowerPoint presentation, a song with movement and visual strategies. This was targeted at the right age group, it enhanced the health curriculum and students have retained the information. The principal of Morphett Vale East, Vicki Stravinski, said that the teachers have reported overhearing conversations in the schoolyard and classroom where children were reminding each other about the importance of washing their hands.They were talking about what they had done during lunchtime—playing football and touching the football—and the need to wash their hands before they went back into the classroom.

I commend the people at Noarlunga Health Services and the schools for working together to address a basic community hygiene issue, one which, if effective and maintained, is likely to save the state an awful lot of money. The health service had noted that a number of people, children in particular, who attended the emergency department were suffering from gastroenteritis and other conditions that might have been prevented by the implementation of good hand hygiene in the home and at school. This simple and enjoyable fun program that was developed through cooperation between agencies at local level will save dollars for our community and assist children's health.

Time expired.

Members interjecting:

The SPEAKER: Order! The Minister for Industrial Relations does not help what is a move to try to enhance the standing of this parliament.

MEMBER FOR WAITE'S REMARKS

The Hon. M.J. ATKINSON (Attorney-General): A moment ago, the member for Waite denied calling me a liar. I refer to page 122 of the Economic and Finance Committee transcript at paragraph 584, which states:

MR HAMILTON SMITH: We can have a discussion about this afterwards. You—

and he is referring to government members—

are involved in a corrupt cover-up. You are covering a liar—the Attorney.

I call upon him to withdraw and to apologise.

The Hon. W.A. Matthew: Truth is no defence—

The Hon. M.J. ATKINSON: On a point of order, the member for Bright just interjected, 'Truth is no defence.' I also call upon him to withdraw and apologise.

The SPEAKER: Before he does so, is that the transcript referred to in the earlier grievance by the member for Waite?

The Hon. M.J. ATKINSON: Yes; that is correct. He denied saying it.

Members interjecting:

The SPEAKER: Order, the member for West Torrens!

Mr HAMILTON-SMITH: To clarify, I made no reference to any transcript of the Economic and Finance Committee. I was talking about other matters. I was talking about evidence given by Kate Lennon to the committee. I made no reference to any particular transcript, but I am happy to address the point raised by the Attorney at your direction.

The Hon. M.J. Atkinson: Well, do it now.

The SPEAKER: Order! The member for Waite.

Mr HAMILTON-SMITH: The comments that have now been read which I have since verified are correct; that is an accurate quote from the transcript of the Economic and Finance Committee. It was an interjection made in the heat of debate following allegations made by the Attorney's former chief executive about the Attorney.

The Hon. M.J. Atkinson: It was made on another day.

The SPEAKER: Order, the Attorney will hear the member for Waite!

Mr HAMILTON-SMITH: There was no objection taken at the time. The interjection that I made confirmed evidence that she has given.

The Hon. M.J. Atkinson: She was not giving evidence that day. It was a completely different day.

Mr HAMILTON-SMITH: No, she had given—however, to put the Attorney at ease, I clarify that these were allegations made by Kate Lennon, not by me, and I therefore—

The Hon. M.J. Atkinson: She did not use those words.

Mr Koutsantonis interjecting:

The SPEAKER: Order, the member for West Torrens and the Attorney will hear the member for Waite!

Mr HAMILTON-SMITH: If the Attorney will listen, they were allegations made by Kate Lennon, not by me and I therefore am very happy to withdraw those remarks made by me, and to apologise if he feels that I believe that he lied. I have no proof of that. I was referring in the heat of Economic and Finance Committee's debate to comments made by Kate Lennon. So, I am happy to withdraw, and I am happy to apologise and to clear the air for the member. They are not my views. I actually happen to believe that the Attorney is a man of integrity, but they were comments made by others in the heat of the Economic and Finance Committee. I withdraw them unapologetically.

The Hon. M.J. ATKINSON: Mr Speaker—

The SPEAKER: Before calling the Attorney, I make the point that—

Members interjecting:

The SPEAKER: Order! Members have to be careful not

to make allegations using other people's words, and certainly not their own where it relates to an accusation of untruthfulness or misleading. The member for Waite has withdrawn and apologised.

The Hon. M.J. ATKINSON: The member for Waite has attributed the words that I am a liar to Kate Lennon. Kate Lennon has never said that, and I ask him to withdraw his claim that Kate Lennon said that.

Mr HAMILTON-SMITH: I cannot withdraw any—this is getting ridiculous.

Mr Koutsantonis interjecting:

The SPEAKER: Order, the member for West Torrens!

Mr HAMILTON-SMITH: Mr Speaker, I am again quite happy to withdraw and apologise for the words quoted by the Attorney from a transcript of Economic and Finance Committee to clear the air. If the Attorney wants to re-canvass all of the evidence given by Kate Lennon, I suggest that this is perhaps not the appropriate time, place or forum to do that.

The SPEAKER: Order! I think that it is ultimately up to the house. The member for Waite has withdrawn and apologised—if there was any offence given and taken—and I think the matter should end there.

Mr BRINDAL: Point of order, sir: could I ask you as Speaker to clarify for the house the matter of the circumstances under which a backbench member of the parliament, or a private member of the parliament, other than the executive government, can mislead the house. I do not necessarily expect you to do it today, but it is an assertion that has increasingly crept into this place. I know that you are perfectly entitled to forbid quarrels in this place and to sort quarrels out, but I wonder about private members of this place, and circumstances in which they can be held guilty of misleading the parliament, which is a grave contempt.

The SPEAKER: Any member can be dealt with for misleading the house, but I guess that question was somewhat hypothetical. I think that this matter should be drawn to a close because the member for Waite has withdrawn and apologised.

The Hon. M.J. ATKINSON: But, sir, the member for Bright uttered the words, 'Truth is a defence,' and I ask the member for Bright to withdraw and apologise for the clear imputation that I am a liar.

The Hon. W.A. MATTHEW: Mr Speaker, the Attorney overheard part of a conversation that I had with the member for Waite. It was not an interjection because to do so would have been out of order. I turned to the member for Waite and said, 'Truth is no defence, Martin.' That can be taken in many ways. It was a private conversation.

The Hon. M.J. Atkinson: No, it can only be taken one way.

The SPEAKER: Order! If another member can hear it, then they can take offence. To expedite matters and to clarify it, if the Attorney took offence—if the member for Bright is willing to indicate that it was not correct—

The Hon. W.A. MATTHEW: To help the business of the house, if the Attorney is offended, I apologise to the Attorney for offending him. I would not want him to go home feeling offended.

CAPITAL WORKS BUDGET

The Hon. W.A. MATTHEW (Bright): Yet again during question time today we saw another example of government ineptitude following yet another bizarre media performance, on this occasion again by the Minister for Infrastructure. Today, after three years of Labor government, after four months of procrastination, the infrastructure plan which was promised in December 2004 and delayed and promised in January 2005 and delayed, finally, in April 2005, has been released. And what do we find, sir? Not much. After three years of Labor government we find an infrastructure plan that delivers precious little for the people of South Australia. The simple fact is that a 1 000 metre tramline, a couple of underpasses and a new train station do not cut it as the state's infrastructure plan for the next 10 years. That is not what South Australians were expecting from today's document.

Of greater embarrassment to this government is the fact that the train station, effectively a relocation of the Oaklands Park Railway Station (close to Marion Shopping Centre), was a proposal put to a committee which I chaired in the year 2000. It was a proposal which was put forward by the City of Marion and agreed to. Concept plans were prepared. However, it was agreed to as a part of a greater development—

Mr Koutsantonis: Why didn't you build it?

The Hon. W.A. MATTHEW: The member wants to know why it was not built. I am very happy to put this on the record. This proposal was part of a complete proposal that was agreed to for the area. The proposal was to include the development of a new state aquatic centre in the domain of Marion; and transport infrastructure, including improvement of rail, bus and road infrastructure to the north of the Marion regional centre, the relocation of the Oaklands Park Railway Station (which is what the government has reannounced today), the development of a bus interchange, widening of Prunus Street and the realignment of Morphett Road junction with Diagonal Road. And there is more. There is some urban regeneration for the area, development of housing in the rail corridor, redevelopment of Housing Trust units on Crozier Terrace, the development of a community youth centre, the redevelopment of the commercial area north-west of the railway corridor and open space.

That is what is not occurring under this government. It has taken a very small part of—

Mr KOUTSANTONIS: Why didn't you build it?

The Hon. W.A. MATTHEW: The member asks why we didn't do it. Because there was an election; a Labor government dealt its way into office under questionable circumstances and iced it. It iced the project for three years, and now, 11 months away from a state election, it trots it out yet again. However, there is more. With this document today, the government has trotted out what it calls its $950 million capital works budget. The budget does not stand up to scrutiny because that $950 million is a very flimsy figure indeed. Part of that $950 million is $11.3 million for government cars—public servants' motor vehicles. The government has added that on to its budget. In reality, the government's capital works budget is not $950 million: it is $839 million—or almost $200 million less than the last Liberal budget for the 2001-02 financial year of $1 050 million.

This government has absolutely decimated the state's capital works budget. It trots out its plan today. It says it has $216 million worth of additional capital works, but, in three years of government, it has cut more than $600 million out of the capital works program. It has failed to deliver.

Mr Koutsantonis: Where was yours?

The Hon. W.A. MATTHEW: The member for West Torrens wants to know why he has not got his new bridge. I will tell the member for West Torrens why he does not have his new bridge. He does not have his new bridge because the

Labor government, his government, mishandled it. His government bungled it. In parliament today we saw the Minister for Infrastructure, after sustained questioning, unable to name a single project that this government has initiated, funded and constructed. Not one single project after three years. That is an abysmal record. It stands as fact. The minister cannot provide one example of a project it has initiated, funded and completed—and, what is more, there will not be one by 18 March 2006 either.

Time expired.

The SPEAKER: Order! Just before I call the member for West Torrens, I point out that if he defies the chair in future he might find that he does not get the call when he expects it. The member for West Torrens.

INFRASTRUCTURE

Mr KOUTSANTONIS (West Torrens): It is interesting to hear the member for Bright's rationale for why they did not go ahead with his long list of capital works programs that he was investigating in the year 2000: because there was an election. The election was in 2002. They had eight years in which to do all this, and they did not do it. We start work on a project and they start complaining.

Ms Chapman: When.

Mr KOUTSANTONIS: The member for Bragg yelps when.

Ms Rankine: Again.

Mr KOUTSANTONIS: Again. The truth is—

Ms Chapman interjecting:

Mr KOUTSANTONIS: Oh, it's yelping again. The truth is that I have now realised why the Hon. Diana Laidlaw was the Minister for Transport from 1993 to the year 2000 and why she was able to keep one of the highest spending drains on any budget for so long under a Liberal government. The answer is: because she did not spend any money. They loved her! She was the Liberal Party's biggest secret weapon: she spent absolutely nothing on infrastructure—not one cent! People were dying on the Bakewell Bridge, and I had to plead with her on bended knee to put up safety barriers. She still would not do it. But, if it is stained-glass windows in a church, she's your girl. If people die in the western suburbs—not interested.

This government has committed $30 million to the Bakewell Bridge; $12 million to the City West Connector; and $187 million to South Road. We are serious about infrastructure in the western suburbs. For the first time in 30 years the government is spending major resources on infrastructure in the western suburbs—and it isn't on a soccer stadium, it isn't another white elephant. The people of the western suburbs have waited for a long time for a government to have the vision to start spending some money on our transport corridors. Finally, we have a government that is committed to the people of the western suburbs. Members opposite say: point to one project that you have completed. The City West Connector will be finished in June.

The Hon. W.A. Matthew interjecting:

Mr KOUTSANTONIS: No, it wasn't. I am glad the member for Bright is back. That is a complete untruth. They made lots of promises, but produced no funding. They kept on making announcements about the QEH with no money to back it up. The member for Bright gave us a long list of so-called infrastructure promises that he made in 2000, projects that he had investigated, but of course none of it was done because an election was coming two years later. Two years later, and he still could not get that infrastructure up. They promised it in 2000 but did nothing; we are now actually going to do it, and he is upset. Get up and say thank you!

The member for Schubert, the member for Flinders and the member for Stuart are very happy with the infrastructure plan. They know what it is going to do. They know that deepening Outer Harbour is exactly what they want, but other members opposite cannot bring themselves to congratulate the government on a good job. Then they wonder why they wallow in the polls. All they do is criticise. Not once have they offered a suggestion; not once did they come to the aid of South Australia when their federal colleagues went missing in action on Eyre Peninsula. Why is it that, just once, members of the opposition cannot stand with this government and do the right thing for South Australia? They did not do it on nuclear waste; they are not doing it on infrastructure; and they did not do it on Eyre Peninsula with their federal colleagues.

I am stunned that the shadow minister for transport is not applauding what we are doing on South Road, especially in terms of freight. It will not only help the residents along that road by getting rid of the bottlenecks but it will also help people who are trying to export commodities in this state. Who are they? They are primary producers. Where are they? They are in Liberal constituencies. Yet they still cannot bring themselves to thank us. They had eight years to do this, but they did not instigate one piece of infrastructure in the western suburbs, other than ruining our beaches with a groyne that no-one wanted, giving away hundreds of millions of dollars worth of land for nothing and building a soccer stadium—and they call that governing.

Time expired.

HOSPITALS, ARDROSSAN

Mr MEIER (Goyder): I want to highlight a couple of key issues this afternoon. Last week there was a large gathering of people at Ardrossan to consider the future of the Ardrossan Hospital, which is at a critical stage. According to the administration of the Ardrossan Hospital, it has only two months worth of operating capital. Back in January of this year I wrote to the health minister and sought urgent assistance for the Ardrossan Community Hospital and outlined the key requirements. I realise that state governments do not traditionally fund private hospitals. However, when we were in government and when the Hon. Dean Brown was minister for health we gave a one-off $50 000 grant when Ardrossan Hospital urgently needed funding. I was very disappointed with minister Stevens' reply to my letter of January. Her letter of 8 February states:

> I have noted the comprehensive approach taken by the Ardrossan Hospital in the preparation of its business plan enclosed with your letter. It is apparent that the business plan is largely dependent upon securing additional aged care places or funding under the Commonwealth Rural Private Hospital Program, and I commend the proactive nature of the plan in this regard. However, it is preferable for these issues to be resolved prior to considering this matter any further, as this should allow a clearer view to be established for the future of the hospital.

The minister summarises by saying that she will not be providing any money. Money is urgently needed for the accident and emergency section. The Ardrossan Hospital meeting called for in the vicinity of $200 000 to maintain accident and emergency services because the hospital is sited on a major, busy highway which, unfortunately, has been

accident prone, as all members would appreciate, particularly over the last Easter weekend.

I call on the government for urgent assistance for the Ardrossan Hospital. The bill that the government would receive if the hospital was to close would be enormous, as it would suddenly have to provide all those health and emergency facilities at the Maitland Hospital or some other hospital: it certainly would be forking out a lot more than $200 000. In fact, it would be in terms of millions. The government should save itself some money and back the Ardrossan Hospital.

Secondly, the traffic leaving Yorke Peninsula at the end of the Easter weekend was enormous and created what has been the longest roadblock to hit Yorke Peninsula in its history. There were reported incidents where people travelled seven kilometres in 1½ hours. Two things are necessary and they need to go into the planning stage immediately. The first is a dual carriageway from Port Wakefield through to Yorke Peninsula at Wild Dog Hill Corner, which is the turn-off to southern Yorke Peninsula. It is essential that that planning commences now to overcome much of the current problem. Also, it is time for a bypass at Port Wakefield to be reconsidered. It was shelved some years ago and I can understand the reasons for shelving it then, but the volume of traffic is such that it is putting people's lives in danger, because the amount of frustration among many motorists was significant. Unfortunately, some residents along some of the back roads took things into their own hands and apparently blocked the road so that people could not take an alternative route.

That was deplorable, and I believe the police have acted on that. I will be formally putting this to the new transport minister and will detail more information then. But it is a sign of progress. Yorke Peninsula, as I said some years ago, will be the Victor Harbor of South Australia within the next decade or so, and proper plans need to be in hand and need to be considered within the next budget, because it is going to take several years before appropriate planning is done and appropriate infrastructure is commenced.

CHILDCARE CENTRES

Ms RANKINE (Wright): 'This is the best business I have ever seen in my life. The government pays subsidies, the parents pay you two weeks in advance and property prices keep going up.' I guess it is reasonable to ask what business I am referring to here and what great business opportunities are out there. Let me read the full quote, so that everyone in the house is clear on what I am talking about. An article in the *Business Review Weekly* of 13 November 2003 states:

> There are few barriers to entry and expenses are low, so the childcare industry is a licence to make money. A Gold Coast real estate agent and 'child-care specialist', Bryan Hayden, says, 'I've got a client and he's got 20 bottle shops, 10 hotels and three childcare centres. I say to him, "I'm 77 and the childcare business is the best business I've ever seen in my life. The government pays the subsidies, the parents pay you two weeks in advance and property prices keep going up."'

We could wonder what other factors come into play in the profitability of such an interesting enterprise. Let me cite some examples from a report prepared by Pauline Birch, the supervisor of the Strathdale Childcare Centre in Bendigo, and Rosalie Rogers, Manager of Children and Family Services for the City of Greater Bendigo. They looked into private childcare facilities across metropolitan Melbourne and in Bendigo, and they found qualified staff used as cleaners, which results in a lack of supervision and creates an unsafe environment. They found centres not compliant in regard to staff/children ratios, in particular around lunch and tea breaks, putting children at risk.

They found food quantity insufficient for children, with reports of children being hungry, children being exposed to lengthy periods of television and staff not involved with children during meals. If staff did sit down and eat with the children, it was limited to one staff member and merely as a display. This implies a real lack of quality on a day-to-day basis. They found inappropriate equipment and furniture for the children. And the list goes on.

Ms Chapman interjecting:

Ms RANKINE: Why don't you just listen for a change? It would be really nice for the member for Bragg to take five minutes of quiet time for once in this house. We have experienced a massive expansion of private childcare centres across Australia as a direct result of the policy adopted by the federal government in 1997 to not fund any more not-for-profit childcare centres. I have spoken in this house about the crisis in childcare centres in Australia and addressed the need for the federal government to review its unfair childcare rebate scheme and the necessity for it to bring back planning controls for long day child-care centres. The federal Liberal government claims to be family friendly but, as I have demonstrated with each of these two issues, its policies are in fact very family unfriendly.

Today I want to look at the federal government's childcare policy in relation to the expansion of the privately owned childcare centres, especially those controlled by major companies, and the lack of funding for any not-for-profit childcare centres. As a result of its policy, there has been a four-fold increase in private providers and the emergence of two or three major providers, the biggest of which is the recently merged Peppercorn Childcare Centre of Australia and ABC Learning Centres. This new company now controls 750 centres across Australia and has grown from a market capital of $25 million in 2001 to about $1 billion in 2004.

As he mentioned in the quote, it is a great business, the best business Mr Hayden had ever seen; however, he made no mention about the quality of care or the benefits to children or how they are stimulated at his centres. No, just the best business because you make a mint and the government subsidises you. The federal government has considerably increased the amount of money that is spent on child care in Australia between 2003 and 2007, but the very important question is: where is the money going?

PUBLIC WORKS COMMITTEE: SOUTH AUSTRALIAN FORESTRY CORPORATION NEW CORPORATE OFFICE, MOUNT GAMBIER

Mr CAICA (Colton): I move:

> That the 212th report of the committee, on the South Australian Forestry Corporation new corporate office in Mount Gambier, be noted.

ForestrySA employs approximately 250 people in growing and managing forests and an extensive wood processing industry. The Corporation's business is hampered by its headquarters which are old, in poor condition and contained in two separate buildings. This situation compromises office efficiency, flexibility and communication. In addition, many

shared or common spaces such as meeting rooms, storage, reception areas and amenities have been duplicated in order to service both buildings. Doing nothing is not an option because the accommodation is at the end of its economic life. Further, no alternative government-owned or leased accommodation within Mount Gambier meets ForestrySA's requirements.

Given these limitations, a detailed audit of the buildings was undertaken in July 2003 to identify the refurbishment works needed to provide accommodation in line with current building standards. However, the extent of the refurbishment is so great that a subsequent investigation utilising a real discount rate of 7 per cent over 20 years showed that it would be over 10 per cent more expensive than building a new, efficient and purpose-built facility.

In designing its new headquarters ForestrySA intends it to:

- be cost-effective to run and operate;
- achieve a modern, open office environment that fosters a functional teamwork-based culture;
- provide an economic life of at least 20 years;
- embrace the government's sustainability and energy efficiency principles;
- have capacity to utilise current information technology;
- improve site circulation and alleviate truck and pedestrian conflict points;
- foster a good public and marketing image for ForestrySA.

The new office will be constructed on the existing site at Jubilee Highway East, Mount Gambier. This location is preferred as it is government-owned, strategically located between the three major adjoining forest areas, close to the central business district, and accommodates ForestrySA's Mount Gambier depot. The estimated cost of the new office is $8.8 million (excluding GST), and it will accommodate 105 employees located in two buildings on the site. It is to be financed over 20 years through a principal and interest loan repayable and arranged by the South Australian Government Financing Authority.

The new office will continue to function as the regional corporate headquarters of ForestrySA and so will provide a wide range of activities and services for the organisation's locations throughout the state. It will be a single storey structure which will be commercial in character and which will make extensive use of timber materials grown in ForestrySA's forests and chosen for their low maintenance and low embodied energy characteristics. Planning and siting of the proposed facility responded to the limited clear space available for a suitable new building configuration and the need to pursue sustainability objectives through the use of narrow floor plates and north-south orientation of the building.

During construction, staff will be relocated from the portion of the building to be demolished to an area of approximately 250 square metres in the southern wing of the existing building. That area is occupied by the Department of Primary Industries and Resources, which is relocating within Mount Gambier. Subject to the timing of PIRSA's relocation, there may be an opportunity to undertake the demolition and relocation works as a separate contract ahead of the main construction contract. This would facilitate single stage construction of the new facility and full operational capability of ForestrySA during the construction period. Following the completion of the new facility, the remainder of what is known as building one will be demolished. The future of the second, smaller building will be determined as a separate, subsequent minor project.

The Public Works Committee is pleased that the design incorporates ecologically sustainable development initiatives which will result in a five-star rating for the new building. These include:

- passive design principles including siting, layout and orientation;
- material selection for minimal environmental impact and maintenance;
- energy-efficient air-conditioning and natural ventilation;
- high-efficiency lighting;
- maximum use of natural light;
- water efficiency measures;
- solar domestic hot water;
- low maintenance landscaping;
- operational waste management, including recycling;
- managed construction practices, including minimising landfill.

Incorporating sustainability initiatives in the design of the new facility has contributed to the fact that it will have a disproportionately lower operating cost than the buildings it will replace. The benefits expected from the new purpose-built facility are significant and include:

- greater operational and functional efficiency, resulting in a reduction of overall accommodation of approximately 400 square metres;
- improved links and communication between staff, benefiting productivity;
- increased natural light and improved ventilation for all staff;
- maximum incorporation of sustainability initiatives, including reduced electricity consumption;
- compliance with occupational health, safety and welfare standards and current building codes;
- an open and flexible work environment;
- centralisation and rationalisation of support services.

The new building is expected to be completed by July 2006 but this is subject to DAIS relocating PIRSA staff as soon as possible.

Mr Speaker, pursuant to section 12C of the Parliamentary Committees Act 1991 the Public Works Committee recommends the proposed public work.

Mr VENNING (Schubert): I want to support the member for Colton's motion and, again, compliment the work of the Public Works Committee of which, of course, I am a member. I certainly do support that the report on the South Australian Forestry Corporation's new corporate office be agreed to. We took evidence. It is certainly good to see a building that will be built of the product with which the organisation is involved—that is, of course, timber. I understand that it will be a great opportunity to highlight many of the wonderful timbers in this state; we have so many, most of which we take for granted. It is also very pleasing to note that the building will be environmentally friendly, as you would expect in this day and age.

I always ask the nuts and bolts questions, particularly in relation to airconditioning. In recent years, it has been crazy that modern buildings have been built with so much glass that they have to have huge airconditioning systems to keep them cool. In this instance, the building is so located in relation to the sun and the north-south aspect that it will be thermally friendly: in summer, the windows will be shaded and incorporate two sails to assist that and, in winter, it will

maximise the full use of the sun on the glass. It is great to see that people are now making a big effort to use what is in the environment. Rather than governments just promoting wind farms and wind power, they should also encourage consumers to build their homes so that they are more environmentally friendly and energy efficient than we have seen in the past. Even today, too many new buildings have large amounts of glass to the north and require massive airconditioning systems. I know that the SA Forestry Corporation has been putting up with pretty substandard accommodation for many years, and I think that it will certainly be very proud of this new facility.

I was also interested to hear that the building will be duel-plumbed, and it is an issue that I have raised several times before. I believe that every building—not only public buildings but also domestic buildings—should be plumbed with dual systems. In other words, black water (water from toilets and sewerage) and grey water (water from hand basins, bathrooms, kitchens, or washing machines) should be kept separately, to the outside of the building. If you wish to join them together, you can, but, at a later date, anyone can divide the two streams of water (it is only a matter of digging a hole, cutting pipe and putting two pipes in) and then reuse the grey water in the garden or the house, particularly for flushing toilets and so on. If, the grey and black water have been joined under the floor of the building (as has often been the case), it is impossible to get to it, and the cost of doing so is huge and often prohibitive; therefore, it is not done. Even though we do not choose to use the water separately at the moment, if it is taken to the external side of the building before it is linked together, for the sake of $50 or $60 worth of extra PVC pipe—black poly (which is often the case today)—I believe that it should be done; in fact, it ought to be mandatory so that, in the future, anyone can keep the two water streams separate.

Again, I compliment the work of the Public Works Committee. I enjoy my work on the committee, and my only regret is that there is not enough. I heard the infrastructure report in the house today and, to listen to the Minister for Infrastructure, you would think that the Public Works Committee was flat-out. I have to tell the house that we have not had too many projects at all in the last 12 months. I do not say this for the sake of being political, but we expect to be busy.

Mr Rau interjecting:

Mr VENNING: The member for Enfield says I should resist, or did he say 'insist'? I think he said 'insist'. The next few weeks will be pretty quiet but, as the election gets closer and closer, surely the Public Works Committee will be rushed off its feet. I am saving my energy and keeping my diary fully open and free so that, when that happens, I am available to do the work, and I know the chairman is doing the same. We await that with bated breath. I feel as though I have been getting my money under false pretences, because we are paid extra to sit on the Public Works Committee, and it is a reasonable amount, although I do not know the exact sum. In the last 12 months, I do not believe that I have really earned it. However, we have used the time to retrain and upskill ourselves, and we are now ready for the surge in public works. But we are now a year before the election and that surge should have started five or six months ago. It is crazy to have to wait for the May budget for the work but, all of a sudden, just today we hear that the infrastructure report has been released. I will certainly read it with interest and refer it to the Public Works Committee so that we can encourage the government to bring the work forward so that we can deal with it quickly and it can become a reality. We certainly know that the state is lacking in infrastructure, particularly roads and hospitals.

As a member of the Public Works Committee, I welcome a project such as this in the region of Mount Gambier, although it is obvious why it is in that region, but we will not go into that. I also note there have been a few at Murray Bridge, but I do not think there will be too many more there! I live in hope that, one of these days, the Public Works Committee will have a reference on the Barossa Hospital, and I await that with bated breath—it is coming. With those few words, I support the motion of the member for Colton and urge that the house do likewise.

Motion carried.

NATURAL RESOURCES COMMITTEE: EASTERN MOUNT LOFTY RANGES CATCHMENT AREA

Mr RAU (Enfield): I move:

That the Natural Resources Committee Report on the Eastern Mount Lofty Ranges Catchment Area be noted.

Listening to the last contribution I was impressed by what a magnificent committee member the member for Schubert would be. That driving energy he has for the task is admirable, and I just hope that our committee can match the sort of dynamism that he has explained. I am not here just to compliment the member for Schubert, I am also here to move the first report of the Natural Resources Committee on the prescription of the Eastern Mount Lofty catchment area, and ask that it be noted.

The principal functions of the Natural Resources Committee pursuant to section 15L of the Parliamentary Committees Act 1991 are to take an interest and keep under review the protection, improvement and enhancement of the natural resources of the state and, secondly, the extent to which it is possible to adopt an integrated approach to the use and management of the natural resources of the state that accords with principles of ecologically sustainable use, development and protection.

With these principles in mind, the committee decided to investigate the prescription of the water resources in the Eastern Mount Lofty Ranges as its first inquiry. In October 2003, the government began the process of working towards sustainable water resource management in the Eastern Mount Lofty Ranges region by proposing that the resources become prescribed under the Water Resources Act. I will provide further detail on the prescription process shortly but, essentially, prescription is about establishing a statutory framework for protecting the resource from overuse, and also protecting existing users from the undue impacts of other users.

Once the region is prescribed, all water users need a license to take water, the only exception being stock and domestic water users. The committee, therefore, resolved to examine the environmental, economic and social impacts of the Eastern Mount Lofty Ranges being prescribed. Specifically, the committee's terms of reference for the inquiry were to examine the importance of the stream flow from the Eastern Mount Lofty catchment area for the health of the River Murray and its tributaries; the importance of access to water for landholders in the area; whether it is necessary for the government to prescribe the whole area; the impact on landholders of that prescribing; and, lastly, the impact on the environment of that prescribing.

The committee received 10 submissions and took evidence from 13 witnesses. The committee also visited key sites in the region, and met with irrigators, industry, community groups and representatives of the Department of Water, Land and Biodiversity Conservation, the River Murray Catchment Water Management Board and local government. After examining the evidence, the committee has concluded that prescription will be of great benefit to the community and the environment. The Eastern Mount Lofty Ranges run from north to south as an elevation of between 400 and 550 metres. Mean annual rainfall can vary from 1 600 millimetres at the summit of Mount Lofty to less than 300 millimetres in the rain shadow around Monarto.

The catchments of the Eastern Mount Lofty Ranges are part of the Murray-Darling system in South Australia. The major freshwater streams that flow from the Eastern Mount Lofty Ranges to the River Murray include the Marne River and Reedy Creek. Other streams arising in the ranges include: the Burra, Truro, Saunders, Preamimma, Salt and Mitchell Creeks, as well as the Dry Creek-Rock Gully Creek system. The streams that flow into Lake Alexandrina include: the Bremer system, comprising the Dawesley, Nairne and Mount Barker Creeks, and the Finniss system of Meadows, Tookayerta, Nangkita and Currency Creeks.

The catchment's water resources are vital to the region's lifestyle and prosperity. In recent years increasing development has put pressure on the available water. Across the region there are about 7 500 farm dams, 4 400 bores and an unknown number of direct watercourse extractions where people extract direct from a permanent pool or watercourse. Development tends to be concentrated in areas where there are good quality resources, so development is not even across the region and there tends to be hot spot development. Surface water is perhaps the primary concern in that dam development in some areas is at or exceeding sustainable diversion limits.

Resource demand is increasing, and the number of dams and wells is increasing steadily each year, and as development increases, this tends to lead to localised pressure and impact on existing users. As development continues, these risks escalate. In the dry years of 2001 and 2002 we saw local water sharing conflicts in parts of the catchment. Furthermore, long-term rainfall records from the catchment indicate an overall decreasing trend in annual rainfall, with the decline being more pronounced in the past 20 years. These are factors that contributed to the Minister for Environment and Conservation notifying of his intention to prescribe the area.

The term 'prescription' refers to the introduction of permanent controls on the taking and use of water resources in a specific region. Before an area can be prescribed the minister must first consult on the intention to prescribe. This involves at least a three-month consultation period, and the minister is obliged to consider all the submissions as a result of that consultation before recommending to the Governor that the resource become prescribed. At the same time as the notice of intent is issued, a notice of prohibition is announced. This essentially introduces a two-year moratorium on new or increased water use, unless varied or revoked.

During this prohibition period, current users can continue to take water at the current levels of usage. Once an area becomes prescribed, a water allocation plan is prepared, and existing users are licensed in accordance with that water allocation plan. In the case of the Eastern Mount Lofty Ranges, this notice of prohibition will end in October 2005. Meanwhile, the minister is currently considering submissions received from the landholders, irrigators, the public and key industry groups following public consultation and the advice from departmental staff before making a recommendation to the Governor on the prescription of the area.

The proposal to prescribe the Eastern Mount Lofty Ranges understandably generated a great deal of community interest both throughout the mandatory consulting period and when the Natural Resources Committee called for submissions for its inquiry. Overall, there was support for the prescription. Many of the submissions made to the Natural Resources Committee indicated support for the better management of this important water resource. There were also concerns expressed to the committee. These included concerns about the process, particularly the process of determining water allocations, when and if the area becomes prescribed. Some landholders were concerned about the added cost as a result of prescription. Water users in prescribed areas are required to install meters so that the water use can be accurately gauged. Others, particularly those from wetter parts of the catchment, did not believe prescription was necessary at all.

After examining all the evidence received by the inquiry, the committee therefore concluded that there is a need to prescribe the Eastern Mount Lofty Ranges. The current rate of water use is unsustainable in some parts of the proposed region. Development cannot be allowed to continue at the current rate, as this will lead to considerable ongoing conflict between water users in different parts of the region and to a devastating decline in the environmental health of the local rivers and their associated ecosystems.

The committee concluded that access to water is very important to landholders in the Eastern Mount Lofty Ranges, and prescription is a means of ensuring that continuing access. The committee also believes that the streams of the Eastern Mount Lofty Ranges contribute significantly to the health of the River Murray and its estuary, particularly at times of low flow in the River Murray. Seasonal flow in these tributaries is essential to maintain the biodiversity of these ecosystems and preserve the habitat for endangered species of native fish. In addition, the committee believes that careful management of the water resources within South Australia that directly impact on the Murray-Darling basin system is essential to set an example for other states and to show that South Australia is serious about trying to restore the health of the River Murray.

Through the course of this inquiry, the committee heard many comments about the area currently recommended for prescription. The committee is of the opinion that all parts of the catchment are interrelated and cannot be considered in isolation. Therefore, the upper part of the catchment cannot be left un-prescribed whilst the bottom of the catchment is prescribed. The rainfall is often greater at the top of the catchment and flows into streams and ground water stores. Adequate water must be left in the streams for users at the end of the catchment, for environmental flows and for flows into the River Murray estuary.

The committee was satisfied that the decision to prescribe this water resource is based on adequate scientific research that indicates that two-thirds of natural flow is needed for healthy rivers and catchments. The committee believes that prescription will provide protection for the environment, certainly for current water users, and enable water trade with potential new irrigators in the region. Prescription does result in some cost implications for irrigators. It will mean changes in infrastructure with the necessity to install meters. It may mean a limit on expansion of business and possibly a

clawback of water in some areas. There may be some consequential loss of land value because new landholders will not automatically be able to get access to free water. Nonetheless, it will be of great benefit in the long-term. There will be no more conflict between water users in the upper and lower catchments. Landholders have guaranteed access to water and actually gain the right to sell this water. The resource will be maintained and available for use into the future.

The committee supports the proposition that prescription will provide a more positive outlook for the future of the environment in the Eastern Mount Lofty Ranges. Water will be available for environmental flows and, together with the introduction of low flow bypasses, streams should be able to survive the development occurring around them.

In conclusion, the findings and recommendations have been arrived at in a bipartisan fashion with each member of the committee recognising the importance of prescription and supporting its implementation in the Eastern Mount Lofty Ranges. I would like to take this opportunity to thank all those people who contributed to this inquiry and to thank those who made the effort to prepare submissions or appear before the committee. I extend my sincere thanks to the members of the committee: Mr Paul Caica who, for a period, acted as the committee's chair, and I appreciate that greatly; Ms Vini Ciccarello; Mr Mitch Williams; and, from the other place, the Hon. Sandra Kanck, the Hon. Caroline Schaefer and the Hon. Bob Sneath. I also acknowledge the work of the Hon. Karlene Maywald, the previous chair of the committee. Finally, I thank members of the staff for their assistance. I commend this report to the house.

Mr GOLDSWORTHY (Kavel): I am pleased to be able to speak to the motion moved by the member for Enfield concerning the Natural Resources Committee's report on the Eastern Mount Lofty Ranges catchment area. This is a very important issue, as it relates to my electorate. Quite a percentage in area of my electorate is caught within this proposal, as are other members' electorates, namely Heysen, Mawson, Finniss and, also to the north of the proposed prescription area, Schubert. In looking at a map of the proposed prescription area, I note that a fair percentage of my area is caught. It has not been without its contentions. This matter was proposed by WLBC, the Department of Water, Land and Biodiversity Conservation, from memory, 18 months or so ago, and the department implemented its usual strategy in these matters where a community consultation process was undertaken. If the member for Heysen were here, I know that she would comment, because she has quite a different view on how she regards these community consultation processes. Nevertheless, a so-called community consultation process was undertaken. I attended one meeting at the Mount Barker Golf Club, and I estimate that at least 300 people attended.

The departmental people went through the process. We had an introductory session, then we formed into working groups. I guess members could say that we 'workshopped' the matter. Some concerns and issues were raised which were subsequently reported. As I said, this is an important matter and I commend the Natural Resources Committee for investigating it. I have viewed the report and noted the recommendations. I certainly support the very first recommendation; that is, investigate the assistance being provided to land-holders unable to meet the costs of meters. That is a significant issue in the rural sector, particularly in my electorate. If the department deems it necessary for landowners to put a meter on their water source, it can be quite expensive. It can cost several hundred dollars for people to have meters installed.

I have heard of situations where, depending upon the quality of the water being drawn, after a short period, the meter which the department has installed becomes ineffective and starts to malfunction, and so the department then installs a new meter. I have heard of a particular landowner having to have several different types of meters installed, because, as I said, the quality of the water fouls the meters and makes them inoperable. Each time a new meter is installed on a property, the land-holder is charged for them. The government's wanting to prescribe a water catchment region is one issue, but the other issue is the cost to the landowners. The illustration which I have just given to the house demonstrates that it is not just a one-off cost: it can cost several hundreds of dollars if different meters are required.

I am very pleased to note from the recommendations that the committee does suggest that this be investigated and that assistance be provided to land-holders. I commend the committee for that. Recommendation No. 2 talks about if prescription of the eastern Mount Lofty Ranges does occur. I think the general feeling in that part of the world is that the sustainable use of the water resource is at risk, so measures have to be taken to ensure that the water resource is not exhausted or used to the point of its not being able to regain its previous function. Therefore, the consensus is that the prescription process does need to proceed. I will now look at the catchment region in a more defined way.

In his remarks to the house the member for Enfield referred to some of the streams and creeks which make up this catchment area and which obviously are in my electorate. I have a good knowledge of the state of these watercourses. I will refer to two in particular which the member mentioned. First, the Bremer River, and, secondly, Dawsley Creek. Currently, Dawsley Creek is in a very poor condition. Dawsley Creek receives water from the Bird-in-Hand Waste Water Treatment Plant. That Bird-in-Hand Waste Water Treatment Plant receives black water and grey water from the townships of Lobethal and Woodside. I believe that the Bird-in-Hand Waste Water Treatment Plant is under extreme pressure and is not efficiently handling the demand being placed on it at present, so much so that Dawsley Creek, immediately downstream from the Bird-in-Hand Waste Water Treatment Plant, is suffering an extreme case of green algal growth.

The local residents have advised me that five, six or seven years ago that creek was very healthy in terms of riverine environment, but now it is in an extremely poor condition. I have written to both the Minister for Administrative Services, who obviously oversees SA Water (which is the agency which looks after the treatment plant), and also the Minister for Environment and Conservation, who obviously has a role in terms of the EPA monitoring that operation and providing a licence for it to operate. That is a real concern in my electorate in terms of the management of water in the eastern Mount Lofty Ranges region.

My time is drawing to a close. There are certainly some other significant issues in the electorate of Kavel concerning the management of water resources, in particular the proposed prescription of the western Mount Lofty Ranges water catchment.

Time expired.

Mr CAICA (Colton): Mr Deputy Speaker, this is my first opportunity to congratulate you on your election to the office of Deputy Speaker. I know that you will handle the position as expertly as you did when you were Acting Deputy Speaker. I hope this will be the first of many reports on inquiries that will be brought to the parliament by the Natural Resources Management Committee. I do not intend to reinforce the many valid points made by the Presiding Member, the member for Enfield. However, I will highlight a few points. Despite the position that has been advanced by some witnesses during the hearing of evidence and in written submissions, prescription of the Eastern Mount Lofty Ranges catchment area is not shrouded with any controversy. It simply depends where you live within the catchment area. People who live in the upper catchment area which gets almost 1.6 metres of rain would say that there is no problem; if you live further down the catchment where there is perhaps 300 millimetres of rain per annum and where environmental flows to the river have virtually ceased altogether, there is certainly a problem.

Some witnesses suggested that the catchment area ought to have been dealt with in sections. That is a ridiculous concept, because you cannot deal with an entire catchment area in sections. Water takes the course of least resistance, and if it is prevented from taking that course there will of course be no flows. There is a significant problem in the lower catchment but, as I said, it could not be dealt with in isolation; the entire catchment needed to be dealt with in totality. We are the only species capable of being responsible for the future well being of this planet with respect to environmental and other issues, and I think that, as a species, we have performed very poorly. Quite often issues are only tackled when it becomes so obvious that not to do so will result in the most severe consequences.

Some might say that the prescription of this area is overdue—certainly, it is absolutely necessary. Under current circumstances, not only could future growth not be sustained but I believe—and the committee is certainly aware—that the current practices and the amount of water extracted from the catchment are unsustainable. So, the minister's decision to indicate the intention to prescribe is absolutely correct. In my view—and, I am sure, the view of the committee—the prescription of this area is totally essential.

One of the issues that came through strongly throughout the consultative process—this was not really raised by the member for Kavel—is that within the community generally and the various communities that make up this catchment there is a level of expertise and a level of care that needs to be properly harnessed and utilised. We saw examples of how in certain areas the community have taken matters into their own hands and ensured that practices that have been the custom for some time have been changed for environmental purposes. Farmers themselves are becoming more and more environmentalists through their awareness that the practices that they had previously adopted needed to be changed if they wanted to continue to operate successfully.

We need to have the effective utilisation of our precious resources—this is more necessary than ever before—if we are to have economic sustainability. There is of course a requirement for environmental sustainability. The environmental flows in many of the creeks mentioned by the Presiding Member have not existed for some time. Some hardship may be experienced in some areas: that is, there may be a requirement to claw back some of the water that is currently taken by irrigators in that area, but that will be for the long-term benefit of the entire catchment.

What the member for Kavel talked about with respect to community consultation was quite interesting, because I think if there was a flaw in the process it was a lack of understanding of what prescription actually means. Whilst the member for Kavel advanced that there was a degree of controversy in what he described as the so-called consultation, subsequently, once people understood the importance of the issue and the measures that would come with prescription, I think there was a clear understanding that this is important for the communities in the catchment area. That is why I said at the commencement of my remarks that there is little controversy associated with this issue from my and the committee's perspective.

I take this opportunity to thank the committee and the Presiding Member, the member for Enfield, who in a short space of time has got his head around the various issues with which the committee has been grappling. I think he will be an outstanding presiding member of this committee. I thank the other committee members and those people who took the time to make submissions. I also thank our committee staff: our secretary, Mr Knut Cudarans, and our research officer, Mr John Barker. As I said at the commencement, I look forward to this being the first of very many reports on sensitive environmental issues that we are able to bring to the parliament for consideration. I commend the report to members.

Motion carried.

RADIOACTIVE WASTE

Mr HANNA (Mitchell): I move:

That this house establishes a select committee to examine and report upon—

(a) the adequacy of current arrangements for the storage and transport of waste arising from uranium mining;
(b) the impact of the proposed expansion of the Olympic Dam mine in terms of radioactive waste transport and storage;
(c) whether waste arising from uranium mining should be subject to the Environment Protection Act 1993; and
(d) any other relevant matter.

The Australian Greens strongly supported the campaign to prevent the importation of nuclear waste into South Australia. I congratulate both the environment movement and the South Australian government on their successful campaign.

The nuclear industry is made up of a number of discrete entities, which have their beginning in the mining of uranium. All sections of the nuclear industry generate radioactive wastes, commonly referred to as nuclear waste. Some sections of the nuclear industry, especially nuclear reactors, generate high level nuclear waste. Although uranium mining generates relatively low level nuclear waste, the volumes of liquid and solid nuclear wastes are very large and some of the wastes are gaseous alpha emitters, which are readily inhaled. The liquid wastes are usually highly toxic, containing enhanced levels of toxic heavy metals.

Like the environment movement, the Greens are greatly concerned about these nuclear wastes because of their health hazards and because of their ability to enter the biosphere through a variety of pathways and because of their longevity. At the Roxby Downs Olympic Dam project the plans are for 30-metre high, 700 hectares of solid nuclear waste. So much for the Rann government's campaign against a nuclear dump in South Australia!

These wastes were initially in slurry form and the liquids may have penetrated below the solids into the underground water. At the same time, radioactive radon gas has been released into the atmosphere at all stages of the mining and processing and will continue to emanate from the solid wastes for longer than people have lived in Australia. Because it is a gas and an alpha emitter radon it is of special concern.

Roxby generates some 5 million tonnes a year of nuclear waste. The proposed expansion would take this to 10 million tonnes a year. These wastes contain radioactive uranium 238, thorium 230, radium 226 and polonium 210, with half lives of 4.5 billion years, 80 000 years, 1 602 years, 21 years and 138 days respectively. The concentrations of these radioactive isotopes and liquid nuclear wastes varies from 10 times radium 226 to greater than 100 000 times thorium 230 the concentrations in the local groundwater. Because of the longevity of these wastes we owe it to future generations to make sure that these wastes are securely managed. We do not want to be put in the same position in which others now find themselves in regard to asbestos. At the very least the tragedy of asbestos should serve to help prevent similar tragedies.

At the Beverley uranium mine liquid waste is being discharged into the underground water contained in a porous aquifer. Besides being radioactive, these wastes are highly toxic, containing high levels of aluminium, arsenic, cadmium, cobalt, nickel, lead, selenium and vanadium. The concentrations of these pollutants vary from 10 to 5 000 times higher than in the aquifer water. The volumes being discharged are very high and the fate of these wastes is of considerable concern. Over 40 000 litres of liquid wastes are being pumped daily into the aquifer. Gaseous nuclear wastes, such as radon gas, are also being discharged into the air at Beverley.

In view of the expressed intention of the South Australian government to expand uranium mining at Roxby, and to encourage further exploration and mining in South Australia, it is crucial that we address these concerns as soon as possible—before Roxby expands and before more uranium mines commence operation in South Australia. The South Australian government is on record as supporting strict environmental and health controls in the uranium mining industry. I concur with the government on this point and seek its support for this select committee into the storage and transport of nuclear waste from uranium mining in South Australia.

Mrs GERAGHTY secured the adjournment of the debate.

ENVIRONMENT RESOURCES AND DEVELOPMENT COMMITTEE: PLASTIC BAGS

Ms BREUER (Giles): I move:

That the 53rd report of the committee on plastic bags be noted.

This inquiry was referred twice by the House of Assembly to the committee. Initially it was referred to it as part of the terms of reference for the waste management inquiry. The committee included plastic bag usage in South Australia as part of its terms of reference for waste management. The house may remember the waste management inquiry was undertaken last year and the report was tabled in this house.

As part of the waste management inquiry, the committee heard from five witnesses on plastic bag management and received four submissions discussing the issues surrounding plastic bags. In response to the withdrawn bill, Environment Protection (Plastic Shopping Bags) Amendment Bill 2003, introduced by Mr Hanna MP in February 2004, the issue of plastic bag management was referred a second time to the committee. Due to the second referral the committee decided that the interest being shown in, and the issues surrounding, the management of plastic bags in South Australia warranted a separate report, hence the report I lay before the house today.

In preparing this report the committee found a need to reduce the number of plastic bags used annually in Australia. We are well aware of that need. Both the community and the government want to see fewer plastic bags in our environment. To achieve this, Australia's environment ministers, through the Environment Protection and Heritage Council, agreed in 2003 to the Australian Retailers Association Code of Practice for the management of plastic bags. The code required signatories to reduce the distribution of plastic bags by 25 per cent by the end of 2004 and by 50 per cent by the end of 2005. The code has effect until the end of 2005 and signatories to the code are exempt from any legislation introduced to minimise plastic bag usage during this period.

In accordance with the code, the Australian Retailers Association reported a 26.9 per cent annualised reduction in high density polyethylene bags was achieved by the end of 2004. However, only four group 1 signatories were able to report data, namely, Coles Myer, Woolworths, Franklins and Foodland Limited. The other group 1 signatories were unable to provide their plastic bag reduction data due to the retail store structure. Group 2 signatories are not required to report their plastic bag reductions.

The committee is disappointed that the results obtained by the Australian Retailers Association are only from four retailers, and recommends that the government pursue this issue with the Australian Retailers Association to receive a better indication of plastic bag reduction via retailers. In the recently released Nolan-ITU report undertaken for the commonwealth Department for Environment and Heritage, an estimate of plastic bag production and importation data was used to determine a reduction of 20.4 per cent in high density polyethylene bag usage between 2002 and 2004. As members can see, there is a discrepancy between these figures and those reported by the Australian Retailers Association. These two sets of results need further investigation and clarification.

The community is a major player in the reduction of plastic bags and should be commended for its efforts. The 20 to 25 per cent reduction in plastic bag usage could not have been achieved without community support and enthusiasm for the initiatives that have been instigated to reduce plastic bags. These include the use of alternative bags—and we see many of these green bags in supermarkets and stores nowadays—and saying no to bags at the checkout. In a press release last year by the Minister for Environment and Conservation, he stated that with respect to the most sales of reusable bags, 11 of the top 20 Coles stores were in South Australia, including the top seven stores. This is a very positive outcome for South Australia.

Councils and retailers need to be encouraged for their initiatives to reduce plastic bags. Many councils have undertaken schemes to distribute alternative reusable bags to their residents. Retailers have provided alternatives to plastic bags, such as reusable bags or cardboard boxes, for their customers to use. Bunnings requires special mention for its drive to reduce plastic bags in the environment. By implementing a charge for plastic bags, the demand by customers for plastic bags declined by over 70 per cent. Other retailers

are also undertaking measures including using paper bags—and we all remember those from our past—or other alternatives, or asking if the customer requires a bag.

Overseas experience shows that both levies and bans are beneficial in reducing the number of plastic bags. A levy was introduced in Ireland in 2002 with great overall success. Plastic bag distribution reduced by 90 per cent in the first three months. A ban on plastic bags has been introduced in South Africa, Taiwan, Bangladesh and, most recently, Papua New Guinea. Some have banned all plastic bags initially, usually under a specified thickness, while others have taken a phased approach. For example, Papua New Guinea is initially banning all imported plastic bags with a second phase taking effect six months later banning all plastic bags. Environment ministers have stated their intent to phase out plastic bags by the end of 2008.

However, it is not clear whether this will be via a levy or a ban on plastic bags. Industry and the community want to know how plastic bags are to be managed in the future, as the code is only the initial step in the process to reduce plastic bag usage. The government needs to make clear how it intends to proceed. The committee believes that South Australians can change and are changing their behaviour patterns to reduce the number of plastic bags they consume every year. This is very encouraging. The committee supports the national approach to plastic bags in the first instance, but a quick response is required if the goals of the code are not met.

As a result of this inquiry into plastic bags, the committee has made 13 recommendations in total and looks forward to their being considered and implemented. I take this opportunity to thank all those who have contributed to this inquiry, including those who took the time and effort to prepare submissions for the committee and to speak to us. I extend my sincere thanks to the members of the committee: Hon. Malcolm Buckby MP; Mr Tom Koutsantonis MP; Hon. David Ridgeway MLC; Hon. Sandra Kanck MLC; and Hon. Gail Gago MLC. I also pay particular thanks to the current staff of the committee, Mr Phil Frensham and Ms Alison Meeks, who have done an incredible amount of work in gathering and collating information and contacting people for this report. I recommend the report to the house.

The Hon. M.R. BUCKBY (Light): I, too, congratulate you, Mr Deputy Speaker, on your position. I am sure you will do an excellent job in that position, as you have done when filling in so far. I also support this motion. This was particularly interesting for the ERD Committee because it actually showed that, where a very strong public campaign of education is undertaken, the impact can occur fairly quickly right at the coal face in determining what consumers will use for carrying their goods when they shop. It is pleasing to see the targets set by the ministers across Australia, with the agreement that was made with both the tier 1 and tier 2 sectors of the retail industry, particularly in tier 1 where the target was set for 25 per cent in the first year and 24.9 per cent was pretty close, so that was basically achieved.

The next target, at the end of 2005, is for a 50 per cent reduction in the use of plastic bags. When I go to the supermarket I see a lot more people now with the environmental green bags or with other types of bags to carry their goods. It has also made me more aware. When you are walking out of the supermarket with only one or two items, do you really need a plastic bag? The fact is that most of the time you do not, so you say no.

Mr Goldsworthy interjecting:

The Hon. M.R. BUCKBY: As the member for Kavel says, the assistants at the checkout are now asking, 'Do you want a bag?' which has also been a change, because previously they would automatically put it into a bag. Now through that community education they are actually saying to you, 'Do you want one or not?' which is good because it makes you think whether you really need it. I think the area to which ministers must turn their attention and what has shown up from this inquiry is the tier 2 level of businesses, where we have not seen the sort of reaction that we would have liked, particularly in the other food and liquor outlets, where there has only been a 12 per cent reduction; general merchandise and apparel, a 10 per cent reduction; and fast food, convenience and service stations, a 10 per cent reduction.

We have found that it is very difficult to get figures from that sector—obviously, because there are far more players in the field—but they are the areas the minister's attention should be turned to so that we can see a far greater impact on plastic bag usage. It was interesting to find out that some 67 per cent of the bags used are imported, so if we can reduce the number of bags by 50 per cent or more then that is also a benefit to the economy.

The committee considered what action should be taken after December 2005 when this current agreement expires, and there was a suggestion that the minister should consider a ban or a levy or some other form of enticement that can be given to consumers to encourage them to move away from plastic bags because of their harm to the environment. You see bags floating around the street and they can end up in the drains and then out in the Gulf, creating all sorts of problems for our fish stocks—particularly the larger fish, which may swallow them. The minister of the day will have to have a good look at the results at the end of 2005 and see what action needs to be taken at that stage.

I would also like to add to the member for Whyalla's comments. The witnesses we had on this were extremely good and the information that came out was excellent—particularly from the tier 1 supermarkets, from whom we got a very good feel for exactly what is being achieved. However, I reaffirm that more work needs to be done at the tier 2 level to ensure that we get a better reaction from them. When you go into a liquor store or a hotel drive-in, for instance, to get wine, or whatever, there is an automatic assumption that you want a bag. You are not asked there; it is just a matter of it going into the bag and away you go. I think a lot more education needs to be done in that particular area.

I believe this was a very worthwhile inquiry that was undertaken by the ERD Committee, and we will wait to see, at the end of 2005, exactly what the community results are. The government of the day or the ministers around Australia will then have to reassess the form of enticement, if further enticement is required, or what further community education is required to ensure that we continue to reduce the number of bags used.

Mr HANNA (Mitchell): On behalf of the Greens I speak in relation to the plastic bags report tabled in parliament yesterday, a report of the Environment, Resources and Development Committee of the parliament. It is a good read, and contains some startling facts about our use of plastic bags. It confirms that, from the countries examined by the committee, we are the highest per capita users of plastic bags in the world. Something desperately needs to be done about that.

The committee confirms the environmental concerns that the Greens have been going on about for some time in terms of pollution of waterways, drains being blocked and marine life being threatened. And it is not just native animals—there has also been evidence of farm animals such as calves fatally ingesting plastic bags. So, for a range of reasons, something desperately needs to be done about the plastic bag situation.

The committee rightly acknowledged the convenience of using plastic shopping bags but in the summary on page 2 of the report the committee says:

> However, the evidence clearly shows that the array of disadvantages of continuing to use plastic bags outweigh their convenience and hence the need to reduce plastic bag usage.

The committee has come up with a number of good recommendations; however, I have to bag the report on two grounds. First, why should we be satisfied with the pace set by the Labor environment ministers from around the country who, basically, set up a four year plan for plastic bag reduction? Why should it take four years to tackle this problem? I suspect it has something to do with the electoral cycle, in that a number of those ministers will not be around in four years' time when they have to answer to the success of the program. Secondly, why should South Australia not go it alone? Why should we not be the leaders in plastic bag reduction around the country? I am sorry the committee has suggested that we must wait for a national approach, suggesting that we have to stick to the timetable suggested by the national ministers. I believe South Australia can do better than that, and needs to do better than that.

I remind members that the agreement on the management of plastic bags entered into by retailers and the minister sets targets. Those targets are 25 per cent reduction in plastic bags issued by the end of 2004 (and I am pleased to acknowledge that we are on target for that), a 50 per cent reduction in plastic bags issued by the end of 2005 (that remains to be seen), and, finally, a phasing out of plastic bags by the end of 2008. We need to ensure that these targets are met and, despite all the fanfare about involving the community and councils and industry, at the end of the day we are the parliament and we can actually make it happen. We can actually make it the law that these targets will be fulfilled.

This is the third time I have had a go at reducing plastic bags through a legislative measure. On the first occasion I put up a levy bill and, indeed, the committee reports show that the levy approach has worked very well—in Ireland, for instance, there was a reduction in plastic bag usage by 90 per cent through the introduction of a levy.

On the second occasion, I introduced a bill to ban plastic shopping bags at the checkout outright. Indeed, that is an approach taken effectively in a number of other countries—even New Guinea is ahead of us. The second occasion on which I introduced a bill was the impetus for the ERD Committee to examine this issue but, because we had to wait so long for this report, I introduced the bill again. So, for the third time, I have introduced a bill to do something about this problem. I would be open to amendments that insisted upon the targets agreed by retailers and environment ministers being met and, failing that, for the ban to come into effect. In other words, what we could consider at the committee stage of the bill, when we consider the options in detail, if people accept the principle underpinning this bill, are the targets being a trigger for implementation of the ban measure. I put that to members as a possible way forward, which is something of a compromise.

With those remarks, I am pleased to note that the report highlights that we have a real and desperate problem in relation to plastic bag usage. I acknowledge that there has been some improvement, but it is not good enough. At the end of the day, I believe that we cannot rely on the voluntary efforts of retailers. We need to have a carrot and stick approach and, if the targets agreed to are not met within the agreed time frames, we will have to resort to legislation. We can use the legislation I have introduced as a means to enforce the targets set, and those targets have been endorsed by the committee—a committee on which three different political parties were represented. I am hopeful of some progress.

Motion carried.

SELECT COMMITTEE ON NURSING EDUCATION AND TRAINING

Ms THOMPSON (Reynell): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 6 July.

Motion carried.

ROADWORK (REGULATION) BILL

Adjourned debate on second reading.

(Continued from 8 December. Page 1234.)

Mr O'BRIEN (Napier): In addressing this bill that was proposed by the member for Waite (shadow minister for small business), I state from the outset that the government will not support it. Being a small business operator myself, and having been disadvantaged in the operation of one of my retail businesses by extensive roadworks around that business, I have a tremendous sympathy for the objectives the member for Waite seeks to obtain with this legislation. I also patronise a number of the businesses to which the member for Waite referred in his second reading contribution, namely, the Silver Earth Trading Company and the Norwood Garden Centre. They are on Portrush Road, and I have visited both within the past two months. In my case, a business I was operating at Blackwood was adversely impacted by extensive roadwork carried out around the shopping centre in which my business was located. The work was commissioned by the Mitcham council with the objective of providing additional street parking for the patrons of the shopping centre.

In other words, Mitcham council was undertaking roadworks for the specific purpose of benefiting retailers such as me. The consultation was extensive, and the time lines set for the work were conveyed to the retailers. However, the work ran several weeks over schedule, and the financial impact was more severe than I and the other retailers with whom I spoke had anticipated. For this reason, as I have said, I have some sympathy for the objectives that this bill seeks to achieve.

However, there are certain realities that have been overlooked by the member for Waite that make this bill impractical to implement. In my own case, Mitcham council was not to blame for the roadworks running over time. There were a large number of days when no work occurred at Blackwood, and this was for the simple reason that the company contracted to do the work had been delayed on other projects by factors which could have been wet weather, machinery breakdown, delays on other projects, unavailability of construction material when required or, simply, that

the company involved in the project had more jobs on the go than it could reasonably manage.

How many members in this chamber have commissioned work around their homes, have had a work team arrive on the designated commencement date, had the team do a little preliminary work, sufficient to signify commencement, and then not seen the team for another month? Whether we like it or not, this is the reality of the construction industry. Jobs do not arrive in an orderly fashion to businesses, and only the most lunatic business manager with a penchant for bankruptcy is going to knock back work when it can be handled with a lot of juggling of work schedules. Okay; a lot of people are going to be inconvenienced and made very angry. But, for the business manager running the construction business, he or she has sufficient work in the pipeline to keep the work team together, pay wages and remain economically viable.

This is the brave new world of privatisation so fiercely championed by the Liberal party. Large council and government construction work forces are now a thing of the past, and in their place work is now contracted out to private sector companies which, in many cases, further sub-contract their work. With the demise of the public sector workforces also passes the surety of commencement and completion dates that they gave. The new regime championed by the Liberal party may be more efficient in terms of cost because the taxpayer is not footing the bill for down-time, but the consequence is that the work is now done by private sector companies that simply cannot afford to have down-time. Hence, the time overruns on roadworks that cause so much inconvenience and financial pain to retailers in particular. So, is the bill practical? No. If it were to be passed, the consequence would be that the private sector operators would not tender for work that could have any possible negative consequences for retail businesses.

State and local government would have to impose such draconian conditions and penalties that the business managers for road construction companies would shy away from such work. The irony would be that these managers would themselves be compelled to conduct their own business impact studies to determine the possible negative impact on their own cash flows by taking on work that could result in their other projects being slowed down, or their profitability being eroded by the payment of large financial penalties, basically for failure to meet completion deadlines.

Be under no illusion: if retailers are able to obtain financial compensation for the adverse impact of roadworks, these costs will be passed onto the private sector contractors responsible. Dealing with the specific provisions of the bill uncovers further impracticalities. Clause 4(1) provides that the act will apply to roadworks that are likely to harm business conducted in the vicinity of the roadworks. What is 'vicinity'? Is it 10 metres, 100 metres or 10 kilometres? Roadworks on a major arterial road can affect the shopping behaviour of consumers for kilometres around. By way of example, major roadworks on Sturt Road near South Road would undoubtedly have impact on patronage at Westfield Marion several kilometres away. I have a retail business at Westfield Marion and can assure the house of the wide drawing area of regional centres. How would the Marion council, or the state government for that matter, deal with a class action mounted by the combined retailers at Westfield Marion, including the national majors?

Clause 5(1) provides that a road authority must obtain an impact statement before commencing a road work which, among other things, must set out the likely impact on business conducted in the vicinity. I again give the example of Westfield Marion. What would be the cost of ascertaining the financial impact on each of the several hundred businesses in that centre? It would run into several hundred thousand dollars if the impact statement were to have any substance. It would take months if not years to complete, and in many instances it would entail the majors revealing trading data which, I believe, they would be unwilling to divulge. Near similar costs would apply to the sub regional shopping centres that dot our state.

Clause 7(2) deals with the right to compensation. To determine and quantify financial loss from roadworks would be well nigh impossible. Factors such as weather, timing of major holiday periods such as Easter and school holidays, interest rate rises and the health of consumer sentiment all have a profound influence on retail spending. To separate out these factors is impossible and, as a consequence, so is the possibility of realistically determining compensation. This bill is based on good intentions but, as they say, the road to hell is paved with good intentions.

The member for Waite, the shadow minister for small business, has paved his road to this particular legislative hell with a hell of a lot of good intentions, but the final destination is unacceptable to the government. We do not support the passage of this bill.

Mr MEIER (Goyder): I wish to check with you, sir: are we debating bill No. 67 Roadwork (Regulation) Bill 2004?

The SPEAKER: You are.

Mr MEIER: Thank you, sir, because from what I just heard from the member for Napier, I do not think that most of what he said is in this bill. If it is, perhaps I need some instruction in reading because I think he has drawn a huge, long bow in suggesting some of the implications of this bill. Perhaps we need to look at it further, but my reading of this bill is that road construction teams, councils, and Transport SA need to give appropriate notice to small business that may or will be affected along a roadway where roadworks are to be carried out, and that they need, if necessary, to discuss with them possible modifications or options to be considered during the roadworks. I am happy to hear from others if I have interpreted it wrongly, and I am happy to be corrected, because I think that the member has drawn a huge, long bow and brought a whole lot of other stuff in that is not relevant in this bill.

Mr O'BRIEN: Point of order, sir: I suggest that the member refers to the second reading speech of the member for Waite.

Mr HAMILTON-SMITH: Point of order, sir: I do not think that that is a legitimate point of order. I think that it is re-entering the debate.

The SPEAKER: Order! We will have the first point of order from the member for Napier.

Mr O'BRIEN: The point of order that I am making is that I think that the member unintentionally is misleading the house because the intent of the legislation is as though—

The SPEAKER: It is not a point of order.

Mr MEIER: I have read the bill. It is only two pages.

Mr Hanna interjecting:

Mr MEIER: I agree with the member for Mitchell; it is too radical for this government. I am surprised because unfortunately we have had very little roadwork in my electorate since this government took office. Thankfully, we were getting some roadwork under the previous government of which I was a member—the Liberal government. During

that period of time, there were instances that came to my attention where small businesses had not been properly consulted about roadworks, and it had a negative impact on their business, and they were feeling the effect financially. They were not getting anywhere with the particular road making company, so they came to me and said: 'Look, we need your help. How can we get this sorted out?' I do not think it is my job as the local member to try to sort out issues between local businesses and the road work company. I was happy to go in and do what I could, and in each case a satisfactory resolution was achieved.

I think that this is a very sensible bill to try and avoid conflict, and I would have thought that the government would have welcomed it with open arms and said, 'Great. It is sensible consultation move and we will support it.' Certainly the effects do not go to a situation where roadworks cannot occur or anything like that, but at least the small businesses are well advised and are aware of what sort of interruptions they are going to have, and have been assisted if necessary through some provision of access to their property during that difficult period. Let us remember that small business is the core of our society. I remember back in the days of high unemployment when Bob Hawke presided over this country, and even a bit before that, it was said that if every small business in Australia were to employ one extra person, there would be no unemployed; in other words, if everyone could get a job. So, small business is critical to our economy and to our activities on a daily basis.

Therefore, I am happy to support this legislation. I await the day when more roadworks will be done through parts of my towns, and I will continue to lobby while I am still a member of this place, and I am sure that a future member for Goyder will do exactly the same. We are developing at such a rapid rate, as I indicated in my grievance earlier today, because of the traffic problems we are encountering. So, let us treat this with common sense. I think that it is a sensible bill, and I support the member for Waite in his endeavours to see this matter addressed in the way that he has outlined in his Roadwork (Regulation) Bill.

Mr HAMILTON-SMITH (Waite): I thank the government and the Parliamentary Secretary for Transport for responding on behalf of the government, and other honourable members who have spoken to the matter. I close the debate with regret. I understand the points that the honourable Parliamentary Secretary is making, and I understand why the government might take the view that it would seek to avoid any financial liability beyond that which it currently incurs and, therefore, why it might oppose the bill. I accept that the measure that I have proposed might carry with it some costs but I think the debate has revealed that they are reasonable costs, that is, with small businesses, if access is going to be denied to their property for an extended period, or if an entrance is going to be blocked off. If roadworks are simply going to be imposed upon them that could vitally affect their car park, or mean that they have to stomp through mud to get to their office, denying access to customers and suppliers etc., at the end of the day for small business that means loss of revenue. It means a risk to the livelihood of that business and the families that depend upon it. As I have argued, and I think as the debate has revealed, as the bill comes out of debate, these are reasonable things for citizens to expect of a government; that it will consult with them before it vitally affects their business.

I know that the department might seek to do this anyway, but there is no requirement for it to do that. I know it depends on quite a degree of goodwill. Although the parliamentary secretary assures us that the government will do the right thing, that cannot always be relied upon when other factors come into play. I note that the parliamentary secretary mentioned Westfield Marion and all the shops and the costs that might be involved in an impact statement. I think that particular example is a little flawed, if I may say so, in that the roads do not go past every shop in the shopping centre. The bill focused more on the case of the main street upon which there are shops and the blocking off of entrance ways and access ways to car parks and front doors of those shops. That has occurred, and other members and I have referred to examples.

There are plenty of instances where this has vitally affected a business. I regret that these reasonable measures (and I think quite modest measures) which I have proposed have not been accepted. I have been on radio talkback on this bill—I think it was Byner—and I was pushed on the basis of why I didn't go further, why I didn't get serious about there being compensation paid to small businesses when they are vitally or fatally affected by roadworks. I said, 'Any measure I put up as a member of the opposition has to be reasonable.' I thought that the measure was reasonable in that a defence for the government was that it had consulted, it had looked at the impact and it had taken reasonable steps—and I think 'reasonable' was the measure.

Clearly, there will be some interruption when a roadwork is progressed past a business front door—no-one refutes that. However, I think that the government could have adequately defended itself from spurious claims and that a device could have been created for this process to be managed in a way that did not encourage unnecessary litigation and open the door for businesses which might have been experiencing trouble, anyway, to use this as an excuse to try to rectify that. I think the spirit of the bill was such that it was requiring of the government some consultation and reasonableness, and I regret that the government does not agree and that it will vote down the bill.

I do not intend to call for a division on the matter. I accept that, as an opposition, we do not have the numbers to progress it, but I do thank the parliamentary secretary for having the good grace to progress this matter, because it has sat on the *Notice Paper* for a while and at least we have an outcome. I would implore the government to reconsider this issue in the year ahead as we approach an election, because it may be that there is something we can do. If this was the wrong device, then maybe there is some other device that we can construct to give small businesses a fair go, because these issues are important to them.

Second reading negatived.

CONSTITUTION (TERM OF MEMBERS OF THE LEGISLATIVE COUNCIL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 March. Page 1987.)

The SPEAKER: I point out that these are cognate bills.

Mr HANNA (Mitchell): I thank the Attorney-General for his extensive contribution. It was a great shame, I felt, that the government did not follow in good faith its commitment

to Speaker Lewis not only to hold a constitutional convention but to—

The SPEAKER: Is the member for Mitchell closing the debate?

Mr HANNA: —yes—bring into the public arena matters that arose from it. I have made it quite clear that the matters arising from the Constitutional Convention are not necessarily endorsed by the Greens, but certainly we are strong advocates for multi-member electorates for South Australia so that there are fewer wasted votes by the community. It would also mean that more South Australians would have a local member of the political colour of their choice. It is also of great regret that the government saw fit to reject the proposal for four year terms for members of the Legislative Council. There may have been a justification in 1856 for the staggered eight year terms for upper house members, but these days the understanding of people is that we would prefer to have more accountability and more democracy in respect of our parliament, and therefore those upper house members should face the community every four years, not every eight years. With those remarks, I commend these measures to the house once again, particularly those to which I have just referred.

The house divided on the second reading:

AYES (3)

Hanna, K. (teller)	Lewis, I. P.
Scalzi, G.	

NOES (41)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Caica, P.
Chapman, V. A.	Ciccarello, V.
Conlon, P. F.	Evans, I. F.
Geraghty, R. K.	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Hill, J. D.
Kerin, R. G.	Key, S. W.
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.
Rann, M. D.	Rau, J. R.
Redmond, I. M.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
Venning, I. H.	Weatherill, J. W.
White, P. L.	Williams, M. R.
Wright, M. J.	

Majority of 38 for the noes.

The SPEAKER: Order! I point out that, because these are cognate measures, there will be no second reading summary by the mover, but there is likely to be a vote on the second reading of one kind or another.

Second reading thus negatived.

The Hon. I.P. LEWIS (Hammond): I move:

That so much of standing orders be suspended as would enable the adjournment of the remainder of the matters presently under consideration in the chamber to a date to be determined to enable better consideration of them than has been possible at present.

Members interjecting:

The SPEAKER: Order! Someone made the comment that the honourable member is out of his place. In fairness to the member for Hammond, his seating position has not been finalised, so the chair recognises him in that seat.

I have counted the house and there being an absolute majority present I accept the motion. Is it seconded?

Mrs REDMOND: Yes, sir.

The SPEAKER: Does anyone wish to speak for or against the suspension?

The Hon. M.J. ATKINSON (Attorney-General): Yes; I would like to speak against the suspension. Every member has had an opportunity to deliberate on these bills. They have been before the house for months. The member for Mitchell rose to give his reply this evening and no member sought to contribute further to the debate. The debate is at an end. We now vote.

The Hon. I.P. LEWIS (Hammond): Mr Speaker, I have not spoken to the proposition, and thank you for the opportunity to do so. To suspend standing orders to do so would enable not just the specious contemplation to which the Attorney-General has referred that all honourables he pretends has given to these measures but that such contemplation might be given in more sober circumstances is the point I make, than at present, where the house is intoxicated by the proceedings of recent days in its attitude to the matter. More importantly, I have not had the opportunity to make a contribution, which I am sure honourable members will be interested to hear, whether or not they agree with my view of it.

My view of it, of course, would be in advocacy of more than two thirds of the people of this state who were represented here in the Constitutional Convention. A far greater and more sensible appraisal and statement of opinion from honourable members about those proceedings, given their expense and the time taken by other citizens in South Australia, ought to be given than has been given to date. It is for that reason, and not to cause embarrassment to anyone. For that reason it is in the public interest to adjourn the matter that I rise proposing to suspend standing orders, enabling us thereby to do so, and to leave that debate to circumstances less emotionally charged than they are at this time.

The house divided on the motion:

AYES (17)

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

NOES (25)

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

NOES (cont.)

Wright, M. J.

PAIR(S)

Kotz, D. C.	Rann, M. D.
Brindal, M. K.	Foley, K. O.

Majority of 8 for the noes.

Motion thus negatived.

The Hon. I.P. LEWIS: Notwithstanding the fact that I lost that motion as it relates to the next notice of motion on the *Notice Paper*, I move:

That standing orders be so far suspended as to enable the remainder of those bills for which cognate debate was permitted to be suspended, enabling further debate of them at a date to be determined.

The SPEAKER: At this stage we have not dealt with No. 8.

The Hon. I.P. LEWIS: Mr Speaker, I understand the point you are making. I am in error and respectfully request that I have leave to withdraw that proposition until after a vote on No. 8.

The Hon. M.J. ATKINSON: On a point of order, my understanding is that these bills are being handled cognate so, the member for Hammond having failed to suspend standing orders, we now proceed with a vote on all of them. He cannot, I would have thought, bring the motion for suspension back on each bill in the group.

The SPEAKER: As I understand it, and he can correct me if I am wrong, he is now saying that we deal with No. 8, which means that it is tested at the second reading vote, because we have not dealt with it before. We have only dealt with No. 7.

The Hon. I.P. LEWIS: That was my intention.

The SPEAKER: We have not voted at the second reading stage on No. 8.

Mr MEIER: On a point of clarification, I assume that would have been the case anyway: that we would have gone on to vote for No. 8; is that right?

The SPEAKER: We would have, yes. As I said earlier, there is no summary entitlement by the mover to speak at the second reading stage, but each one must be voted on at the second reading stage.

The house divided on the motion:

AYES (2)

Hanna, K.	Lewis, I. P. (teller)

NOES (42)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Caica, P.
Chapman, V. A.	Ciccarello, V.
Conlon, P. F.	Evans, I. F.
Geraghty, R. K.	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Hill, J. D.
Kerin, R. G.	Key, S. W.
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.
Rann, M. D.	Rau, J. R.
Redmond, I. M.	Scalzi, G.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	Venning, I. H.

NOES (cont.)

Weatherill, J. W.	White, P. L.
Williams, M. R.	Wright, M. J.

PAIR(S)

Majority of 40 for the noes.

Motion thus negatived.

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

SUPPLY BILL

The Hon. M.J. WRIGHT (Minister for Administrative Services) obtained leave and introduced a bill for an act for the appropriation of money from the Consolidated Account for the financial year ending on 30 June 2006. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

This year the government will introduce the 2005-06 budget on 26 May 2005.

A Supply Bill will be necessary for the first few months of the 2005-06 financial year until the budget has passed through the parliamentary stages and received assent.

In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill.

The amount being sought until this bill is $1 700 million.

Clause 1 is formal.

Clause 2 provides relevant definitions.

Clause 3 provides for the appropriation of up to $1 700 million.

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

EYRE PENINSULA BUSHFIRES

The Hon. M.J. WRIGHT (Minister for Administrative Services): I lay on the table a ministerial statement relating to the Eyre Peninsula bushfires made earlier today by the Hon. Paul Holloway.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (SAFEWORK SA) AMENDMENT BILL

In committee.

(Continued from 5 April. Page 2128.)

Clause 13.

The Hon. I.F. EVANS: I wonder whether, overnight, the minister has had any clearer any idea of what the government means by the words 'reasonably necessary' in clause 13, which allows the health and safety representative to take time off from work, with pay, for the purposes of performing their functions as a health and safety representative. Given that the minister has had a night to think about it, can he clarify for the committee what he means by 'reasonably necessary' and how an employer is to judge that?

The Hon. M.J. WRIGHT: Yesterday, I gave the member the example of the possibility of the health and safety representative's needing to go to the commission. A couple of other examples could be that, potentially, there could be a disease at the workplace relating to chemicals, or whatever. It may that the health and safety representative would be

advantaged by speaking to someone in the medical profession. It could be that, with a new piece of machinery, there could be some benefit in getting some information about that machinery. There are probably other examples. The member may recall that, last night, when we were talking about this issue, I used the example of the commission: that is, if an issue is before the commission, it may be appropriate for the health and safety inspector to appear before it.

The Hon. I.F. EVANS: The issue is that there are a number of clauses that are so broad in their description as to be uncertain as to what they really mean until it gets to an argument, which is unfortunate, because it will create some difficulties in the workplace. The way the clause reads is that 'a health and safety representative is entitled to take such time off from work as is reasonably necessary'. They can claim reasonable expenses that are reasonably incurred, as long as they reasonably consult with the employer. I think that there is a reasonably good chance that, given the word 'reasonably' appears four times in that provision, there will be a hell of an argument about what is 'reasonably necessary', what are 'reasonable expenses' and whether they are 'reasonably incurred', and whether they have 'reasonably consulted'. That is a formula that will create conflict in the workplace, which I think will be unfortunate.

As to the provision that a health and safety representative must take 'reasonable steps to consult', it is quite bizarre that they could not consult an employer on what expenses will be incurred. You have only to take reasonable steps, whatever that means. It seems unusual to me that there would not be a fixed requirement—they must consult in relation to those expenses. So, basically, as long as a health and safety representative provides to the employer a list of reasonable expenses, whatever that is, they are off and racing, because the provision is that broad. They could say, 'I emailed my employer. It was reasonable for me to go interstate, because that is where the conference was. There was a reason for me to stay.' The whole set-up in relation to this provision is very open ended, and we understand why the employer groups are so concerned about its very loose nature. There will be an arguments picnic with four 'reasonables' in the one provision. It refers to 'reasonably necessary', 'reasonable expenses', 'reasonably incurred', and 'reasonable steps to consult'. This clause is going to pit employer against employee, which is unfortunate, and the opposition does not support the provision.

Clause passed.

Clause 14.

The Hon. I.F. EVANS: Can the minister explain the purpose of this clause? Why do we need it?

The Hon. M.J. WRIGHT: It became evident through the Stanley review that some people were under the misapprehension that, if there was a health and safety representative, they could not go directly to the inspector. That is not the case, so we are clarifying that and putting that into the legislation.

Clause passed.

Clause 15.

The Hon. I.F. EVANS: Amendment 84 is consequential and does not need to be proceeded with. I move:

Page 15, lines 13 to 42, page 16, lines 1 to 7—
Delete subclauses (2), (3) and (4).

This amendment seeks to delete subclauses (2), (3) and (4) in relation to the powers of entry and inspection. The minister is lucky in that the member for Stuart has walked in as we are about to debate the clause that expands the power of officers. Over the years, *Hansard* has recorded many a passionate debate from the member for Stuart about why the powers of officers need to be expanded to this particular level. The opposition is of the view that the current powers are quite adequate. The minister seeks to expand the powers in relation to officers, so the opposition is moving amendments to delete the expanded powers and to leave the current powers. We do this because we do not think that the government has made a case, either before the parliament's Occupational Health and Safety Committee, during the public debate, in the second reading explanation or during this committee stage, as to why the inspectors need these provisions.

Nothing has been brought to our attention to justify that problems exist with the current powers of entry of inspectors. The bill proposes to extend the powers of inspectors. The proposed extensions (according to my colleague in another place, the Hon. Angus Redford, who has provided me with the brief) include the power to obtain names and addresses, the power to require persons including witnesses to answer questions, the power to record interviews by video or other means—and I will ask the minister whether the inspector has to advise the person who is being videoed, taped or recorded that that is occurring—and the power to require answers to questions even if those answers might be incriminating. We note that, where the answers that are given might incriminate, they are not admissible as evidence.

These extensions were generally opposed by employer groups. The Farmers Federation argues that inspectors should not have powers greater than those of the police, and we would seek an explanation from the minister as to whether the powers are greater than those of the police and, if they are, on what basis this group of inspectors need powers that are greater than those of the police. The Self-Insured Association argues that persons who are being interviewed should be entitled to legal representation, and I ask the minister to clarify whether that will be so and whether they will be told that prior to being interviewed. Business SA argues that the proposed increase in powers is not justified and also points out that there is no provision for what happens if an inspector acts inappropriately.

The Stanley report had noted that, generally, academics and employer groups were opposed to extending the powers of inspectors. Academics suggested that inspectors may benefit from extension in the scope of their training (and I am sure that the member for Stuart would support training of inspectors to reduce arguments at the work place), while employers thought that the number of inspectors was too low in comparison with interstate jurisdictions. On the other hand, the provisions are not all that different from some of the powers of other inspectors. We note the company code as an example. The Printing Industry Association, which has provided an excellent submission on the whole bill, raises issues in relation to the amendment of section 38 relating to the powers and entry of inspection. It states:

> These subsections increase the powers of inspectors, which is not warranted nor justified. Current powers of inspectors exceed those of the police.

According to the printing association, the current powers of the inspectors exceed those of the police and we are going to extend them further. The intervention of inspectors should only occur, according to the printing industry, if an offence under the act has been committed. How does an inspector or anyone else assess whether a person is 'about to commit an offence', as proposed in section 38(2)(i)? The minister might answer that question. The view of the printing industry

association is that the whole tenor of subsections (2), (3) and (4) is that of criminal investigations or interrogations which occurred in Europe during World War II. They oppose subsections (2), (3) and (4), and strongly recommend that they be deleted. We would ask the minister to answer the questions we have raised on behalf of the various business groups.

The Hon. M.J. WRIGHT: I will have to invite the shadow minister to repeat the latter couple of questions because I did not get to write them all down. Certainly there was a question about whether they will be told about being videoed and audioed and inspectors having powers greater than police. The honourable member also asked something about being interviewed, but I did not pick it all up.

The Hon. I.F. EVANS: Whether they are entitled to legal representation and whether they are told that prior to being interviewed.

The Hon. M.J. WRIGHT: There might be one or two questions at the end that I did the not get either. We will perhaps deal with this in a couple of hits. These powers are similar to other acts. There is also an increased protection for potential defendants. We do tell people if they are being videoed and if they are on audio—

The Hon. I.F. Evans: That is a legal requirement.

The Hon. M.J. WRIGHT: Sorry, I will come to that. We think that is covered as a legal requirement, but we will need to check that for the honourable member. As I said, we will need to check this for the honourable member because I am not precisely certain, but section 38(2b) on page 15 states:

> A person who undertakes any recording under subsection (2a) must comply with any guidelines issued or approved by the Attorney-General for the purposes of this section.

I will need to check that and I will get back to the honourable member as soon as possible regarding that.

The Hon. I.F. EVANS: Maybe the minister can clarify whether it is the government's intention that it be a legal requirement that they be notified.

The Hon. M.J. WRIGHT: It is done as a matter of practice, and I will check what I said I would check and get back to the honourable member as soon as possible.

The Hon. I.F. Evans: The guidelines are not printed; this is only a bill. There is nothing to check.

The CHAIRMAN: Order!

The Hon. M.J. WRIGHT: The guidelines are printed and they are publicly available, and that is what I will check for the honourable member. We think it is covered, but I need to check. These are existing guidelines of the Attorney-General's. The honourable member asked about powers greater than police. A police officer has the power to arrest. A police officer can stop, search and detain any vehicle or vessel. The government is not proposing to insert any of these powers. In relation to the question about being interviewed and legal representation, the answer is yes. The honourable member also asked at least one question, maybe two, on behalf of the printing industry, but I will need to come back to the honourable member regarding them.

With regard to recording witness statements, if the opposition's concern is to guard against inspectors being heavy-handed, then surely they have nothing to fear from this clause because the inspector himself or herself will also be on the tape. Statutory powers are subject to common law requirements of reasonableness and fairness and a review by the courts.

The Hon. I.F. EVANS: I will come back to the minister's answer in a minute. The printing industry ask: how does an inspector or anyone else assess whether a person is about to commit an offence as proposed in section 38(2)(i)? The minister says that the police have the power to stop vehicles and so on, and that is not given the power under this act. Given that the workplace under the act is defined as a vehicle or vessel, how does the inspector inspect a workplace that is a vehicle without the power to stop it?

The Hon. M.J. WRIGHT: With regard to section 38(2)(i) and the question put to the honourable member by the printing industry, one example could be some unguarded machinery. Another example could be if you were told that X did not have a driver's licence and that person was about to start driving a vehicle.

The Hon. I.F. Evans: How would an inspector know whether they had a driver's licence?

The Hon. M.J. WRIGHT: Because another person at the workplace may have said so. The honourable member asked for some examples, I am just answering—

The Hon. G.M. Gunn: That is hearsay.

The Hon. M.J. WRIGHT: It is about a reasonable suspicion. Regarding your other question about vehicles, the inspectors cannot stop a vehicle, they have to get the police to stop the vehicle, and the inspector can make the inspection once that has occurred.

The Hon. G.M. GUNN: I am delighted to have come into the chamber at this time, but may I say it was not by accident. The minister may have overlooked in his response that the member for Davenport quite properly asked whether people are entitled to have legal representation. If a constituent of mine rang up and said that one of these Sir Humphreys wanted to interview him, my advice to him would be: 'Give him your name and address and tell him to put his questions in writing and see you in your lawyer's office.' In a democracy everyone is entitled to have legal representation. Are we now going to break that particular arrangement?

The Hon. M.J. WRIGHT: No, we are not. If you want to have legal representation, that is fine—and we are delighted that you have entered the chamber at this stage of the debate.

The Hon. G.M. Gunn interjecting:

The Hon. M.J. WRIGHT: Always in the chamber.

The Hon. G.M. GUNN: It is nice to see you in the chair, Mr Chairman. I know that members on your side are very pleased with your elevation, as are we. This is one of my interests in this place. One of the things that perturbs me greatly, having examined these particular matters, is that all governments are bad enough, but this government seems to be obsessed with making life difficult for people. It takes complete notice of bureaucrats who are not involved in the day-to-day operations of commerce, industry and business. When you empower these people, they become full of their own importance.

The Hon. M.R. Buckby interjecting:

The Hon. G.M. GUNN: That's why we have parliamentary privilege. It is a nonsense. We had the experience in the Riverland where these foolish people were trying to stop people picking fruit. One of my constituents has said to me that every time he sees a government numberplate coming down the drive he knows that that person is not there to do him any good or to do any good for South Australia; he is there to make life difficult for him. That is a clear intention. Then you arm them with a uniform. In one case, one of my constituents indicated that he may rearrange the bloke's hair with his secateurs. That was perhaps a bit over the top. However, what the minister is doing with these powers is

making life miserable and difficult for people. In many cases, the cost of conforming is horrendous. So, I ask the minister: is it the aim of these bureaucrats to make life difficult or to allow people to get on and be productive?

The Hon. M.J. WRIGHT: It is certainly not about making life difficult; there is no intention to do so. However, if we are serious about workplace safety, we must be serious about investigating safety issues. These provisions give the inspectorate the tools they need to do the job. I have obviously heard from the member for Stuart about inspectors on a number of occasions in different portfolios where I have some responsibility for inspectors. I am well aware of the lofty position that he holds them in, but it is about providing the tools for proper investigation, and it is certainly not about wanting to make life difficult.

The Hon. I.F. EVANS: The business communities have roundly condemned these provisions. They are not false: their businesses survive on having healthy employees working for them. They develop a relationship with these people, and they do not want to see them harmed or injured, but they also want a fair go from the process. These powers are very broad. They are given to not only inspectors but 'other authorised persons'. I seek clarification as to who appoints these 'other authorised persons'. My understanding is that these 'other authorised persons' have exactly the same powers as inspectors. So, we have inspectors with these broad powers and 'other authorised persons', whomever they may be.

The member for Stuart would be interested in subclause (2)(k) on page 15, which provides that they have the power to 'impose other requirements reasonably connected with the power conferred by any of the above paragraphs or otherwise in connection with the operation, administration or enforcement of this act.' So, as long as an inspector or an authorised person is of the belief that it is reasonably connected, they can impose any requirement they want. The test in the court will be putting to the inspector or the authorised person: did you believe this was reasonably connected? They will say yes, because that is how they will defend themselves. Ultimately, they can impose any requirement at all. You cannot get a broader power than a power that says to an inspector: 'You can impose anything you want. As long as you think it is reasonable, you can impose anything you want.' The business community has no way of protecting themselves from that broad power.

You can understand why the business community is bucking at this provision, because it is really saying that it understands that there must be occupational health and safety as business depends on it and WorkCover costs are dictated by it. It is in the long-term interest of business to keep employees safe, injury free and working. The inspectors can tie them up with any requirement at all, so long as they can draw a bow somewhere connected with a power conferred by any of the above paragraphs or otherwise in connection with the operation of the act.

If you go to the original act to try to work out where you could possibly connect these powers, you go to the objects. So long as it is anything to do with securing the health, safety and welfare of persons at work, or to eliminate risk to health, safety or welfare of persons at work or to protect the public against risk to health or safety arising out of connection with, activities of persons at work or the use of various types of plant, to involve employees and employers in issues affecting occupational health, safety and welfare, or to encourage registered associations to take a constructive role in promoting improvements to occupational health, safety and welfare practices, and assisting employers and employees to achieve a healthy and safe work environment, you can connect it.

If you pick any word out of there, an authorised officer, whoever that is (an inspector), can impose any requirement they want. It is simply too broad a power to give the inspector. Where is the checking process on the inspector? Where in reality does the business have the checking process? We understand why business groups are expressing grave concern about these provisions. The minister has gone out of his way to increase significantly the number of inspectors available to go out and undertake these powers. We would like to see them far more educationally based than punitively based, but that is not the philosophy of the government. Its philosophy is that, if you penalise somebody long enough and hard enough, you will get a result. That is not necessarily the smartest way to get the result they are seeking, but we are very concerned about the ability of these officers and other authorised persons to impose any other requirements that they wish under this provision.

The Hon. M.J. WRIGHT: The shadow minister asked me a specific question about authorised persons.

The Hon. I.F. Evans: Who authorises them?

The Hon. M.J. WRIGHT: The existing power is that WorkCover and the director do so and under the bill we are saying that the director and the authority have the power to do so. The shadow minister referred to his concern about being reasonably connected—you could go along and it would be ticked off. There would be an objective test to this.

The Hon. I.F. Evans: Only when you get to a court.

The Hon. M.J. WRIGHT: Another point the shadow minister referred to in paragraph (k) about being reasonably connected, and making a generalisation about that, is that it has to be in connection with the operation, administration or enforcement of the act.

The Hon. I.F. EVANS: My understanding of the way the bill works is that, to have a connection with the operation, administration and enforcement of the act, it cannot go outside the objects. It has to be within the objects of the act. Therefore, any lawyer worth his salt will read that back to the objects of the act, because they are the broadest clauses about the operation of the act. You operate the act under the umbrella of the objects of the act—that is the nature of the objects. To give an answer indicating that somehow the operation, administration or enforcement of the act is a narrow provision is not as accurate an answer as it could be. They will naturally read it back to the objects of the act, because by law they have to operate, administrate and enforce the act under the umbrella of the objects. They cannot go outside the objects. Am I right?

The Hon. M.J. WRIGHT: No, you are not.

The Hon. I.F. EVANS: The minister says I am wrong in that they do not have to operate, administrate or enforce the act under the umbrella of the objects. I find that amazing. Of course they do.

The Hon. M.J. WRIGHT: I say that the honourable member is wrong, because he has put forward a characterisation far broader than it is. What will take place will be dependent upon the specific circumstances.

The Hon. G.M. GUNN: The minister is loud, precise and clear about the sorts of powers he wants to give inspectors. They are obviously drawn up by people who have never been involved in industry or commerce, but purely by theoretical academics. What rights do people have to object if one of these Sir Humphreys that the minister has racing around the country comes and confronts a person and the individual

confronted says 'What you're saying is an absolute nonsense. This is not the real world stuff. I object to this. I'm not going to put up with this'? What rights do they have?

The comments about this by my colleague in another place were that the whole tenor of subclauses (2) (3) and (4) is like a criminal investigation that occurred in Europe during the Second World War. I say that the minister is legislating for bureaucrats when he should be legislating for commonsense. These are unreasonable powers, and I always thought that in a democracy people had the right to object. You have the right to challenge and you have the right to complain. You have the right to be represented and you have the right to object to a decision of an inspector or public official. That is the difference between our system of government and a totalitarian system.

I bet none of the people advising the minister have been out in the real world and confronted by these people. Whether it is a little school bus inspector, they become villains in their own right. What the minister is saying is that, effectively, people will have to come to their member of parliament and we will have to move a censure on them in here. That is what will happen. And by hell we will, because I cannot understand why it is all so one-sided. The minister and his advisers want to make employers bloody criminals. Little business people, hundreds of kilometres from Adelaide, are suddenly confronted by these people.

I am dealing with it all the time and I can tell the minister that my patience and that of my colleagues is running out. Let me say to the minister and those who sit behind him: let them be aware that there is always tomorrow. What the minister has brought about, federally John Howard will fix a lot of this stuff, so he is having his last hurrah.

The Hon. I.F. Evans interjecting:

The Hon. G.M. GUNN: I understand that, because if they go down this track they will lose that, too. One foolish act always follows another. One unreasonable act always generates another. This is an unreasonable act, and I say to those people sitting behind the minister, 'Take note.' I want the minister to tell me what rights ordinary people who are confronted by these people have to object and to challenge these rulings without getting one of these dreadful on-the-spot fines? They have a right to run a business and make it pay. The Sir Humphreys get paid whether they perform or not, and most of them do not perform too well.

The Hon. M.J. WRIGHT: It is a very general question.

The Hon. G.M. GUNN: No, it is a very precise question. What rights do people have?

The Hon. M.J. WRIGHT: The general right they have is that, if the inspector is trying to do the wrong thing, the inspector cannot enforce it. If the inspector is doing the wrong thing, obviously the individual can come to me as the minister or to you as local member, to the executive director, to the authority or to the Ombudsman. The honourable member also talked about a lack of balance, but I refer him to clause 15(4), which provides for an increase in the rights of potential defendants. Under the existing act, the only basis for a refusal to answer questions is legal professional privilege or that it is relevant to proceedings that are under way.

I am advised that that means that, even if information would incriminate a person, they are obliged to disclose it unless it falls within the exceptions I have referred to. This proposal helps ensure that full information is available but protects people against self-incrimination except in relation to specified dishonesty situations. This provision is an important balance to other provisions where the powers of investigators have been increased. I go back to the main issue that the honourable member raises with me, the general concern about the inspectors. If they are trying to do the wrong thing, they cannot enforce it.

The Hon. M.R. BUCKBY: I am very interested in what the minister has just said, because only this minute I have completed a letter to him with regard to an inspector from Workplace Services and a business in my electorate, which contacted me only two or three days ago. This gentleman runs a stonemasonry business and, obviously, creates an amount of dust within that business. The inspector first visited him just prior to Christmas last year and recommended some changes to reduce the amount of dust being produced and the employer, the owner of the business, agreed and complied with all those requests, because he also felt that that was quite reasonable and wanted to protect his staff.

But that inspector has been back six times since. The inspector has requested that the employer have all his staff have X-rays taken of their chests to ascertain whether they have any signs of crystalline silicosis on their lungs. He then went to his GP and said, 'Is this a reasonable request by this inspector?' The GP has told him no, that he believes the risks of that occurring are so slim that it is not worth undertaking the X-rays. He went back to the inspector and the inspector still demanded that X-rays be taken, so he went to a second GP and got the same advice from the second GP.

This inspector is still not satisfied, and now the inspector has asked that he register all the compressors that are in his business. This gentleman has checked with other businesses of like kind and no demands that are being made of him are being made of other businesses. This inspector presumably believes that this is a reasonable request.

This is exactly what the members for Stuart and Davenport are saying, and while the minister says that they cannot enforce this, this particular inspector (as you will see in my letter that you will receive in a couple of days' time) is demanding that this be undertaken. This is where the danger is, that this terminology of 'reasonable' falls into a grey area. As you have said, people who are so inflicted can come through their MP or through whatever channel they wish, but the problem is that it creates a lot of work for them because of inspectors who, for whatever reason, decide that they are going to go down a path which is going to make life difficult for them.

The Hon. M.J. WRIGHT: Thank you for that information, and I look forward to getting the correspondence. Obviously, it is a bit difficult for me to comment without having that detail but I will give a commitment to pursue that for the member. I do not know the answer to a lot of those assertions. I am aware that certain compressors do have to be registered but I do not know whether these particular compressors fit that category or not.

Obviously, it is the role of the deputy director to ensure that the inspectorate is working well, and I think we have a good inspectorate, but if there are individuals who are not fulfilling their role properly and with balance then that is the responsibility of the executive director. We have a good executive director who has improved the role of the inspectorate here in South Australia, and not simply made life more difficult for business. There has to be a balance to all these things. There is an executive structure in place—there are team leaders, there is a director of field services—so that management structure is in place. But I do give the commitment that I will not only follow that correspondence up, I will

ensure that I make some specific inquiries. It is reasonable that you raise it with me now in the chamber but, obviously, I need to check the detail. It may be that the doctor is wrong or it may be that the doctor is right and the inspector is wrong. We will need to get some advice on that and I undertake to do that.

The Hon. G.M. GUNN: Minister, you only partially answered the question I raised about people's ability to object. You said go to you as minister or the director. That is fine but the average person I represent is in a small business, and they are scattered around vast areas of South Australia. With all due respect, as important as the minister and his director are, these people are probably not sure who the minister is and certainly do not have his telephone number. And if they rang up, would they get through? Sometimes it is difficult enough to get through as a member. Are the inspectors going to say to these people, 'If you do not agree with this decision, these are the steps you can take to object'? Are they going to be told that? Because that is a fundamental right in a democracy. Are they going to be told who they can contact and that their point of view will be weighed up against the person racing around the country in his government-provided car? Because this is what distinguishes our system and others.

The Hon. M.J. WRIGHT: I thank the member for his question. The advice I have been given is that yes, people are provided with information about the internal review process once they have had contact with the inspectorate. Any notices served by an inspector can be referred to the Industrial Relations Court for review by a committee.

The CHAIRMAN: I am trying to be reasonable, member for Stuart, but this is your fifth question. I will allow it, but I do point that out.

The Hon. G.M. GUNN: I understand that. We can soon draw up a heap of amendments and keep you here all night if we wanted to be silly, but we do not want to do that. I know you have been very flexible and I am very appreciative.

An honourable member interjecting:

The CHAIRMAN: Flexibility; this is his fifth question.

The Hon. G.M. GUNN: Thank you, I appreciate that, but it is an important issue. What the minister said was only a partial answer. It is clear that the people advising him do not understand that when these people arrive at someone's place unexpectedly and say, 'You cannot do this, this is all wrong, hang on,' it is not possible. And to say that there is a review committee—how long is that going to take? Surely the inspector would say, 'Alright, this is what I think. If you object to me here is the form, here is the telephone number. You can call and object.' The minister says he can come to a member of parliament. You know what happens then, because he will end up as my colleague, the member for Light, has described.

In a reasonable society there must be a mechanism for people to be told their rights and to have a right to object. These people do not understand that when you have people working hard, working long hours and battling to make a living, often in pretty extreme conditions, being confronted with this sort of stuff just sends people to the breaking point. That is why people go over the top. The constituents that I faced at Cadell that day had been pushed over the top, they had had enough of those stupid people. It is all very well for the advisers sitting behind the minister who are getting exceptionally well paid to hinder people, and that is what it amounts to. There must be a sensible and reasonable mechanism for people to say, 'Hang on, this is over the top. We cannot comply with that because of this and this,' and any reasonable person would agree to it.

The Hon. M.J. WRIGHT: I thank the member for his question. I might not have explained it as well as I should have when I first answered. I refer to the internal review of which the member would be generally aware. You do not have to go there if you want to go to the external review, but both mechanisms are available. You can go to the internal review. If you do not get satisfaction, you can then have an external review, and that is the one in relation to which I think the member was asking for further clarification about the review committee. As I said, any notices served by an inspector can be referred to the Industrial Relations Court for a review.

The review committee would be appointed to review a particular case, should it not be able to be resolved as a result of that earlier internal review to which I referred. That would be chaired by a judge, and there would be a representative from the employer side and a representative from the employee side on that review committee. It may well be that, depending upon the circumstance, a person who was aggrieved as a result of the activity of an inspector may choose to seek either clarification or a change of a decision that had been made through that internal review process. It may well be that the person is not satisfied with that and then chooses to go to the external process via the Industrial Relations Court or, of course, they could bypass the internal review after the inspector had given a particular decision in their deliberations.

The committee divided on the amendment:

AYES (21)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Chapman, V. A.	Evans, I. F. (teller)
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Lewis, I. P.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
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.	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Key, S. W.	Koutsantonis, T.
Lomax-Smith, J. D.	O'Brien, M. F.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Stevens, L.
Such, R. B.	Thompson, M. G.
Weatherill, J. W.	White, P. L.
Wright, M. J.	

PAIR(S)

Kerin, R. G.	Foley, K. O.
Kotz, D. C.	Conlon, P. F.

The CHAIRMAN: There being 21 ayes and 21 noes, I give my casting vote for the noes.

Amendment thus negatived.

The Hon. I.F. EVANS: My two other amendments are consequential.

Clause passed.

Clause 16.

The Hon. I.F. EVANS: I move:

Page 16, after line 33—Insert:

(6) An expiation notice cannot be issued under subsection (5) after the third anniversary of the commencement of that subsection.

This amendment seeks to put a sunset clause on when expiation notices can be issued. In effect, it is a three-year sunset clause. In this clause, the government's bill seeks to change the way that occupational health and safety improvement notices are issued in the workplace and seeks to introduce a system of expiation notices through the improvement notice process. Because it is a new provision, we think that the most appropriate way to force a review is to put a three-year sunset clause into the bill so that, in three years' time, the government loses the power to issue expiation notices. That will force a review, when the government can come back and convince the house that the expiation notice provision has worked and, therefore, should be reinstated in the bill. That is the reason for the opposition's amendment: it seeks to insert a sunset provision to force a review.

I want to make some general comments on the government's provision in relation to this matter, and I will touch a little on the next clause, which relates to the prohibition notice, because they are different but similar. The bill enables inspectors to issue expiation notices when an employer fails to comply with an improvement notice. It will work in this way: the inspector will go to a workplace (or may sit in their office) and issue an improvement notice. Under the provision, the employer has to send back a compliance note to the department. In effect, the employer signs off that the compliance activity required of them has been completed. If, by the required time limit, the employer has not signed the compliance note, the $315 expiation notice is issued. The employer is given a chance to correct the occupational health and safety matter that needs to be improved; if they do not improve it, they receive an expiation notice.

One of the problems we see with this provision is that it encourages the occupational health and safety inspectors not to attend the workplace to see whether the employer has corrected the matter. So, it becomes simply the issuing of a notice and the employer's writing back saying, 'Yes; we have done that,' and the matter is closed. The inspector does not have to visit the site at all. It is taken on goodwill that the employer has done the right thing. We assume that, if the employer has not done the right thing, employees will ring the office and report that fact, so there will be that sort of informal safeguard, if you like. However, we see some dangers with this provision: first, it brings an expiation notice into the act, which is a first, although we acknowledge that it is in a very restricted form and that the employer gets an opportunity to have first go at fixing the issue; secondly, because of the way the provision will operate, the inspectors are encouraged not to attend the site.

Another issue I want clarified is what happens if you are asked to fix something to do with plant or machinery. Under the bill, you have only five days to comply. I assume that there is some form of extension process if the part is not available.

The Hon. M.J. WRIGHT: I will answer the question first and then perhaps come back to some of the other issues that have been raised. The shadow minister referred to five days, and this is for the notice to the department after it has been fixed, but typically you would get 21 days to fix the problem. You can apply for an extension, so I think that that would fit within what you asked. It does not specify 21 days. As I said, typically that is the time. It is in the act on part 6, page 1, 39(3)(b), 'an inspector may specify in an improvement notice, a day by which the matters referred to in the notice must be remedied.' As I said, the typical time is 21 days for that to occur, but you can apply for an extension. The five days that we referred to is in regard to giving notice to the department once it has been fixed.

More generally, in regard to improvement notices, we would argue that your amendment for the sunset clause is unnecessary, and that there is no particular logic for it to be sunsetted. If there is a problem, and I do not imagine that there will be, then that can obviously be acted upon. The authority will always keep the act under review. The bill provides that an improvement notice must make a provision for a statement of compliance, which is a statement by the person who has to address the safety issue which is to be sent to the inspector within five business days. As we have discussed, that closes off the loop. Under the bill, failure to comply with that requirement may result in an expiation fee of $315. So, we do not quite see why you would argue for this to be given a sunset clause. We feel that that is unnecessary, and do not support that amendment.

The Hon. I.F. EVANS: I do not want to unduly hold the minister on this clause but how is the employer protected from an employee who signs off on the compliance, only to find later that it had not been complied with, even though the employer did not know that the employee had sent back the compliance notice? If an employee sends back the compliance notice, and it is found that things have not been complied to, even though the employer has not authorised the sending back of the compliance notice, how is the employer protected?

The Hon. M.J. WRIGHT: It is not mandatory to apply the expiation notice, and I think that I might have referred to that earlier in my contribution. So, there would be a discretion and that would be taken into account.

Amendment negatived.

Clause passed.

Clause 17.

The Hon. I.F. EVANS: We are opposing the clause and amendment 89 indicates that. The reason that we oppose this is not necessarily on the first section of 17(1) but rather 17(1)(b), which essentially deals where there could be an immediate risk, so the occupational health and safety inspector can issue a prohibition notice where there could be an immediate risk. What they are really dealing with in this provision is unused equipment. So, the inspector comes along and sees a piece of equipment in the back shed and, even though it is not being used, the employer gets a prohibition notice, and we would argue on what basis, if the equipment is not being used. We understand if there is an immediate risk and the equipment is being used, but we are opposed to that particular provision about 'could be an immediate risk' because there is not a piece of equipment in the world where that definition would not apply. There is always a risk. There could be a risk with a ladder, there could be a risk with a generator, there could be a risk with a trailer, and there could be a risk with a car. Of course, there could be risks; that's life. So, we are opposed to that provision, not the first provision. I have made my point and I do not want to unduly hold up the committee.

Clause passed.

Clauses 18 to 20 passed.

Clause 21.

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

Page 18, after line 17—
Insert:
(ba) information relating to the cost or frequency of claims involving a particular employer, or class of employers, so as to allow comparisons between employers in a particular industry, or part of an industry;

We are not sure that there is a gap in the bill. However, I know that the member for Mitchell feels strongly about this and it certainly does not do any harm. He has raised this matter with us and I am happy to move it. As I said, I do not need to spend a lot of time on it.

The Hon. I.F. EVANS: Can the minister explain what the amendment does?

The Hon. M.J. WRIGHT: Yes; the amendment proposes that the information required to be provided by WorkCover be widened to include information relating to the cost or frequency of claims involving a particular employer, or class of employer, so as to allow comparisons between employers in a particular industry or part of an industry. As I said, we think that that probably can be catered for in the bill, but we do not see any harm in this amendment and therefore are happy to support it.

Amendment carried.

The Hon. I.F. EVANS: I seek guidance from the minister. During my second reading contribution, I raised a series of questions relating to the demerger or the splitting, if you like. I can raise them all at this point, rather than discussing them as we deal with the different clauses and we can knock them over in one go, given that the minister had notice of them weeks ago. If the minister is happy with that, I will ask those questions now. I will go through my second reading contribution. They do not necessarily all relate to this clause but they relate to the principle which ultimately this clause addresses. During my second reading contribution I asked the minister to explain to us what diseconomies of scale Access Economics expects from the merger that are evident in the estimates.

The Hon. M.J. WRIGHT: The shadow minister is correct: he did raise this matter during his second reading contribution. I cannot remember the exact language but I think Access Economics said something such as 'there may be diseconomies of scale'. We do not believe that to be the case. We will probably speak a little more about this during the committee stage. I do not have my notes in front of me but I think in 2003 Access Economics did some work. I think it put a range of qualifications on the work that it did, and perhaps as we work through this I will bring some of that information forward.

The Hon. I.F. EVANS: The next question I raised in my second reading contribution was in relation to this quote by Access Economics. Access Economics said that this is particularly the case for operating expenses. It appears that, in some areas where less than entire programs have been transferred, no operating expenses have been included. In my second reading contribution, I asked the minister to respond to that claim by Access Economics about operating expenses not being included.

The Hon. M.J. WRIGHT: This is the long version of the second reading speech which I chose not to read out, thinking that we would probably pick this up in committee. We appreciate that Access Economics has done this work and it is important to note that it was not a full independent assessment. The report's foreword states that it should be noted that the judgments made are not based on a detailed understanding of the day-to-day operations of the business. They are based exclusively on a reading of the material provided by WorkCover and the consultant's knowledge of public financial administration. In providing its assessment of the materials provided to it by the WorkCover management at the time, the Access Economics report made statements such as: 'We cannot comment on all the assumptions made in estimations but the approach employed in making the assumptions is considered sound.'

Access Economics is saying that it cannot confirm the various assumptions inherent in the materials provided to it as the basis of its report. The Access Economics report is extremely qualified and, as I said earlier, by now—I think I am right with my date of 2003—it is quite dated. Moving on to more up-to-date information, I am advised that in March this year Workplace Services and WorkCover—I shared some of this information earlier—formally agreed on a figure that represents the value of occupational health and safety functions to be transferred on a year 1 and year 2 basis. I put those numbers forward during the second reading explanation. This agreement represents a cost neutral outcome for WorkCover and also provides sufficient resources to Workplace Services to establish SafeWork SA on the passing of the bill. I do not need to repeat those figures at this stage; I have already put those on the record. The WorkCover board formally agreed to this figure at its meeting on 23 March this year.

The Hon. I.F. EVANS: The minister also raised in the second reading explanation the fact that Access Economics' report was critical of the Bottomley report. For instance, it stated that 'savings from resources portfolio were also minimal'. What is this estimate that Access Economics has? In other words, what are the savings from the resources portfolio?

The Hon. M.J. WRIGHT: I do not have that precise information for the shadow minister, but it would be correct to say that both Access Economics and the Bottomley report based their figures on what has happened in the past. What Workplace Services and WorkCover have been able to agree on is the figure that should be applied for the future. Whether you take the view of Access Economics or the Bottomley report, they were both looking backwards. Some would argue that the Bottomley report came up with a couple of different figures depending on which model you looked at, but they were too high. I said to Workplace Services and WorkCover: 'You need to sit down and work through this and see if you can come up with a figure that you both agree on for the future.'

I suppose that, to an extent, both the work of Access Economics and the Bottomley report were of some value, but they were both looking at what happened in the past. What we need to do is look at what we should be spending our dollars on in regard to occupational health, safety and welfare. Perhaps it would not be unfair for me to say—although probably the former WorkCover management would not agree—that some money that had been spent on occupational health, safety and welfare did not hit the target and possibly was wasted. I think all those factors are important.

The Hon. I.F. EVANS: Given that the minister does not have the information for us tonight, will he undertake to forward that to us between the houses?

The Hon. M.J. WRIGHT: Yes, provided we have it, I will do so.

The Hon. I.F. EVANS: Access Economics also says in its report—and we raised this during the second reading debate:

> Similarly, the cost of workers' compensation in the new environment depends on funding mechanisms on which we currently have no information. If Workplace Services require more than WorkCover's avoidable costs to run the OH&S functions there is likely to be additional cost to the industry.

Will the minister explain what the costs are and whether Workplace Services requires more than WorkCover's avoidable costs to run OH&S functions?

The Hon. M.J. WRIGHT: The short answer is no, but what WorkCover has advised me is that this is a cost neutral position. I can only presume that that advice that I have been given by WorkCover is correct. Obviously, the board has taken a very active role and interest in this, as it should. We do have a highly competent board, it is very professional, and it consists of people with high business expertise. They certainly made a close examination of it. Their advice to me is that this is cost neutral, and I accept that advice. The Finance and Audit Committee played a key role in this. The chair of that committee is Jane Tongs, who is on a number of very high profile boards, including the WorkCover board. She is no shrinking violet, might I say.

The Hon. I.F. EVANS: Access Economics raised the issue that there may be increased costs to industry as a result of that question which they raised. Can the minister guarantee that there will not be any increase to industry as a result of this issue which has been raised by Access Economics?

The Hon. M.J. WRIGHT: As I said, the outcome is that it is cost neutral, and that is certainly not an increased cost to business.

The Hon. I.F. EVANS: Access Economics also raised this issue:

> In some ways, the most interesting issue is whether the demerger could have an adverse flow-on effect on workers' compensation claims through changed incentives.

We asked the minister during the second reading debate to clarify whether he has had any advice in regard to that point, and what that advice tell us.

The Hon. M.J. WRIGHT: The advice that I have received is that WorkCover has no evidence that there will be adverse flow-on effects on workers' compensation claims.

The Hon. I.F. EVANS: The Access Economics report also raised the concern that, if synergies have been achieved through WorkCover, for example through information sharing, that have benefited claims management, the destruction of such synergies could increase WorkCover's risks. During the second reading contribution we asked the minister to table any evidence from WorkCover that shows it will not increase WorkCover's risks. I will do it the other way. Has WorkCover received any advice that that matter raised by Access Economics, that is, the destruction of synergies, could increase WorkCover's risks?

The Hon. M.J. WRIGHT: I am advised that under the proposed new arrangements there is no reason why there should be any adverse effects on any synergies WorkCover may have already created as the bill and existing legislation already provide for appropriate exchanges of information. Further, I am advised that WorkCover and Workplace Services intend to significantly improve any existing synergies between related OH&S activities through cooperative arrangements. Specifically, they are already committed to developing a memorandum of understanding, supported by several service level agreements that clearly define the levels of information exchange required of both organisations in order to maximise their ability to contribute to the prevention of workplace injury and disease.

The Hon. I.F. EVANS: During the second reading speech I raised the issue of WorkCover's lack of response to the due diligence report. My understanding at that time was that WorkCover had not responded to the due diligence report. In my second reading speech I asked the minister to table it or to confirm that there had been no formal response. Can the minister confirm that there has been no formal response?

The Hon. M.J. WRIGHT: I will check this for the shadow minister, but I am advised that the ongoing discussions form the basis of this and that it came to a conclusion only in recent times. I can check that for the shadow minister.

The Hon. I.F. EVANS: I thank the minister and the chair for their tolerance, which saves us a lot of questions through other clauses. As we gave advance notice of those questions, we thought it was the easiest way to handle those provisions.

We are now dealing simply with clause 21, which we are taking as a test clause on the removal of OH&S out of WorkCover. This clause seeks to provide the legislative backing for the provision of information by WorkCover to SafeWork SA. The opposition's position is that, through the parliamentary occupational health and safety committee there has been no evidence at all from any group that these measures would lead to an improved occupational health and safety outcome.

We believe that this measure will cause a substantial disruption to WorkCover. It will take all occupational health and safety out of WorkCover and transfer it to Workplace Services/SafeWork SA, a new authority. That will involve hundreds of staff and the transfer of $8 million. There will be a huge demerger of that function and we are opposed to it not necessarily on a philosophical ground but on the ground that the parliament's occupational health and safety committee has taken evidence now for 2½ years and there has been no evidence that this measure will produce better occupational health and safety outcomes. We are all in favour of trying to achieve practical measures that will deliver a safer work environment, because that should help lead to a more productive work environment, but we cannot see, on all the evidence presented to us, any argument that this will deliver a better occupational health and safety outcome.

The other issues are that it is WorkCover that has suffered the cost structure for bad occupational health and safety outcomes. WorkCover inherits the injury, the costs and the rehabilitation, and now you are taking the occupational health and safety function currently there and transferring it across, so WorkCover ultimately loses control of some of its cost structure. It will also lose control of some of its revenue through the new measures on the way WorkCover's revenue will be dealt with. It will be a huge disruption to a reasonably well-established system. The community is familiar with the current system. We do not see any evidence before us or the parliamentary committee as to how it will deliver occupational health and safety outcomes.

Any representation publicly that we are ideologically opposed to this will be a misrepresentation. We are arguing that, with this provision or new structure the minister seeks to impose on business and on employees (and this is the first clause that starts the new structure and is a test clause), we have seen no evidence that it will deliver better occupational health and safety outcomes. There will be huge disruption and we question, 'For what outcome?'

The Hon. M.J. WRIGHT: Although there is no question, I will respond. We have made contributions about this. Certainly, there is evidence that, by consolidating occupational health and safety into one entity, it will be a positive for

occupational health and safety. There has been massive consultation about this, as there should be, and we have had a very strong response from both industry and trade unions that the consolidation of occupational health and safety administration into one entity is the way to go. I made some points earlier so will not dwell on it now. Under the current arrangement, where you have had WorkCover and Workplace Services providing occupational health and safety resources, there has been confusion.

It also has been the case where people simply do not know where to go. To minimise duplication, that surely has to be a good thing, and that will be a positive. It also, of course, allows WorkCover to focus on its core business. We think that there is very strong reason to consolidate the administration of occupational health and safety. Greater consistency of occupational health and safety advice and messages has to be a good thing. As I have said, it has been strongly supported by industry and unions. There has been very strong consultation through the Stanley report, the draft bill and the long parliamentary committee inquiry, and I thank that committee for its work.

There are other reasons, but I guess we have had a discussion on this matter already. I think there is overwhelming evidence that to consolidate occupational health and safety administration into the one entity will certainly deliver safer workplaces, better outcomes for business and also for workers. It is not all that often in the industrial relations portfolio that there is bipartisan support, but there is certainly bipartisan support in regard to this issue, not necessarily on 100 per cent of the bill but on this issue in regard to both industry and unions supporting the model of consolidating occupational health and safety and bringing it under one administration.

Mr HANNA: Before we finish dealing with this clause I would like to place on record my thanks to the minister and to his wise and knowledgeable young adviser Mr Ats because, following discussions with them in relation to a point I raised about the transmission of information about claims in respect of particular employers or classes of employers, the minister has kindly moved that amendment on my behalf and offered the support of the government. It might be thought that the amendment is not strictly necessary but my understanding is that in practice this sort of information is not analysed. Obviously, if you are going to assess which are the industries or, indeed, particular employers who need most attention in terms of occupational health and safety, you need to have that information centrally collated and assessed, so the SafeWork authority committee certainly needs to have the sort of information that my amendment and the government amendment in this bill provides.

The committee divided on the clause:

AYES (24)

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

NOES (18)

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

PAIR(S)

Foley, K. O.	Kerin, R. G.
Conlon, P. F.	Kotz, D. C.

Majority of 6 for the ayes.

Clause as amended thus passed.

Clause 22 passed.

Clause 23.

The Hon. I.F. EVANS: I have a number of amendments to clause 23. There are essentially two principles, so if the committee is in agreement I will move the first part of amendment no. 24 as one principle and speak to that and then we will deal with the second principle, otherwise the committee will not decide a position individually on those two principles. All the other amendments on this clause are consequential on those two principles.

The CHAIRMAN: The member for Davenport will proceed with his amendment no. 94, which we will break up into those parts.

The Hon. I.F. EVANS: I move:

Page 18, after line 30—insert:

(a1) In this section—

'prescribed training course' means a training course in conciliation and mediation prescribed by the regulations for the purposes of this definition;

'qualified conciliator/mediator' means—

(a) the Employee Ombudsman; or

(b) a member of the staff of the Employee Ombudsman who has successfully completed a prescribed training course and who is authorised by the Employee Ombudsman to act as a conciliator or mediator under this section; or

(c) an inspector who has successfully completed a prescribed training course and who is authorised by the Director to act as a conciliator or mediator under this section.

This simply provides for a qualified conciliator or mediator to be brought into the process. So, rather than go straight to the commission in relation to bullying matters, there is a qualified conciliator or mediator brought into the process. We think this would be a simpler and less costly way to deal with the same issue. The amendment provides that the qualified conciliator or mediator could be the Employee Ombudsman or a member of staff of the Employee Ombudsman or, indeed, an inspector who has completed a prescribed course.

So, we are saying that we have a prescribed course on being a conciliator or mediator in relation to work place bullying, these people become qualified and then, ultimately, they become the first port of call rather than the commission. We think it is a more flexible, less costly and more informal process to go through in what is usually a very complicated, and can be a very emotional, topic. We believe this is a simpler way for business and a simpler process for handling it and we seek the committee's support.

The Hon. M.J. WRIGHT: I do not agree with the position put by the shadow minister but I do agree with the way he has outlined bringing these two amendments forward,

because there certainly are a couple of principles to deal with here, so I think that is a sensible approach.

The shadow minister made the comment that the proposal is for this to go straight to the commission. That is not the case: it would go to the commission only after an inspector has attempted to resolve it. That is an important point, and the shadow minister's amendment removes the commission altogether. People are well aware of the role the commission plays in our industrial relations environment and it can play an important role in this area as well, but it becomes involved only after the inspector has tried to resolve this. If the inspector is unable to resolve it, the matter may go to the commission.

The shadow minister also made some reference to the participation of the Employee Ombudsman. The Employee Ombudsman is not the person (nor is his staff) to adjudicate and be the mediator in this context, because the shadow minister would be well aware that the Employee Ombudsman is just that—he is the Employee Ombudsman, not the employment Ombudsman. His role and his staff's role is to represent employees in the functions of the Employee Ombudsman under the Industrial Relations Act. The Employee Ombudsman's role in relation to occupational health and safety, 'is to provide an advisory service on the rights of employees in the workplace on occupational health and safety issues.' That is his role; that is the officer's role.

Consistent with much of the Employee Ombudsman's role, it is not a purely impartial role as between employers and employees. It is an advisory service on the rights of employees, not on the rights of employees and employers. That is not to say that the Employee Ombudsman does not play an important and good role. It is not to in any way criticise the professionalism of the Employee Ombudsman, nor his staff but, as I have outlined and as the act outlines, he (nor his office) is not the person to conciliate and or mediate in the circumstances. If there is a breakdown of the workplace, the first person to do that would be the inspector. The inspector (he or she) may well be able to conciliate or mediate, and resolve the issue.

The inspector is impartial, and will serve the interests of both the employee and the employer. If that is not successful, it is only after that that this matter could then go to the commission—after the inspector had attempted to resolve it. We think that the principle of knocking out the commission—and that is basically what 1A does; it takes away and knocks out the commission playing a role here—is a backward step. I think I have argued a good case as to why the Employee Ombudsman is not the person to mediate or conciliate in this situation. It is simply not what that person is charged to do in the IRA act, so I would strongly argue against this first amendment that is being put forward by the shadow minister.

The Hon. I.F. EVANS: The minister is really saying that the industrial relations inspector who has been properly trained can perform the role, and someone else who has been fully trained can not perform the role; and we see that as nonsense. If the Employee Ombudsman or his staff have gone through the same course as the industrial inspector, why can they not perform the same role? We all know that a process outside the commission with properly trained mediators and facilitators will be less costly, less expensive, more flexible and quicker than going to the commission. We make that point in response to the minister.

The Hon. M.J. WRIGHT: As I said, the Employee Ombudsman has to work under his act. Under his act it is quite clear, as I have already quoted, that his responsibility is to represent; he is an advocate for the employees. It is as simple as that.

Amendment negatived.

The Hon. I.F. EVANS: I move:

Page 18, after line 30—Insert:

(a2) For the purposes of this section, bullying is behaviour—

(a) that is directed towards an employee or a group of employees, that is repeated and systematic, and that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the employee or employees to whom the behaviour is directed; and

(b) that creates a risk to health or safety.

(a3) However, bullying does not include—

(a) reasonable action taken in a reasonable manner by an employer to transfer, demote, discipline, counsel, retrench or dismiss an employee; or

(b) a decision by an employer, based on reasonable grounds, not to award or provide promotion, transfer, or benefits in connection with the employee's employment; or

(c) a reasonable administrative action taken in a reasonable manner by an employer in connection with an employee's employment; or

(d) reasonable action taken in a reasonable manner under an Act affecting an employee.

This still relates to the same clause in the minister's bill which has to do with work place bullying or inappropriate behaviour towards an employee which talks about being bullied or abused at work. The opposition seeks to put some flesh around the bone of the definition of bullying because there is really no definition as to what bullying or abuse is in the minister's bill.

Both sides of the argument, business community or others, have expressed concern about the ambit nature of bullying issues. While they recognise that it is an issue that occurs from time to time and needs to be dealt with in a fair and balanced way, there seems to be a lack of definition. We are moving to insert a definition for bullying into the bill. We try to put, as I say, some boundary around the work bullying so that there is some indication to those administering the act what the parliament understands to be workplace bullying. For the purpose of this section, the opposition's definition is that 'bullying is behaviour that is directed towards an employee or group of employees that is repeated and systematic.' That means it cannot be a one-off offence. If someone has a one-off incident, we do not think that necessarily fits the category of bullying. 'Bullying is repeated and systematic, and that a reasonable person having regard to all circumstances would expect to victimise, humiliate, undermine or threaten the employee or employees to whom the behaviour is directed.' It is repeated behaviour that a reasonable person sees as victimising, humiliating, undermining or threatening the employee or employees to whom the behaviour is directed.

You can see that we have tried to put some boundary around it by saying that it at least has to be repeated and systematic to fall into the category of workplace bullying. There will be lots of one-off incidents in many workplaces with lots of people. There is always going to be one-off incident which is going to occur; we do not think that falls into the category of bullying as such; it may fall into other categories that need to be addressed, but not necessarily workplace bullying. We want to give the commission, and those administering the act, some clarity of what we think bullying is not; that is, it does not include:

(a) reasonable action taken in a reasonable manner by an employer to transfer, demote, discipline, counsel, retrench or dismiss an employee.

So, by saying that is not bullying, we are trying to say that, just because you are demoted, shifted sideways or do not necessarily win the promotion you thought you deserved, you cannot suddenly claim that you were bullied, harassed or somehow done out of a position unfairly. We say that does not constitute workplace bullying, and we are trying to protect the fair process of the employer's being able to deal with their staff in a reasonable manner. It does not include:

(b) a decision by an employer, based on reasonable grounds, not to award or provide a promotion, transfer or benefit in connection with the employee's employment.

If the employee is suddenly not given a condition of employment they thought they deserved, again a claim of bullying does not necessarily stem from the decision of the employer. It also does not include:

(c) reasonable administrative action taken in a reasonable manner by an employer in connection with the employee's employment;

(d) or reasonable action taken in a reasonable manner under an Act affecting an employee.

In what is a very difficult law to try to define, we are trying to underpin the minister's clause by providing some guidance on what bullying is and is not. We seek the committee's support, because no-one wants bullying to become the RSI of this decade. Obviously, we acknowledge that, from time to time, there are issues with workplace bullying, and we think that there needs to be some clarity in the bill of exactly what being bullied or abused is or is not, and that is what we have done with these amendments.

The Hon. M.J. WRIGHT: The government does not support the amendment moved by the opposition. When there are problems at work, we want to see the focus on resolving them, not on creating some sort of lawyers' jamboree to argue whether or not something fits a definition. It needs to be remembered that this proposal provides only for mediation and conciliation. There is no capacity for the commission to order an outcome. We need to keep the focus on fixing any difficulties that have occurred and not create legal arguments that distract attention from the real issues. Guidance material will be provided, and there will also be a safety valve with the inspector.

There will be occurrences when an inspector comes on site and decides not to refer a matter to the commission. If he or she does so, as I said, it provides only for mediation and conciliation. From other industrial relations legislation, we know how well mediation and conciliation generally bring people closer together. Inspectors will also use their experience and commonsense and, ultimately, their judgment in these matters. I think that the definition of bullying, as proposed by the opposition, will not assist and, if anything, simply could make matters more difficult.

The Hon. I.F. EVANS: I have one final question: does the government support the charge of workplace bullying being able to be made based on a single occurrence?

The Hon. M.J. WRIGHT: If an occurrence were particularly severe—and, unfortunately, these things do happen—the answer would be yes. However, once again, it would depend upon the circumstances, the judgment and the commonsense applied. If it were marginal, I am sure that the inspector would use their judgment, and commonsense would be applied accordingly. Unfortunately, we hear of extreme circumstances—and, to be frank, sometimes in relation to younger people in the work force, such as apprentices. Sometimes, unfortunately, an incident can be so severe as to result in the fracturing of the relationship, and that young person or apprentice chooses simply to leave. Once this is in place, that situation may be avoided.

Mr HANNA: I am in some difficulty, because I tend to think that, after the evidence we have heard in the Occupational Safety, Rehabilitation and Compensation Committee, there is a benefit to all parties concerned in having bullying defined. The definition that the committee came up with is reflected in the amendment of the member for Davenport, to the extent that it is in his proposed (a2)(a). However, there is a complication, because the member for Davenport also added the requirement of 'a risk to health or safety'. One would think that would make the definition more narrow, rather than its simply being a redundant addition. So, it is not really as satisfactory as the definition that the committee came up with. There is another difficulty, because the Greens are in favour of mediation to resolve such disputes, and the issue between the minister and member for Davenport seems to be about who is best placed to carry out such mediation.

The Hon. I.F. Evans interjecting:

Mr HANNA: So, that has been cleared up and we are left with the commission being the appropriate body to undertake mediation, and I am happy with that. On balance, I am inclined to support the definition of bullying even though it is not perfect, because I think that this is a matter that the minister could assist with. If there is going to be a definition at all, it is an issue that the minister could turn his mind to between this and the other place and, indeed, members in the Legislative Council may have their own view on what is the most appropriate definition. There is a lot of concern in the community, and there is a lot of concern in the Greens, about bullying in the work place, and there is considerable support for having a definition. As much as anything, it is so that both parties know where they stand. I do not see this as something which particularly favours one side or another, depending, of course, on how you define it. I certainly would not want to see it defined too narrowly but, since we are dealing with this issue of whether or not there should be a definition of bullying, I am inclined to support the amendment.

The Hon. M.J. WRIGHT: I would like to draw the member for Mitchell's attention to part (a)(2) of the amendment brought forward by the shadow minister:

For the purposes of this section, bullying is behaviour that is directed towards an employee, or a group of employees, that is repeated and systematic.

They are very critical words because, sadly, we know of situations where apprentices are treated so poorly—and it can be an isolated situation—that they leave not only that place of employment but the trade altogether. So, I am very worried about that. As I said in my earlier contribution in regard to the shadow minister's question, obviously all situations would depend upon the specific circumstances, but sadly we know of examples where a particular first offence can be so serious in nature that the harm it creates cannot simply be repaired.

Amendment negatived.

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

Page 18, lines 31 to 39—

Delete subsection (1) and substitute:

(1) If—

(a) an inspector receives a complaint from an employee that he or she is being bullied or abused at work; and

(b) the inspector, after an investigation of the matter, has reason to believe that the matter is capable of resolution under this section,

the inspector may—

(c) take reasonable steps to resolve the matter between the parties himself or herself; and

(d) if the matter remains unresolved after taking the steps required under paragraph (c), after consultation with the parties, refer the matter to the Industrial Commission for conciliation or mediation.

The majority of the parliamentary committee recommended that the wording of the bill be amended to require inspectors to make reasonable steps to resolve work place bullying complaints before referring them to the Industrial Commission. The government has adopted the recommendation and therefore has introduced this amendment. I thank the committee for its advice on this particular matter. I am aware of the considerable amount of work that the committee has undertaken in relation to the issue of work place bullying. The committee's recommendation reflects the government's intention from the outset that all efforts be undertaken to resolve a complaint before referral to the Industrial Commission.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 19, line 12—
Delete 'conciliation' and substitute:
conciliator

Amendment carried.

The Hon. I.F. EVANS: I indicate to the committee that amendments Nos 97 to 102 are all consequential and that there is no need to proceed with them.

Clause as amended carried.

Clause 24.

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

Page 20, line 38—
After 'particular case' insert:
if the Director of Public Prosecutions is satisfied that a prosecution could not reasonably be commenced within the relevant period due to a delay in the onset or manifestation of an injury or disease, a condition or defect of any kind, or any other relevant factor or circumstance.

The parliamentary committee recommended that an extension of the time be granted only in cases where there has been a delay in the onset or manifestation of an injury, disease or condition. This approach is supported by both the Stanley review and the current Occupational Health Safety and Welfare Advisory Committee, and I am certainly happy to take the advice of the parliamentary committee on this matter.

The Hon. I.F. EVANS: I move:

Page 20, lines 35 to 38, page 21, lines 1 to 5—
Delete subclause (4) and substitute:
(4) Section 58—after subsection (6) insert:
(6a) A court before which proceedings for summary offences against this act may be commenced may, on application under this subsection, extend a time limit that would otherwise apply under subsection (6) in a particular case if satisfied that a prosecution could not reasonably have been commenced within the relevant period due to a delay in the onset or manifestation of an injury, disease or condition.

This amendment deals with the provision where, under the government's bill, the Director of Public Prosecutions may extend a time limit that would apply for proceedings to commence. There is a time limit in which proceedings must be started. In certain circumstances, you may not want to start proceedings until a later time for a number of reasons. Under the government's bill, the Director of Public Prosecutions gets to decide that, so the prosecuting authority decides when it wants to commence that particular proceeding.

We think some independent set of eyes should make judgment on that. In our view, you could not have the DPP seeking an extension on the basis that it had not applied appropriate resources and simply was not ready. We would like a court to be involved. The DPP would go to a court and argue a case as to why the prosecution needs to be commenced at a later date. So, if there was some valid reason, the court, as an independent umpire, would naturally support that submission. The minister's amendment does a similar thing but in a different way from the way in which I read it. He might want to explain the difference.

The Hon. M.J. WRIGHT: We are dealing with the shadow minister's amendment first. At present, prosecutions cannot be brought against duty holders who have breached their safety obligations if more than two years has elapsed since the act or omission which constitutes the offence occurred. The proposal in the bill (as amended by the government's amendment) is that the Director of Public Prosecutions be empowered to extend these time limits when the prosecution could not be initiated due to a delay in the onset or manifestation of an injury, disease or condition—and we will come to that latter point later. If a court has to make this decision, parties, including the employer, have to prepare a full case only to see it fail at the first hurdle and all that work wasted. That would not be the case with the DPP.

I have been advised that the shadow minister's amendment (I am sure he does not intend for this to occur) will result in more cost to business. I think what has been proposed by the government is a sensible approach. It will constrain the costs for business, which I am sure we would all support. I will not talk about the government's amendment at this stage.

The Hon. I.F. EVANS: The problem is that the only way in which it can be cheaper for business is if business is not allowed to make a submission to the DPP on why the prosecution should proceed. Under our provision, if it goes to court, the business would prepare an argument on why it wants the prosecution to occur now. The DPP would prepare a submission to the court on why it should not proceed because of some delay in the onset of a disease. The court would make an independent judgment on that. What the minister is saying is that his scheme will be cheaper because business will not have to prepare a submission.

The only reason business will not have to prepare a submission is if the DPP makes a judgment without taking a submission from the business, and that is our problem. The business should have an opportunity to put a case and it would put the same case to the DPP as it would to the court. The cost to the business will be essentially the same. What we are saying is that, if a prosecution is to be delayed, an independent set of eyes should make that judgment: it should not be the prosecuting authority. The umpire should not decide when he is going to pay the free kick necessarily in this instant. The umpire should not decide when he is going to start the prosecution in this instance: it should be an independent process. The court is independent.

What does the DPP have to fear by going to the court and arguing its case? The business community should have the opportunity to put a submission to the DPP or the court on why a prosecution should or should not be delayed. The only way it can be cheaper is if the business community is denied that right.

Hon. I.F. Evans' amendment negatived.

The Hon. M.J. WRIGHT: I think the shadow minister is aware of what my amendment does. It limits the circumstances in which an extension can be granted. It came about as a result of a recommendation of the parliamentary committee, and I think it speaks for itself.

The Hon. I.F. EVANS: Will the minister give a guarantee to the committee that, before the DPP's office decides to extend the time for a prosecution to commence under this provision, both parties to the matter will have the opportunity to put a full submission to the DPP?

The Hon. M.J. WRIGHT: I will get some advice for the shadow minister between the houses. I am not sure that I can give an undertaking on behalf of the DPP who is an independent officer, but I will undertake to get some advice between the houses for the shadow minister on that matter.

The Hon. I.F. EVANS: Is it the government's intention that the DPP be required to seek submissions from all parties to matters under this provision and, if it is the government's intention that the DPP should seek submissions, will the minister give an undertaking to the committee that an appropriate amendment will be drafted between the houses to ensure that the DPP (although being independent) is required by the legislation to seek submissions and then make an independent decision based on those submissions?

The Hon. M.J. WRIGHT: As I said earlier, I will take some advice on that matter and get back to the shadow minister between the houses. I will not wait until it gets to the other house. I think is important that I get that advice before I give any guarantees or commitments.

The Hon. I.F. EVANS: Does the minister think that the business facing prosecution under this provision should be able to make a submission to the DPP prior to an extension being granted to the DPP by his own decision?

The Hon. M.J. WRIGHT: I would expect that the DPP before he made a decision about the extension of time would speak to the business concerned. As I said, I will check this between the houses as to the normal way in which this would be undertaken. I think the simple answer is probably yes.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I move:

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

Motion carried.

Hon. M.J. Wright's amendment carried; clause as amended passed.

Clause 25 passed.

Clause 26.

The Hon. I.F. EVANS: I move:

Page 22, after line 27—Insert:

(2c) The authority must not recognise or approve a course of training under subsection (2a) unless or until it has consulted with a body that, in the opinion of the authority, represents the interests of directors or senior executives within the State.

This amendment seeks to insert a provision whereby the authority will not be able to approve a course for training unless it has consulted with the body that, in the opinion of the authority, represents the interests of directors or senior executives within this state. In other words, the industry association representing directors or senior executives will have to be consulted about what training is to be required before the training requirement becomes prescribed. It is ensuring the consultation process.

The Hon. M.J. WRIGHT: We do not support this amendment. The government's proposal for responsible officers to undergo training provides for the courses of training to be recognised or approved by the authority. As members are well aware, the authority includes representatives from the employer community. At a minimum there will be at least four representatives from the employer community—probably more. Those representatives will be appropriate in terms of taking account of the interests of responsible officers. I would hope, and certainly would be confident, that those people who will go onto the authority directly as the employer representatives, and possibly others from the business community, and will be somewhat similar in status to employer representatives on the WorkCover Board.

I would argue that those representatives will be very appropriate to take account of the interests of the responsible officers. I therefore argue that the opposition's proposal is unnecessary and detracts from the role and functions of the authority, which is the peak tripartite body for workplace safety. It will play a very important role, will have status, will have employer representatives and can and will do this job.

Amendment negatived; clause passed.

Clauses 27 to 31 passed.

Clause 32.

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

Page 23, line 28—Delete 'percentage' and substitute 'part'.

This amendment and the next proposes to amend the bill such that the quantum of the transfer from WorkCover to SafeWork SA is described as a part of the levy. This enables greater planning certainty for both organisations. A requirement to specify the amount as a percentage would see the dollar figure vary, depending on the levy receipts in any given year, which will vary, depending largely on the level of economic activity. The amendment also provides for the payment to be made by instalments over the course of the year rather than in a lump sum.

Amendment carried.

The Hon. I.F. EVANS: What percentage does the minister have in mind for this levy?

The Hon. M.J. WRIGHT: We will not use a percentage. I put the figures on the record in my second reading speech. These amendments move away from using a percentage to using a dollar amount. I move:

Page 23, lines 32 to 36, page 24, lines 1 and 2—Delete subsections (2), (3) and (4) and substitute:

(2) The amount payable under subsection (1) will be—

(a) a set amount in respect of a particular financial year; or

(b) a percentage of the levy paid to WorkCover in respect of a particular financial year,

as determined by the minister by notice in the *Gazette*.

(3) A payment to the department with respect to a financial year must be made (according to a determination of the minister)—

(a) by instalments paid over a period specified by the minister after consultation with the Treasurer; or

(b) by a lump sum paid by a date specified by the minister after consultation with the Treasurer.

(4) The minister may, by notice in the *Gazette*, vary an earlier notice published under subsection (2).

This amendment also relates to the dollar figure that I referred to, and that it will be done in instalments.

Amendment carried; clause as amended passed.

Clauses 33 and 34 passed.

Clause 35.

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

Page 24, line 28—Delete all words in this line and substitute:
After schedule 2 insert:
Page 25, lines 7 to 9—Delete paragraph (c) and substitute:
(c) One will be a person nominated by the South Australian Chamber of Mines and Energy, and one will be a person nominated by the Extractive Industries Association, to represent the interests of employers involved in the mining and quarrying industries;

The first is a drafting update. The second amendment was a recommendation from the parliamentary committee, and what it does is provide a representation from the Extractive Industries Association onto the Mining and Quarrying Occupational Health and Safety Committee.

Amendments carried; clause as amended passed.

Schedule 1.

The Hon. I.F. EVANS: I move:

That clause 2 be deleted.

Amendment carried.

The Hon. I.F. EVANS: Amendments Nos 117 to 124 are all consequential and need not be moved, so I formally withdraw them. I move:

Clause 9, page 28, after line 29—Insert:
(1a) The minister must obtain the concurrence of the board of management of WorkCover before he or she may act under subclause (1).

This amendment seeks to impose on the minister an obligation to obtain the concurrence of the board of management of WorkCover before the minister acts under subclause (1), which relates to the transfer of staff from WorkCover across to the new authority. We want to ensure that the minister obtains the concurrence of the WorkCover board before that process is undertaken.

The Hon. M.J. WRIGHT: The government supports the amendment.

Amendment carried.

The Hon. I.F. EVANS: I move:

Clause 10, page 29—
Line 7—After 'by proclamation' insert:
made on the recommendation of the minister
Line 11—After 'by proclamation' insert:
made on the recommendation of the minister
Lines 14 and 15—Delete subclause (3) and substitute:
(3) The minister must obtain the concurrence of the board of management of WorkCover before he or she may make a recommendation under subclause (1) or (2).

Essentially, this is the same principle in relation to assets, except that it is done by proclamation made on the recommendation of the minister.

The Hon. M.J. WRIGHT: The government supports those three amendments.

Amendments carried; schedule as amended passed.

Schedule 2 passed.

Title passed.

Bill reported with amendments.

The Hon. M.J. WRIGHT (Minister for Administrative Services): I move:

That this bill be now read a third time.

I thank the opposition for their contribution. I would also like to very quickly thank Brian Stanley, Rod Bishop and also Frances Meredith who were responsible for undertaking the review; the WorkCover Board for the contribution they have made; Workplace Services, in particular the executive director Michelle Patterson; both Michael Ats and Ron Brine out of my office; parliamentary counsel for their great work; and all the people in the industry who have made such an important contribution.

I would also like to thank both the business community and the trade union movement. There has been massive consultation with this bill and I would very much like to thank them for their positive response and their ongoing hard work. There was very strong work put in by both the trade union movement and the business community and I thank them very much. I would also like to thank all those organisations that provided submissions for the review and the draft bill.

I look forward to the bill having a speedy passage in the Legislative Council.

The Hon. I.F. EVANS (Davenport): The opposition would also like to place on record its thanks to all those persons and parties the minister outlined in his third reading contribution. Obviously, it was a long and drawn-out process but we do appreciate the input by everyone involved in it, particularly the parliamentary committee, who put a lot of effort into this matter.

And on behalf of the committee, Mr Chair, may I congratulate you on the excellent chairing of your first committee—although on occasions you did waver!

Bill read a third time and passed.

STATUTES AMENDMENT (DRINK DRIVING) BILL

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

No. 1. Page 4, after line 23 (clause 8)—insert:
(4) In subsection (3)—
'Metropolitan Adelaide' has the same meaning as in the Development Act 1993.
No. 2. Page 7, line 39 (clause 12)—after 'subsection (2)' insert:
or, if the member of the police force giving the notice is satisfied that, in the circumstances,it would be appropriate to postpone the commencement of the relevant period, at a later time specified in the notice (which must be not more than 48 hours after the time at which the person is given the notice)
No. 3. Page 8, after line 19 (clause 12)—insert:
(13) Commencement of the relevant period applying under a notice of immediate licence disqualification or suspension may be postponed in accordance with subsection (12)(a)(i) subject to any conditions specified in the notice.
(14) The Commissioner of Police must establish procedures to be followed by members of the police force giving notices of immediate licence disqualification or suspension under this section for the purpose of determining whether the commencement of the relevant period should be postponed under subsection (12)(a)(i) and the conditions (if any) on which the postponement should be granted.

CHILDREN'S PROTECTION (MANDATORY REPORTING) AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 10.20 p.m. the house adjourned until Thursday 7 April at 10.30 a.m.