HOUSE OF ASSEMBLY

Thursday 10 November 2005

The SPEAKER (Hon. R.B. Such) took the chair at 10.30 a.m. and read prayers.

SITTINGS AND BUSINESS

The Hon. M.J. ATKINSON (Attorney-General): I move:

That the sitting of the house be continued during the conference with the Legislative Council on the Statutes Amendment and Repeal (Aggravated Offences) Bill.

Motion carried.

WORKPLACE REFORMS

Ms RANKINE (Wright): I seek leave to move my motion in an amended form.

The SPEAKER: In fairness to members, can we hear the amended form?

Ms RANKINE: Yes, sir. I seek to amend my motion by deleting all words after 'That this house' and inserting:

condemns, opposes and calls for the scrapping of the Howard Liberal government's Workplace Relations Amendment (Work Choices) Bill 2005, and condemns the Howard Liberal government's agenda aimed at—

(a) downgrading the role of the Australian Industrial Relations Commission;

(b) stripping away employment award conditions of ordinary Australian workers and usurping the industrial relation powers of the states;

(c) recognising it is a disgraceful attack on the rights of working families to have a decent safety net of fair working conditions;

(d) legalising unfair sackings;

(e) scraping South Australia's outstanding work laws for hundreds of thousands of South Australians when those work laws have helped deliver the lowest level of industrial disputation of any state and the most jobs in our history;

(f) legalising workplace agreements that slash workers' pay and conditions;

(g) taking away the rights of employees and employers to together choose the work laws that suit them best; and

(h) seeing South Australians forced to accept individual contracts that slash existing legal entitlements to get a job.

The SPEAKER: Normally in motions, members should refrain from including what would normally be categorised as debate. Leave has been sought to amend the motion. Is leave granted?

The Hon. I.P. LEWIS: No. I rise on a point of order, sir, that is, that the standing orders in general to which you refer make the remark in explanation of why I have done so. Pejorative terminology has no place in the proposition and, secondly, and more importantly, the proposition which I put only a matter of a couple of weeks ago was amended to remove what I believe were sincere remarks about the behaviour of an honourable member as though that were in some way debatable. We leave it without question to our servants in this chamber to make decisions about language, and for us to give notice of a motion and then want to move it in a different form that is pejorative will destroy that independence which ensures that the matter for debate is indeed objective as to whether a member comes down on one side or other of the question.

The SPEAKER: The point is taken. Minor changes are generally acceptable, but members need to refrain from putting into the notice of motion what presumably will be the substance of the debate or pre-empting the debate. The member for Wright needs now to move the motion in its original form as leave is not granted.

Ms RANKINE: I move:

That this house condemns the Howard Liberal government's legislative agenda aimed at—

(a) downgrading the role of the Australian Industrial Relations Commission;

(b) stripping away employment award conditions of ordinary Australian workers; and

(c) usurping the industrial relations powers of the states.

It is important to understand exactly what is being proposed by the Howard Liberal Government and to understand the devastating impact this will have on Australian working families and young Australians who are about to embark on their working lives. It will attack the rights of working families to have a decent safety net of fair working conditions. It will legalise unfair sackings. It will scrap South Australia's outstanding work laws for hundreds of thousands of South Australians, when those work laws have helped to deliver the lowest level of industrial disputation of any state and the most jobs in our history. It will legalise workplace agreements that slash workers' pay and conditions; take away the rights of employees and employers together to choose the work laws that suit them best; and it will see South Australians forced to accept individual contracts that slash existing legal entitlements to get a job.

Mr Howard is hell-bent on setting Australian industrial relations back into the dim dark ages of the 1800s, when no fairness or equity prevailed. Things we now take for granted—decency, fairness, ensuring quality of life, valuing the contribution of families to the quality and stability of our community—will be swept away.

The interesting thing about these looming changes is that all those working mums and dads, our young ones trying to make their way, their grandparents who fought not only during the desperate years of the Depression and World War II but also here at home on the industrial front to secure the employment conditions and security that Australian workers enjoy today, will lose all those things that they have fought so hard to secure. In this massive attack on the conditions of ordinary working Australian families, the federal government intends, first, to downgrade the powers of the Australian Industrial Relations Commission by removing the power to set minimum wages, to help resolve industrial disputes and to consider any new award conditions. Instead, it intends introducing a so-called fair pay commission.

It is downgrading it by having AWAs lodged with the Office of the Employment Advocate and by exempting employers of fewer than 100 workers from the unfair dismissal laws, with protection being now confined to unlawful dismissal. That is an interesting distinction that I point out: it will be illegal to dismiss someone because of their gender, race, religion, and so on. However, if the boss is in a cranky mood and he has fewer than 100 workers, it is goodnight nurse—you can be given the flick. Indeed, can I relay to the house an example of my own mother who worked in a bag factory. The staff were taken out for a lunch to farewell a boss on whom she had never laid eyes. Five of those staff were to remain and keep the factory running, my mother being one of them. When they returned, the staff were asked to stand for a presentation to the boss. The girls who had not been to the lunch stayed at their machines and

listened to the presentation, and then were summarily given a week's notice. They were sacked because they did not stand for the boss's presentation. That is the sort of thing that will be able to occur under this proposed legislation.

Secondly, it is proposed to strip away employment conditions by having agreements with only five minimum standards and a minimum wage; by making access to unions and collective bargaining more difficult; by allowing AWAs to be offered as a condition of employment; and by allowing employers to refuse to negotiate a collective agreement, even where employees prefer it.

Finally, the industrial powers of the states will be usurped by using corporations' powers to abolish state awards. These awards cover half the Australian work force, and in South Australia they have given us an excellent industrial record—so good in fact that this gave us a distinct advantage over Victoria in the battle for the destroyer contract. Victoria, thanks to Geoff Kennett, was part of the federal industrial relations system but it simply could not match the state-based South Australian industrial relations record.

What are the rationales for these so-called reforms? First, the federal government claims that the current system is far too adversarial, but how much less adversarial will it be if interested parties are still able to make submissions to the fair pay commission; or, on the other hand, how fair will it be if decisions are made without hearing from interested parties?

Next, the federal government claims that the minimum wage regime has suppressed job growth while, at the same time, claiming record job creation and record employment. Commonsense says that you cannot make both claims at once. In fact, the Australian Industrial Relations Commission examines this argument each year and clearly states that it was:

> . . . not persuaded that there is any necessary association between award coverage, safety net adjustments and employment.

This clearly exposes the commonwealth's rhetoric for what it really is. The Howard government will shoot the messenger, regardless of the consequences for working families, rather than deal honestly with the facts. Now we have Howard putting the argument that:

> . . . countries like Germany and France that have highly regulated markets have double the unemployment rates of countries like Britain, New Zealand and the US that have less regulated markets.

Like the last claim, this one is not supported by the facts. Mr Peter Browne of the Swinburne Institute for Social Research examined data from the OECD on employment protection and on the percentage of working-age people who have jobs, and he says the data 'doesn't offer much support to the government'. He points out that:

> . . . of the six countries with the highest level of employment only one has less employment protection than Australia. Each of the other five—Switzerland, the Netherlands, Norway, Sweden and Denmark—has more protection and sometimes significantly more protection, yet is performing better in terms of providing employment for its citizens.
>
> In other words we don't have to join the race to the bottom of the job protection league table.

Next, we have the Howard government claiming that it is all about choice, choice freely made to benefit the employee and employer.

Like the choice of the young woman at a Bakers Delight franchise—the choice to be paid 25 per cent less than the minimum wage and to cash out her holidays or not have a job. Some choice, but, lucky for her, the South Australian Industrial Relations Court intervened and also found about another 50 employees on similar AWAs, all of which had been approved by the commonwealth Office of the Employment Advocate.

Finally, in defending and justifying the removal of the unfair dismissal laws, Andrew Robb claims that they have cost an estimated 80 000 jobs—a figure he must have plucked out of the air because there is no clear evidence that they have cost jobs or that their removal will create jobs. As the Full Bench of the Federal Court noted, '. . . the suggestion of a relationship between unfair dismissal laws and employment inhibition is unproven.' In fact, the real reason for these changes has been revealed by federal Industry Minister, Ian Macfarlane, when he said, 'We've got to ensure that industrial reform continues so we have the labour prices of New Zealand.' Workplace Relations Minister, Kevin Andrews, reinforces this when he says that the minimum wages in Australia are more than $70 a week higher than he believes they should be. How many families are prepared to put up their hand and say, 'Yes, Mr Howard, take another $70 from us'? So, make no mistake: it is absolutely clear that the federal government wants lower wages.

What then will be the real effect of these changes? First and most clearly there will be lower wages especially for the low paid. They will have an effective pay cut because of the time lapse (of 18 or more months) between the last minimum wage case and when the Fair Pay Commission makes its first adjustment. Lowering will also occur because as unscrupulous employers use the system to lower wages reputable employers will have no choice but to follow suit in order to cut costs and remain competitive. Then with only five basic conditions in awards for new employees there will be a rapid and inevitable loss of some hard-won pay and conditions such as overtime, leave loading, casual pay loading, redundancy pay, skill based rates, weekend and night work rates, and limits on when you can be required to work.

This is made perfectly clear on page 15 of the WorkChoices propaganda booklet where Billy accepts a job with none of these hard-won award pay and conditions. Nor will Billy's contract be checked for compliance. As *The Australian* points out, 'The Office of the Employment Advocate would only act as a post box for the agreements. . . not check whether the contents matched the statements made in the declaration.' However, those currently on awards will soon be threatened with the loss of many benefits as Maria (page 31 of this notorious booklet) will find. She reads there that she will retain benefits '. . . while she remains covered by the award', but if she looks at page 21 she will read agreements '. . . may be terminated by any party. . . giving 90 days written notice', or if she changes jobs she goes back to square one. In the long-run, Maria's award is easily terminated. So with 1.6 million working people relying on awards, a substantial section of the work force faces lower pay and worse conditions.

Next, with severe restrictions on the right to collectively bargain, trade unions will face great challenges in representing workers, and in fact Australia will be the only OECD country where unions do not have an absolute right to collectively bargain. As Greg Combet points out, 'The federal government does not respect the right of employees to choose union representation. . . ' So much for choice!

Finally, while the whole notion of fairness disappears, the removal of unfair dismissal laws effectively overturns a century of the practice of fairness in the workplace. As the Uniting Church says, this proposal '. . . is immoral. What avenues will there be for redress for a worker who feel they

have been unfairly dismissed?' Who will be affected by these draconian changes? The list includes: young workers, women, families, the low paid, people from non-English-speaking backgrounds, ordinary workers, and of course local communities. Young people will face lower wages, longer hours, more weekend work, and less protection.

I refer to last nights *A Current Affair* program which looked at some of these young people who have been employed by the federal government to work on its hotline. Three of these young people were sacked. One of the women said that she was told when she signed a casual contract that the job would be for at least three months. They were sacked after a month. They were not trained properly. One young fellow who took part in the government's TV ads promoting industrial reforms said that he was misled. I quote:

> Cameron Meadows, who left the factory soon after the ads were shot, said he was misled into believing the ads were about health and safety.

A Melbourne hairdresser has also alleged that she appeared in the ad because she believed she was being filmed for a Workplace Safety video.

Women will face increased casualisation, more part-time work, greater difficulty in saving for retirement, and the widening of pay scales between men and women. The recent television advertisement about the woman called into work perfectly illustrated the dilemmas facing women. No wonder it resonated so powerfully in the community.

Families and the low paid will suffer because of the changes to the minimum wages system, and people from non-English-speaking backgrounds will find it even harder to bargain fairly. As the Catholic Commission for Employment Relations puts it, these people will be '. . . placed in a position where they are required to carry a disproportionate burden. . . for economic adjustment'. Communities will suffer because of pay cuts, and longer working hours and possible weekend and night work mean fewer volunteers for a range of community activities. So much for the rhetoric of the Howard government that it is family friendly. These ideologically driven changes are clearly an assault on the whole community's quality of life and its values.

Consequently, the Howard government's legislative agenda stands condemned not only for its assault on the community but for many other reasons, including its basic dishonesty. I have already illustrated that. Ross Gittons says of the first round of advertisements, the Howard government 'far from admitting the truth, it is seeking to conceal it'. Let me just say: actions speak louder than words. Advertisements now say 'protected by law'. As Gittons would say, 'Perfectly true—but a long way from the whole truth', because they fail to point out how much narrower these protections now are. There is a similar dishonesty about awards, the right to join a union, not cutting wages, and strike proposals.

It is interesting that today this legislation is going to be voted on in the House of Representatives. I urge all members of the house to show commitment to the people of South Australia and support the motion.

Mr CAICA (Colton): I find it quite amazing that we are here today debating this motion when I heard on the radio on the way into town this morning that, at this moment, the Howard government is closing down the debate on the IR legislation in Canberra. It is closing down the debate, shoving it off to the upper house, and getting it through as quickly as it can. I understand that there are up to 20 members have been left in the lurch, not able to speak to that bill. That happens when you have the numbers, of course. I intend to deal with each of the points as a package, as it relates to Work Choices, and that is how I will refer to it because that is what the Howard government is presenting to us—indeed, really foisting upon Australian working families, this package called Work Choices. It is a package of legislative reform based on what I believe to be misguided ideology, and aimed directly at reducing the conditions of employment of Australian workers in the name of increased economic efficiency and productivity.

I have not read all pages of the legislation, or the accompanying volume of explanatory notes, and I doubt that many people in this chamber have read that bill and the notes in its entirety. As I said, I am not sure that any member has. However, like most Australians I have been subjected to the—

An honourable member interjecting:

Mr CAICA: Beg your pardon—you have? Like most Australians, I have been subjected to the Prime Minister's propaganda machine, and I doubt that any member of the public has been able to avoid the $55 million assault on their senses that the PM likes to refer to as 'important non-partisan promotion'. I will simply call it propaganda. On the advice of its PR firm, which determined after listening to focus groups that the title of its industrial relations handbook ought to be varied to include the word 'fairer', the government pulped some 400 000 copies of that booklet, so it is now called 'A simpler, fairer national workplace relations system'.

Let us explore for a moment 'Work Choices: a simpler, fairer, national workplace relations system'. I cannot work out 'simpler' in what way? If we are to believe the propaganda it will be through a centralised IR system that shall result in the dismantling of the six different state IR jurisdictions. If we believe the propaganda, it will be through the stripping of allowable matters to an absolute minimum. If we believe the propaganda, it shall be because it will be a matter of simple agreement between the employer and worker as to the worker's conditions of employment. Simpler for whom? Certainly not the worker, from what I can see. Fairer in what way? For the life of me I cannot see how Work Choices is in any way fairer than our current system. Fairer for whom? No-one, it seems. It is certainly easier for employers to drive down wages and working conditions under the guise of an AWA where the worker is certainly at a negotiating disadvantage. But fairer? No way, sir.

It is understood that the centrepiece of Work Choices is the requirement for AWAs to be the industrial instrument. It is further understood that the AWA is to be an individual agreement determined through negotiation between worker and employer. It is purported that the AWA, along with the simpler, fairer and centralised IR system, will deliver greater economic productivity and efficiency—absolute codswallop from what I can see, again. Perhaps it is me. Perhaps I do not understand IR, but I cannot see how AWAs will deliver as the Prime Minister has stated, 'The biggest single productivity boost out of all of the IR reforms.' When he was questioned about how AWAs actually boost productivity as an output per working hour, what was his response? 'Well, it must, automatically. If you run your firm more efficiently then productivity is lifted.' That is a totally inadequate response.

Of course it becomes much clearer for me if the assumption is that productivity in the eyes of the PM and the employers actually means profits. There is no evidence that I have seen, no amount of rhetoric that is yet to convince me, that AWAs increase productivity. Education and training;

upgrading our nation's infrastructure; health care; sustainable natural resource development and management; and addressing our skills shortages are amongst other initiatives and mechanisms that deliver real gains in productivity. I agree with this obvious assessment made by the Productivity Commission and others.

AWAs are the mechanism to drive down wages; to reduce the living standards of our most vulnerable—the young workers, those joining the work force and, indeed, the lowest paid; to pick off individual workers, particularly low paid; and to remove from our system the sense of collectivism that has underpinned our industrial relations system for the last hundred years. AWAs drive up profits, drive down working conditions and wages in the pursuit of additional profit, and call it productivity increases, and increases in efficiency. It is just going to make it easier in the long term to dismiss workers, and to ensure that this, which is run under the guise of choices, is 'take it or leave it'—a great choice for our most vulnerable and our lowest paid workers.

Mr Howard, as it has been seen over the last few years, and certainly since I have been in this place and before, is a blind follower of George Dubya. He wants an industrial relations system, from what I can see, that reflects what happens in the US. Even in this morning's *Australian* I read that he is a blind follower of the industrial relations policies that were put in place by Margaret Thatcher in Great Britain some years ago. They were specifically aimed at driving down wages and ensuring that the profits of companies were paramount, not the welfare of the workers who underpin our economy. Part of her ideological bent was to smash the unions and to remove collectivism. We know that John Howard is aiming at reducing the influence that unions have had, and reducing their ability to support workers, particularly the most vulnerable workers in our community. He wants to dismantle a system of industrial relations that has served Australians and South Australians particularly well for over a hundred years.

He wants to install the so-called fair pay commission and that fair-pay commission will, of course, be orientated towards driving down wages. It is just a ridiculous terminology. Why doesn't he be honest and call it rip off the terms and conditions of employees, not the fair pay commission. My father travelled the world as a refugee at the end of the Second World War and worked in many places throughout Europe, South America and North America before thankfully settling in South Australia. One of the things that he instilled in me was that Australia had the fairest manner by which working conditions were articulated—called the award system—where you knew exactly what you were going to be paid, you knew exactly what your conditions of employment were, and he believed that it was the greatest and fairest system of employment that he had witnessed through his travels around the world. I cannot disagree with that, but that is going to be removed.

Mr Howard may well have his way and ram it through both houses of parliament. There is no doubt that that happens when you have the numbers. He or she who is able to be part of a group that sticks up more hands wins. He will ram it through, as we have seen this morning in the House of Representatives, and I expect that there may be a little more debate in the Senate, but not too much. It will still ram its way through the Senate as well. He may well have the millions of dollars, as we have seen, to undertake the propaganda campaign that we are currently being subjected to. He will have the numbers, no doubt, to introduce Work Choices. Again, just exactly what Work Choices will deliver, is exactly what the House of Representatives and the Senate is copping at the moment—take it or leave it, because it is going through.

The Australian people's reaction to this has the federal government twitching. I really believe it has them twitching. These reforms will not just fade into the background. The Australian workers' fight for a fair go is what has underpinned Australian workers' rights for as long as I can remember, indeed, for over 100 years. It is the right to have a fair go and the right to be treated fairly. This fight has just begun. From what I can see, this is a nasty, vindictive and divisive piece of legislation, and it will get through. The Australian people will have the final say, and I expect that the fight has just begun.

Mrs GERAGHTY (Torrens): I, too, stand to support this motion, along with a very long list of people and groups who condemn these changes. As we find out more information about the federal government's proposals, more people are standing up and voicing their very grave concerns. The National Council of Churches, the Uniting Church, the Salvation Army, Archbishop Jensen, Primate Phillip Aspinall of the Anglican Church, Cardinal Pell of the Catholic Church, Senator Fielding of Family First and the WA National Party are amongst the number of groups and individuals who are opposed in one way or another to these changes because of what they will do to families, the less well-off in our community, vulnerable women and migrants. The National Council of Churches fears a decline in minimum wages, and I would say with great justification. Archbishop Aspinall focused on the key question when he asked if this means, '. . . we are going to allow unfair dismissals—that is, expose vulnerable people to unfairness. . . ?' The Australian Catholic Commission for Employment Relations says that the proposals 'could allow some employers to mistreat employees, lead to lower wages and impose unfair burdens on low-paid workers'. That is a worry for many people in my community.

Wendy Duncan, State President of the WA Nationals, said that the proposals had made the party wary. She said:

> If the dismissal is unfair, then workers should have some redress. The Nationals really are wary of too much freedom in IR policy. We have to make sure those vulnerable groups like youth and women do have the protection that they need.

Even Barnaby Jones has concerns. So, what does—

The Hon. I.F. Evans: What does Barnaby Joyce say?

Mrs GERAGHTY: Joyce, sorry; yes, Barnaby Joyce. I was trying to avoid using a rather unfortunate nickname that he has encouraged to be tagged to him. What does all this add up to? Recently, Justice Walton said:

> I suspect that the true distinguishing feature of the proposed reforms is that they challenge root and branch, for the first time, the sometimes understated philosophies and values which have underpinned the industrial model in Australia.

In other words, such things as unfairness, so deep-rooted in our society, are simply tossed aside. The notion that in some way an unrepresented individual can somehow bargain equally with a powerful multinational company is a complete philosophical turnaround for Australia. I think it is extraordinary of us to believe that a 16 year old would be able to front up to an employer and be able to bargain with them to get a fair go in their workplace. In fact, that would apply to many people in the community, but I think that our youth, in particular, are going to be very vulnerable under these IR

changes, as will those migrants who have a lesser command of English.

As National Director of Uniting Justice Australia, Reverend Poulos states:

> We must remember that the purpose of a strong economy is to help Australians access secure and equitable standards of living. The Labour market is not like any other market. People are not commodities in the service of greater profits and should not be exploited.

The excellent ACTU campaign has shown what the basic inequities and inequalities of these proposals are all about, and working families agree. They are realising that an attack on their living standards is certainly going to happen under these changes. Now that Howard has control of the Senate, he intends to use this unbridled power to bring in his ideological agenda. I have to say that I think even members on both sides of the house would be appalled at the way that Howard is behaving. He has absolute control in the Senate, and he gave an assurance to the Australian public that he would not use that power in a way that would be offensive to people and that he would not ram things through yet, suddenly, we find that this man has just become power mad. He has no intention of dealing with things through a fair and democratic process—he is ramming things through. I think that he will go down in history well remembered for it.

The Hon. I.F. Evans: He is the second longest serving prime minister known in Australia.

Mrs GERAGHTY: He may not be serving for all that much longer. I think it is disgraceful and we will remember him for his behaviour. All the people that I have spoken to absolutely oppose Howard's proposals for IR. Our state government will continue to oppose these changes, even if it means going to the High Court, and not just because of the hurt that it is going to bring on our family life but also because South Australia's work laws are the best in Australia and we are very proud of that. As the Premier has pointed out:

> . . . we have the lowest industrial dispute level of any state, as far as days lost are concerned. South Australian work laws are delivering more jobs, more opportunities, a fair go and genuine industrial harmony.

I think our unions are to be congratulated for that. They work with government and I know members of the—

Ms Rankine: And employers.

Mrs GERAGHTY: And employers. The members of the opposition know well how cooperative our unions have been, because they are about making sure that there are good job opportunities for workers in South Australia. They do make sure they have protection in the workplace and that occupational health and safety standards are upheld, but they are about creating jobs, working with people to make sure that people have employment. South Australian unions and our workforce ought to be very proud of the fact.

The Howard government's legislative agenda stands condemned, and condemned by all, because it contains such flawed proposals, proposals that attack basic principles of decency, fairness and justice and will impact adversely on a wide range of people and groups in our community. I am speaking as a parent, although my children are adults now, but I have grandchildren that I am looking forward to seeing entering the workforce and, like most parents and grandparents, I am greatly worried about what their future is going to hold. We have instilled in them a good work ethic that if you work hard and work cooperatively with your employer you can have a really good future. I just wonder now what the future is going to hold for them. I am sure that other parents and grandparents feels exactly the same as I do. I think young people must be incredibly concerned about their future work life and what it will be like under these dreadful, dreadful changes that Howard is forcing people to endure.

The member for Wright mentioned *A Current Affair* that was on last night, where three young women employed under contract, on the federal government's WorkChoices hotline claimed that they were fired, with no choice. As mentioned, one of the women said that they were told, when they signed a casual contract, that the job would last three months but was sacked after a month. The WorkChoices hotline was set up to answer questions about the government's proposed industrial relations changes. The women also allege that they received insufficient training to complete their job properly. 'I could not help people, you know, and I am not an idiot.' They are the words one of the women said to *A Current Affair*. We are going to see a whole lot more of this. 'Had I been trained I would have been able to help people and do the job properly. Had I been given that chance. It's meant to be this big new change to help Australia and, you know, make our economy better, all that sort of stuff, and I'm unemployed now.' That is only one of the many stories we are going to hear.

Mr RAU (Enfield): I just want to speak briefly on this matter and I guess I am coming at it from a slightly different angle from some of the other speakers. I am proud to have been born and to live in Australia. I am, in a way, an Australian nationalist and I find it rather offensive—in fact, deeply offensive—that a government which purports to be a conservative government, a government which historically is made up of parties which purport to represent the rights and privileges enshrined in the federal constitution, in the compact arrived at, at the turn of the last century, should be setting about the Americanisation of our economy in the way that it is doing; in fact, in such a way as to pervert the entire constitutional fabric that the country has operated under.

In particular, they are abusing the provision in section 51 of the federal Constitution that enables the federal parliament to make laws with respect to corporations in such a way as to completely subvert the other paragraph in that same section of section 51 which says that the federal parliament only has powers to deal with the prevention and settlement of industrial disputes extending beyond the limits of any one state. Of course, it is obvious that the people framing the federal constitution did not intend the federal parliament to be able to use one part of the federal constitution to make a nonsense of another, and that is precisely what this government is doing. For the conservative parties, the people who have spoken many times, in my memory, of the Canberra octopus and all these other dreadful things emanating from Canberra, destroying the rights of states, destroying the autonomy of the regions of Australia, this is an absolute disgrace.

The point I wish to come back to is: what about the Americanisation of our economy at the hands of this government? I would like to draw members' attention briefly to the history of the United States and the significant difference between the economic development of the United States and the economic development of this country. The United States initially was developed on the back of not just wage slavery but legal slavery. The United States prospered on the back of the misery of people who were not even paid a penny. It is part of the legacy of that dreadful beginning in the United States, that the United States has found it necessary, from that time forward, irrespective of what happened after the Civil

War, to have within its borders an internal third world economy of disenfranchised, powerless, cheap labour. Initially those people were the black Americans, but they were not enough. They were not enough, so they have started importing them. They have been importing them from South America.

They have been importing them from Mexico, and these people have been coming into the United States for years and years. These people have been abused miserably by the American system. Some of these people do not get paid at all but have to survive on tips. These work practices, these ethics, have their roots in the slavery that was occurring in the south of the United States some hundreds of years ago and are the product of the development of the United States, which is quite unique, thank God, and different from ours. Remember this: at the turn of the last century, in the 1880s and 1890s, there were great issues in this country about starting to do exactly the same thing by blackbirding in the South Pacific, when people were bought from the Pacific Islands, taken up to Queensland to cut cane, paid a farthing and then sent back again.

It was only the beginning of the trade union movement that saw an end to that practice and actually stopped in Australia what could not be stopped in the United States, which was the creation of an internal underclass as a permanent feature of the society in which people live. Fortunately, this country has never institutionalised that, although I have to say that over the last 20 years—and particularly speaking as a representative from an electorate that has more than its fair share of people who fit into this category—we have managed through our so-called economic reforms to toss out so many people from participation in the workplace, so many people from participation in any form of civic life at all.

What we are going to see through the introduction of these sorts of measures, this Americanisation of our economy, is the entrenching of the idea that Australia will henceforth have within its borders its own Third World officially sanctioned by federal law to be there as nothing more or less than a pool of cheap labour to pick up the slack and to carry the burdens of the ups and downs of our economy. I warn members to be very careful about this: do not forget what happens in the United States any time there is any form of tragedy at all. We saw it a few months ago when there was a hurricane in Louisiana: people looting, a complete breakdown of civil society. Fortunately, that has not happened in Australia, to my knowledge, when we have had similar catastrophes. Remember what happened in Darwin: nothing remotely like what was going on in the United States.

Look today in the newspaper at what is happening in France. We have people in France who have, for different reasons, been imported into that country to become their own internal slave class or underclass: these people who do not participate in any manner or form in French society other than to technically be entitled to reside there; these people who generally happen to be from Africa, from Algeria or from one of the other Arab former colonies of the French. I must say, being such a fan of the French as I am, that it could not happen to a better mob! But getting back to my point, that is actually what we are starting to work our way towards. Make no mistake: it is no accident that we are now hearing things about 'Let's start bringing in guest workers.'

I was in China recently and spoke to a number of people involved in large construction projects there. They expressed interest in coming to Australia and being involved in the development of mining projects, large civil engineering works and so on. There is no doubt that they have the technical expertise and engineering skills to be able to do that. But they do not want to just do that: they want to bring their whole team. By that they do not mean managers, engineers or architects: they mean labourers as well. This particular sort of development, if I can call it that in a neutral way, is the beginning of opening the door to all the possibilities of the importation of labour to do these projects. We might say, 'That's good. That's terrific,' but the fact is that we do have unemployed people. I have plenty of them in my electorate.

We have a responsibility to the people who live here and a responsibility to maintain for future generations a civil society, not a society that is characterised by a very comfortable, smug overclass sitting in leafy streets, driving nice cars and eating nice food, and a group of miserable, disfranchised individuals who are condemned to a life of crime and misery and basically prey on everyone else. That is not the way I want to see this country go. This particular ideology about the Americanisation of our labour market fits beautifully into the other aspect, which is the free trade obsession that this government has. Anyone with half a brain can see where that is getting us: exactly the same place as it is getting the United States—massive current account deficit; spending more money than we have; getting ourselves into an enormous mess. It all goes hand in hand.

No doubt it will go on and inevitably, when it all hits the fan, people will say 'Gee, what a surprise: where did this come from?' Well, this is where it is coming from: the idea that we should be aping the United States and its views about what the future is for the development of society. To pick up lastly on one point made by the member for Colton, he talked about this thing being described quite unfairly as a fairer, simpler system. I am reminded that in history the greatest lies have been perpetrated in the boldest fashions. As I understand it, the 'Great Leader' in North Korea describes his regime as the Democratic Republic of North Korea. I recall that the Stasi operated in a thing called the German Democratic Republic. Is it not interesting that the people who find the need to use the word 'Democratic' in the name of their country have the least claim on that name? I suspect that 'fairer and simpler' is equally a lie.

Mr O'BRIEN (Napier): I rise in support of the member for Wright's motion. The member for Wright objects to the Howard government's agenda on three grounds: first, these proposals downgrade the role of the Australian Industrial Relations Commission; secondly, they strip away the employment award conditions of ordinary Australian workers; and, thirdly, they usurp the industrial relations powers of the states. I fully concur in the member for Wright's motion on all three grounds. I do, however, wish to concentrate on the third element of this motion, namely, that the Howard federal government's proposed industrial relations agenda usurps the industrial relations powers of the states.

I object to the intent, manner and likely consequences of this seizure of the historic rights of the states. This move by the federal government is symbolic of its broader agenda to appropriate state powers for the commonwealth. It was only in the last sitting of this parliament that I stood here condemning one of Brendan Nelson's numerous incursions into education policy. Education is, of course, one of the main areas of state jurisdiction. The Howard government is intent on eroding the states' constitutionally enshrined legislative

and operational powers in relation to the commonwealth. The manner in which the current federal government is undermining the Australian Constitution is essentially sneaky; it is an attack conducted by stealth in the absence of an open declaration of intent or of any form of debate on the nature of the Australian Federation.

As Australians we have a peculiar relationship with our Constitution. Unlike Americans, we do not become teary-eyed at the words contained within our founding document—in fact, the wording of our Constitution remains completely unknown to most Australians. Nonetheless, the Constitution legitimises our public institutions and our political system and, as such, it has been a magnificently successful document. It has provided us with the world's sixth longest continuous democracy and a political landscape that has ensured peace, stability and prosperity for Australia.

Modifications to the letter or the spirit of our Constitution should only be contemplated once an extremely compelling case for change has been made. In the case of industrial relations, no compelling case has been put forward to shift industrial relations powers from the states to the Commonwealth. Quite the contrary, we are not living in a period of great industrial unrest, low productivity or high unemployment. There is no justification for these changes, and no evidence has been provided that this will create many more jobs. The Howard government has become so arrogant that it does not believe it is required to put forward a strong case for what is actually necessary to institute such dramatic changes. This federal incursion into the state jurisdiction of industrial relations will lead to worse outcomes for Australian workers and Australian industry.

Let me start by providing an historical context for this latest federal grab for power in the states' jurisdictions. South Australia was the first Australian state to enter the field of conciliation and arbitration of employment disputes with the passing of the 1894 Conciliation Act. This act predated Federation and would set the agenda for the manner in which industrial relations are dealt with throughout Australia to this very day. The Conciliation Act enabled legal recognition to be given to the collective agreements. At the heart of the Conciliation Act of 1894 was the concept that an independent body—which would, in time, be known as the Industrial Relations Commission—would be empowered to settle disputes by imposing conciliation.

The issue of industrial relations was a central component of the negotiations leading to the formation of the Commonwealth. The 1890s were a tumultuous period in Australian history, as Australian was coming to terms with what, today, we would call globalisation. Australia faced an economic depression triggered by international banking collapses and falling commodity prices, industrial disputes were rife, and the decade was marked by strikes and lockouts. In such an environment, it is barely surprising that the concept of arbitrary conciliation (first trialled in South Australia) would catch on. Not for the last time, South Australia was leading the way in social reform.

It was also in South Australia that unfair dismissal laws were first introduced. This was another idea that would soon spread across the country. South Australian industrial relations have long enjoyed, and continue to enjoy, a history of success under both Labor and Liberal state governments. In fact, here in South Australia we currently enjoy the best industrial relations in the country, as measured by the lowest number of industrial disputes. Our excellent track record on industrial relations was one of the major reasons why we won the air warfare destroyer contract. We have no reason to surrender our rights to find industrial relations solutions that work well for our state by being tailored to our specific needs as a state.

The situation today is that while the Commonwealth does have some jurisdiction over industrial relations they are, by and large, a matter of state jurisdiction. Section 51(35) of the Australian Constitution empowers the Commonwealth to make laws with respect to industrial relations 'extending beyond the limits of any one state'. The Commonwealth is also empowered under section 51 of the Constitution to make laws with respect to foreign corporations. Otherwise, the vast majority of legislative powers in regard to industrial relations reside with the states. This careful constitutional division of power has a long and robust history and has served Australia well. It has served Australian workers well and has, by and large, created an environment of industrial relations peace and productivity for Australian employers.

The major changes to the IR system that have been announced piece by piece through Australian government advertising have made a half-hearted attempt to masquerade as a public information campaign. Aside from the colossal misuse of millions of Australian taxpayers' dollars, this has left Australians bewildered by the lack of concrete information—and, in many cases, genuinely fearful.

The one firm position in the federal Liberal government's proposal is to replace the system of state industrial relations laws and institutions with a unitary federal system. The chief reason given to justify this proposal is that the current system creates duplication and unnecessary complication for employers. Federal government sources are keen to provide figures on how many different award systems currently exist in Australia but, in fact, the Howard government's proposal creates the very duplication it claims to eliminate by establishing the hazily defined Australian Fair Pay Commission without, we are assured, abolishing the current Australian Industrial Relations Commission. The perceived duplication of the existing system would be replaced by the very real duplication of two federal bodies undertaking, it would seem, the same role.

Having said this, I must say that the state and federal systems do overlap to a limited degree in so far as the individual worker or an industry as a whole may be covered under both state and federal award systems. This overlap ensures a division of power which is essential to safeguard individuals and society at large from the corrupting effect that undiluted power has on individuals and institutions.

A division of power is a fundamental element of all good political systems. In Australia, the division of power guaranteed by the sharing of authority between the states and the commonwealth is essential because there is no formal division between the executive and legislative branches of the federal government. As opposed to a presidential system, such as the American system, the Australian executive and legislative branches of federal government are drawn from the same body, that is, the national government. Consequently, without Federation, all political power in Australia would be concentrated in the hands of one institution. This would be an extremely dangerous situation, particularly because our electoral and parliamentary systems generate a hierarchical power structure whereby political power resides basically within political parties that are equally organised in a hierarchical manner. Without Federation, the power of the Prime Minister is theoretically close to dictatorial.

The Hon. I.P. LEWIS (Hammond): I say at the outset that I am astonished in the first instance that no member of the Liberal Party has decided to make any contribution to this debate and an understanding of the issues that are really involved, and I am equally astonished by the position that has been taken by well educated people—not all on the other side are—in the remarks they have made, especially since a fair bit of what has been said by members opposite still has its roots in the bog Irish view that we must—it is imperative—have a class struggle, that there is a them and us, and that there has to be industrial warfare. That of course has always been ridiculous. It lacks rigour and is based in bigotry, and those employers who believe it to be true are as idiotic as union advocates and anyone else who thinks it is true.

If ever it were true (and I doubt it), it arose out of racist attitudes between English, who were of mixed origins out of Europe, and the Celts of Ireland, who felt themselves suppressed by the power that came from English kings and the English parliament. It had nothing to do with the forebears of the member for West Torrens.

To come, more particularly, to a beginning, it is hard to know which fox to shoot first, there are so many of them running in this debate as moved by the member for Wright in the first place. Unions do have a role in our society—there is no question about that. I will come to it later. I state at the outset then that employers collectively do not have an obligation to provide someone who wants to get a pay packet to be given a pay packet. Let me make that even clearer. Just because a human being is born somewhere on God's earth does not mean that some other human being or group of human beings have an obligation to give them pay packets each week when they become adults.

The Hon. I.F. Evans: Not even the French.

The Hon. I.P. LEWIS: Indeed, not even the French. Not even Napoleonic France believed that. Not even Stalin or anyone else, including Lenin, believed that. A genuine contribution must be made by someone who seeks to sell their labour to get the price obtained for selling that Labor. It must be possible in any business, if we accept the tenet of what I have just said, if you are going to run a business—if you as an individual or you as somebody responsible to a group of individuals who have decided to run the business, you then being the manager on behalf of all those people who have decided to run a business—for that business, which is the risk taker and which puts up the money, to take into the business the ingredients of the product or service it wishes to sell and then put those ingredients together. Those ingredients are the materials and the work done by machines and by people—and the machines, as education has progressed in society, have become more sophisticated and relieved people of doing more menial and repetitions things.

That work, and in addition to it the recurrent expenses to which I have referred, must be mixed in as an ingredient in the cost of the capital items which are bought in a marketplace. I will not go into the details of what that is. Members understand that it is the cost of the land, the cost of the buildings erected or already on it in the marketplace, and the cost of the inventory created by the effort made by the work force and the machines in doing the work. Those inventories are very real. That becomes the cost of the goods or services which are on the shelf to be sold or in the process of manufacture and which are of course distributed perhaps but not yet paid for. Then that business must sell them and obtain what is accepted as the means of exchange—currency, money—and get more for the process in which they have engaged than they have had to outlay on each of the ingredients in the process. Otherwise, why the hell would you take the risk? Why would you authorise your superannuation fund to take the risk of providing that capital and meeting the cost of creating that service or those goods if you cannot recover the cost of doing so and receive some recompense for it?

The simplistic answer to that is: we will not do it, we will put the money in the bloody bank and we will get an interest rate and we will have it blue chip. What does the bank do with it? Of course, for it to be able to pay the interest rate on the money for the superannuation fund upon which members might ultimately rely in their dotage (if they reach that age), it lends the money to businesses at a higher rate of interest than it is paying to the superannuation fund or to the lender. The bank is in business, too, and it is in the business of selling money. It is selling money by buying it at a lower interest rate and selling it to the investors at a higher interest rate and meeting the cost of administering and keeping its records in the process of doing so. It is no more or less a business.

Everyone in society has to accept the fact that business must be viable—that is what I am referring to—and part of the cost of running a business is the cost of the labour input. These costs to which I have referred in the course of my remarks are called factor costs of production by economists. Why would we do anything otherwise than I have already mentioned? Or should I say that the other way around: why otherwise do it? Unions do have a role in all this, I acknowledge that. We must also remember for compassionate reasons that we must have taxpayers who are willing to work and pay taxes, providing for the transfer of payments to pay the less fortunate—that is, the aged, the infirmed and the unwell, as well as the unemployed—as part of that transfer payment arrangement enough to live on (all of them); and also to teach our children—that is, students of any age, children or adults—and to pay our police to ensure that our social actions are acceptable within our cultural mores and our laws (that is, to stop the crime) and to defend ourselves against invasion to take over those things we enjoy, the assets from which we derive our wealth and prosperity.

We must have a labour market as much as we have a capital market. I have mentioned the need for that in the context of superannuation and other things. Unions must have a role. They do have a role and that role should be to establish the relativities between each of the jobs that are done in our society. We ought to name them, categorise them and then determine the value of each category, and stop the leapfrogging that is occurring at present, where, if a bus driver receives a rise, then a boilermaker expects that he, too, will receive a rise; or because their cousin, neighbour or someone else in the work force has had a rise in pay and just because time has passed them they, too, should get one, regardless of whether there has been an increase in productivity or an improvement in the viability of making boilers in the boilermaking business.

All members have to do to understand the truth of what I am saying is look at the way in which places such as Singapore, Taiwan, Korea and now Dubai have developed their economies to make it possible for their citizens to enjoy very high levels of prosperity. Our labour market, our industrial relations system, must fix the relativities and must stop the stupidity of leapfrogging which push the costs of production in our economy above the price at which we are prepared to pay for the products our fellow Australians are making. There is not some conspiracy here, it is the forces of the market. If

we do not import the goods that are on offer to us from the rest of the world from places such as China, then, in a decade or two, we will find ourselves being invaded.

The rest of the world will not allow Australia to sit on what it has as extremely valuable natural resources that are scarcer and more costly to obtain anywhere else in the world and prevent the population and the rest of the world from having access to it and enjoying the prosperity of it. We live in a global economy and in a global village.

Mr KOUTSANTONIS (West Torrens): I have a very different perspective about why the Prime Minister and his government are attempting to change our industrial laws. No doubt, what the member for Enfield said is correct in terms of its consequences of what will happen, but I do not think that is the intent. I think the real intent is to destroy the union movement, thus somehow weakening any political opposition to the government. People might say that is far-fetched and crazy and could not possibly occur in a democracy like ours; that is, the governing party trying to destroy the opposition party. Let us look at recent history. In the 1980s, the member for Bennelong, who is now the Prime Minister, ran a union election out of his office, which is in New South Wales. I think it was the Transport Workers Union. I cannot remember exactly what union it was, but I will get back to the house about what union it was.

John Howard was actively involved in a union election. The union uncovered this and went to the parliament to say that taxpayers' funds were used in a union election, which has since created a precedence—

The Hon. I.F. Evans: Careful.

Mr KOUTSANTONIS: Well, it is true. Since then, the member for Bennelong has made a speech in the house and said that the reason he was involved in this democrat election within the union movement was that this union always supported the ALP, but he believed that a percentage of its members did not. I put it to members that the Prime Minister and his cronies are implementing an ideological change in our political system because they want to destroy dissent. In any country in the world where there has been an oppressive regime, the two organisations that always speak out against tyranny are the church and free trade unions. It has always happened. Poland, Vietnam and China are examples. The only groups that speak out against tyranny are free trade unions and the church.

The Prime Minister wants unions, when they make political donations to get involved in our democracy, to ask permission of their members. I wonder how the Liberal Party would feel if we approached the National Australia Bank and said, 'Before you give a donation or underwrite a loan for the Liberal Party, you must contact every single one of your shareholders, and unless a majority of your shareholders agree, that money cannot be given or underwritten.'? Nothing about corporate donations has been put into any legislation by the Prime Minister, but apparently, when it comes to trade unions, the Prime Minister thinks it is acceptable that every time a unions wants to make a political donation it has to ask all its members.

Well, if it is good for the union movement why is it not good for corporations? Why aren't we going out to the four major banks (especially the National Australia Bank, which in the 1980s and 1990s underwrote the federal Liberal Party and saved it from insolvency) and saying, 'Why don't you go to every one of your shareholders and ask for their permission to do this'? Do you think John Howard wants that? No. Why? Because the Liberal Party gets most of its financial support from the corporate end of our community. They get their money from big business—they always have and they always will. They are their people; that is why they exist—they are there for the big end of town.

The Labor Party does get some contributions from the big end of town, but nowhere near as much as the Liberal Party. We get donations from the union movement, mums and dads, and fundraising organisations but, overall, the Liberal Party relies on large corporate donations. The Prime Minister and his cronies are targeting one group of people who donate to the ALP. Make no other assumption: this is why they are coming after the union movement—simply because of their support of the Australian Labor Party. It is not about economic performance or unemployment, because our economy is performing exceptionally well.

South Australia has one of the lowest unemployment rates we have ever had and the highest participation rate we have ever had, low inflation, low interest rates, and unprecedented economic growth, yet the Prime Minister tells us that unless we change our industrial relations laws Australia will not prosper.

An honourable member interjecting:

Mr KOUTSANTONIS: Yes, he says a system that has helped us prosper so far is broken, it doesn't work. That is simply not true. What he is trying to do is to destroy dissent, to destroy opposition. He has always believed that if he can destroy the union movement he can destroy the ALP. Well, I have news for the Prime Minister. In my view, the union movement is in decline. It is in decline because it has become legitimised. People in the work force are taking advantage of the hard-earned gains the union movement has won over the last 30 years. They feel there is no need any more for union membership. That is why union membership is down. I think it is about 17 per cent in the non-government sector, which is really low compared to what it has been historically.

The best thing that the Prime Minister can do for the union movement is to attack it. The best thing he can do to increase union membership is to attack it and bring in this legislation, because you will see a return to the union movement in unprecedented numbers. It is already happening. Affiliates are telling us—

Members interjecting:

Mr KOUTSANTONIS: You might laugh and think it's funny, but it's true. The Liberal Party just does not understand the union movement. If they were clever about it—

The Hon. P.F. Conlon: Why aren't any Libs getting up to defend John Howard? It's because they know that you're right. That's why they won't say a thing.

Mr KOUTSANTONIS: That's right. The union movement has been in a slow decline because minimum wage increases are applied for by the ACTU on behalf of all workers (whether or not they are union members) and awards are negotiated for all workers (whether or not they are union members). People are taking advantage of all this service without having membership, because their rights are enshrined in law, laws which federal Labor governments have brought in.

The Hon. I.F. Evans interjecting:

Mr KOUTSANTONIS: No, I don't.

The Hon. I.F. Evans: Yes, you do. Your policy is to charge them.

Mr KOUTSANTONIS: No, it's not. I don't believe in compulsory unionism.

The Hon. I.F. Evans: State Labor policy is to charge them.

Mr KOUTSANTONIS: No, it's not.

The Hon. I.F. Evans interjecting:

Mr KOUTSANTONIS: Madame Acting Speaker, my point is this: the moment legal entitlements of the union movement are taken away from workers, the moment the power shifts from the independent umpire (the Industrial Relations Commission) towards employers and their lawyers, people will flock back to union membership.

An honourable member interjecting:

Mr KOUTSANTONIS: That's not what I hope; it's what's happened in the past. Go back and look at history. Every time the laws have been in favour of one group or another, membership flows either way. During the Hawke/Keating governments of the 1980s we experienced the largest decline in union membership in the history of Australia. Why? Because they had a federal Labor government doing the work for them. Workers did not need to join unions.

My point here today is that John Howard is going to get the reverse of what he is attempting to do. You will see over the next 10 years that union membership will increase from 17 per cent to about 25 per cent. What will that mean locally? Well, for example, the SDA will grow, as will the Miscellaneous Workers Union, the Transport Workers Union, and the ASU—all unions will grow. They will be energised, and they will be working. Why? Because they have had their liberties taken away from them by members opposite. They will want industrial change. How will they get that industrial change? By voting Labor. That is what's happened in the past, and it will happen again.

Every time they attack the union movement, we win. Every time they attack workers, we win. The one thing that Australians know is that, no matter how often they have voted for John Howard, they do not trust him with their awards and conditions. While the economy is going well, they will support him, but the moment they find that their penalty rates and awards are under risk, the moment they lose their job security because it has been taken out of the independent umpire's hands (out of legislation), they will turn to the union movement. Then we will have their ear. They won't be talking to you; they will be talking to us, and then we will see change in Australia. The last time the federal government attempted massive changes in tax laws, they only got 49 per cent of the vote. That happened in 1998, after a record victory in 1996. I can't wait for the next federal election.

The Hon. P.F. CONLON (Minister for Transport): I am happy to make a contribution to this very important debate.

The Hon. I.P. Lewis interjecting:

The Hon. P.F. CONLON: The rude member for Hammond is off already. I am actually here to assist the member for Hammond, because he opened his contribution in his usual rude and insulting way by accusing members of the Labor Party of being uneducated. He then went on to make comments which were historically inaccurate, and I am going to assist him in his edification. Regarding one small matter where he suggests that the ethnic community of England is mixed but Ireland is Celts, that is absolutely wrong and anti-historic. I refer him to that magisterial work by Norman Davies, *The Isles: A History*. If he would take that and read it, he might come back to this place a better informed person. He would be better informed but, I suspect, he would be none the wiser.

He also goes on to attribute our defence of an award system to some sort of class warfare caused by, in his very insulting way, 'the bog Irish'. I am, in fact, Irish, and I am proud of being Irish; so was Yeats, the man who wrote 'Things fall apart, the centre does not hold'; so was Brendan Beehan; so was Samuel Beckett; so was Oscar Wilde; so was Swift; so were a lot of very intelligent and erudite people—far more valuable people than the member for Hammond—and I take offence at his comments, and I put that on the record. The reason that an award system exists, and that collective bargaining existed in other countries, was to humanise the contract of employment.

For the benefit of education of the member for Hammond, this is the real reason, and let me tell him about the contract of employment. The contract of employment will be recognised not only by me but also by many educated writers as having derived in no short form from the master and servant relationship that existed in England, derived from the laws of villeinry or serfdom. That is, the contents of the contract of employment were merely implied terms derived directly from the status-based relationship between the master and his property—his villein or serf. If the member would like to be educated on this matter, he could read my honours thesis on it, and he will find in there the cases quoted to support the proposition that I put.

In essence, what occurred in England in the transition from the law of status to the law of contract was the need to change the status relationship between master and servant and describe it in the words of contract. All of those things that a servant was required to do when he was owned by his master, he was then required to do as an implied term: the duty of obedience, the duty of fidelity—all of those things. An historic, unfair relationship turned into something described as a set of implied terms. One thing that I will tell the member for Hammond is that if he goes and looks at High Court cases as recent as the '60s, he will recognise in the master-servant relationship, that a master can have an action in trespass for damage to his servant as if it were property, and recognised by the High Court as deriving from the law of villeinry, when masters owned servants.

That is not a fair relationship, and in England firstly through collective bargaining laws, and in Australia through the introduction of the new province for law and order, the arbitration and conciliation system, those very unfair terms were humanised. That is, servants were given some rights other than property in a relationship with their master. That is what it comes to. I see the member for Hammond has had enough education. I think his brain is full, and he is leaving, which is not surprising. He is happy to listen and launch his a-historical and inaccurate diatribe, but flee the jurisdiction as soon as somebody attempts to correct him.

Mr Scalzi: You wouldn't be here without him.

The Hon. P.F. CONLON: I see that now the member for Hartley is going to give me the benefit of his erudition. I am really being rewarded today. Protections were given to workers that simply did not exist in a contract of employment that was drawn from a time when they were owned by their master. Those protections have been built up over many years in Australia. This was once considered to be a workers' paradise, and what John Howard wants to do is simply to go back to the rude and barbaric law of contract. He said it in his own words, 'If you don't like it, you can get a job somewhere else.' Well, I can tell you that that is precisely what every

employer in Australia has wanted to say for many, many years, 'If you don't like it here, if you don't like my conditions, if you don't like my wages, if you don't like what I set for you, get a job somewhere else.' John Howard has actually said it for them.

Let us turn this around. This is not about workers voting with their feet. This is a law to return us to the law of master and servant, where the master sets the terms and conditions for the servant unilaterally. They are John Howard's words, not mine. If the servant doesn't like it, they can go somewhere else. They can get another job. The problem that John Howard will have, regardless of how many hundreds of millions of dollars of taxpayers' money he spends trying to delude and deceive people, is that people have bosses, and they know them, and they know that they cannot go into their boss and have the happy negotiations that John Howard wants to tell them about. They know it is going to be about what John Howard said. They know that their boss is going to come to them and say, 'You will work these hours. You will have these conditions. You will take these holidays. You will work these times, because if you don't you won't be working here,' because what goes hand in hand with these changes are his changes to unfair dismissal laws.

He has been there, and you have to admire his commitment because he has whittled away and whittled away at these protections year after year, and now it has gone from 15 employees to 100 employees, and who on earth thinks that John Howard is going to end his ambitions there? He will be happy when there are no unfair dismissal laws, when an employer can come in and use John Howard's words and say, 'You will take my conditions or I will sack you.' That is what these changes are all about and, as I said, you can spend all the money in the world trying to fool people, but the problem is this: people do have bosses. So, he can have all the happy, smiling people, and delude people into being in ads—which they did a few times too—because this is all about deceit and trickery. He can do that too, but sitting at home is the person who knows his or her boss, and they know that they do not want this freedom to go in and negotiate with their boss. They do not want that because they know what the outcome will be.

This is absolutely nothing but an attempt to cut the wages of those least able to negotiate, that is, most workers, especially poorly organised workers, workers in small shops, and workers who cannot combine together in a meaningful way. We are talking about childcare workers—imagine the childcare worker negotiating with their boss—take it or leave it. It is about creating a new working poor in Australia.

This government has been about competing with the rest of the world on the basis of our intelligence, research, quality of life and the excellence of what we do. John Howard has decided that we want to compete with the world by having a working poor. That is the future that he wants to lay out for the people of this country. I believe that this is the greatest country on earth and that we can do better than that.

Mr Scalzi: You're not exaggerating, are you?

The Hon. P.F. CONLON: The member for Hartley—we have one Liberal who is prepared to get out there and stand up for John Howard. In the coming election, I look forward to the member for Hartley going out there and telling all of his electors that he wants John Howard to cut their wages and conditions. I bet we do not see it in his election material, but I bet he votes against this motion today and I bet he will not be out there proudly telling the workers of Hartley that he wants to cut their wages and conditions at the next election. Don't worry, I am sure that Grace Portolesi will fill them in on Joe's position on wages and conditions for workers and their families. I am utterly opposed to John Howard's disgraceful laws, and I look forward to some of these Liberals having the courage to get up and defend their pathetic master over there in Canberra.

The Hon. I.F. EVANS (Davenport): I want to make some comments in relation to the motion. People have been around this place long enough to know that this is just a stunt so that the Labor Party can go out and have another chat on the radio about the measures being brought in by the federal government. The motion has no real effect; it just gives the opportunity for the Labor Party to produce speeches to send to their sub-branch members to say that they have actually done something other than let the cabinet run roughshod over them for the last four years.

Let's go through some of the arguments put forward by the government. The government says that this is a great attack on state rights. I think that I was the first state MP to publicly comment on that and put a position down on that. I have noticed that none of the others who have spoken today have bothered to do that, so my position on that particular issue is well known. Here is the nub, Mr Speaker. The Labor Party has a problem, because its membership has a thing called a state convention and they can move motions from the state convention to the national convention and, if it is passed at the national convention, it is binding. However, no-one has moved that the federal Labor Party hand back industrial relations to the states, and Kim Beazley will not tell Australia that he is going to hand back industrial relations to the states. The reason that Kim Beazley will not say that is that he and a future Labor federal government have absolutely no intention of handing back the industrial relations system to the states. Kim Beazley will not say publicly that a future Labor government will hand it back to the states. This motion is a bit of a nonsense because what you are really arguing about—

Mr Koutsantonis: We want two systems.

The Hon. I.F. EVANS: You get your federal leader to say it. The member for West Torrens says, 'We want two systems.'

The SPEAKER: Order, the member for West Torrens!

The Hon. I.F. EVANS: If that is federal Labor Party policy, you get your leader to come out and say that he is going to hand back industrial relations to the states, because Kim Beazley will not commit to that. Every time, Kim Beazley fudges the question. He said, 'We are going to roll back the detail.' But he does not say that they are going to roll back and give the power back to the states. Why is that? It is because Kim Beazley and the union movement want a centralised system, because in the long term—

Mr Koutsantonis: No, they don't.

The Hon. I.F. EVANS: Speak to some of your other members and they will tell you why you do want it. In the long term it will suit the Labor Party to have a centralised system because some people believe that in the long term the Senate will be more likely to be controlled by left-leaning parties than right-leaning parties. That will suit a Labor government in the lower house in the long term. Some people have that view. This motion is a nonsense, because we are really arguing about something that we will have no control over. Both the Labor Party federally and the Liberal Party federally have decided that they are going to centralise it. That is the truth of the matter. The federal Labor Party has

decided that it is going to centralise it. They will not hand it back to the states. The federal Liberal Party has decided that it will centralise it. They will not hand it back to the states. The states will lose control of their industrial relations system bar the non-corporations.

I think it was the member for Wright or the member for Torrens who mentioned how Jeff Kennett handed over his industrial relations in Victoria. Why did Jeff Kennett do that? It was because the union movement took a lot of the employees into the federal system because they thought the federal system at that time was a better system for their members than the state system that Kennett was offering.

Ms Rankine: Surprise, surprise!

The Hon. I.F. EVANS: Surprise, surprise, says the member for Wright. Kennett said, 'If you want to go to the federal system, all go to the federal system' and he moved it as a result. The member for West Torrens talks about the great growth in union membership, and it may have an impact on union membership. The people will see exactly what the union movement stands for and how it seeks to restrict their opportunities to negotiate themselves a better position. It is a nonsense to me that the member for West Torrens does not understand that that was his own party, and there were amendments to the Fair Work Bill that proposed and allowed bargaining agents' fees to be charged to non-members. That will be used come the election; I have no doubt about that. The reality is that the states are going to lose their opportunities in relation to the industrial relations legislation. It will go federal and Labor will not come back. I call on Kim Beazley today, anytime between now and the next federal election, to tell all of us that he will hand back the states' industrial relations powers.

If Kim Beazley is going to do that and if the union movement's membership is going to increase, as the member for West Torrens would have us believe, ultimately, we do not need the High Court challenge. If a federal Labor government will hand it back and the Labor Party's votes increase through the huge growth in the union movement, as the member for West Torrens would have us believe, all Kim Beazley has to do to save the states is say, 'Don't worry about the High Court challenge. I'm going to hand you back the powers exactly as you have them today.' The answer is that Kim Beazley is not going to do that. The reality is that everyone in this chamber realises that the states are going to lose their industrial relations powers because the parties in Canberra have decided that they want to centralise it. They want to centralise it, so that is—

Ms Rankine: We are prepared to fight it, just like the nuclear dump.

The Hon. I.F. EVANS: If you are prepared to fight it, member for Wright, go and get your sub-branch to move a motion at the state convention to take it to your national convention to hand it back. That will be the test.

Ms Rankine interjecting:

The Hon. I.F. EVANS: That will be the test; whether it is all just talk and a stunt for the media. That will ultimately be the test. Are you prepared to get a sub-branch to move the motion to hand it back to South Australia? The answer is you are not. The answer is you are not. All you want to do is spend taxpayers' money fighting a union cause. That is all you want to do—spend tax money paying your union cause.

I am a creature of the old building industry and I spent a good slab of my youth working as an independent contractor and I sold my labour by the hour, or by the piece, as a subcontract carpenter or labourer.

Mr Caica: What tools did you use?

The Hon. I.F. EVANS: Hammers, chisels, all that sort of thing—all the normal carpentry tools, drop saws, routers, handsaws, clamps and those sort of things. The reality is that the reason South Australia has such a cheap housing construction industry, as in low price, is because of the large, independent contractor sector. I hear no-one here saying that sector should be wound up and put on to awards. The reason we have such a competitive housing industry, earning good money might I say—my brother, who is a plumber, earns considerably more than I do—is they have the opportunity because they are working as independent contractors and they can negotiate the price for their labour. It is a good system in that sense for that industry.

What the federal government is trying to do, as I understand their argument, is bring more flexibility into the system because South Australia and Australia has a problem. You have countries like China who are building tens of thousands of factories in the next decade. They are building something like 30 nuclear power plants in the next decade. They are going to attack countries with strong manufacturing bases—particularly Victoria and South Australia will be under attack there. What the federal government is seeking to do is to make Australia more productive. One way to make it more productive is to free up the labour market so that the labour market can deliver more production. That, in principle at least, is a good thing. How we get there, of course, is subject to the argument. This motion is all just a nonsense. It is just simply a stunt for the sake of the media. The great pity is that the Labor Party come in here and cannot tell us that their federal colleagues are going to hand back the system to the states because we know they are not going to. Their own leader is going to keep the system federally. Their own leader is going to centralise it. That is the reality of the circumstance.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): It is with great relish I rise to join this debate. The Howard industrial relations agenda had a very interesting genesis. It did not have a genesis with a mandate granted to the new federal Liberal government to implement these reforms; its genesis was an accident of the electoral process which has handed the control of the Senate to the coalition parties. That is the genesis of this industrial relations agenda. This emerged after the Prime Minister realised he had the numbers in both houses. He did not take this to the Australian people. He decided to take the opportunity to dust off something that had always been sitting in the back of his mean mind to inflict upon the workers of this country. That is the motivation and the genesis for this set of reforms. Now they are running into strife and every man and his dog is criticising these reforms.

We see in today's paper the new motivation for them. The new motivation now is spite. First it was opportunism and now it is spite. He now calls across the chamber, 'Given all this horrible criticism that I am getting from the federal opposition, all you're doing is making me want to do it harder. Do it harder.' That is what he now says. This is the Prime Minister of the country. First he does not take it to the people, then he grabs a political opportunity, and now he maintains it steadfastly in the face of the most outrageous—

The Hon. I.F. Evans interjecting:

The Hon. J.W. WEATHERILL: He is history, and so will be the Prime Minister at the next election; so will the Prime Minister of this country. He has handed the greatest

political opportunity in a generation to the Labor movement. I will answer the question for the putative leader opposite. He will be—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: That is right. He hasn't got the guts to challenge before the election. He will be sitting there in the leader's spot after the election. I will answer the challenge, and that is I certainly will be encouraging the federal Labor Party to take up the challenge of creating a new national industrial relations system; not recreating the old system, but a new industrial relations system; not one that overrides the states but one that works cooperatively with the states. To the extent that the states do want to be part of that federal industrial relations system, it would be on the basis of a conditional referral of power; a conditional referral of power on the basis that if a decent federal industrial relations system is in place then state Labor governments will cooperate with it—not the tawdry and wage-cutting regime that is being promoted.

Let us actually analyse this new regime and what it is going to offer the people of Australia. The first thing it will do is create a multi-jurisdictional nightmare—a multi-jurisdictional nightmare. We will have the residual state system; we will have the residual federal system; we will have a new fair pay commission; we will have a new construction industry tribunal. I mean, they just took 40 years to get rid of the construction industry tribunal in New South Wales and now they are going to recreate a special tribunal just for the construction industry.

I am sure that is not because they are great friends of the construction industry workers: I am sure it is a special little fit-up to make sure that they do not get anywhere near a sniff of a wage increase. We will also have an enlivened common law jurisdiction as smart labour lawyers try to find their way around these unjust laws. We will see an enlivened equal opportunity jurisdiction as smart lawyers find a way around these laws. We will also find an enlivened workers' compensation jurisdiction as smart lawyers find their way around these unjust laws. We will have an enlivened occupational health and safety system as we see remedies for bullying and other remedies wiped out as more authority is passed to employers without a remedy in the existing industrial relations system, and people, in seeking to remedy their injustices, find other ways and forums to seek to do that.

We will have a multijurisdictional nightmare and, for some good employers who want to do the right thing, they will be forced by competitive pressures to follow the worst employers by cutting wages and ensuring that the lowest common denominator survives. It never ceases to amaze me, the people opposite who come in here and trot out the credentials of the good employers, the ones who do care for their employers, but they always ignore—

Mr Scalzi: Don't you admit they exist?

The Hon. J.W. WEATHERILL: I certainly know that they exist: I was one. I was a small businessman and very proud of the way in which we treated our workers. However, competitive pressures will force many of them to cut their wages and conditions to ensure that they stay in business. How will that occur in practice? We now know that the system will work in this fashion: there will be some modicum of protection for existing employees, people on existing wage rates will be able maintain their positions, and they will of course enjoy some measure of protection. However, new employees will receive no such protection, and the absurdity of that will only survive for a few moments. How can one have a single workplace with some people on one wage and set of conditions and other people on other sets of wages and conditions?

The first thing that will happen will be industrial unrest and a real discontent within that particular workplace. The second thing that will happen is that the employer will have a massive incentive to ensure that the existing employees cease to be existing employees as soon as possible. How is that going to happen? We know for a fact that there are no unfair dismissal rights any more, so an intelligent employer will simply dismiss one and offer no reason for dismissal. Why take the risk that you may offer a prohibited reason for dismissal? You will simply dismiss and say, 'I've decided you're sacked. Why? I can't tell you. I've just decided.'

The Hon. P.L. White interjecting:

The Hon. J.W. WEATHERILL: Then of course, as the member for Taylor rightly points out, that is just for people with under 100 employees, and there will be lots of those employers—and many more after the legislation passes, I suspect, as people divide up their businesses to seek to avoid these obligations. As the member for Taylor correctly points out, there is a further catch-all that allows one to escape from any unfair dismissal jurisdiction, and that concerns the capacity to proffer a reason for dismissal, which is about operational reasons. Anyone who has practised in the industrial jurisdictions is well aware of the fake restructure as the basis for a termination, so we will find very quickly that the so-called existing work force that has the so-called protections against a reduction in its take-home pay will quickly be emptied out in favour of a work force that can be employed for anything.

What is the logic of this system? It is as simple as supply and demand. We are facing a tight labour market, and the employer class, which has captured the Liberal Party, said 'This is handing an unacceptable measure of authority back to working people: it is critical that you do something to increase the supply of labour, so we'll drive as many people back to work as we can with our welfare reforms and completely deregulate the labour market so that prices can be driven down until they meet the lowest possible price of labour'. That is the logic of this system. This is something that this country has never had to endure before. The market is now going to operate in its full glory in relation to labour market considerations and it will completely alter the landscape of the South Australian and, indeed, the Australian community.

It has never been the Australian way. It has always been a feature of our system that we have provided decent living conditions for our community through the wages system. It is one of the reasons why we have one of the lowest levels of taxation in any comparable country across all comparable countries in the world. This is a revolution. It will be a revolution resisted by the labour movement. It will unite the labour movement and will ultimately crush the federal Liberal government.

Ms THOMPSON (Reynell): I endorse the remarks made by all my colleagues on this side. There are so many points to make in relation to these proposed changes of Mr Howard that it would take us all a couple of hours if we were to enumerate them, so I want to say that I agree with everything that has been said by my colleagues and will try to avoid repeating it. However, one thing does need to be repeated, and that is the unaustralian nature of these changes. Every time we hear a talkback radio discussion on tipping and visits

to the US, caller after caller indicate their disgust with this practice.

The Australian way is for a fair day's work for a fair day's pay. As noted by the member for Enfield, some sections of the US seem never to have got over the abolition of slavery and choose to maintain a new form of slavery through the lack of wage rates. We saw the outcome of that in the New Orleans floods. The working poor there who did not have enough money for petrol to escape their homes, who did not have cars, etc., were a blight on the US and a blight on their system of industrial relations and welfare—and a blight on Howard who wants to imitate that US system. It is simply unAustralian.

Another matter I wish to reinforce relates to the remarks made by the member for West Torrens when he talked about the fact that this move by the Howard government would eventually result in a stronger union movement. Members opposite ridiculed this idea, but I have actual experience of it. In 1976 the Fraser Liberal government introduced radical changes to the employment conditions of commonwealth public servants. At that time I was the state secretary of the Administrative and Clerical Officers Association, and in the front line to know what the result was. One of the accompanying moves of the Fraser government was to remove the right to payroll deduction of union fees. He sought to cripple unions financially so that they could not resist the radical changes he was then making.

Well, it did not work. What happened was that there was a flood of applications to join our union. We already had a high rate of membership, but the flood of applications meant that we had well over 90 per cent union membership. Other unions in the area who did not have the same strength we did also had a flood of applications. They cut off our payroll deduction, yes, and at times I had to sit and shuffle through the bills of the organisation to work out which ones we could pay this week and which ones we could pay some time later (just like many households do), but we found that our members gave us their support. They contributed a voluntary levy to help us adjust to the new scheme.

Other unions also supported us, and the outcome of all this activity was unions in the commonwealth public service working together in a way that was unprecedented. Back in 1976 there was a lot more class structure still left in the public service than we hope is in Australian society; white-collar unions were quite separate from the blue-collar unions, but not after 1976. We came together in a way that would have been unthinkable even 10 years before, and that was the hallmark of the move from separate unions and peak councils into the ACTU; because we learned to work together in that time we strengthened the union movement.

It is nearly 30 years ago, so my memory of some of the details is not totally reliable, but I recall addressing a meeting of 15 000 public servants. The first thing that was unusual about that was that the blue-collar workers were prepared to allow a young, white-collar woman to lead the assault on the Fraser changes. In those days it was very unusual for a woman to be taking a lead role in the unions (fortunately that is not now the case), but I was recognised as having the expertise so I was given the leadership. There were 15 000 people assembled as they had never been before—just from the commonwealth public service, not the community—to show their outrage. As I said, it has changed the face of the union movement since.

I agree with the member for West Torrens that the reason for recent declines in union membership have been twofold: first, the changing structure of the work force; and secondly, the changing nature of pay conditions. People have seen that the institutional arrangements put in place by the Hawke-Keating government are looking after them and they do not need so much from the union. They will now see that the institutional arrangements put in place by the Howard-Kerin forces are destroying workers' rights, destroying the traditional notion of Australia.

I would like to make a couple of other points about that. There are some who say that the actions of the ACTU and unions in fighting these radical changes are simply self protection. They are not. Not only will the ACTU benefit, but the people who are going to be least affected by these changes are the unionists. The ACTU is once again demonstrating its commitment to all Australian workers, unionists or not—and we already know that the ACTU does this and does so very effectively. The work they undertook in the interests of people affected by mesothelioma and asbestosis in the James Hardie dispute shows how the ACTU and the component unions work to support those who have been left out by the business sector and who have been left out by laws. The ACTU invested huge amounts of money in that, and they will continue to protect those low paid, low-skilled, vulnerable people in our community who have the least ability to negotiate strongly for themselves.

Howard says that some people benefit. Some will, those who have the most ability to negotiate for themselves will benefit, but what is unAustralian is leaving those who are unable to look after themselves to fend for themselves in the gutter, or wherever else, as we saw in the New Orleans floods. Even today, SA Unions has lodged an application to increase the minimum pay. That is not about unionists: that is about people who are outside the union structure, the most vulnerable in the work force.

I am suspicious of the fact that not only is this happening at a time of full employment, it is also happening at a time when an increasing proportion of the Australian work force is earning less than average weekly earnings. The latest figures that I was able to obtain recently from the library show that in May 2004 in Australia 60 per cent of men earned less than average weekly earnings. Overall, it is over 60 per cent; similarly in South Australia. These are just changes at the margin, but way back in 1998 it was not over 60 per cent of the community earning less than average weekly earnings: it was just under. They are not dramatic figures, but it is an increasing trend to show that, in the area of full-time workers in non-managerial jobs, fewer people are keeping up with average weekly earnings.

When there is no system of fairness this will become even worse. The rich will get richer and the poor will get poorer. People will be working all day and all night, still unable to provide for their families. We have people forced off welfare to look for these low paid jobs, otherwise people would find it difficult to join the work force. This is not fair on business. Most business operators, particularly small business operators, want to be able to compete on the basis of better work practices and better cooperation with their workers, not by turning their workers into slaves.

Ms CICCARELLO (Norwood): I rise to support the motion. Prime Minister John Howard has failed his latest test on industrial relations, killing off proper parliamentary debate on this extreme bill. Attacking industrial regulations safeguards has long been the Prime Minister's tired old dream,

but Mr Howard refuses to debate his deeply unpopular scheme. Mr Howard's IR changes have nothing to do with Australia's future but everything to do with the past. In another abuse of his parliamentary numbers, Mr Howard has now decided that debate on his extreme IR bill will be guillotined today, and that means that parliament, on behalf of the Australian community, will not have a chance to properly examine or debate Mr Howard's ideological bill.

This is a government with total control out of control. Mr Howard now knows his extreme IR changes are political poison. He refuses to be upfront with the Australian people and give them the debate they deserve. Mr Howard did not tell the Australian people in the election campaign that he was going to attack their job security, take-home pay, working conditions and living standards. He now needs to stop hiding behind his more than $50 million taxpayer-funded advertising campaign and front up in a televised debate to defend his extreme attack on Australian families. The fact that the commonwealth spent over $50 million on advertising for a piece of legislation that had not even been introduced is an outrage; and I say 'outrage' because I see many areas where the $50 million-plus could have been better spent.

In South Australia under Liberal Party leadership the average waiting time for public dental health care rose to 49 months in 2001. People were waiting more than four years, on average, to get their teeth fixed. Many of these people could have been classified as needing emergency treatment. The shadow health spokesman Dean Brown was presiding over that portfolio during that period. He is the same person who is now screaming from the top of his lungs that the health system is in crisis. During the Liberals' reign in South Australia tens of thousands of South Australians were walking around with ticking timebombs in their mouths, waiting to access public services. It was not unusual to see these people in severe pain at hospital emergency waiting rooms. Four years was the average waiting time for dental treatment, but what about the people who had been waiting even longer than that? What were the reasons behind such a long wait? The commonwealth government pulling the plug on the commonwealth dental health program in 1996 started it, followed by a lack of funding by the Liberal Party when it was in power in South Australia.

At a time when the Howard government is wasting $50 million on useless and shameless advertising on IR policies, is Dean Brown (the shadow health minister) investigating ways to fix the health system? Is he calling for $50 million to be spent in his home state? The answer is no. Why would he? After all, it is his party that decided to take an axe to emergency dental care funding in this country. Would it not be fair to challenge his federal colleagues to lobby for federal funding in this area? Surely someone with a medical portfolio would know that poor oral health is linked to poor nutrition and a range of medical conditions, including diabetes, pneumonia and cardiovascular diseases—conditions that put a further strain on our public health system. By not demanding commonwealth assistance for dental health funding, Mr Brown must believe, like the Howard government, that it is okay to waste $50 million on more advertising for its policies. He must believe it is okay to waste further millions by recalling the IR handbook because it does not say 'fairer'.

I said 'policies' because at the time when these ads came onto our TV screens and gave most of us nightmares, these IR policies had not been introduced into the parliament as legislation. In fact, the legislation was not available prior to its introduction—and this is what it boils down to. The federal government has wasted the equivalent of South Australia's dental funding on a dream that the Prime Minister had 20 years ago—a dream to dismantle unions and inhibit their fight to protect workers' rights. People in South Australia are forgoing dental care to support the Prime Minister's dream to keep the rich rich and the poor poorer, but it is not just low income earners who are affected by this extreme waste of public funding. It is our elderly.

It is starting to sound like a common theme with this government, but it appears that the elderly in our communities are waiting to regain the ability to chew on food. It is estimated that between 30 and 50 per cent of older people who enter hospitals are undernourished and this puts the onus on hospitals again. These are staggering figures, and poor dental care is a key reason for this.

These IR changes that are being rammed down the throats of the Australian people will do nothing to enhance our lives. If anything, they will make it more difficult for people to pay for services, including dental and many other services, as they barter away their rights and conditions.

The Hon. P.L. WHITE (Taylor): I rise in support of my colleagues and add my support to this motion which condemns the federal Liberal government's extreme work regime. I do so on behalf of my constituency, as I note and can report to the house a growing unease and, indeed, a growing alarm within my constituency about this attack on our award safety net system for Australian workers and Australian families. Awards obviously have been the cornerstone of our industrial system here in this country for well over a century. Until quite recently, the feedback from my electorate had been in the nature of some concern, principally by working people, about the shift in balance and standing of workers under this new regime, but in the last 10 days or so I have detected a change in my constituency as more and more people are beginning to realise how massive some of these changes are. That is perhaps one of the things that there is total agreement on between the federal Liberal and Labor parties—that this change is massive—and that is starting to dawn on Australians.

Indeed, in recent days I have had contact from a number of pensioners who are now starting to understand that the link between their income and the minimum wage in Australia is threatened by these changes also. So it is not just a concern of workers and it is not just a concern of potential workers and working families: it is a widespread concern within my constituency. If members opposite have not had that sort of feedback, particularly in the last couple of weeks, I dare say that is coming for them.

The Prime Minister gives the economy as the reason for this change. The federal Liberal Party's view is that there is need for change to 'reform our national economy to encourage jobs growth'. How are they going to achieve that? They will do it by abolishing our award safety net in three principal ways: first, encouraging workers onto individual contracts; second, by creating an environment which slows and decreases minimum wage rises; and, third, by stifling conditions and stripping entitlements to a basic five allowable conditions.

What is not talked about a lot by the federal Liberal conservative government is those factors that are not purely economic. This debate principally has been one about reform of the national economy—and, indeed, the importance to working families of being able to put food on the table, pay

the mortgage and put fuel in the car is of the utmost importance. But what about the sort of society that these changes will lead to? What about family time? All Australians want to have time for families, time for spouses and relationships, and time for children. Those are the things that are also threatened by the changes to working wages and conditions in Australia.

These changes are, indeed, massive. They are being driven by an ideological concern of the federal government that links reform of the economy to wages and conditions. There is no discussion about productivity gains through spending on training and other reforms. It is all linked to wage rises. So, on the one hand, the federal government has been pushing the line that our economy will be strengthened by stamping on wage rises (and that is to one audience—the business audience) and, on the other hand, turning to workers and saying, 'You need not be afraid because you will get wage increases out of this.' You cannot argue both lines, and the federal government is trying to do just that.

These changes will affect hundreds of thousands of Australian families—workers, non-workers, retired people, everyone. It is a fundamental change to our society, not just a change to our economy, and my electors realise that and are becoming increasingly alarmed by it. If those members opposite who are planning on supporting or ignoring this motion do not know it yet, those same people will be working their way into their offices (pensioners included, because that is a group that is particularly worried by this), and I urge them to think carefully about how these changes impact not on the ideology of our two parties and the long-fought differences between our two parties but how they will impact on their own constituencies.

Ms BEDFORD (Florey): There is little I can add to the remarks of the member for Wright in moving this motion and the many on this side who have supported her motion, which I also support, and the substance of which I hope will become a topic of conversation in homes, work places and places where people gather to catch up with each other in the ensuing weeks, for the results of this federal government's industrial relations agenda will have ramifications for years to come. The hard-won entitlements and benefits fought for, negotiated and earned through productivity changes and wage sacrifices over many decades will be lost completely or savagely changed in the recognisable and unacceptable fashion of boom and bust, where workers will need to remember the origins of unions and the meaning of solidarity as they unite to re-win the conditions that have separated this nation from others around the world, as the member for Enfield so eloquently explained in his contribution this morning.

Earlier today I joined some young activists handing out flyers promoting the protest planned for workers in Adelaide as part of the national action next Tuesday. Many people who have never come to a protest will be with us during that rally because they are wary about the bill before our federal colleagues and the fine print in the huge piece of legislation that is moving very quickly in a tsunami-like fashion. The unease is the warning sign that something so big on detail that cannot be easily understood by workers or employers is not necessarily a change for the better.

As someone said on the radio this morning, Howard and his slick salesmen say that you do not have to worry about the detail because most of the measures are already in the current legislation: you do not have to worry about this or that because it already happens on the ground here in Australia. As the caller said, if this is all so, why are we changing anything at all? Of course, the Howard Liberals would have you believe that the so-called safety net for workers is that you can always find another job. There are many workers who do not share the confidence of the federal government, that is, that such a move would be any more easily achieved than negotiating their own agreements or contracts.

The key to this issue is getting information out there quickly and in plain English so that everyone can have a look at it and so that they can try to understand what is going on. While the five-minute news grab is a form of communication to which many have become accustomed, I think it is the responsibility of everyone in this place to do all they can to reconnect with their communities, their friends and their workmates to explain the reasons why this legislation should be opposed.

We certainly must not reach a situation where workers are pitted against each other, where an employer might say to someone, 'Well, you've been a really great worker over the years, but so and so has been, too. In a rationalisation we will be having shortly, they have agreed to an hourly rate that is less than the one you have, so we are hoping you will do that, too.' This is the way in which things will go. It is a situation far removed from the mateship on which Australia was built and which underpinned the Anzac tradition, where people pulled together to see that everyone had a share in the prosperity of the nation.

Along with everyone else who has spoken from our side, I ask everyone to have that seed of doubt in their mind and to examine very closely what is going on in Canberra, in relation not just to this measure but also to so many of the measures we are seeing go through the federal parliament. That is not to say that change is something we should not have a look at but, as someone said, 'If the wheel's not broken, we don't really need to fix it.'

Mr SNELLING (Playford): I rise to support this motion. Principally, I want to address two matters, the first being the commonwealth's abuse of the corporations power. I admit it is an abuse which has been perpetrated by both sides of politics over the years and which has been endorsed by the High Court, whereby the commonwealth has appropriated powers from the states by saying that anything that goes on within the four walls of the corporation comes within the commonwealth's ambit. It seems to me that that was never really the purpose of the corporations power and the way in which it has been interpreted. The commonwealth can really appropriate unto itself almost any power that I think is best left with the states by hanging its hat on that particular constitutional peg.

We see the commonwealth doing the same with industrial relations. Under our Constitution, it is quite clear that industrial relations powers were to remain principally with the states. However, with Howard, we see a massive grab for power, which is quite surprising coming from a person who describes himself as a conservative. The Howard government has become perhaps one of the most centralising commonwealth governments we have ever had. I would say that Howard goes even further than the Whitlam government in trying to appropriate power from the states, and that is an important issue for everyone in this place. We really have to wonder what is the use of our coming here every day if the commonwealth increasingly is going to appropriate powers unto itself under the corporations power.

Supporting the federal IR relation is bit like writing our own redundancy notice, because that is ultimately what it will mean, and it will not stop there. Once this happens, all sorts of other powers will be appropriated by the commonwealth and taken away from the states, and our entire federal structure will be eroded. As I have said, that is a rather strange thing to come from someone who describes himself as a conservative. It is clear that John Howard has no respect for our federal structure whatsoever—at least he has no respect for it when it does not suit him.

My other point is that this legislation goes directly to what the legislation attempts to do. The effect of this legislation will be to create a working underclass. The unskilled do not have bargaining powers, and they do not have skills that are in high demand. If you have few skills, you are not able to go to an employer and say, 'I have this particular skill set to offer you and this is the price at which I am able to sell it.' That option is not available to a large proportion of the population. They must take whatever job they can get, because they have to feed their family.

The result of this federal legislation will be to create a working underclass, which has not been a feature of Australian society since the Harvester decision early last century. That is not the way in which the Australian labour market has operated. There was a time in this country when so-called conservatives agreed with that proposition. They agreed that there should not be a working underclass. However, how sad it is that that no longer exists. There used to be a political consensus among the Labor Party and the Liberal Party that a working underclass should not be a feature of Australian society, but how much the Liberal Party has changed. No longer does it uphold that important part of the Australian settlement. It has comprehensively renounced it. As I say, the effect of this legislation will be a working underclass—those people who do not have skills in high demand.

The result will be the creation of an underclass. I am proud to have come from a union background, the SDA, and a large proportion of the work force which I represented were casuals. The one thing that I learned in my time as a union official is that it does not matter what protections exist, it does not matter what is in an award and it does not matter what is even in the law. Unless a worker has job security, all of that counts for nothing. What would happen to casuals who worked in the retail sector (whom I represented) is that if they piped up, if they were being exploited and they protested, they would immediately lose their hours, and nothing could be done for them.

Nothing could be done to help them—because they were casual their hours could be taken away from them, and there was virtually no comeback for either them or for the union. When an employer wanted to bend the award, to get around some provision of the award, wanted them to engage in some practice that was against occupational health and safety regulations, wanted them to work through their meal break or to work through the night, there was very little casual employees could do about it. Even though there were rules there to protect them, they well knew and the employer knew that if they protested the employer had the easy recourse of taking away their hours.

The federal legislation extends those privations to all employees which used to be the case only for casual employees. Let us not pretend for a moment that the commonwealth legislation does anything other than remove unfair dismissal laws. By removing unfair dismissal laws, it does not matter what other protections might be in the legislation, they will mean nothing. They may as well not be in there, because an employer will know that if an employee says, 'No, what you are trying to do is against the law,' sooner or later the employer will be able to dismiss them and that worker will have no recourse.

Unfair dismissal is so important because it holds up every other protection we put in place in our system. If you do not have unfair dismissal protection you may as well have nothing. Employers know that and the supporters of this federal legislation know that. That is why they have been on about unfair dismissal for so long; that is why it has been so important to them. They know that unfair dismissal laws hold up everything else. I am rather surprised that only one member opposite has risen to defend the federal government's legislation. We have been deafened by the silence from the other side of the house. I would have thought that one of them would have got up to defend their federal government's legislation.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I would also like to speak in favour of this motion, and, in doing so, I congratulate the member for Wright for bringing forward such an important motion. I apologise, because I have not been able to listen to all the debate this morning because of meetings. However, I am sure that members on this side of the chamber have spoken very eloquently in support of the motion. I note that the member for Wright was not able to move this motion in an amended form, which seems somewhat of a pity. The member for Hammond took umbrage at that. Nonetheless, that is his right and, obviously, he exercised that right.

Notwithstanding that, the motion before us is very important. It highlights how seriously members on this side of the chamber feel about this attempted push by the Howard Liberal government to take away the rights of a South Australian government to do what it has been doing successfully for the past 100 years, or more. What it also highlights, of course, is that, whether it was a Labor government or a Liberal government (and I am talking, of course, at a state level), we had a very proud industrial relations record.

This proposal by the Howard federal government is all about turning upside down a system that has worked so successfully in South Australia and in other states (but we are talking about South Australia) for 100 years, or more. Of course, in part, we have prided ourselves on the large numbers of South Australians who rely on awards. In recent years a large number of people have moved onto enterprise agreements, but they are still in a position of being underpinned by the award system. That is a very important principle that has served us very well, and something that will be turned upside down by the proposals of the Howard Liberal government.

Debate adjourned.

[Sitting suspended from 1 to 2.15 p.m.]

VISITING SCHOOLS

The SPEAKER: The following schools have been visiting today: St Ignatius College (the member for Norwood, Ms Vini Ciccarello is hosting them); Brighton Secondary School (hosted by the Hon. Wayne Matthew, member for Bright); and Underdale High School (hosted by the member for West Torrens, Mr Tom Koutsantonis). I trust that their visit is educational and informative.

MEMBER'S REMARKS

The SPEAKER: Yesterday the member for Unley made a remark which was picked up by Hansard and reported on page 3909. When the member for Unley appears, either today or the next sitting day, he will be required to withdraw that reference. I remind members that it is against the standing orders and the rules of this parliament to say that someone is a liar or to talk about their lies. Members can engage in vigorous debate, but the basis of our rules is that we do not attack the integrity of a member. Members can attack an argument as vigorously as they like, but they are not to go around saying 'the lies of someone' or that 'so and so is a liar'.

AMBULANCE STATION, McLAREN VALE

A petition signed by 522 residents of South Australia, requesting the house to urge the government to construct an ambulance station at McLaren Vale immediately to reduce response times and help prevent the potential loss of life, was presented by Mr Brokenshire.

Petition received.

SPEED ZONES

A petition signed by 67 residents of South Australia, requesting the house to urge the Minister for Transport to review all 50 km/h speed zones on all roads other than back streets, was presented by Mr Brokenshire.

Petition received.

MAIN SOUTH ROAD, VICTOR HARBOUR ROAD INTERSECTION

A petition signed by 45 residents of South Australia, requesting the house to urge the Minister for Transport to make a budget allocation for the urgent upgrade of the Main South Road, Victor Harbour Road intersection, was presented by Mr Brokenshire.

Petition received.

QUESTION WITHOUT NOTICE

The SPEAKER: I direct that the written answer to a question, as detailed in the schedule that I now table, be distributed and printed in *Hansard*.

SCHOOLS, EUDUNDA AREA

In reply to **Hon. G.M. GUNN** (19 September).

The Hon. J.D LOMAX-SMITH: I am advised that Back to School grant funds were initially withheld from the Eudunda Area School by the Department of Education and Children's Services, as acquittal information for an earlier grant had not been received.

This problem has since been rectified and the balance of unpaid BTS grants, was made and approved on 29 August 2005 and transferred to the school on 9 September 2005.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Transport (Hon. P.F. Conlon)—

Speed Management—Road Traffic Act—Report 2004-2005

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

National Parks and Wildlife Council, South Australian—Report 2004-2005

Soil and Conservation Council, South Australian—Report 2004-2005

By the Minister for Gambling (Hon. M.J. Wright)—

Gaming Machine Licensing Guidelines, Section 86A Gaming Machines Act—November 2005.

FLOODING, NORTHERN ADELAIDE PLAINS

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

Leave granted.

The Hon. R.J. McEWEN: I wish to advise the house of the government's response to the flooding that has affected the Northern Adelaide Plains in recent days. The government provided immediate re-establishment grants of $10 000 to growers whose crops have been destroyed. In total, an area of 1 000 hectares of horticultural crops and an estimated 300 to 350 growers have been affected. An initial PIRSA estimate indicates that the crop losses in the affected region could reach $40 million. This of course does not include losses to infrastructure such as glasshouses, irrigation systems, pumps and sheds, or losses of property and infrastructure such as roads and rail lines.

The Northern Adelaide Plains community plays a key role in the provision of fruit and vegetables throughout the state. The flooding will have a major short-term impact on family businesses and the regional economy, and may flow through to consumer prices for fruit and vegetables. I am pleased to say that the government will move to deliver support quickly. Most importantly, the help provided will focus on sustaining the recovery and the long-term viability of affected producers. There will be a two-pronged approach by PIRSA to assist the re-establishment of the Adelaide Plains horticulture industry:

- a one-off $10 000 grant to eligible growers (based on tax return and verification of property ownership/lease); and
- a technical advice and business recovery team to be located at the Virginia Horticulture Centre from Monday 14 November 2005 to assist with business planning.

The PIRSA recovery team in place to assist affected growers will be at the Community Cabinet Forum, Smithfield Plains High School, on Monday evening between 6 and 7.30 p.m., and thereafter will be located at the Virginia Horticulture Centre.

The focus of the recovery team will be to provide technical solutions to issues such as rehabilitation of the soil following the flooding, preparation of new business plans, finance and business advice, etc. I expect that the team will be in place for a period of no less than three months. It will include specialist PIRSA staff who were involved with the recovery phase of the Eyre Peninsula bushfire. Together with the local member, Hon. Trish White MP, I intend to visit the region on Tuesday 15 November to meet affected growers and to see first-hand the damage caused by the flood. I urge growers and property owners seeking assistance to contact the State Recovery Centre on 1300 764 482, or the Virginia Horticulture Centre on 8282 9200. I also acknowledge the tremendous support and assistance provided by SES and other volunteer groups, the police, the local community and government agencies.

QUESTION TIME

FLOODING, NORTHERN ADELAIDE PLAINS

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Infrastructure. Will the minister ensure that, once the Adelaide Plains flood crisis has eased,

he will arrange for an urgent review of events to assess how our emergency services might best respond to a similar event at some time in the future? Experience in the past few days has shown that, while the emergency services reacted in a timely and dedicated manner, those affected by the flooding have concerns about some aspects of how the crisis was managed. For example, while people in one area were urgently seeking sandbags to contain water flows, pallets of sandbags in the main street of Virginia were not made available because of confusion over who had authority for their release. Flood victims raised this and other issues with me this morning when I inspected the affected area, and they wish their concerns to be interpreted not as a criticism of flood management but as a genuine request from them that opportunities to learn from this experience are not lost.

The Hon. P.F. CONLON (Minister for Infrastructure): I will pass it on to the Minister for Emergency Services. I can say, as I understand it, that the ordinary practice of emergency services after any major event is to review what occurred in a lessons-learnt exercise. I appreciate the spirit in which the question is asked: it is not a criticism. I spoke to David Place two nights ago, I think—being in this place tends to run all the days together, I must say—and he advised me that he thought that, under the new SAFECOM arrangements, the organisation and coordination between emergency services was excellent. That is not to say that things cannot be learnt, but he said that he thought it was the best cooperation he had seen to date.

There is no doubt that many of the individual services did absolutely heroic work, and many homes, particularly in the Virginia area, had minimised damage as a result of the fantastic work of the crews. I can assure the Leader of the Opposition that there will be a proper review of what occurred and our emergency services, who did a fantastic job, no doubt will take lessons from this and continue to do a better job every time they turn out. I take my hat off to them: it was a tremendous piece of work, and I am sure everyone in the house agrees.

INDUSTRIAL RELATIONS CAMPAIGN

Mrs GERAGHTY (Torrens): My question is to the Minister for Industrial Relations. Is there any research indicating that the federal work choices legislation will lead to South Australian workers currently covered by South Australian work laws being locked out of their workplaces without pay by their employers and, if so, what are the key points of the research and will the minister raise this at the Senate inquiry?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I thank the member for Torrens for her question as I know she has a very strong interest in this area. When employers stop paying workers to put pressure on them it can have a devastating effect on the ability of families to pay their bills. That is the sort of pressure that comes on working families when lockouts are used. There is very clear evidence that the Liberal plan is to obliterate South Australian work laws, and that will lead to more lockouts.

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. Yesterday we had the same thing from this minister. The minister is debating the issue, and that is clearly in contravention of standing order 98.

The SPEAKER: Order! The minister should not stray into debate; he should answer the question factually, not provide a commentary.

The Hon. I.F. EVANS: On a point of order, Mr Speaker, there is a private member's motion on this very topic, which is part way through debate before the house today and which has been adjourned for the debate to be completed on another day. The minister is pre-empting debate on a motion before the house.

The SPEAKER: Order! If the minister sticks to answering the question in terms of research there should not be any problem, but he should not pre-empt debate on the bill.

The Hon. M.J. WRIGHT: Thank you, sir. Research shows that there has been a surge in lockouts under the federal Liberal government and that lockouts have become a major factor in long and bitter industrial disputes. The Liberal government's Workplace Relations Act 1996 commenced in 1997. Research shows that from 1994 to 1998 lockouts were involved in 7.7 per cent of long industrial disputes. However, it also shows that between 1999 and 2003 when we were seeing the full effect of the federal Liberal legislation lockouts were involved in 57.5 per cent of long industrial disputes.

Lockouts were involved in over half of all long industrial disputes. That means there was more than a seven-fold increase in the number of lockouts involved in those types of disputes. Clearly, we do not want that for South Australia. We do not want working families being put under that type of pressure that can slash wages and conditions. The research also makes it very clear that the federal Liberal work laws are a major factor in encouraging employers to lock out workers and deny them their income. It found that 91 per cent of lockouts Australia wide happened under federal laws. It also shows that 50 per cent of all lockouts happened in Victoria, the only state that is solely under federal work laws.

It also goes on to show that the Liberal plan to obliterate South Australian work laws will lead to workers being put under intense pressure. So, when I appear before the Senate inquiry on Monday I will make it clear that the government will see an explosion of lockouts in South Australia.

Mr BROKENSHIRE: I rise on a point of order, Mr Speaker. Standing order 107 refers to the fact that a minister should make a ministerial statement—

The SPEAKER: Order! That is not a point of order in this situation. The minister was getting into debate. He needs to be very careful.

The Hon. M.J. WRIGHT: Thank you, sir. I will make clear to the Senate inquiry that lockouts do hurt working families, and I will also make it clear at the Senate inquiry that this is not the South Australian way.

FLOODING, NORTHERN ADELAIDE PLAINS

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Minister for Infrastructure. Once the immediate emergency of the Adelaide Plains flood is over, will the minister arrange for a thorough review of flood water movement on the Northern Adelaide Plains? Flood victims have expressed to me this morning the view that infrastructure development in and around flood prone areas north of the city over the past two decades has altered the way in which the Gawler River floods. Development of new roads, rail lines and housing may have inadvertently caused barriers to the movement of water away from flood prone areas in addition to redirecting flood waters through areas in directions not previously experienced. Genuine surprise was expressed to me this morning about where flood waters have actually flowed, and local residents feel that the next few

days are an opportunity to re-map water movements in the area.

The Hon. P.F. CONLON (Minister for Infrastructure): I say again that it is very logical to examine and review what has occurred in these circumstances. On the night of the worst of the events the very extensive emergency services (including, I think, the rescue helicopter) had the difficult task of tracking the movement of water. There is also no doubt that since settlement in 1836, what humans do changes the natural environment and where water flows, and we will certainly be learning from that. I think we will get something positive out of these dreadful events, and I understand from conversations today that the Barossa and Light councils are now closer to coming to a resolution of some longstanding issues about flood water management, and I think we should use these events to find a positive to bring the councils together. I will just put on the record—and I have been talking about this for a couple of days—that the media reports me as getting into councils, which has not been the case. One or two individuals were named early but—

Ms Chapman interjecting:

The Hon. P.F. CONLON: What I have said over and over, before the member for Bragg, the expert on everything gets going, is that the vast bulk—

Ms Chapman: What you said about our council is a disgrace. Have you apologised?

The Hon. P.F. CONLON: There you go. They cannot help themselves. What I have said over and over is that the vast bulk of councils have been extremely positive in dealing with the proposal that we have brought to them, and to the LGA, and I will be going back to that local government forum again. They have been very positive about the proposal that we put to them for fast tracking a solution to stormwater infrastructure. I am very confident that, by the middle of next year, we will be able to bring a bill to this house, and by the good graces of the people of South Australia we will be returned and able to do that. Certainly, if we are returned, we will be bringing that bill back to the house.

Mr Brokenshire: Bring it in in February.

The Hon. P.F. CONLON: The member for Mawson says, 'Bring it in in February.' We actually have a consultation timetable that we set out for those councils and we will meet it. We will be bringing that back to the house and we will have a very positive way of accelerating infrastructure for stormwater.

Mr Koutsantonis interjecting:

The SPEAKER: Order, the member for West Torrens!

The Hon. P.F. CONLON: I close by saying that it is always important to remember this: that we can build infrastructure and plan and improve, and we can do all that, but all that we can ever do at the end of the day is minimise and mitigate damage from flooding. We are not able to prevent it entirely. No force—certainly no human force—is able to prevent entirely acts of nature, but it is incumbent upon us to do what we can to minimise and mitigate, and the proposal that we have put to local government, I think, is the best and most radical step forward that we have seen in stormwater management for decades.

ELECTIVE SURGERY

Mr CAICA (Colton): My question is to the Minister for Health. Has the government's increased funding for health resulted in more elective surgical procedures in our public hospitals?

The Hon. J.D. HILL (Minister for Health): I thank the member for Colton, who is a strong advocate for our public health system, and I am pleased to give the house even more good news about the public health system in South Australia. The latest figures from the elective surgery bulletin demonstrate that, under this government, the number of elective surgical procedures has risen for the third year in a row. From July 2004 to June this year, there were 37 015 elective surgery procedures undertaken in our public hospitals. This is the highest level for five years. It is 1 873 more procedures than in 2001-02, the last year that the Liberal Party was in government. In fact, in the last four years of the Liberal government, elective surgical procedures declined in each and every year.

The reason that we have been able to have more procedures is because we have injected more funds—an extra $10 million for elective surgery last October. This year's budget has increased it by another $4 million and last month we increased funding by a further $12 million. That will fund an extra 2 395 additional procedures for this financial year. Over all, we have contributed an extra $42.6 million to elective surgery since we came to government. We have been able to do it because of more funds, more doctors, more nurses, and more beds where they are needed.

DEFAMATION COSTS

Ms CHAPMAN (Bragg): My question is to the Attorney-General. Given the importance that the Attorney attached yesterday to advising the house of certain defamation costs that he had signed off on, why did the Attorney not report to the house the defamation cost that he signed off in November 2004 with respect to a Labor member's defamation proceedings; and can he confirm that the final cost of the case, including legal fees, was more than half a million dollars, which is well in excess of the amount involved in the two cases that he referred to yesterday. The opposition understands that in November 2004 the Attorney-General paid a damages claim award of $305 000 plus costs to former Labor minister Dr John Cornwall. In a statement to the media at the time, the Attorney-General refused to divulge the figure for the legal costs to taxpayers. I have been advised that that damages bill plus the legal costs to the former Labor minister could now be half a million dollars of taxpayers' money.

The Hon. M.J. ATKINSON (Attorney-General): I will check the veracity of the member for Bragg's claim. I can tell you, sir, that that indemnity was supported and sustained by the Liberal government through eight years of office.

EVENTFUL ADELAIDE

Ms CICCARELLO (Norwood): My question is to the Minister for Tourism. What is the government doing to support and promote events in South Australia?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Norwood for her question, because she knows that South Australia is entering into the true event season of the calendar. We kicked off with the Tasting Australia event, and we have just today launched a major marketing program to confirm that South Australia is indeed the festival state. I had the pleasure this morning of launching our Eventful Adelaide campaign which will maximise on-marketing between various activities in the New Year to make sure that we can leverage the highest attendance

possible in our metropolitan and regional areas for a range of special events.

These are the events that are occurring in a very short period in the new year: the Next Generation Adelaide International Hardcourt Tennis Championships; the Jacob's Creek Tour Down Under; the VB International one-day cricket matches; and we have secured the VB International one-day cricket final. We also have the Jacob's Creek Open Golf; the Adelaide Fringe; The Adelaide Bank Festival of Arts; the 2006 Adelaide Cup Carnival; WOMADelaide; and Clipsal 500. These major events are a number of fantastic activities supported by the government, and really make this event season the best in our history and the only place for Australians and international visitors to be between January and the end of March.

We have combined marketing programs from all the bodies involved, including the Tourism Commission, the Department of Trade and Economic Development, Arts SA, together with Thoroughbred Racing SA and Clipsal 500 to jointly fund a $1.1 million marketing campaign. The campaign will promote these events through the Eventful Adelaide tag, which will allow us to produce a 24-page brochure which will be inserted into newspapers across Australia, and in our key markets of Sydney, Melbourne and also internationally in New Zealand. The campaign includes press advertisements as well as the inserts, and a television campaign which will go to air to encourage South Australians to participate in these amazing events and encourage people to visit other events when they are in town for the choice events that they would have otherwise visited.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

Ms CHAPMAN (Bragg): Will the Attorney-General assure the house that taxpayers of South Australia will not be called upon to pay any compensation payments to the Premier's former adviser, Mr Randall Ashbourne?

The Hon. M.J. ATKINSON (Attorney-General): I will refer the question to the Premier. It is noteworthy that the Liberal Party's spokesman for legal affairs, the Hon. R.D. Lawson, said that Mr Ashbourne should not have had his employment terminated.

CHILD SEX ABUSE SURVIVORS

Mr O'BRIEN (Napier): Will the Minister for Families and Communities inform the house about services the state government is providing for adult male survivors of child sex abuse?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for his important question. I was very pleased this morning to speak at a conference on this issue called 'Building Capacity for Understanding and Working With Adult Male Survivors of Child Sexual Abuse'. It is now well recognised that men make up a substantial proportion of victims of childhood sexual assault and, while it is difficult to estimate the prevalence rates for men, current research indicates that it could be something in the order of one in six men having been affected by unwanted sexual contact during their childhood. Of course, men—like women—are reluctant to talk about their experiences of sexual assault due to feelings of shame and a fear that they will not be believed. It may be many years before they do, in fact, speak about it, living all the time with the memories of what has happened to them.

A range of organisations have been working together to provide the best possible services to men with experience of abuse. The conference I attended today was the culmination of a range of education and seminar series. They have set the foundation for a much more coordinated approach to ensure that professionals are better equipped to respond to male victims of childhood sexual abuse.

Two significant resources have been produced: one is a pamphlet titled *Things Can Change for the Better*, and it is aimed at improving community awareness of the prevalence of child sexual abuse amongst men and the effect that that has on men and their families. It also dispels some myths about men and childhood sexual assault. The second major resource is the male survivors of sexual assault training education and seminar project, the final report. It is about giving professionals who work with men in a range of areas much better skills to respond sensitively and appropriately to male disclosures of childhood sexual assault.

The state government has also acknowledged, through its efforts, that childhood sexual assault is a serious public health issue. That is why we are spending $2 million to operate Respond SA, the adult childhood sexual abuse service. Since that began operating in 2004, more than 1 400 people have used that Respond SA help line, and men have accounted for 26 per cent of the callers. More than 2 000 counselling sessions have been provided to those adult survivors. Also, a group has been formed specifically for men.

The government has also provided additional money for Uniting Care Wesley for them to assist young male survivors who are at risk of homelessness and, of course, services for men have always been available from our community health services. Men who have recently been subjected to assault can access Yarrow Place rape and sexual assault services.

ATTORNEY-GENERAL

The Hon. W.A. MATTHEW (Bright): I ask the Attorney-General if he can advise the house whether he has, on any occasion, verbally abused or threatened the member for Florey.

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

MATTER OF PRIVILEGE

The Hon. R.G. KERIN (Leader of the Opposition): Sir, I raise a matter of privilege. I ask you, sir, to rule whether a prima facie case for misleading the house exists. The Liberal Party has been given a copy of a letter written to you, Mr Speaker, by Mr Gary Lockwood, a witness to the Legislative Council select committee inquiring into the Ashbourne, Clarke, Atkinson corruption issue. Mr Lockwood's letter—

Mr Koutsantonis interjecting:

The SPEAKER: Order! Member for West Torrens, privilege is a very serious matter.

The Hon. R.G. KERIN: Mr Lockwood's letter refers to what he says are false and unfair claims made about him by the Attorney-General in the house on 19 and 20 October last, in particular as reported in *Hansard* on page 3666. It details the attorney's claims made under protection of privilege and responds to them. In particular, Mr Lockwood refers to his evidence to the select committee that the Attorney-General attempted to place pressure on the member for Torrens and

the member for Florey to remove him from their employment. Mr Lockwood states in his letter that he stands by these statements and is prepared to turn them into sworn evidence in statutory declaration form.

On 19 October 2005, in answer to a question I put to him during question time, the Attorney-General denied attempting to pressure either member in relation to their employment of Mr Lockwood. In the three weeks since then, the member for Florey has not denied the accusations made by Mr Lockwood in relation to this matter. The way to clear up the issue once and for all is for you to interview the member for Florey and the member for Torrens and to report back on the specific allegation as to whether either of them was pressured in any way by the Attorney-General over their respective association with Mr Lockwood or on any other issue. I ask you to do this before considering your ruling as to whether a prima facie case of misleading the house has been made. I ask you to give precedence to a motion to establish a privileges committee to examine the question of whether the Attorney-General deliberately misled the house on 19 October 2005.

The SPEAKER: The chair will look at the material. I have received a letter from Mr Gary Lockwood and I will have that whole matter investigated and report back to the house as soon as possible.

EID AL-FITR

Mr SNELLING (Playford): My question is to the Minister for Multicultural Affairs. Given that South Australian Muslims celebrated Eid al-Fitr, what did the South Australian government do to mark this occasion?

The Hon. M.J. ATKINSON (Minister for Multicultural Affairs): For South Australian Muslims, last Wednesday marked the end of Ramadan, the ninth month of the Islamic lunar calendar and a month of fasting from dawn to dusk. Ramadan is a special time for Muslims. It is an opportunity for both spiritual and physical purification but, most importantly, it is the month in which the Holy Qu'ran was revealed more than 1 400 years ago. On Thursday last week, in farewelling Ramadan in accordance with Islamic tradition, more than 7 500 South Australian Muslims welcomed Eid al-Fitr, a three-day festival and one of the most important dates in the Islamic calendar.

Last Friday night, 4 November and the second day of the Eid, the Premier and I had the privilege of co-hosting a reception for South Australia's Muslim communities in Parliament House. It was the first time that any South Australian government had formally marked Eid al-Fitr, and we hope that it will be the first of many. The occasion was a success: 180 guests attended the reception and they represented many cultures. Both Sunni and Shia communities were present, and guests with origins in many different countries, including Iraq, Iran, Afghanistan, Lebanon, Syria, Turkey, Bosnia-Hercegovina, Somalia, Indonesia, Malaysia, Pakistan and Bangladesh. Every known Islamic organisation in South Australia was invited to the reception, and that includes Imams, Presidents and other members of mosques in Adelaide, Woodville North, Parkholme, Gilles Plains, Elizabeth, Royal Park, Mount Barker, Whyalla, Renmark and Murray Bridge.

Mrs Hall interjecting:

The Hon. M.J. ATKINSON: Yes. One of the many highlights of the evening, as the member for Morialta points out, was a presentation from Imam Suleiman Noureddine from Al-Khalil Mosque. Imam Noureddine read a selection of verses from the Holy Qu'ran. Towards the end of his recitation he explained that he had deliberately selected verses celebrating the roots of the great Abrahamic faiths—Judaism, Christianity and Islam. He concluded by condemning terrorism, saying that, in Islam, killing one innocent person is like killing all of humanity.

The response to the evening has been overwhelmingly positive. Guests expressed appreciation about the halal menu, which included traditional Eid sweets. They were also pleased that the date of the reception fell precisely within the traditional days on which Eid al-Fitr is celebrated and that it was an important time to send a message of support to South Australia's Islamic communities. Regrettably, Muslims are currently being subjected to unprecedented stigmatisation. The reception followed an important meeting that the Premier hosted with Muslim community leaders on 19 October 2005. At that meeting, the Premier announced that I would convene a special working group designed to improve Muslims' public relations and promote inter-faith dialogue. The working group is currently being established, and I look forward to reporting about it further.

PROMOTIONAL VIDEOS

Mrs HALL (Morialta): My question is directed to the Premier. Are public servants being instructed to view the government's 25-minute, $100 000 self-promotional video disks, and are they being required to view these in Public Service time or private time? Further, is there any penalty to be imposed if they do not watch them, and does the Premier see any similarity between the video disks and the Goebbels propaganda machine of Nazi Germany?

The SPEAKER: Order! That is clear comment. The Premier.

The Hon. M.D. RANN (Premier): The member wonders why her career has been described as 'trivial pursuit'. The last part of her comment, being directed to the son of someone who fought Nazi Germany at El Alamein, Dunkirk and in the Italian campaign, is deeply offensive.

Mrs HALL: I have a supplementary question, as the Premier chose not to answer the first one. Will the next video disk in the four-part series of government self-promotional activities feature a segment on the government's progress—or lack of it—in stamping out bullying in the workplace, and will this video disk be required viewing for not only public servants but also members of parliament and ministers of the Crown?

The Hon. M.D. RANN: I am quite prepared to offer appearances by members of the opposition in the next video to remind them of the *Rocky Horror Picture Show*.

Mr Brokenshire interjecting:

The SPEAKER: Order! If the member for Mawson thinks he can hide behind the member for Davenport, he is mistaken. The member for Napier.

INTERNATIONAL STUDENTS

Mr O'BRIEN (Napier): My question is to the Minister for Employment, Training and Further Education. What services are being developed to support the growing number of international students in our community?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I thank the honourable member for his question. I am pleased to announce that the

role of South Australia's Training Advocate will be extended to assist international as well as local students. In 2003 the government created the South Australian Office of the Training Advocate. The advocate is a unique model to the Australian vocational education and training system. The advocate, as members probably know, provides a public contact for anyone in the training system, from the 170 000 local training students and apprentices to the hundreds of private and public training providers operating in this state.

This is an increasingly complex system, and to get your way around the training system can be very difficult. It is for this reason that the Training Advocate plays an important role in assisting young and inexperienced workers (and students, in particular), trainees and apprentices, and employers and industry in general to navigate around that system. The advocate provides independent advice and helps resolve issues that may arise, and has been strongly endorsed throughout the training and education area, particularly by the private providers. Each year we conduct a survey to ensure that we evaluate and improve this particular service. Quite often, parents and family also use the Training Advocate's office to assist their children and sometimes their grandchildren.

On the basis of the work that has already been done, we will extend these arrangements to ensure that our 17 000 international students can access the same high quality, personalised service that is available to others engaged in the training system. This support for international students will complement the support services already in place in universities and other training organisations, assisting to maintain South Australia's reputation as a preferred destination for overseas students.

In national terms, South Australia has experienced remarkable growth in the number of students choosing Adelaide as their overseas study destination. This state has had at least double the national average rise in international students in the past three years. The latest figures for the year to the end of August show a 15.5 per cent rise in South Australia compared to a national growth of 6.1 per cent. International students are a major contributor to the state's economy, and the government is committed to making sure that all international students who live and study in Adelaide have a positive stay here.

The role of the Training Advocate will be to advise students about assistance that is available to them as migrants, employees, tenants and consumers, and where they can go and get help. This new service also builds on the success that we have had with Education Adelaide (our community relations program), which assists students with other aspects of living in South Australia, such as local culture, employment arrangements and accommodation. I will be sending the information about this new service to members' electorate offices, because I know that a number of members in this house in particular get inquiries from international students and their families. The Training Advocate's toll free number is 1800 006 488, or they can call into the ground floor office, which is located at 31 Flinders Street, Adelaide.

Ms CHAPMAN (Bragg): As a supplementary question, will the Training Advocate's new area of responsibility cater for the 800 people who lost their jobs last month?

The Hon. S.W. KEY: Unless the 800 people about whom the member for Bragg refers were in training, probably they would not be calling on the Training Advocate. Many services are in place to assist people who have lost their job or who have been made redundant, and I would be more than happy, as our department always does, to try to assist those workers. If the honourable member wants to start talking about job comparisons, I would be more than happy to go down that path. Judging from the opposition's media releases and using the Liberal formula, South Australia's job rate growth has never been better. Under 8½ years of the Liberal Party—

The Hon. DEAN BROWN: I rise on a point of order, Mr Deputy Speaker. This is pure debate.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. S.W. KEY: Under 8½ years of a Liberal government, 53 200—

The Hon. DEAN BROWN: Mr Deputy Speaker, again, this is debate.

The DEPUTY SPEAKER: Order! The minister must not debate the question under standing order 98. I pull her back to the subject of the question.

The Hon. S.W. KEY: I compare that with our record of 3½ years—

Ms CHAPMAN: I rise on a point of order, Mr Deputy Speaker. Clearly, the minister is defying your order when she goes—

An honourable member: She hadn't said a word and you stood up.

Ms CHAPMAN: The question asked was whether the 800 people last month who lost their jobs would have access to the advocate. The minister has answered that by saying, 'No, unless they are in training.' Now we are going into history about employment—

The DEPUTY SPEAKER: Order! The honourable member does not need to debate the point of order. I uphold the point of order. Does the minister want to conclude her answer?

The Hon. S.W. KEY: It is interesting that the question showed that, despite having responsibility for employment and training, the member for Bragg did not know what the Training Advocate did by asking me that question. That is the first point I need to make. I think it is a sore point with the other side that we have a better record—

The Hon. DEAN BROWN: Mr Deputy Speaker, I rise on a point of order. How many times do we have to raise this point of order, and when will you take action?

The Hon. P.F. Conlon: What standing order is that?

Mr Brokenshire interjecting:

The Hon. P.F. Conlon: Why don't you uphold it like last time?

The DEPUTY SPEAKER: Order! I uphold the point of order. The member for Newland.

SCHOOL PRIDE SIGNS

The Hon. D.C. KOTZ (Newland): My question is directed to the Minister for Education and Children's Services. Will the minister explain what benefit school communities receive by erecting School Pride signs and bollards promoting the government throughout the state? Freedom of information documents advise that every department of education site—not just schools—has been given signs and bollards that have been installed on site. The documents also show that the manufacture, delivery and installation of this signage cost the taxpayer $813 000.

Members interjecting:

The SPEAKER: The house will come to order!

Members interjecting:

The SPEAKER: The member for MacKillop, the member for Mawson and the member for Torrens will come to order!

Members interjecting:

The SPEAKER: The next member who speaks after I have called order will be named. The house will come to order immediately!

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I am so delighted to respond to the member for Newland, because it gives me a chance to say that this side of the house, this government, supports public education and invests in it, unlike those opposite who would denigrate our public schools, undermine public education and make an art form about abusing teachers.

The Hon. DEAN BROWN: Mr Speaker, I rise on a point of order. Again there is no attempt by the minister even to come to close to answering the question. I ask you, sir, to stop the debate under standing order 98.

The SPEAKER: The minister will take her seat. There is no point asking questions or answering because no-one will be able to hear any of it. Does the minister wish to wrap up her answer?

The Hon. J.D. LOMAX-SMITH: It must enrage those opposite to know that we have reinvested—

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: —so much in our public schools—

An honourable member interjecting:

The Hon. J.D. LOMAX-SMITH: —$450 million in rebuilding.

The SPEAKER: Order! The minister will sit down. The Minister should not smile: this is serious. To defy the chair will get the minister named.

BLACK SPOT PROGRAM

The Hon. M.R. BUCKBY (Light): My question is to the Minister for Transport. Will the minister advise what progress is being made regarding the junction of Redbanks Road and Main North Road, Willaston, which is a part of the Black Spot program? The black spot project is a part of the 2002-03 state Black Spot program. It was deferred until 2003-04 at the request of the Gawler council to carry out further investigations as to alternative safety treatments. To date, no work has been carried out.

Mr Scalzi: He's not travelling well.

The Hon. P.F. CONLON (Minister for Transport): The member for Hartley says that I'm not travelling well. I mean, he is facing (if I can use my Italian) the culpa de grazia—

Mr BROKENSHIRE: Mr Speaker, I rise on a point of order. It was a specific question and I refer you to standing order 98.

The SPEAKER: The Minister for Transport will answer the question and ignore the—

Mr Scalzi interjecting:

The SPEAKER: The member for Hartley is out of order, and he was out of order with his interjection—and he knows that. The Minister for Transport will answer the question and ignore the member for Hartley.

The Hon. P.F. CONLON: In relation to this question, he says that I am not travelling well, but I understand that the member for Light travels a lot to get to his electorate every morning. This is probably a road that concerns him on the way. I will check this and get some details for the honourable member.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: Mr Speaker, I rise on a point of order.

Members interjecting:

The SPEAKER: The deputy leader will take his seat until the house comes to order.

The Hon. P.F. CONLON: I will get the information and bring it back.

The SPEAKER: The Minister for Transport will not speak over the chair, and the member for MacKillop will not try to hide behind the deputy leader. The deputy leader has a point of order.

The Hon. DEAN BROWN: I think we have had about six occasions when, after its being drawn to the attention of the ministers that they are breaching standing order 98, they have immediately defied your ruling. I wonder how much longer this house is going to uphold the breaching of standing orders.

The SPEAKER: Order! Members on both sides are breaching standing orders all the time. It is about time all members upheld the standing orders, otherwise we will degenerate into something with which most members would not want to be associated. I say to the minister and members, we realise everyone is tired, it has been a long sitting week, but members must abide by the standing orders. If the minister wishes, he can conclude his answer.

The Hon. P.F. CONLON: I apologise, I am chastened and corrected. I have a lot of regard for the member for Light, and I will bring back the appropriate information for him.

TAXIS, COUNTRY

Mr BROKENSHIRE (Mawson): Will the Minister for Transport advise the house whether it is the government's intention to amend the Passenger Transport Act to cover country taxis? In November 2002 the Premier's Taxi Council was told that country taxis were not covered under the Passenger Transport Act. I am advised that at that meeting it was agreed that this problem needed to be addressed urgently. Almost three years later the parliament has seen no amendments and country taxidrivers are very concerned.

The Hon. P.F. CONLON (Minister for Transport): For years, country taxis have been the province of local government, so this matter is being considered by local government at the 14 December meeting of the Minister for Local Government's very good Local Government Forum. This is absolutely appropriate given that, traditionally, the responsibility for taxis has belonged to local government. This will be an opportunity for members of the opposition to put its views about what should happen with country taxis, and we will be very interested to hear what they say.

Mr WILLIAMS (MacKillop): Will the Minister for State/Local Government Relations explain to the house what action he has taken to ensure that viable and comprehensive taxi services continue to operate in country towns? The opposition has received a number of representations from angry operators of country taxis claiming that the minister has failed to take any action following a unanimous vote at the 7 October Local Government Association AGM. This meeting called on the government to implement legislative security for taxi operators in areas where local councils were

not willing to take responsibility for the regulation of taxi services.

The Hon. R.J. McEWEN (Minister for State/Local Government Relations): The member totally misrepresents—

An honourable member: No, he doesn't.

Members interjecting:

The SPEAKER: Order! The Minister for State/Local Government Relations is answering the question.

The Hon. R.J. McEWEN: Until such time as members opposite know what I am suggesting the member misrepresents, perhaps they could delay their interjections.

Members interjecting:

The Hon. R.J. McEWEN: Mr Speaker, I know you are interested in the answer. Based on a motion from the Naracoorte Lucindale council to the LGA AGM, the matter was referred to my ministerial council and will be dealt with, as the previous minister has just mentioned, at the next meeting of the council. That is the appropriate time to have a discussion about the consequences of councils allowing by-laws to lapse after the 1999 Local Government Act and to talk with them about the most appropriate way to manage this issue.

Mr Williams interjecting:

The Hon. R.J. McEWEN: No they don't.

EGG INDUSTRY

Mr BROKENSHIRE (Mawson): My question is to the Minister for Agriculture, Food and Fisheries. What is the minister doing to alleviate the destruction of the egg production industry in South Australia? I have received a letter from egg constituents who have advised me that this week—

Members interjecting:

Mr BROKENSHIRE: Egg producing constituents. They have advised me that this week—

Members interjecting:

Mr BROKENSHIRE: This is not a funny matter. This is about jobs and the future of the egg industry, and I would appreciate some seriousness.

Members interjecting:

The SPEAKER: Order! The house will come to order. There is a distinct cackle coming from my right. The member for Mawson has the call.

Mr BROKENSHIRE: I am disappointed at the lack of government interest in the egg industry. I have been advised this week that at the producers' market at Pooraka, a box of 15 dozen interstate eggs was being sold for an all-time low of $8. The constituent egg producer's cost of production for fresher, superior quality local product is $26.25. Finally, the egg producing constituent states that it is not that the farms are operating inefficiently, it is just that they cannot compete against a financially supported interstate industry that has made it well known that it is out to destroy South Australia's viability for the long-term benefit of the eastern seaboard, and to the detriment of South Australian consumers.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I know that the honourable member's reference to egg constituents was only a 'yolk'.

Ms Rankine interjecting:

The SPEAKER: Order, the member for Wright!

The Hon. R.J. McEWEN: The question needs to be dealt with in two parts. The claims—

Members interjecting:

The SPEAKER: Order, the house will come to order! This topic lends itself to some humour, but it is also a very serious issue for a lot of producers.

The Hon. R.J. McEWEN: I do not believe that the honourable member wishes us to revisit the history leading up to the requirement in 2008 to change cage sizes. That decision, made in 2000, has had significant consequences for the industry, particularly those in the industry who are not in a position to reinvest. The industry's own inquiry pointed to a number of solutions, but I refer to the two specific matters raised in the honourable member's question today. Firstly, what can we do about what he is suggesting is predatory pricing in terms of interstate eggs coming into South Australia? That is obviously a significant matter that needs to be dealt with nationally. I would be quite happy to work with the minister and the federal government if that can be established.

The second part of that question is about whether we can promote to our consumers the consumption of South Australian eggs. Again, I think that that is a sound thing to do. We need sometimes to say to our consumers that price is not the only thing; that backing local industries is also an important decision to make as part of using your consumer dollar. Again, I would be very happy to work in a bipartisan way with anybody to promote the consumption of local eggs. I am very happy to work with anybody in terms of drilling down as to whether or not local producers are being unfairly disadvantaged because of interstate eggs coming in here at below production cost. It is a claim that ought to be addressed nationally, and I would be quite happy to work with anyone on it.

WATER RESTRICTIONS, MOUNT LOFTY CATCHMENT

Mrs REDMOND (Heysen): Will the Minister for Environment and Conservation assure the house that officers enforcing water restrictions following the prescription of the eastern and western Mount Lofty Ranges will receive appropriate training in basic agriculture practice before continuing visiting farms to inspect water resources such as dams, wells and bores? I was contacted last week by a dairy farmer who was incensed that an officer of the Department of Water, Land and Biodiversity Conservation, who attended at his property to assess water resources, firstly failed to take any appropriate measures such as donning overalls or rubber boots before entering the property, notwithstanding that he had earlier visited six other properties in the area, and that the owner's property—my constituent—had just been tested for bovine Johnes disease at considerable cost to him. Secondly, he intended to drive his vehicle all over the property, including across hay paddocks; and thirdly, he was extremely aggressive and abusive.

The Hon. J.D. HILL (Minister for Environment and Conservation): There are two aspects to the question: one is the question about appropriate training. If what the member says is true, then I will certainly ensure that appropriate training does occur. I really do object to this continual bashing of public servants by those on the other side. They may have made a mistake but they are doing a job in an honest way. I will have it investigated and if they have not been trained and they are doing inappropriate things, we will get that fixed.

ACTIVE CLUB PROGRAM

The Hon. G.M. GUNN (Stuart): Can the Minister for Recreation, Sport and Racing guarantee that the Active Club program will continue and that the processes currently operating will not be changed?

The Hon. M.J. Atkinson: All right, Justin will present the cheques.

The SPEAKER: The Attorney is out of order. The member for Stuart will ignore that. The member for Stuart has the call.

The Hon. G.M. GUNN: It would be nice if the Attorney-General lived up to the high office and honour that has been bestowed upon him. I wish to explain my question. Some time ago officers of the Office for Recreation and Sport made some suggestions to the Economic and Finance Committee that there should be some changes to the way the grant scheme operates. In particular, it would appear that was because some members of parliament were not organised enough to ensure that their constituents made applications. In particular, the member for Reynell was critical of my work, because my electorate got a considerable grant and hers got very little.

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): I thank the member for Stuart for his question. I know that he is a big supporter of the Active Club program. I think the Active Club program started in about 1996 or 1997, and I am sure that the member for Stuart would have been instrumental in the work that was done, I think, in a bipartisan way between members on both sides of the floor in regard to the establishment of the Active Club program.

I do not recall the specific comments that were made by the Office for Recreation and Sport—I am happy to have a look at them—but I do remember that, when we went through our grant review process in coming to government, there was a recommendation that we move away from the way it had been done. From memory—I would need to check this—that was the only recommendation for all the grant reviews, keeping in mind that these cut across not just Active Club but also other programs. Generally speaking, I think that was the only one recommendation that we did not pick up.

I took some advice from members on both sides of the house. It is probably not fair to name them, because I do not think I was actually in the house at the time the discussions took place—in fact, I am sure I was not—in the establishment of the Active Club program. The opinions I got from both sides from individual members were very strong in their support for the commitment that was given to the Active Club program. I am doing this from memory, but I think in the last round of the Active Club program, some 245 organisations were funded.

The program has served us very, very well. I know that the member for Stuart and other members have worked very hard to make sure that local sporting organisations get their share. There is a notional allowance of $50 000 that goes to each electorate. I think it is also worth noting that we are doing better in making sure that it is spread, that the share of the notional allowance of $50 000 to each of the electorates is evenly spread. Back in about 2001-02, about 16 per cent of the money was redistributed to other electorates because they were not getting their quota which, back in those times, of course, was $40, 000; it has increased to $50 000. In 2004-05, I think that redistribution was down to as low as 4 per cent.

I think members can take heart that, in most cases, that notional allowance of $50 000 is finding its way to the electorates. That is what we would like to occur, because it is important that all electorates share in this $2.35 million. There are two rounds per year, as people would be aware. It is probably worth reminding members that the close-off for the first round of the 2005-06 is tomorrow. It is important that electorates ensure that there are many applications in so that we can get the best programs up.

I thank the member for Stuart for his question. I know that, along with other members, he has worked very hard to make sure that the Active Club program works well in our electorates. I know the member for Reynell and many others do their best to ensure that this money is well spent in their electorate.

Ms Thompson interjecting:

The Hon. M.J. WRIGHT: I am reminded that the member for Reynell has had a full allocation for the past seven rounds. The ideal scenario would be would be for all members to make sure that they get the notional allowance of $50 000. That is the way it was set up in 1996-97. We want all members to benefit from this. It is trending in the right direction. It is a good sign that, from 2001-02—and this is from memory—about 16 per cent of money was redistributed after the second round because it was not being spent equally in electorates. It is now down to 4 per cent. So, that is a good sign, and I would encourage all members to make sure that your local sporting and community organisations know full well about the benefits of this and that the $50 000 is spent in your electorate.

TAFE, INTERNET PROBLEMS

Mr SCALZI (Hartley): My question is for the Minister for Employment, Training and Further Education. Will the minister comment on recent IT problems at regional TAFE sites in South Australia, including Port Pirie, and small sites such as Kimba, Cleve, Cowell and Wudinna, where I understand students and staff have experienced two weeks of disruption to internet access, due to installation of a new server by EDS? I am advised that the problems have been significant and have affected both students and staff, as well as classroom and library connections, disrupting student studies at a crucial time of the year.

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I would like to thank the member for Hartley, through you, sir, for his question. It is certainly an issue that I am very happy to take up and investigate.

POLICE, SOUTH-EAST TOWING CONTRACT

Mr BROKENSHIRE (Mawson): Will the minister representing the Minister for Police advise the house why, after a towing contract for the South-East local service area expired in June 2004, a further contract was awarded to the same company to provide towing services for the impounded vehicles of hoon drivers and other vehicles required to be impounded by police, without a tender even being advertised?

The Hon. P.F. CONLON (Minister for Transport): I remember working as minister with Malcolm Hyde for a few years, and I have great faith in him and the police. I am sure there is a very good reason for whatever has been done and I will make sure that an answer is brought back for the member.

MEMBER'S LEAVE

The Hon. P.F. CONLON (Minister for Transport): Sir, I move that three weeks' leave of absence be granted to the member for Elizabeth (Hon. L. Stevens), on account of ill health.

Motion carried.

GRIEVANCE DEBATE

LOCKWOOD, Mr G.

The Hon. W.A. MATTHEW (Bright): Today I stand in relation to a very serious matter and speak regarding someone who claims to have been misrepresented and maliciously treated by a member of this chamber. The person so treated has written a letter to you, sir, and provided a copy to the opposition to express his concerns. The letter is from a Mr Gary Michael Lockwood and states:

Dear Mr Speaker

On the 19th of October 2005 I appeared before a Select Committee of the Legislative Council and gave evidence in what is termed the ATKINSON/ASHBOURNE/CLARKE AFFAIR held in the Plaza Room of Parliament House.

Later that day issues related to my evidence were raised within the Chamber of the House of Assembly, with the member for Torrens seeking leave to make a statement about the matter as listed in Hansard page 3666.

The SPEAKER: Order! There is a point of order.

The Hon. M.J. ATKINSON: I rise on a point of order, namely, that the matter is already before the house as a matter of privilege.

The SPEAKER: That is correct. I was just clarifying that point. However, I understand that the member for Bright received a copy of the letter, so it is not as though it is a letter only provided to the chair.

The Hon. W.A. MATTHEW: Thank you, Mr Speaker, and I can well understand why the Attorney-General does not want this on the record. However, I continue to read and again quote, as follows:

The honourable member for Spence and Attorney-General Mr Michael Atkinson MP saw fit to go much further in his comments about my evidence and opted to make untrue and unfair comments about me on a personal level.

The first false and unfair claim of Mr Atkinson about me appears on page 3667 of *Hansard* that 'Mr Gary Lockwood is a fantasist and pathological liar' then a little further on 'It is my firm view that Mr Lockwood is not a fit and proper person to be employed by anyone.'

On page 3669 Mr Atkinson continues his attack on me by claiming 'Mr Lockwood has told a farrago of lies today. It is a cruel exploitation of an elderly fantasist by Rob Lucas and Sandra Kanck. . . One of Mr Lockwood's sleazy imputations (and he has many sleazy imputations because of his longstanding enmity against me and my family). . . police leaked to me the fantastical contents of his declaration. They did not.

Mr Speaker, the Hon. member for Spence then states (*Hansard* 3671) that I am 'in need of medical treatment' and 'has lied all through today's select committee.' Mr Atkinson then brings up the issue of 'face-to-face meetings. . . with me since I have been Attorney-General. . . He claims to have received material through the post from me—demonstrably false claim,' then he adds, 'since I have been Attorney-General.'

On page 3 672 he questions the personal contact again but adds 'since I have been Attorney-General.' Mr Atkinson continued to use the rider, 'since I have been Attorney-General,' but I have gone back to my evidence and I did not make that qualification at all. On page 3766 he again repeats that I am not 'a fit and proper person to be employed by anyone' and then seeks to exploit a personal experience I encountered just on 50 years ago within the Catholic Church at the height of the ALP split in 1955—when the church itself was split on the issue—by using a throwaway line that, 'My wife works at the Catholic Church office. I have been there lots of times and I have not seen the cells.'

There were no cells. I was interviewed in a small room located off the stairway half-way between the ground floor and the first floor of the Todd building—the event is true and was not a laughing matter.'

The letter continues with a series of headings, the first reading 'Fantasist and pathological liar—in need of medical attention.' It states:

I would like to make it clear that these claims are of course untrue and just a desperate slur on me by the Attorney-General. I have never needed or received any medical treatment for a mental condition in 67 years of life. Mr Atkinson's claims are rejected as untrue. Though there is no such word as a fantasist—it is obvious what Mr Atkinson is trying to infer—another untrue attack on me.

The next heading is 'Not a fit and proper person to be employed by anyone', and the letter states:

Mr Speaker, I attach a copy of my employment history along with the organisations I have been a member of in the last 50 odd years and ask you to note that I had a long employment period with John Martin and Co. Ltd with 7 years as the Assistant Manager of the Arndale store. I have held administrative positions with a political party, Catholic Church based school uniform organisation, Australian Postal Institute and a lengthy time as Acting Electorate Officer for the member for Torrens Mrs Robyn Geraghty.

Mr Atkinson was the person who proposed my readmittance back into full membership of the Australian Labor Party and he knew me well enough at that time to consider me a fit and proper person to become part of the ALP. I leave this inconsistency to speak for itself. My employment record shows others in the community including two of Mr Atkinson's political colleagues, do not agree with him.

The next heading reads 'Lockwood. . . has many sleazy imputations because of his longstanding enmity against me and my family.'

Time expired.

CRANIOFACIAL UNIT

The Hon. K.A. MAYWALD (Minister for Regional Development): To recognise the amazing effort and commitment of our health professionals in this state, I would like to share with members a letter written to me by Amanda Hull from Waikerie, who states:

I am writing to you about the amazing care and treatment that my daughter received at the Women's and Children's Hospital and the Australian Craniofacial Unit. At my 20-week scan the radiologist picked up that the baby had a cleft lip and palate. My husband and I met with the Craniofacial Unit a few weeks later. The team was fantastic. We met with the speech pathologist, who explained to us the feeding techniques, speech exercises and what to expect after surgery. We then went and met Professor David, who was very caring and reassuring that our baby would receive the very best care and was in good hands. Our daughter Lilli arrived on 22/2/05 at the Waikerie Hospital. One hour after Lilli was born the Craniofacial Unit rang to check to see how Lilli was coping with her feeding and her progress.

I was amazed at the efficiency and genuine interest from the unit. Even though we were here in Waikerie they were very much involved with Lilli's progress. May 31st 2005 was Lilli's first operation to repair her lip and nose. The Craniofacial team and the staff who cared for Lilli on Rose Ward were fantastic. Everyone we spoke to was very knowledgeable and caring, which put us at ease. Lilli's surgery took 3½ hours, which is a long time for anxious and nervous parents. The results were amazing. We almost didn't recognise Lilli when they brought her back to us.

We were very impressed with Professor David. I made the comment to him on how beautiful Lilli looked and what a great job he had done. Professor David was very quick to give credit to his team and particularly Dr Rob Koren, who did half of Lilli's surgery. Lilli has since had more surgery and we have met many other surgeons who are learning from Professor David, who are from the United States, Great Britain and the Middle East.

I think it is wonderful that we have a world-renowned surgeon in our state who is so giving to other doctors of his skills and knowledge. I believe it is so important that the craniofacial unit is maintained and kept in Adelaide. The unit has earned a reputation for being one of the best in the world and is the best unit in Australia. We must do our best to keep all the wonderful doctors and specialists in our state and in our hospital, so that they can continue to do their wonderful work.

Lilli will continue to have treatment at the craniofacial unit until she is 18 years old. One of the lovely things Professor David said to us the first time he met Lilli is 'We will be friends for a long time.' I think this speaks volume in itself. A brilliant surgeon with a kind spirit.

Yours sincerely, Amanda Hull.

Amanda Hull has enclosed a couple of photographs of Lilli at age eight weeks and seven months, and the work is extraordinary. I think it is a tremendous reflection on the wonderful work that is being undertaken in our health system in South Australia. Often we hear about the negatives but we do not hear about the positives, and I think it is important that we equally recognise the fantastic efforts of our health professionals in this state. Whilst we do have difficulties with a system that struggles with resource issues, we have some tremendous and wonderful people working within our system.

LOCKWOOD, Mr G.

Mr VENNING (Schubert): I, too, received a letter from Mr Gary Lockwood, and I will continue reading it from where the member for Bright left off. It states:

I have never had any enmity towards Mr Atkinson's wife or family members and even my battles with Mr Atkinson have never been personal but have only emerged out of being associated with Mr Ralph Clarke even though I was never part of the Clarke centre left section of the ALP. I of course supported Mr Clarke in his battle against the ALP over the 'branch-stacking' issue implemented by the machine.

There has been some further difference between Mr Atkinson and myself on Mr Atkinson's religious views and his interpretation of how I as a Catholic should think and act but I do not have any longstanding enmity with Mr Atkinson.

'He has lied all through today's select committee.'I have not.

'face-to-face meetings. . . with me since I have been Attorney-General. . . He claims to have received material through the post from me—demonstrably false claim'. . . then he adds 'since I have been Attorney-General.'

On page 300 of my evidence to the select committee I state 'He (Atkinson) has sent a number of lengthy letters to me. . . This claim is true and other correspondence sent to Mr Clarke's office on matters religious always had the Christian Feast Day used instead of the date. Some of this correspondence is still in my possession and can be provided if required. My claims are true—Mr Atkinson's are not.

The Hon. R.K. Sneath asked me—Have you had face to face conversations with Michael Atkinson—he never added. . . 'since Attorney-General'. What surprised me was the rider that Mr Atkinson felt he needed to make 'since Attorney-General'.

I have known Mr Atkinson for many years—he moved for my readmittance into the Labor Party. We even had a conversation at the funeral of an uncle some years ago and as the local member visited the home of my wife's family. On one occasion in an attempt to get my father-in-law to vote for his preferred candidate in the AWU union election (statutory declarations are available) but since he became Attorney-General I have only been in his presence at the Geraghty fundraising function. He stood right in front of me to auction off a Port Adelaide football at a Robyn Geraghty fund raiser earlier this year and though the conversation was not personal—exchanges and banter did occur between us.

I understand and uphold the need for parliamentary privilege sir, but I do believe there should be some procedure for members of the public like myself to challenge untrue and damaging statements made by a member of parliament. However it seems I can only write to you as Speaker and place before you my concerns. Hopefully my views can be brought to the attention of the house.

The statements made by me to the select committee re the attempts by the Attorney-General to place pressure on the member for Torrens and the member for Florey to remove me from my employment should be available to you and I continue to stand fully with my account of these matters as noted at the time. I am prepared to turn these statements into sworn evidence in statutory declaration form.

My wife, family and friends are of course upset at Mr Atkinson's untrue attack on me (and can ill afford legal action against the member for what he did say outside the house) and therefore I place before you the urgent need for some procedure to exist that would enable a person like myself to challenge untrue statements or claims being made about them.

I believe the evidence of Mr Ralph Clarke to the select committee last Friday further endorses and upholds the evidence I gave. . . evidence that I believe to be true and reliable.

Yours sincerely,

Gary Lockwood.

Sir, that is the letter that has been given to you, and we await your ruling.

I noted today a question to the minister for agriculture about eggs. I have a lot of egg producers in my electorate also. They are hurting. The people of South Australia must be very careful here, because we do appreciate having fresh eggs. What happened was that 10 or so years ago interstate governments gave their egg producers $16 per fowl as a levy to get them through restructuring their industry. Our producers never got that money.

By 2008 we are forcing our egg producers to upgrade or get out of the industry. That is it. The 2008 deadline is coming up, and most of these producers will go out of business. A Mr Plane from New South Wales has more than three million birds. He can afford to dump his eggs on this market knowing that, when our egg producers are out of production, he can then dictate the price. I am very concerned about this. This will happen—

The Hon. R.J. McEwen: Rubbish!

Mr VENNING: —because these growers can dump their eggs on the market knowing that, very shortly, there will be a shortage and they can then dictate the price. The last of the Coles' contract is up in a couple of months. If that contract does not come to South Australia, 60 per cent of the egg production in South Australia will be lost. The minister just said, 'Rubbish'. I suggest that he get out there and listen to the growers to try to save our egg industry.

SPEED LIMITS

Mr O'BRIEN (Napier): The last week has been a tragic one for motorists on South Australian roads, with eight recorded fatalities. Speeding continues to be the most important factor in road trauma, contributing to as many as 50 per cent of accidents.

An honourable member interjecting:

Mr O'BRIEN: I will get to that. There are two ways in which a government can work towards changing the needless loss of life on our roads due to speeding. The first is directly under the government's control and revolves around choosing and setting the speed limit. The second issue is ensuring that road users abide by the set speed limits. Here the government can only exert influence over the decisions that individual drivers make. In regard to setting speed limits, this government remains committed to the 50 km/h default speed limit on urban roads.

It is quite simple, really: 50 km/h speed limits have reduced road trauma. It would be foolish in the extreme for anyone to attempt to overturn an initiative that has had such a positive impact. Last year a report prepared by the Centre

for Automotive Safety Research proved the effectiveness of the 50 km/h default limit introduced on 1 March 2003 in built-up areas across South Australia. The report evaluated the number of casualty crashes that had occurred in the year prior to the default limit being introduced and compared it to those in the first year after the 50 km/h limit came into effect.

On roads where the speed limit was reduced from 60 km/h to 50 km/h, the key results were a 20 per cent reduction in the number of casualty crashes, that is, 330 fewer crashes; a 24 per cent reduction in the number of people injured in crashes, that is, 495 fewer people injured in accidents; and a 29 per cent reduction in the number of people needing treatment at hospital, that is, 352 fewer people being put through the stress of hospital treatment. This government will not back down and reverse legislation that has resulted in 495 fewer people being injured in crashes. Even to contemplate such a move would be utterly reckless and irresponsible. We do not rule out any changes to the speed limits. Such matters are always open to investigation and re-evaluation, but the 50 km/h urban default limit is here to stay.

The second issue relating to speeding that I mentioned earlier is the issue of ensuring that motorists stick to the speed limits. The government can only influence drivers decisions in regard to abiding by the road laws. Our approach is basically the carrot and stick method. Drivers are encouraged to follow speed limits through education campaigns that highlight the danger of speeding. Drivers who ignore such encouragement are heavily punished through monetary fines, and in severe or repeated cases, suspension of licence. As part of our educational promotions, the state government launched a $574 000 campaign last Sunday, pointing out to South Australian drivers that there is no excuse for speeding. This campaign asks 'Speeding—what's your excuse?' in a bid to question the mindset that it is okay to speed, depending on the reason why you were doing it. Research by the Centre for Automotive Safety Research tells us that even minor increases in speed dramatically increase the risk of crashing and the severity of crashes.

For example, at 65 km/h the risk of crashing is double that of travelling at 60 km/h in an urban area, and that is just a 5 km/h increase in speed. The campaign to which I referred is aimed at making motorists aware of the increased reaction distance and braking distance required when speeding. For example, when the reaction distance is added to the braking distance, at 100 km/h it requires 100 metres to stop in an emergency; whereas, at 120 km/h, 130 metres are needed. This campaign comprising television, radio, outdoor advertising and signage makes it clear that there is no excuse for speeding and that speeding limits are there for a reason. It also reinforces that the faster you drive, the more time and distance it takes to stop; and that even small increases in speed make a huge difference to hazards.

SCHOOL PRIDE SIGNS

The Hon. D.C. KOTZ (Newland): The Labor government has hit an all-time low in its spin campaign by shamelessly spending some $813 000 of the state's education budget on self-promoting advertising signs. This arrogant and unprofessional government wasted $813 000 from the School Pride program to manufacture, deliver and install 623 flat signs and 739 bollards at every department of education site in the state—not just to schools but to every DECS site in the state. This $813 000 should have funded urgent maintenance for schools which have been seriously underfunded for the past 3½ years under this Labor government, now showing a $300 million maintenance backlog. Our South Australian schools and school communities have now been deprived of $813 000 (which has bought absolutely nothing) that was urgently needed for maintenance projects, simply because of the Labor government's self-promotion.

Freedom of information documents identify the alleged $25 million School Pride fund as a scam—a ruthless, incomprehensible scam. This from a Premier who announced the $25 million School Pride program as the most significant one-off injection to improve the facilities and overall appearance of our schools in more than a decade. A claim we now know as false. Let me explain to the house how this magnificent scam was perpetrated. Someone initially must have thought about how to hoodwink the South Australian public by creating the perception that a seemingly large amount of money delivered by a benevolent government would gain the government great kudos.

As we have large numbers of people in South Australia with an interest linked to the education portfolio, why not bulk together all expenditure linked to the education portfolio from other budget lines already allocated for specific maintenance purposes. Freedom of information papers show that $21.9 million was spent from the $25 million School Pride fund on asbestos removal, capital works, asset fund renovations and building maintenance. All budgeted for through DAIS, not DECS. All these are the responsibility of government, all of which have recurrent funding, with some increases and some decreases according to the policy decisions of government. In all cases they cannot be ignored by government: it is its responsibility, particularly in this instance as three of the four areas have occupational health and safety implications. Therefore, they cannot be classed as one-offs.

As to the claims of the Premier and the minister that the School Pride initiative was the biggest one-off injection of money for maintenance in South Australian schools in more than a decade, I refer the house to the Liberal budget of 2001-02: $10 million was provided for a schools improvement program, but that was in addition to the $98 million we committed for capital works. As for the miserable $3 million for building maintenance under this Labor government in its significant $25 million fund, the Liberal government allocated $36.6 million for minor internal works.

Further to that, we also allocated $3 million for schools to introduce ecologically sound practices in the use of electricity and water and a separate $2 million for preschool maintenance projects. I remind the house that that took place 3½ years ago, not a decade ago as the spin doctors in the Labor Party suggest in an attempt to rewrite history.

Let me come back to the government's self-promotion signage and the $813 000. Add that amount to the $21.9 million and the expenditure from the fund is now $22.65 million. To add insult to injury, this government included in its $25 million fund the funds owned by individual schools and used to gain a subsidised amount from the $3 million building maintenance component. Individual schools paid into the School Pride Fund a sum of $2.577 million. Add that to the sum of $22.65 million and you actually find a surplus of $213 595.

What an outrageous scam this has been. Not only does this government bundle moneys from already allocated projects and suggest this is a one-off major cash benefit for our school communities but it makes a profit from the very education system to which it claims to be offering great benefits. There

we have the total scam. This government, not satisfied with wasting $813 000 on self-promotion signs, rips a further $2.5 million plus from individual schools and then gains a $213 000 profit.

This government perpetrated a monumental scam against the people of South Australia which is highly objectionable, breaches every principle of propriety and defies ethical standards of governance. To suggest that the entire $25 million was 'the most significant one-off injection' has breached the bounds of honesty and propriety. What about this $25 million? There never was $25 million, not in new funds for any of our schools. The irony, of course, is that the signs have now become targets for graffiti vandals which has added a further cost to schools of removing vandals' scribble.

Time expired.

FLOODING, NORTHERN ADELAIDE PLAINS

The Hon. P.L. WHITE (Taylor): I would like to place on record my appreciation for all the emergency service workers, agencies and individuals who over the last couple of days have donated their time and efforts to support the people of the Northern Adelaide Plains, Virginia, Buckland Park, and Two Wells during the recent floods. As members would be aware, late on Tuesday night and very early yesterday morning the Gawler River burst its banks sending floodwaters towards the Virginia township. Surrounding areas were subsequently flooded as well, and the damage has been extensive.

Yesterday, I visited the recovery and relief centre, which has been set up at the international raceway, and families from the local area were coming through. I would like to put on record my appreciation for the Premier and the ministers involved (the Minister for Emergency Services, the Minister for Family and Community Services, the Minister for Industry and Trade) for coming forth with the assistance that was requested. I would particularly like to acknowledge the work of the SES, the MFS, the CFS and the police. The emergency services have been outstanding. We had SES crews from as far away as Millicent and Mount Gambier and crews from Clare and the Adelaide Hills—they came from everywhere to help out.

The Red Cross, an organisation about which I always have a lot to say because they are always on the ground very quickly, was also there as a result of these unfortunate circumstances. As always, the wonderful people from the Salvation Army were there to help out my constituents. The Country Women's Association was there and the agencies were very thick on the ground. The Housing Trust was there to help people with emergency accommodation as were the community services people, all pulling together.

I am also very pleased that the primary industries minister, Rory McEwen, has agreed that the state government will be giving out one-off $10 000 grants to growers and farmers in the area who have been affected. About 300 to 350 growers have been affected; there is about 1 000 hectares of damage; and initial estimates are at around $40 million of damage to this area with crop loss, greenhouses and irrigation equipment. There has been extensive flooding affecting the potato and carrot crops that were just about to be harvested, which now, of course, have gone, and other fresh fruit and vegetables. The nursery and flower industry has been affected, and there is some damage there; the wine and grapes in the area are affected, and some almonds; the olives tend to like a bit of a drink so they are not so bad, but there is cereal damage as well. So, there is quite extensive damage.

On Monday, as the minister announced, there will be a shop front in Virginia, and at the horticulture centre for probably up to six months special people will be present who are experts in horticulture, irrigation and agronomy. There will also be interpreters to help out because, for example, there are a lot of Vietnamese farmers in the area. It has been a good effort in the recovery but there is a lot of damage out there and many of my constituents will need a lot of support. So, I thank all those volunteers and agencies that have been pulling together so far. It is a massive effort.

Time expired.

RETIREMENT VILLAGES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 3949.)

Mr SCALZI (Hartley): I wish to speak briefly on this important bill. The member for Heysen has clearly outlined the opposition's position on this bill and, through her knowledge of the area not only as a member of parliament but also as a practitioner, she has clearly highlighted the concerns with the bill and also the improvements which, when it is enacted, the bill will provide for retirement villages. There is no question that there has been widespread agreement that the law needed to be changed to ensure that administrative authorities are more accountable to residents, and that the rights of residents are safeguarded. Some would like to go further but, in reality, this bill is a great improvement. It is going in the right direction and it makes the industry more transparent and the administrative authorities more accountable to the needs and rights of residents.

I suppose it is best summed up that we are going in the right direction by Joan Stone, President of the South Australian Retirement Villages Residents Association. In one of the pamphlets promoting the changes to this act, she states:

> We are very pleased with the proposed changes. It has always been the aim of SAVRA to bring about a better relationship between owners and residents of retirement villages, but where owners are found to be non-compliant, we think that they should understand there is a penalty to pay.

The bill directly reflects the recommendations of the reviews that took place in 2002 and 2003, and the Summary of Responses to the Foundation Document in July 2004. The bill directly reflects those recommendations. The main features include a requirement that all retirement villages can be registered. At present no such registration exists, and there can, therefore, be confusion as to whether a village is covered and therefore bound by the act. A minimum requirement for the content of the residence contract will be set out in the act.

At present, the act requires that the residence contract must be in writing and comply with the requirements set out in the regulations. Current requirements also oblige the administrative authority to provide a statement containing prescribed information regarding the village and the rights and obligations of the residents. The act deems that the correctness of the information contained in the statement is warranted by the owner and included as part of the contract.

Further, it is an offence with a maximum penalty of $35 000 to make a representation to a prospective resident which is inconsistent with the statement or to provide a statement which is inconsistent with a representation given.

The details which must, under the proposed amendments, be included in the contract include—and it is very important—details about the residence to which the contract relates and details about the rights and obligations of the resident including: cooling off periods; right of occupation; recurrent charges for which the resident is liable; additional services and facilities available to residents of the village and their cost; termination and refund rights; dispute resolution processes; and other details prescribed by regulation. In addition, certain other information must be provided before a person enters into a resident's contract.

It is important to note the financial statements from the last AGM and any change in the affairs of the village and the administering authority that might significantly affect a resident's decision to enter. It also includes a detailed report about the condition, at the date of the contract, of all fixtures, fittings and furnishings in the contract, who is responsible for repair and replacement, and when and how it is to be funded. Of course, it includes the residence rules, remarketing policy, and any code of conduct to be observed by the administering authority. The responsible agency—for example, the government department—will have increased capacity to investigate potential breaches and enforce the provisions of the act. It is important because the bill provides for the appointment of authorised officers, and makes it an offence with a maximum penalty $5 000 to hinder or obstruct.

I will not go into all the requirements in the amendments which, as I said, make it clear. Some would say that we should have accreditation and that we should make it even more prescriptive. However, we must remember that there is a wide range of retirement facilities, and it is difficult, given that retirement facilities range from small to large, to come up with prescribed accreditations that will cover all those whilst, at the same time, give the residents a right to make up their own minds as to their choice of facility. Nevertheless, when enacted this bill will give the consumer protections that are the rights of residents who are going to enter these facilities.

For those reasons I believe this bill has broad support. Of course, in the future there will have to be a review—given that we have an ageing population and a wide range of facilities—to ensure that the needs of residents are addressed and that the association representatives within the villages make sure, as indeed is the case with strata titles, that the costs are not unduly passed on to the residents, that their needs are met and that they are able to live in facilities for which they have chosen to pay according to their means.

The Hon. J.W. WEATHERILL (Minister for Housing): I thank honourable members, particularly the member for Heysen, for their contributions. I acknowledge her extensive involvement in a professional sense, prior to her coming into this place, with this industry as a legal representative of litigants in causes that concern the Retirement Villages Act and, of course, in her role on a board of management that had some responsibilities for retirement villages. I thank her for her support of the bill.

I will now go, though, to some of the questions that she raised. I note that there are essentially two elements in dispute. One is the opposition to the notion of a registrar and the suggestion of a further amendment to strengthen the act. In this respect, I indicate that the government will be accepting the amendment proposed by the opposition.

A number of the points raised are by way of comment, so I will not necessarily respond to those, except where I think I can provide some useful information to the honourable member. Going through the points, I seek to respond to them in the order in which they have been raised. In referring to subplacitum (a) of the proposed objects clause, the member for Heysen commented on the issue of facilities which are supposed to be made available—for example, community halls, swimming pools, and so on. These would not necessarily appear in a contract.

Indeed, our advice is rather to the contrary: the regulations form two disclosure statements and specifically refer to the village's future, a map of the village and planned facilities. This requirement will remain, but the bill proposes that what is currently in the disclosure form is incorporated into a resident's contract in order to streamline and minimise documentation to avoid potential discrepancies in the current practice.

Further, it is noted by way of observation that the name 'retirement village' may not necessarily cover the circumstances of the contemporary population of these facilities. It is pointed out that the scheme is for retired persons and their spouses, or predominantly for retired persons. This issue troubled a number of people in the reference group as well, but ultimately the conclusion was that the phrase 'retirement village' be retained and that the legislative focus remain exclusively on this particular accommodation scheme.

We did have the option of a much broader piece of legislation to cover all forms of accommodation, but it was considered—at least at this stage—that we would confine it to retirement villages. That is not to say, however, that the government does not have plans to pursue a broader accommodation act.

Mrs Redmond interjecting:

The Hon. J.W. WEATHERILL: Exactly. They will be villages for people who should be retired but probably cannot face it by the time the member for Heysen and I are troubling them.

Mrs Redmond: I'll get there before you and sort them out.

The Hon. J.W. WEATHERILL: That would be very kind. I must say that I would like to be a member of a retirement village where the member for Heysen was running the residents' association. I think she would be a fearsome advocate. The question was asked whether I was aware of any schemes where residential units are purchased on conditions restricting their subsequent disposal. The department is not aware of any villages set up in this manner. This is most likely because of the technical difficulties that we raised regarding the operation of a retirement village scheme under, for example, a strata scheme. Nevertheless, the definition is extended in that way.

The honourable member also refers to the definition for a settling-in period and seeks clarification on that. the definition of settling in has been deliberately clarified and placed under the interpretation part to avoid the confusion which currently arises from its expression about the date from which settling in should commence, that is, the date of occupation or the date of settlement. Presently, a unit may be available for occupation but a resident, for whatever reason, may not take up occupation for a considerable period of time, having implications for the administering authority. On the other hand, a residence contract may be finalised and signed

by all parties but the unit does not become available for occupation for some time, perhaps because it is being built, having implications for the resident.

The points made by the member for Heysen in relation to the substantial opposition to the proposed role of the Registrar are that, essentially, some of the functions proposed are already undertaken by the agency and that this would add an unnecessary additional layer of bureaucracy. The existence of a registrar is fundamentally a drafting matter linked to the proposed introduction of a register. The review recommended that the administering authority develop a mechanism for establishing and maintaining a register of all villages currently governed by the act. The responsible agency does not currently have this information. Any knowledge of villages or new developments that may be captured by the act is somewhat ad hoc.

The Seniors Information Service is a directory of retirement accommodation, which includes retirement villages, but the information required to determine whether or not the facility is governed by the act or the information often requested by residents about the status of the village is not included, so the purpose of the proposed register is to enable the development of a definitive list of all sites established under the legislation and provide information about developments, their location, size and ownership, which could in turn indicate trends in retirement accommodation and enable easy and equitable distribution of information to administering authorities about legislative or other administrative changes and also, of course, to monitor compliance in respect of endorsement of certificates of title.

The roles and function of the Registrar are to formally administer the register and are similar to those for all registrars in comparable legislation. This will be delegated to a relevant officer within the existing agency, so it is not contemplated that we will be creating a massive new bureaucracy. A further question has been asked about the expiation fee and its relatively small amount. We are not necessarily opposed to that being reviewed but we really had not proposed to alter it, and we are really in the hands of members of the opposition if they wish to suggest another proposition. Also, in relation to the charging of land tax, when a facility is confirmed as being established in the retirement village scheme, the act says that land tax must not be charged to a resident, and it is quite explicit on that matter, and residents can raise a dispute if they believe that this has occurred.

The honourable member expresses objection to clause 5, the Registrar's obligation to preserve confidentiality. This is a standard reference in relation to the role of a registrar and presents no issue, given that the information required by the administering authority is for the purpose of compiling a register. Clause 5F, 'Register', requires the name and address of the village and reference to the certificate of title of the land used for the village, and the name, address and contact details of the person managing the village for or on behalf of the administering authority, all of which are matters of public record.

It is further criticised that there will be an annual report. Nevertheless, once again, we are not too fussed about that. We just thought it was a proper accountability measure. The authorised officers also troubled the member for Heysen in terms of a whole new separate bureaucracy. The authorised officers are intended to formalise the investigative role and capacity of the responsible agency.So, once again, they formalise something which exists. The need for effective enforcement has consistently been an issue for residents and consumer and industry representatives. Ultimately, that has been one of the significant points raised with us, and I think that has been reflected in the member's own acknowledgments. The powers associated with that provision are relatively standard powers.

While the member for Heysen acknowledges the value in having schedule 2 checklists as part of the current act, prospective residents would only gain access to it if they were about to enter an agreement or if they took the initiative to access a copy of the act. This information is most critical at the time people are first considering entering a retirement village. In July 2002, to coincide with the implementation of the legislative amendments, the department developed and made widely available, through direct distribution and on the internet, a series of information sheets for both prospective residents and administering authorities. The resources are readily available and far more comprehensive than what is contained in the checklist, and are regularly updated and include reference to organisations that can provide assistance.

Information which must be included in a residence contract will be prescribed in the regulations, and all residence contracts will be required to include a statement to the effect that they are advised to seek independent legal and financial advice. Of course, while every effort can and should be made to encourage individuals to seek this advice, it is not considered appropriate for this to be compulsory.

The member for Heysen also states that, while the bill refers to the required disclosure of recurrent charges, it does not set out how these charges might be altered or whether there are any limits on what the changes might be. This is already explicit under the current regulations formed to disclose a statement and will be even more comprehensively prescribed within the residence contract by the amended regulations. Recurrent charges are usually responsive to operating costs which inevitably change and cannot be expected to be predicted when someone first enters a residency contract. In any case, section 10 of the act states that recurrent charges cannot be increased beyond a level shown to be reasonable in view of the accounts for the previous year and the estimates for the current financial year, as explained at a meeting of residents under this section.

The member for Heysen notes that it is a requirement for financial information about a village to be supplied to residents, but that is not the case if a village is not yet built or completed. While this is not raised as an issue during the review consultation, it is a valid point, and it may be something that could be explored between the houses.

The requirement for a premises condition report was introduced in July 2002 having regard to a particular incident with an administering authority. The member for Heysen goes on to suggest that such a report may not necessarily curb the behaviour of an unscrupulous administering authority, and we agree with that observation. However, the majority of the amendments in this bill should enhance consumer protection to the extent possible without creating a punitive framework for the currently 97 per cent of administering authorities that operate effectively.

I turn to the matters raised more recently by the member for Heysen. With respect to the creation and exercise of residents' rights in the residence contract, it was observed that the current penalties may be inadequate and an increase could be considered. Again, that is something that we are open to consider if there were to be a proposition put forward by the opposition. A question was asked about the number of

prosecutions. I think that, to date, the only prosecution since 1987 has, in fact, been the Stirling Retirement Village at Sevenoaks. The honourable member is probably well acquainted with the outcome of that, so I do not need to trouble her.

I understand, of course, that that decision was appealed. The appeal was allowed and the conviction set aside with no appellate costs awarded. As to the question of the repayment of premium where a prospective resident does not enter into occupation, the current act does not prescribe a time limit, and an amendment proposes a refund in 10 business days. Of course, non-compliance with that will be a breach of the act, and the amendments which we are proposing and which provide greater enforceability capacity by the department will assist in that regard.

Section 9B relates to the arrangements if a resident leaves to enter a residential-aged facility. The administering authority determines the reasonable amount required to enter residential aged care and may not therefore release adequate funds to secure entry. That was the issue raised by the member for Heysen. The department is unaware whether this has ever been an issue. Apparently, the member for Heysen is aware of such a thing.

If adequate funds are not released by the administering authority, the administering authority would, of course, be in breach of the act and the department can intervene. It may be that that matter could also be explored between the houses. Certainly, the department is unaware of that, but if the member for Heysen has some details, perhaps we could fashion some form of response. In relation to the amendment of section 10 (meeting of residents), the member for Heysen suggested that if questions are answered at a meeting and residents request a written response it should be provided within 14 days. I think that is the topic of an amendment which the member for Heysen will promote and which the government will support.

In relation to the amendment of section 10AAA (interim financial reports), a query has been raised in relation to the change from providing a full series of reports to providing one or more. Apparently, the amendment was proposed by a Sevenoaks resident. The provision of a full series of reports is not always required and can be a considerable cost. The cost for one or two reports is likely to be significantly less than a full series. The amendment of section 10AAA (interim) also raises the suspicion of occasional misappropriation of residents' funds by the administering authority which will be remedied by the proposal to allow residents access to the actual invoices and which should deal with that issue.

A related issue, and one that was raised with me by the member for Florey, concerns the issues of those retirement villages which have multiple sites and which have sought and been granted exemptions from having to meet all these requirements across all their sites. Obviously, I think that the nature and extent of exemptions needs to be considered on a case-by-case basis. It may be that certain considerations properly apply to a village that has a number of very small sites compared with a village that has a number of very small sites and a very large site. It may be that exemptions need to be considered on a case-by-case basis.

Further, the member for Heysen raised the issue of the insertion of section 10AAB (consultation about village redevelopment). Concerns were raised that regardless of the proposed amendment regarding consultation, administering authorities will ignore it. Residence contracts ultimately protect residents' rights here and the amendment is proposed to address this emerging issue for the industry. The proposed amendment enforces the administering authorities' requirement to consult. Ultimately, the quality of that consultation is a matter that will be in the hands of interpreting that relevant provision, but the obligation does exist and we expect that full meaning will be given to that word 'consultation'.

I now refer to amendment of section 10A, certain taxes and charges not to be charged to residents. There is strong support for this amendment. However, there have been queries whether this act should include a provision to override the Residential Tenancies Act in relation to the awarding of costs where a ruling is made in favour of a resident. At the moment, the tribunal has the power to award costs in the circumstances prescribed in the Retirement Villages Act. I think this really raises broader questions about the way in which the tribunal operates not only under this act but generally and the costs provision, which would tend to leave people out of pocket. So, that may be a matter best left to the review of the Residential Tenancies Act, which is presently under way.

In relation to the amendment to section 12, documents to be supplied to residents, the member for Mawson has raised an interest in the question of accreditation, which is noted. It is worth pointing out that an industry-driven voluntary accreditation scheme has been in place for some years. The government is supportive of the industry taking responsibility for accreditation. One of the difficulties I suppose with going down this path is that it could create another whole issue of bureaucracy, which is the very thing which the member for Heysen is perhaps seeking to avoid in other respects. Perhaps that needs some more careful attention before it is proposed.

The member for Mawson apparently was also interested in tighter controls and increased accountability for administering authorities and their use of funds, and this has been recognised by a number of amendments which have been discussed earlier. He also raised his interest in tighter contractual arrangements. The proposed amendments to the residence contract and regulations will require more explicit detail. Also a number of issues that have been raised by the member for Heysen on behalf of various constituents include that some residents, particularly in not-for-profit villages, may miss out on rebates and concessions. We would argue that obviously the question of rebates and concessions is a matter which is beyond the scope of this act, although it is a matter which could be given some consideration.

The honourable member also raised the issue that it is believed that some residents are being charged for advertising, and, in addition to that, their remarketing costs when a unit has been relicensed. This issue was addressed in the 2002 amendments to the regulations under schedule 3, clause 2. Each village is required to provide to new residents the village's remarketing policy as part of the documents to be supplied.

Section 18 of the Retirement Villages Act was also addressed; that is, that certain persons are not to be involved in the administration of a retirement village. The question is: how is dishonesty determined? That would be determined by the department's seeking a crown law opinion on any such matter and, to date, only one such instance has been brought to the department's attention. In that case, the Crown Solicitor's advice was that the particular behaviour did not meet the required standard.

What remedial course of action could be taken? I think a points demerit system was suggested as may be in existence

in other states. The response to that is that a recommendation around any remedial action would be dependent on whether a person was an employee or an administering authority. If an employee, the department would require that issue to be addressed by the administering authority. If it was the administering authority, the department would seek Crown Solicitor's Office advice about the dishonesty question.

The member for Heysen also raised the question of resident being in occupation without the required documents, for example, the residence contract. The onus is on the residents. Cooling off provisions do not commence until such time as the residents receive the required documents. The act also provides that prospective residents receive certain documents prior to occupation. If they are not provided, the administering authority is in breach of the act.

Section 4 of the Retirement Villages Act deals with the application of this act. Some residents feel disadvantaged as a result of some villages having exemptions from the requirement to provide separate financial statements and from holding separate residents' meetings. I think I mentioned earlier that retirement villages can apply for an exemption from any provision of the act and those applications are assessed by the department and approved by the minister. In the absence of this type of exemption for some villages which have numerous sites, it would result in significant administrative costs for the administering authority which would subsequently be passed on to residents.

If exemptions were removed, it may have the potential impact on the residents' ability to meet costs and remain in villages. However, I think it would be proper for such an exemption to be assessed, having regard to the views of the residents of the village, provided proper considerations were taken into account. Further, it was raised that greater transparency is necessary for the use of funds and contractual arrangements. Those issues have really been addressed in the recommendations.

In relation to further discrepancies between public information documents and the residence contract, including a significant increase in the premium, the onus is on the prospective resident to query any discrepancy between documents. Information contained in the PIDs are often just an example. In such circumstances, it is the residence contract which is binding. For instance, when a PID is not stated as an example, it can be considered as part of a warranty provided by the administering authority and therefore any inconsistent contractual term can be challenged.

From the office of the member for Waite, the member for Heysen passes on concerns about inequitable treatment and the intimidation of residents. This issue has been recognised by giving the government a greater capacity to investigate breaches of the acts. Further, there is a question of interest in implementation of uniform retirement village contracts. This issue has been recognised and it is intended that the regulations will prescribe that the residence contract provides for minimum contractual information to facilitate disclosure and streamlining of documentation, for example, a minimum standard contract or pro forma.

Another matter that was raised is the interest in residents having access to government provided legal advice in a representation. The broader issue of advocacy and support for older persons who find themselves dealing with disputes is beyond the scope of this act, although that issue is receiving our active attention. I think that addresses all the questions that have been raised by the member for Heysen on her own behalf and that of other members. I thank members for their support for the bill.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. I.P. LEWIS: Under part 2, the objects are now spelt out where they were not previously. I think that is commendable. Will the minister say whether problems that I have, which I think are somewhat similar to those to which the minister and the member for Heysen drew attention during the course of their remarks, will now be addressed as a consequence? In particular, I ask whether under these objects and in the context of the subsequent provisions, it is intended that the act will do away with such practices as having residence complaints go before a residents committee which is dominated by (as its chairperson) somebody who is the spouse of the CEO (because they happen to live on the premises) and where the CEO is present? The way in which together they deal with residents' complaints when they come before the residents' complaints committee is pretty intimidating.

I draw attention to a problem of another kind. There are charges for lost keys, Madam Acting Chair. You would not believe this if you did not hear it, I am sure, but where a key is said to be lost by an elderly person—we are all getting older and we all know that memory deteriorates—if they mislay their key or inadvertently lock it inside the unit, the CEO charges $80 after 5 o'clock to unlock the unit. If you come along during normal business hours (9 to 5), they charge $25. If you request time to pay, there is an additional fee of $15. That strikes me as being pretty rough on these people who have no chance of doing anything else.

Another problem has been drawn to my attention involving a retirement village in my electorate where a resident wanted to install roller shutters to secure their premises against burglary and to shade them from the afternoon sun, which can be pretty unpleasant.

The Hon. M.J. Atkinson: That's a good reason.

The Hon. I.P. LEWIS: I agree with the Attorney that that is a sensible thing to do. The resident was told that they could do so at their expense. Within a year or so of having these shutters installed, having gone to the trouble of getting approval to add them to their premises, there was some failure in their functioning and the resident, not knowing how to get them fixed other than to get a quote—they should have been fixed under warranty, but they were not—went to the CEO to get them fixed. The CEO said, 'You put the problem there, you fix it, even though it belongs to us. If you put it up there, it belongs to us, you will not get any recompense for it. Now that it is not functional, you have to make it functional at your own expense.'

All of those things, to my mind, undermine very real problems of the kind that have been referred to generally but which have not been explicitly referred to in the remarks that have been made to date. I seek an assurance that by including the objects in this act such practices will be addressed and prevented from happening. This is just blatant profiteering, bullying and intimidation. Sadly, it detracts from the image of retirement villages to the extent that there was a waiting list to get into some of these retirement villages. I have in mind one, in particular, where there was a waiting list of two or three years and where there are now 15 empty units as a result of these practices. I am saddened to have to relate this

to the committee. I seek the minister's assurance that this bill will address these kinds of problems.

The Hon. J.W. WEATHERILL: Yes, I can give that assurance and, indeed, the couple of examples that were given are likely to be explicitly contrary to the act. Although, being contrary to a piece of legislation does not always mean that there is an immediate remedy, and that is why the enforcement elements in the act have been upped to ensure that these are explicit. So, I suppose there are two main themes going through the act: one is to up the enforcement end of the act; the other is to ensure that the transparency is also there. With the example about the $80 call out after 8 p.m., it can sometimes happen that that fee might have already been in place, but it may not have been properly disclosed, or disclosed as explicitly as it might otherwise have been. So, increasing the disclosure requirement and, secondly, reminding people of their obligations to consult and then have a vote of the residents' committee if such a change was to be incorporated in the fee structure after they got in, and if the majority rejected that it simply would not exist.

I think that a lot of the concerns that have been raised—and, once again, regarding the residents' committee being chaired by a spouse—a meeting between the administering authority and the residents' committee can occur with the representative of the administering authority there, but if it is a residents' committee, it is really the residents who will determine the structure and process by which their own meetings operate. So, it could only be by invitation that such a person existed, although in practical terms I can imagine that somebody might overbear the will of an elderly resident, and they feel as though they have little or no choice. So, I think that the remedy for that is to ensure that there is a much stronger enforcement arm so that people are not bullied out of their pre-existing legal rights.

Clause passed.

Clause 5 passed.

Clause 6.

Mrs REDMOND: I wanted to put on the record again simply that the opposition position is to oppose this, so we want to have a separate vote on it, although I do not intend to divide. I note the minister's comments in relation to an assurance that the intention is not to create a new bureaucracy but simply to add the powers envisaged by this section which deals with the appointment of the registrar to the obligation of existing public servants who are already working in that area. I am somewhat comforted by that, and I have given an undertaking that we will have a look at that again between the houses, but at this stage we will still be opposing the clause.

In addition, I note that in clause 5G—Notification of information, I was initially a little concerned that that only seemed to deal with new villages, and the obligation to register new villages, but I discovered in the transitional provisions that that is where I had previously seen the obligation to register existing villages, so I am happy to see that that is in there. I wonder whether consideration might be given at some stage to increasing that maximum penalty because I have a feeling that there are administering authorities who would think that, rather than obliging themselves to comply with the act, $2 500 is a relatively minor amount, and a $210 expiation fee especially is a minor amount.

Given that, as I understand it, we have some hundreds of retirement villages around the state—and I am not sure that even the minister's hardworking officers know where those are, and they probably do not have a record of the existence of all of them—I would also ask the minister if he could indicate by what means they are going to notify people of the obligation created by this section to register their village with the registrar?

The Hon. J.W. WEATHERILL: As we mentioned before, we are prepared to entertain an increase in those penalties and it may be something that we can talk about between the houses. In relation to how we get this information out, it is our intention to have an implementation period between the time of the passing of this act and its proclamation. I think its proposed proclamation or its date of operation is foreshadowed to be in the middle of next year, and I think that during that period it is intended that we carry out an extensive public consultation, including using our relationships with the industry associations and the residents' associations to ensure that the new obligations are fully understood. Obviously the law is one thing, but the announcement of when it becomes effective is very important, so we will be taking that period to extensively consult. It is similar to the implementation range that occurred around the 2002 amendments.

Mrs REDMOND: In light of the minister's response and the indication as to the anticipated commencement date—and I must confess that I had anticipated that they would probably be looking towards a commencement date at the beginning of the new year—I wonder whether the minister could indicate whether he would be prepared to consider commencing at least a couple of the key provisions before the middle of next year, bearing in mind that there are various AGMs for various financial years that come up between now and the middle of next year. In particular, the two key ones would be that for the supplying of invoices, and that for the prohibition on administering authorities passing on legal costs incurred by them for payment by the residents.

The Hon. J.W. WEATHERILL: I am advised that the two particular provisions that are referred to would probably cause no difficulty if they were to come into operation earlier. I think concern was with some other provisions that may take a longer period to implement, and discussions have been had with the industry about the logistics of doing that. So, we will certainly take that suggestion on notice for consideration when we deal with the proclamation of the act.

Clause passed.

Clauses 7 to 13 passed.

Clause 14.

Mrs REDMOND: In reference to the minister's comment in his response that he was not aware of any cases where someone had an issue with getting money to pay a bond on moving into an aged care facility, I want to place on the record that, coincidentally, just this morning I was talking to the CEO of the Stirling Hospital—the board of which I am member—about other matters entirely, but she happened to mention that a resident who has now moved into the Andrew Arthur Hostel, which is the third function of the hospital—the Stirling Hospital Board owns the hospital, the retirement village and the Andrew Arthur Hostel at Aldgate—was impecunious and unable to pay her bond for moving into that facility.

It has always been a very cheap facility to move into, and, because the board was actually gifted a significant parcel of land and a significant number of BHP shares (I think), there was never a debt to finance. We have been able to run that hostel quite cheaply in comparison to other facilities, not having to pay bank expenses, and so on. I am not exactly sure what the bond is at the moment; I know that we recently increased it; it may be something like $130 000. This

particular lady has moved in from, you guessed it, Sevenoaks, and has no funds. I am trying to get more information but, certainly, it came to my notice today of someone in just that situation.

In terms of the properties in Sevenoaks, I would not have thought any of those were going for much less than $300 000 at this stage. Even if that person bought in back when they were around $200 000, one would have expected that, if they are getting back 100 per cent of what they paid to go in less the reinstatement costs, unless the administering authority is up to its old tricks of saying, 'Well, the reinstatement costs are such that they've wiped out the whole of the premium that was paid,' then that person should have had enough money to pay their bond going into the aged-care facility. It is a problem of which I have a specific example. Other than that, I am happy with the provision.

Clause passed.

Clause 15 passed.

Clause 16.

Mrs REDMOND: I move:

Page 15, after line 31—
Insert:

(1a) Section 10—after subsection (7) insert:

(7a) If a question asked by a resident is answered at a meeting and the resident requests the answer to be provided in writing, the administering authority must ensure that a detailed written answer is provided to the resident within 14 days after the meeting.

I move this amendment noting that the minister has commented that the government will probably accept this suggestion. It is to this effect that, at the moment, in terms of residents getting information from administering authorities, there are basically four possibilities. A resident can put a question in writing before the meeting, or a resident can ask a question at the meeting. The administering authority, under section 10 as it stands at the moment, can essentially either answer the question 'in reasonable detail at the meeting' or, to the extent that they cannot do that, 'as soon as reasonably practicable after the meeting by presentation of a detailed, written answer'. There are basically four possibilities. My amendment simply seeks to provide that people who ask a question, whether they ask it verbally and whether it is answered verbally, are entitled to get a written response if they request it.

That is because I have had complaints from a number of people saying that they have put sometimes detailed questions in writing, sometimes other questions verbally at the meeting, and they have had a brush-off sort of answer from the administering authority at the meeting. Because of the way the clause is structured at the moment, it only requires the provision of a detailed, written answer if it is supplied after the meeting. The administering authority is able to skirt that provision and not actually provide a satisfactory answer. Of course, that then creates further problems, because if the residents decide that they want to do something about that by way of some sort of action, they have no actual evidence as to what was said. They are not versed as lawyers; they do not know about making contemporaneous notes, and they are often very stressed about these things. I am proposing this simply so that if the residents do want the answer in writing, regardless of how or when they have asked the question—prior to the meeting in writing or at the meeting verbally—they can do so.

Mr BROKENSHIRE: In the interest of getting this very important bill through, I will be brief in my support of this clause. I also note that when I was not available last night (I was at another meeting) the shadow minister very appropriately presented some of my concerns. Many of the retirement villages, particularly those that are not for profit organisations, generally do a pretty sterling job. There are some that I have discovered, particularly those that are privately owned, that are so focused on profit that they have forgotten that they are there to provide a service to residents, to the licensees. It has ripped me apart on several occasions when I have seen some of the untoward behaviour that occurs, so I am happy that there are improvements and bipartisan support for them in this house today. I agree that we need to get these amendments through but I suggest that, in future—hopefully sooner rather than later, quite frankly—when we get a chance to look at further amendments to this legislation, we look at what the Queensland government and parliament have done, which, I think, is a model for the whole of Australia.

In New South Wales the Aged Care Rights Service represents residents' concerns. I think we need to look at some kind of service like that for residents here. I respect the fact that the South Australian Retirement Villages Association does quite a good job, but I actually feel that we have to get more teeth for the licensees to address the problems of those unscrupulous licensors. The fact of the matter is that true financial statements are not being provided quite often when requested, including at annual general meetings. I have evidence of this. That is not appropriate. I also am strongly supportive of accreditation. I think that would lift the industry no end and, given that we are going to have more retirement village requirements—the oldest population being South Australians—then we clearly need this accreditation and I hope the parliament can see a way clear for that in the near future.

I also believe when it comes to questions that could come up with respect to this amendment 137(1), about getting answers in writing, when you see what happens with some of the budgeted capital replacement fund and the lack of budgeted capital replacement fund, the fact that some unscrupulous operators milk that fund—and I say that because I have the evidence of that; they actually milk that fund—we need to be very serious about looking after these people who are incredibly vulnerable, particularly when they lose a partner, move into that retirement village and you get a domineering owner.

I support what is happening here in this parliament. I know there are good improvements. I look forward to further improvements and not always based outside this state. Some of them actually live in our electorates in South Australia and own these particular facilities. Let me say this in conclusion, in supporting the shadow minister's amendments—and I congratulate the minister and the shadow minister in working together on this—I know that all retirement village owners, whether they are not-for-profit or for profit, will have a look at this debate because it is crucial to the business that they are in. It starts to shape further the future of where the parliament is going to go with this.

We had a go at this in 1997, and in 2002. We listened to the industry, because we are not stupid and as a parliament we know that we have to have a balanced situation as much as possible, for the industry to grow. But let me say this to the unscrupulous people who are involved in this industry: you are on notice because the parliament, in the absolutely most bipartisan way, will make sure we stitch you up so much that you will never ever do again, within 12 months I trust, what some of them are still doing to vulnerable licensees at the

moment. So clean your own act up now. This is your last warning. Get out of line and the parliament will make sure that you are stitched up forever, on behalf of those great residents who deserve better. Thank you, Mr Chairman.

Amendment carried; clause as amended passed.

Remaining clauses (17 to 33), schedules and title passed.

Bill reported with an amendment.

Bill read a third time and passed.

SITTINGS AND BUSINESS

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I move:

That the time for moving the adjournment of the house be extended beyond 5 p.m.

Motion carried.

MATTER OF PRIVILEGE

The SPEAKER: Earlier today the Leader of the Opposition raised a matter of privilege on the basis of correspondence from Mr Gary Lockwood to me, in which Mr Lockwood bemoans the fact that the house lacks a mechanism by which members of the community, who are aggrieved by statements made about them in this place, can be refuted, but makes no allegation of a breach of privilege. In the light of the rather intemperate remarks of the Attorney-General in relation to Mr Lockwood, which are the subject of Mr Lockwood's letter, the matter of a citizen's right of reply may well be an issue worthy of consideration by the house and is, in fact, an issue currently before the Standing Orders Committee. I note, however, that other members have taken the opportunity to put Mr Lockwood's grievances to the house.

It is clear from the statements of both men that the Attorney-General and Mr Lockwood have a longstanding enmity based on factional allegiances within the Australian Labor Party. These are not matters for this house. I have dealt with the matter of the alleged intimidation of the members for Torrens and Florey in a previous statement and, as Mr Lockwood makes no new allegations in respect of the matter, I refer members to my remarks of 20 October.

I have spoken with the member for Torrens and the member for Florey. The member for Torrens says she has nothing to add to what has already been made known, and the member for Florey has informed me that conversations between members are private and will remain private.

I point out that it goes without saying that I am available to hear any members' concerns about their relationships with other members. Therefore, I can find no new basis for giving precedence which would enable the leader, or any other member, to pursue this matter immediately as a matter of privilege, as it cannot, and I quote from McGee:

Genuinely be regarded as tending to impede or obstruct the house in the discharge of its duties.

TAFE, INTERNET PROBLEMS

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.W. KEY: Earlier today, the member for Hartley asked me a question about disruptions to internet services at TAFE SA and I undertook to investigate this matter. I can now advise that EDS has recently installed a new TAFE-wide Boarder Manager server. Port Pirie TAFE reported intermittent disruption over 10 days to internet access at a number of smaller TAFE sites, such as Kimba and Cleve. EDS conducted testing and installed 'a fix' on Tuesday. There have been no further reports of disruption to the internet service since that time.

CRIMINAL LAW CONSOLIDATION (SERIOUS VEHICLE AND VESSEL OFFENCES) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General): I move:

That so much of standing orders be suspended as to enable me to move that it be an instruction to the committee of the whole house on the bill that it have authority to consider new clauses about the amendment of the Bail Act 1985 and the Harbors and Navigation Act 1993.

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

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

Motion carried.

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

That it be an instruction to the committee of the whole house on the bill that it have authority to consider new clauses relating to the Bail Act 1985 and the Harbors and Navigation Act 1993.

Motion carried.

In committee.

(Continued from 20 September. Page 3472.)

Clause 1.

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

Page 2, lines 3 and 4—
Delete 'Criminal Law Consolidation (Serious Vehicle and Vessel Offences) Amendment' and substitute:
Statutes Amendment (Vehicle and Vessel Offences)

This amendment changes the title of the bill to the Statutes Amendment (Vehicle and Vessel Offences) Bill. I am talking about the long title. This is because of the additional amendments proposed to the Bail Act, the Harbors and Navigation Act and the Road Traffic Act.

Amendment carried; clause as amended passed.

Clause 2.

Mr BROKENSHIRE: There are a couple of things I want to say about these amendments and, after having said them, I will have no more to say so that we can proceed through all the clauses.

The Hon. M.J. Atkinson: Is that a promise?

Mr BROKENSHIRE: It is a promise. I need to put a few things on the public record with respect to the enormous number of amendments that were brought through with short, and at late, notice. With respect to this bill, as *Hansard* has recorded, we supported the Attorney-General's bill that was introduced on 4 May 2005, and of course we all know that that was a legislative response by the government to the public outrage over the case of Eugene McGee, and we are well aware that the Leader of the Opposition (Hon. Rob Kerin) and, in another place, the shadow attorney-general (Hon. Robert Lawson) highlighted to the government what should be done to address the issues concerning the unacceptable situation with respect to the McGee matter.

However, on 7 November (and it is only the 10th today and we were expected to debate this last night, the 9th) we were given advice, and neither the Hon. Robert Lawson, in another place, nor myself had any prior notice of these amendments. Some of these amendments are technical and quite complex, I must say. Most of these amendments we support in principle. I want to assure the committee, and particularly the Attorney-General, that we support these amendments in principle.

However, one must ask: what is going on with the Attorney-General's office? The government introduces a bill. We work on it in the parliament in a bipartisan way (it was totally bipartisan in all respects) and then, at very short notice, we receive two lots of amendments—103(2) and 103(3)—which, in fact, are bigger than the bill that we first debated. The Liberal Party finds this unusual and a fairly appalling way in which to handle legislation.

The Hon. M.J. Atkinson: Fairly appalling?

Mr BROKENSHIRE: Very appalling.

The Hon. M.J. Atkinson: Very appalling?

Mr BROKENSHIRE: Incredibly appalling.

The Hon. M.J. Atkinson: Incredibly appalling; not merely appalling?

Mr BROKENSHIRE: We now see ourselves in an enormously appalling situation where the Attorney-General brings in so many amendments to a bill which, in the first instance, he was happy to spin around in the media as being so great. Again, I put on the public record the fact that the Attorney-General—

The Hon. M.J. Atkinson: Stuffs up again.

Mr BROKENSHIRE: As the Attorney-General says, 'stuffs up again'. Yes, I could not agree more. That was the best description for it, actually. Thank you for that good English description. I agree. I do need to tell the committee, and particularly the Attorney-General, that we will support this bill through all stages in the House of Assembly. Members in this house have worked fairly long hours this week. Even more importantly than the members, I would not want to put *Hansard* and the staff through a gruelling cross-examination of these 10 amendments.

I understand the importance of getting this bill through both houses in the couple of sitting weeks that we have left this year. We want this bill assented to as quickly as possible to avoid these situations occurring again. Just to let the Attorney-General know and to give him plenty of notice so that he can be fully ready to give the right information to the minister responsible for this bill in the Legislative Council, there will be the requirement for a thorough explanation of every amendment in that house. The Hon. Robert Lawson, a very learned gentleman, will be spending some time going through each clause with a fine toothcomb.

The Hon. M.J. Atkinson: Because you haven't.

Mr BROKENSHIRE: I have. If the Attorney wanted me to now, I could go through the comments that I have on each of the clauses. They are here right now, but I am not going to. I even feel sorry for parliamentary counsel on a Thursday night—they deserve a bit of peace from the Attorney-General. I wanted to let the Attorney know that. Obviously, I advise that we will reserve the right to make amendments in the Legislative Council after the very learned, clever and talented former attorney-general (who has a very good record), the Hon. Robert Lawson, has had a chance to get a deep and meaningful explanation of each of these clauses. Having said that, and to make everyone happy here tonight, I advise that we will allow these amendments to go through en bloc.

The CHAIRMAN: I am not sure what any of that had to do with the commencement of the act.

The Hon. M.J. ATKINSON: Quite so, Mr Chairman.

The CHAIRMAN: I hope that the Attorney is not wanting to follow the sins of the member for Mawson.

The Hon. M.J. ATKINSON: The member for Mawson, who is with the parliament for only two more sitting weeks, was out of order—

Mr Meier interjecting:

The Hon. M.J. ATKINSON: Yes, I expect to be here with an increased majority.

Mr Brokenshire interjecting:

The Hon. M.J. ATKINSON: You do not think that I will have an increased majority?

Mr Brokenshire interjecting:

The Hon. M.J. ATKINSON: Do you want to make it interesting?

Mr Brokenshire: I do not gamble like some members.

The Hon. M.J. ATKINSON: The opposition was briefed on Monday. We briefed on the amendments. The opposition had been briefed on the bill previously, and on Monday the opposition spokesman was briefed on the amendments to the bill. Today is Thursday. I should have thought that someone drawing the salary of a member of parliament and someone who hangs his shingle out as a QC would be able on Thursday to process amendments on which he was briefed on a Monday.

Moreover, it is not usual for the government to brief not just the opposition spokesman but also the opposition member handling it in this place, given that the opposition spokesman is in the other place. There is no departure from custom, contrary to what the member for Mawson says. When I was shadow attorney-general, you could count on the fingers of one hand the number of briefings I received from the Hon. K.T. Griffin.

Mr Brokenshire interjecting:

The Hon. M.J. ATKINSON: No, it was not a matter of turning up. It was not the practice. The second thing to say is that I do not recall once, in seven years as shadow attorney-general, ever asking the Hon. K.T. Griffin as the former attorney-general for an extension of time. If he wanted a bill to go through this house, it went through, and I just had to be ready. Constantly, like naughty pupils, the opposition is always asking for extensions of time. They are never ready. The Hon. Sandra Kanck has singing lessons to attend. 'I am sorry,' says the opposition, 'I can't deal with that bill because my raccoon has hepatitis.'

There has been a royal commission into the death of Ian Humphrey on Kapunda Road. We know that some members of the opposition were against the royal commission and mocked it, but we held the royal commission, anyway.

Mr BROKENSHIRE: I rise on a point of order, Mr Chairman.

The CHAIRMAN: Don't you dare say relevance.

Mr BROKENSHIRE: No, I will not say relevance, but I will say that we were after a full judicial inquiry—

The CHAIRMAN: That is not a point of order. The member for Mawson will resume his seat.

The Hon. M.J. ATKINSON: Now, the government is trying swiftly to implement the recommendations of the royal commission. I would have thought that we had overwhelming public support in the dying days of this parliament for getting these measures through; but, no, the opposition is whingeing

that three days is not enough time in which to process these amendments. God the father made the world in six days and rested on the seventh. Sir, that is all I wish to say on this clause, and I accept that what I had to say was irrelevant. However, I had to respond to the member for Mawson in fairness.

Clause passed.

Clauses 3 and 4 passed.

Clause 5.

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

Page 3, lines 21 to 24—

Delete 'by order of a court in this state or another state or territory of the commonwealth, from holding or obtaining a driver's licence' and substitute:

under the law of this state or another state or territory of the commonwealth, from holding or obtaining a driver's licence or that his or her licence was suspended by notice given under the Road Traffic Act 1961

Clause 5(2) of the bill lists the criteria for aggravated offences for the purpose of section 19A of the Criminal Law Consolidation Act. Aggravated offences is something that the Hon. R.D. Lawson has not had time to consider for months past.

Mr Brokenshire: Rubbish!

The Hon. M.J. ATKINSON: No, not rubbish—ask him. One of the criteria listed is:

(b) the offender was, at the time of the offence, driving a vehicle knowing that he or she was disqualified, by order of a court in this state or another state or territory of the commonwealth, from holding or obtaining a driver's licence;

The wording is restricted to court ordered disqualifications. This provision is drawn too narrowly. It would not cover disqualifications from demerit points, breaches of probationary or provisional conditions, or police issued suspensions for excessive speed and drinking. Therefore, this amendment extends the operation of paragraph (b) to any disqualification from holding or obtaining a driver's licence under the law of this or any other state or other Australian jurisdictions and suspensions by notice under the Road Traffic Act.

The requirement of knowledge remains. The amendment is consistent with comments made by Chief Justice Doyle in Police v Cadd 1997, 69 South Australian State Reports at page 150, which is the leading Full Court decision on sentencing for driving while disqualified. The relevant part of the Chief Justice's judgment is:

A further matter raised in these appeals was the question of whether a different approach should be taken to licence disqualification or suspension by administrative decision. In my opinion, when the administrative decision to disqualify a person from holding a licence is made under s61A of the Sentencing Act, because of default in payment of fines imposed for an offence arising out of the use of a motor vehicle, there is no basis for drawing any distinction. The same comment applies to licence disqualification imposed as a result of the accumulation of demerit points. Such a licence disqualification is in every sense a penalty imposed for an offence, and breach of that disqualification has the same character and effect as breach of a disqualification order imposed by a court. I would, therefore, not draw any distinction in respect of disqualification imposed in this way.

Amendment carried; clause as amended passed.

Clause 6.

The Hon. M.J. ATKINSON: As I understood the member for Mawson, to speed the deliberation on this bill, he was happy for me to move all the amendments en bloc.

The CHAIRMAN: You cannot move every amendment en bloc. You can move all the amendments to a particular clause of the bill en bloc, but you cannot just move all the amendments as a block of amendments. We have to go through them. When it comes to a clause such as clause 10, which has a substantial number of amendments, certainly you can move all of them en bloc.

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

Page 4, lines 4 and 5—

Delete 'convicted person used a motor vehicle in the commission of the offence' and substitute:

victim's death was caused by the convicted person's use of a motor vehicle

This clause amends section 13 of the Criminal Law Consolidation Act 1935 to provide a mandatory period of licence disqualification where a motor vehicle is used in the commission of the offence. A court already has power to order licence disqualification for these offences under section 168 of the Road Traffic Act, but these amendments will make it mandatory. This is consistent with the inclusion of mandatory licence disqualification periods for causing death and injury by dangerous driving. However, the expression 'used a motor vehicle in the commission of an offence' is too wide, as it could encompass acts committed in a motor vehicle but in circumstances where the vehicle is ancillary to the commission of the offence.

The wording in the subsection was based on the current wording in section 170 of the Road Traffic Act 1961, but section 170 gives a court a discretion whether to impose a licence disqualification, whereas the new subsection contains a mandatory licence disqualification. Therefore, there is an argument for the wording to be tighter, as the court's discretion cannot come into play. This amendment narrows the provision to where the victim's death was caused by the convicted person's use of a motor vehicle. This was always the intention. A similar amendment will be made to the amendment to section 29.

The Hon. I.F. EVANS: I do not have the intimate knowledge of this bill that the Attorney has, but what is the effect of the amendment and, indeed, this clause of the bill if the offence is committed by a learner driver? What penalty applies to the licensed driver who is supervising the learner driver?

The Hon. M.J. ATKINSON: The question is of such calculated obscurity that we will take it on notice and provide the member with an answer in another place.

The Hon. I.F. EVANS: I am sorry, Mr Chairman, I did not realise the question was that difficult. My understanding is that this bill deals with the result of the McGee incident, where the driver left the scene of the accident after an incident—and this is a response. What I am asking in principle is: if McGee had been a learner driver and there was a licensed driver next to him, and they had undertaken what McGee undertook, what is this bill's response to the licensed driver who was supervising the learner driver? Or do the new changes relate to the learner driver only and not to the supervisor of the learner driver?

The Hon. M.J. ATKINSON: If the instructor sitting in the front passenger seat presumably were convicted of manslaughter arising out of the incident, he would suffer the mandatory penalty.

Amendment carried; clause as amended passed.

Clauses 7 and 8 passed.

Clause 9.

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

Page 4, line 34 and page 5, lines 1 to 26—Delete all words in these lines and substitute:

(i) for a first offence that is a basic offence—imprisonment for 15 years and, in the case of an event involving the use of a motor vehicle, disqualification from holding for

obtaining a driver's licence for 10 years or such longer period as the court orders;

(ii) for a first offence that is an aggravated offence or for any subsequent offence—imprisonment for life and, in the case of an offence involving the use of a motor vehicle, disqualification from holding for obtaining a driver's licence for 10 years or such longer period as the court orders;

Page 5, lines 37 to 42 and page 6, lines 1 to 21—Delete all words in these lines and substitute:

(i) for a first offence that is a basic offence—imprisonment for 15 years and, in the case of an offence involving the use of a motor vehicle, disqualification from holding or obtaining a driver's licence for 10 years or such longer period as the court orders;

(ii) for a first offence that is an aggravated offence or for any subsequent offence—imprisonment for life and, in the case of an offence involving the use of a motor vehicle, disqualification from holding or obtaining a driver's licence for 10 years or such longer period as the court orders;

Page 6, lines 24 to 38—Delete all words in these lines and substitute:

(i) for a first offence that is a basic offence—imprisonment for 5 years and, in the case of an offence involving the use of a motor vehicle, disqualification from holding or obtaining a driver's license for 1 year or such longer period as the court orders;

(ii) for a first offence that is an aggravated offence or for any subsequent offence—imprisonment for 7 years and, in the case of an offence involving the use of a motor vehicle, disqualification from holding or obtaining a driver's license for 3 years or such longer period as the court orders;

The bill as introduced structures the current maximum for causing death by dangerous driving in terms of subsequent offences and aggravated offences. The penalties range from a maximum 10 years imprisonment to 20 years. The Kapunda Road Royal Commission recommended that the penalty for driving in a manner dangerous causing death should be the same as the penalty for manslaughter. Life imprisonment is the maximum penalty for manslaughter. The amendments will simplify the structure for the section 19A offences and provide that the maximum penalty for the first basic offence of cause death or serious harm will be 15 years imprisonment with licence disqualification for 10 years. The maximum penalty for a subsequent offence or any aggravated offence will be life imprisonment with a license disqualification for 10 years.

The second amendment follows on from the previous amendment. It simplifies the structure and adopt the same penalty for causing serious injury by dangerous driving as will apply to causing death. This is consistent with the current scheme in the act and the bill where the penalties are the same whether death or serious injury occurs.

Turning to the third amendment on this clause, this amendment restructures the penalty provision for the offence of causing harm by dangerous driving to reflect the structure used above for cause death and serious injury by dangerous driving. The penalties are consistent with those included in the original bill, that is to say the maximum five years imprisonment for a first offence and the maximum seven years for a subsequent or aggravated offence.

Amendments carried; clause as amended passed.

Clause 10.

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

Page 7—

Lines 19 and 20—Delete paragraph (c) and substitute:

(c) fails to satisfy the statutory obligations of a driver of a vehicle or an operator of a vessel (as the case may be) in relation to the incident,

Lines 25 to 34—Delete all words in these lines and substitute:

(i) for a first offence—imprisonment for 15 years and, in the case of an offence involving the use of a motor vehicle, disqualification from holding or obtaining a driver's licence for 10 years or such longer period as the court orders;

(ii) for a subsequent offence—imprisonment for life and, in the case of an offence involving the use of a motor vehicle, disqualification from holding or obtaining a driver's licence for 10 years or such longer period as the court orders;

Page 8—

Lines 1 and 2—Delete paragraph (c) and substitute:

(c) fails to satisfy the statutory obligations of a driver of a vehicle or an operator of a vessel (as the case may be) in relation to the incident,

Lines 8 to 17—Delete all words in these lines and substitute:

(i) for a first offence—imprisonment for 15 years and, in the case of an offence involving the use of a motor vehicle, disqualification from holding or obtaining a driver's licence for 10 years or such longer period as the court orders;

(ii) for a subsequent offence—imprisonment for life and, in the case of an offence involving the use of a motor vehicle, disqualification from holding or obtaining a driver's licence for 10 years or such longer period as the court orders;

Page, 8, lines 33 to 42 and page 9, lines 1 to 3—Delete subsection (3) and substitute:

(3) For the purposes of subsections (1) and (2)—

(a) a person fails to satisfy the statutory obligations of a driver of a vehicle in relation to an incident if the person commits an offence against section 43 of the Road Traffic Act 1961 in relation to the incident; and

(b) a person fails to satisfy the statutory obligations of an operator of a vessel in relation to an incident if the person commits an offence against section 75 or 76 of the Harbors and Navigation Act 1993 in relation to the incident.

The first amendment deals with the offence of leaving an accident scene after causing death or physical harm. This amendment replaces paragraph (c) of new section 19AB(1). Paragraph (c) requires a person to stop and give all possible assistance. This will be replaced with a general requirement to satisfy the statutory obligations of a vehicle or operator of a vessel about the incident. The bill as drafted would mean that a driver who kills or injures a person in a motor vehicle accident must stop and provide all possible assistance to the victim but then could leave the scene. The government believes that the obligation to stop and render assistance at the scene of an accident is not sufficient and that there should be an obligation for a driver to remain at the scene or present themselves to police so that particulars can be obtained and an alcotest or breath analysis undertaken.

The amendments provide that a driver or an operator must satisfy the statutory obligations of a driver or an operator of a vessel about the incident. The statutory obligations are set out in the fifth amendment and are linked to and contained in section 43 of the Road Traffic Act and sections 75 and 76 of the Harbors and Navigation Act. The revised wording also avoids a problem that could have arisen with the original wording as a result of the inclusion of the words 'having so caused death'. The question that could arise is: when did the death occur? It would be difficult to prove the time of death. The driver may leave the scene even though the victim dies minutes or seconds later. So, it could be argued that the driver did not leave the scene 'having caused the death'.

Turning to the second amendment, this amends the penalty section of the offence in new section 19AB(1). The bill as introduced set the penalties for leaving an accident scene after causing death at a maximum of 10 years imprisonment for a

first offence and 15 years for a second offence. The amendments will increase the proposed maximum penalty for a first offence from 10 years imprisonment to 15 years and the maximum penalty for a second offence from 15 years to life. This is consistent with the penalty for the section 19A offence of cause death by dangerous driving.

The opposition is always saying that the Labor government puts up the maximum penalties but that it does not have any effect on average penalties. We introduced guideline sentencing as one of our very first bills when we came to government. The very first offence on which we tried to get a guideline sentence was cause death by dangerous driving in the case of R v. Payne. The Court of Criminal Appeal turned us down and refused to set a guideline. That was most disappointing to us. The only alternative we have is to increase the maximum. I know that the Chief Justice has said publicly that increasing the maximum should have the knock-on effect of increasing the average because it sends a message from the parliament to the judges of how seriously the public regards these offences. I hope the opposition understands what we are doing with this amendment. I note that, despite some dog whistling on talkback radio, the Liberal Party does not support mandatory minimum sentencing in South Australia.

The Hon. I.F. Evans interjecting:

The Hon. M.J. ATKINSON: No. The Hon. R.D. Lawson has said—

The Hon. I.F. Evans interjecting:

The Hon. M.J. ATKINSON: That's right.

The Hon. I.F. Evans: But it's in this bill; it's in the act.

The Hon. M.J. ATKINSON: There is a mandatory provision for licence disqualification. I turn to the third amendment. This amends the penalty section of the offence in new section 19AB(1). The bill as introduced set the penalty for leaving an accident scene after causing death at a maximum of 10 years imprisonment for a first offence and 15 years for a second offence. The amendments will increase the proposed maximum penalty for a first offence from 10 years imprisonment in the bill to 15 years and the maximum penalty for a second offence from 15 years to life. This is consistent with the penalty for the section 19A offence of cause death by dangerous driving.

Again, this was announced after a community cabinet meeting at Henley Beach months ago. What we said was: 'We don't want any incentive for drivers who cause death or injury by dangerous driving to leave the scene of the accident.' So, the maximum penalty for failing to stop and render assistance should be the same for causing death by dangerous driving, and I hope the opposition can see the sense in that principle, which we announced so swiftly.

Mr Brokenshire: Why didn't you bring it in at the beginning?

The Hon. M.J. ATKINSON: We did.

Mr Brokenshire: No, you have amendments for it.

The Hon. M.J. ATKINSON: We did, but you see, the member for Mawson does not quite understand. Let me help him.

Members interjecting:

The CHAIRMAN: Order! If members on my left want to make a contribution, they can stand and do so.

The Hon. M.J. ATKINSON: We proposed to increase the maximum penalty, to begin with, of leaving the scene of an accident and failing to stop and render assistance to the same level as the existing penalty for cause death by dangerous driving. What we then did, on the recommendation of commissioner James, was increase the penalty for cause death by dangerous driving. So, it follows that to be consistent, we then had further to increase the penalty for failure to stop and render assistance. I think the member for Mawson can now follow that.

The fourth amendment is consistent with my earlier amendment No. 7. The amendment replaces paragraph (c) of new section 19AB(2). Paragraph (c) requires a person to stop and give all possible assistance. This will be replaced with a general requirement to satisfy the statutory obligations of a vehicle or an operator of a vessel about the incident. The next amendment amends the penalty section of the offence of new section 19AB(2) where serious physical harm is caused. It increases the proposed maximum penalty for a first offence from ten years' imprisonment to 15 years, and the maximum penalty for a second offence from 15 years to life. It is drawn in the same terms of the earlier amendment to section 19AB(1).

The final amendment to this clause removes the defence provision set out in subsection (iii) and sets out the statutory obligations to be required of a driver of a vehicle, or operator or a vessel by new section 19AB(1)(c) and section 19AB(2)(c). A person will fail to satisfy the statutory obligations of a vehicle or operator of a vessel about the incident if he or she commits an offence against section 43 of the Road Traffic Act or section 75 or 76 of the Harbors and Navigation Act.

The Hon. I.F. EVANS: I would like to try to get some clarification on what happens in certain circumstances under the proposed amendments, of which I understand there are more than in the actual bill.

The Hon. M.J. ATKINSON: We have changed the scope of the bill now to accommodate the amendments. It occurred before you came in.

The Hon. I.F. EVANS: With the changes that the government is proposing through this mechanism when people leave an accident scene, my understanding of what the minister is saying is that there is no obligation for any of the passengers in the vehicle to remain—they can all disappear. Also, what are the circumstances in relation to a learner driver? Does the supervising driver need to remain? The way in which I understood the Attorney's contribution, it is only the driver of the vehicle who remains, but I thought that there might have been an interest from the police, for instance, to have the passengers and others remain, and not leave the scene of the accident for the purposes of being witnesses.

The Hon. M.J. ATKINSON: It is consistent with the existing effect which prevailed during eight years of Liberal government, during most of which time the member for Davenport was the minister.

The Hon. I.F. EVANS: Well, isn't that cute? I did not handle this particular matter when in government, to my recollection, although I do remember occasionally having the odd debate with the attorney on one of his matters. I often listened to his contributions, and even understood some of them sometimes. That does not help me and it does not help the committee in relation to this amendment. Under the mechanism that the government is proposing, when it is combined with the existing provisions of the act, is there an obligation on the supervising driver who is supervising the learner driver to remain at the scene of the accident? Is there a responsibility on any passenger in the vehicle under the circumstances in which the Attorney-General describes to remain at the scene of the accident?

The Hon. M.J. ATKINSON: I thank the member for Davenport for his assistance in legislating and will give his suggestion our earnest consideration between the houses.

Mr BROKENSHIRE: My question follows on from that. What do you have with respect to prevention of someone else coming along to that accident and, as the member for Davenport said, stopping other people in the vehicle who could be witnesses from leaving? Also, importantly, in a situation where the occupants have had a drinking session or an illicit drug session, and have come out on the road, and hit and killed, or injured someone, and there are illicit drugs and instruments in the vehicle etc., what provisions do you have to stop them from unloading all of that to another vehicle, and taking that evidence away, because that would be of concern, too.

The Hon. M.J. ATKINSON: I realise that the member for Mawson must compete in the committee with the member for Davenport, but what the member for Mawson has to say has no relevance to the clause.

The Hon. I.F. EVANS: Before the Attorney-General runs off to AA and says that the member for Davenport supports the principle of the question that I asked, I am really trying to get the government to consider whether the questions have merit, and then I will consider the government's argument before I reach a final position. The other issue with a similar principle is on the requirement for those to render assistance. My understanding of the way in which you described the government's proposition is that it is only the driver of the vehicle who has to render assistance, not the passengers. So, the same questions apply in relation to assistance—whether the government has turned its mind to that question.

The CHAIRMAN: The question is that the amendment standing in the—

The Hon. I.F. EVANS: What about an answer? Is the Attorney not going to answer that question?

The Hon. M.J. ATKINSON: I have answered it already, sir.

The Hon. I.F. EVANS: I have another question, then. In relation to rendering assistance where there is an injury, I am not legally trained, so this question may be—

The Hon. M.J. Atkinson: Otiose.

The Hon. I.F. EVANS: Describe it how you wish. I assume the person who has an obligation to render assistance to an injured person, as a result of the circumstances the law seeks to address, has to be aware that an injury has occurred. For example, an airbag can come out. You can knock your head and be bruised, but an injury inside may not be obvious to the person who now has a more stringent legal obligation to offer assistance. I assume the law states that you must render assistance if the injury is obvious—if the injury is known. It is possible, in a whole range of injuries, to have no physical presence of such injury. For example, a punctured lung. To the untrained eye, it may not be obvious that there is an injury, yet the person could leave and be breaking the law because it was not obvious to them, or, indeed, to the person injured, that they actually had a problem. For example, a blood clot as a result of a knock could impact on the person five minutes later; you would not know.

The Hon. M.J. ATKINSON: The bill provides that it is a requirement for a prosecution to succeed that the accused should be proved beyond reasonable doubt to have known that the accident occurred. It is a defence to a charge of an offence to prove the defendant was unaware that the accident had occurred, or that the defendant's lack of awareness was reasonable in the circumstances.

The Hon. I.F. Evans: My question is about—

The Hon. M.J. ATKINSON: Yes; I know what your question is.

The Hon. I.F. EVANS: Can you explain the circumstances if the—

The CHAIRMAN: Order! Was the Attorney finishing his answer?

The Hon. M.J. ATKINSON: Yes. The principal thing is that the accused must be proved to have known that the accident occurred. Once an accident occurred, the accused is expected to stay. The first reference is that the accused, to be an accused, must be involved in a collision in which death or injury occurs. Subsequent references are to the accident, which then embraces the original words.

Mr BROKENSHIRE: As a point of qualification on that clause, and further to what the member for Davenport raised, there was recently an incident where a pedestrian was struck by a heavy vehicle late at night. Because of the size of the vehicle, the driver of the vehicle did not feel anything and had no understanding that he had actually struck the pedestrian. Are you satisfied that, in a situation like that, that person would have the protection within this bill?

The Hon. M.J. ATKINSON: Sir, it's the bleeding obvious.

Amendments carried; clause as amended passed.

Clause 11.

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

Page 9—
Line 29—
Delete '69(1) and substitute:
69A
Line 31—
Delete '69(2)' and substitute:
69
Lines 32 to 39—
Delete subclause (3)

Amendments carried; clause as amended passed.

Clause 12.

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

Page 10, lines 5 and 6—
Delete 'convicted person used a motor vehicle in the commission of the offence' and substitute:
act or omission consisting the offence was done or made by the convicted person in the course of the convicted person's use of a motor vehicle.

Amendment carried; clause as amended passed.

New clauses 13 to 17.

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

13—Insertion of section 10A
After section 10 insert:
10A—Presumption against bail in certain cases
(1) Despite section 10, bail is not to be granted to a prescribed applicant unless the applicant establishes the existence of special circumstances justifying the applicant's release on bail.
(2) In this section—
prescribed applicant means an applicant taken into custody in relation to any of the following offences if committed, or allegedly committed, by the applicant in the course of attempting to escape pursuit by a police officer or attempting to entice a police officer to engage in a pursuit:
(a) an offence against section 13 of the *Criminal Law Consolidation Act 1935* in which the victim's death was caused by the applicant's use of a motor vehicle; or
(b) an offence against section 19A of the *Criminal Law Consolidation Act 1935*; or
(c) an offence against section 29 of the *Criminal Law Consolidation Act 1935* if the act

or omission constituting the offence was done or made by the applicant in the course of the applicant's use of a motor vehicle.

Part 4—Amendment of *Harbors and Navigation Act 1993*

14—Substitution of section 69

Section 69—delete the section and substitute:

69—Careless operation of a vessel

(1) A person who operates a vessel without due care for the safety of any person or property is guilty of an offence.

Maximum penalty:

(a) for an aggravated offence—12 months imprisonment; or

(b) for any other offence—$2 500.

(2) For the purposes of this section, an aggravated offence is—

(a) an offence that caused the death of, or serious harm to, a person; or

(b) an offence committed in any of the following circumstances:

(i) the offender committed the offence while there was present in his or her blood a concentration of .08 grams or more of alcohol in 100 millilitres of blood;

(ii) the offender was, at the time of the offence, operating the vessel in contravention of section 70(1).

(3) If a person is charged with an aggravated offence against this section, the circumstances alleged to aggravate the offence must be stated in the instrument of charge.

(4) In this section—

serious harm means—

(a) harm that endangers, or is likely to endanger, a person's life; or

(b) harm that consists of, or is likely to result in, loss of, or serious and protracted impairment of, a part of the body or a physical or mental function; or

(c) harm that consists of, or is likely to result in, serious disfigurement.

69A—Dangerous operation of a vessel

A person who operates a vessel at a dangerous speed or in a dangerous manner is guilty of an offence.

Maximum penalty: Imprisonment for 2 years.

15—Amendment of section 71—Requirement to submit to alcotest or breath analysis

Section 71(1)—delete 'two hours' wherever occurring and substitute in each case:

8 hours

16—Amendment of section 73—Evidence

Section 73(2a)—delete subsection (2a) and substitute:

(2a) If, in any proceedings for an offence, it is proved—

(a) that the defendant—

(i) operated a vessel; or

(ii) was a member of the crew of a vessel that was being operated and was or ought to have been engaged in duties affecting the safe operation of the vessel; and

(b) that a concentration of alcohol was present in the defendant's blood at the time of a breath analysis performed within the period of 2 hours immediately following the conduct referred to in paragraph (a),

it must be conclusively presumed that that concentration of alcohol was present in the defendant's blood at the time of the conduct referred to in paragraph (a).

17—Amendment of section 76—Duty to give assistance and provide particulars

(1) Section 76(1)—delete 'it is the duty of a person who is in a position to do so to' and substitute:

a person who is in a position to do so must

(2) Section 76(1)—after subsection (1) insert:

Maximum penalty:

(a) in the case of a person who was the operator of a vessel involved in the accident—imprisonment for 5 years;

(b) in any other case—$2 500.

(3) Section 76(2)—delete 'it is the duty of the person who was in charge of the vessel at the time of the accident to' and substitute:

the person who was in charge of the vessel at the time of the accident must

(4) Section 76(2)—after subsection (2) insert:

Maximum penalty: $1 250.

(5) Section 76(3)—delete subsection (3)

This amendment introduces an amendment to the Bail Act to deal with drivers who commit serious driving offences in the course of attempting to escape police. The proposed amendment will provide that bail is not to be granted to a prescribed applicant unless the applicant establishes the existence of special circumstances justifying the applicant's release on bail. A prescribed applicant is a person taken into custody for committing or allegedly committing certain offences in the course of attempting to escape pursuit by police, or attempting to entice a police officer to engage in a pursuit. The relevant offences are manslaughter, where the victim's death was caused by the applicants use of a motor vehicle; an offence against section 19A and reckless endangerment where the act or omission constituting the offence was done or made by the applicant in the course of the applicant's use of a motor vehicle.

New clauses inserted.

Schedule 1.

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

No. 17—Heading to Schedule 1, page 10, line 16—

Delete the heading and substitute:

Part 5—Amendment of *Road Traffic Act 1961*

No. 18—Page 10, lines 19 and 20—

Delete subclause (1) and substitute:

(1) Section 43(1)—delete subsection (1) and substitute:

(1) The driver of a vehicle involved in an accident in which a person is killed or injured must—

(a) immediately after the accident—

(i) top the vehicle; and

(ii) give all possible assistance; and

(b) not more than 90 minutes after the accident, present himself or herself to a member of the police force at the scene of the accident or at a police station for the purpose of providing particulars of the accident and submitting to any requirement to undergo a test relating to the presence of alcohol or a drug in his or her blood or oral fluid.

Penalty:

(a) imprisonment for 5 years; and

(b) disqualification from holding or obtaining a driver's licence for such period, being not less than 1 year, as the court thinks fit.

No. 19—Page 10, line 27—

Before 'the' insert:

in relation only to a failure to comply with subsection (1)(a),

No. 20—Page 10, line 29—

After '(1)' insert:

(a)

No. 21—Page 10, after line 34—

Insert:

or

(c) in relation only to a failure to comply with subsection (1)(b), the defendant—

(i) had a reasonable excuse for the failure to comply; and

(ii) presented himself or herself to a member of the police force as soon as possible after the accident.

No. 22—New clauses, page 10, after clause 1—

Note—

Clause 1 will, if the other proposed amendments are passed, be redesignated as clause 18

Insert:

19—Amendment of section 45—Careless driving

Section 45—after its present contents (now to be designated as subsection (1)) insert:

(2) If a court convicts a person of an offence against this section that is an aggravated offence, the following provisions apply:

(a) the maximum penalty for the offence is 12 months imprisonment; and

(b) the court must order that the person be disqualified from holding or obtaining a driver's licence for such period, being not less than 6 months, as the court thinks fit; and

(c) the disqualification prescribed by paragraph (b) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence.

(3) For the purposes of this section, an aggravated offence is—

(a) an offence that caused the death of, or serious harm to, a person; or

(b) an offence committed in any of the following circumstances:

(i) the offender committed the offence in the course of attempting to escape pursuit by a member of the police force;

(ii) the offender was, at the time of the offence, driving a vehicle knowing that he or she was disqualified, under the law of this State or another State or Territory of the Commonwealth, from holding or obtaining a driver's licence or that his or her licence was suspended by notice given under this Act;

(iii) the offender committed the offence while there was present in his or her blood a concentration of .08 grams or more of alcohol in 100 millilitres of blood;

(iv) the offender was, at the time of the offence, driving a vehicle in contravention of section 45A or 47.

(4) If a person is charged with an aggravated offence against this section, the circumstances alleged to aggravate the offence must be stated in the instrument of charge.

(5) In this section—

serious harm means—

(a) harm that endangers, or is likely to endanger, a person's life; or

(b) harm that consists of, or is likely to result in, loss of, or serious and protracted impairment of, a part of the body or a physical or mental function; or

(c) harm that consists of, or is likely to result in, serious disfigurement.

20—Amendment of section 46—Reckless and dangerous driving

Section 46(1), penalty provision—delete the penalty provision and substitute:

Penalty: Imprisonment for 2 years.

21—Amendment of section 47E—Police may require alcotest or breath analysis

Section 47E(2b)—delete subsection (2b) and substitute:

(2b) Without derogating from section 47DA or 47EA, an alcotest or breath analysis to which a person has been required to submit under subsection (1) may not be commenced more than 8 hours after the conduct of the person giving rise to the requirement.

22—Amendment of section 47EAA—Police may require drug screening test, oral fluid analysis and blood test

Section 47EAA(5)—delete subsection (5) and substitute:

(5) Without derogating from section 47DA or 47EA, a drug screening test, oral fluid analysis or blood test to which a person has been required to submit under this section may not be commenced more than 8 hours after the conduct of the person giving rise to the requirement that the person submit to the alcotest or breath analysis.

23—Amendment of section 47GA—Breath analysis where drinking occurs after driving

Section 47GA(2)(c)—after 'duties' insert:

required under section 43 and any other duties

24—Amendment of section 47K—Evidence etc

Section 47K(1ab)—delete subsection (1ab) and substitute:

(1ab) If, in any proceedings for an offence, it is proved—

(a) that the defendant drove a vehicle, or attempted to put a vehicle in motion; and

(b) that a concentration of alcohol was present in the defendant's blood at the time of a breath analysis performed within the period of 2 hours immediately following the conduct referred to in paragraph (a),

it must be conclusively presumed that that concentration of alcohol was present in the defendant's blood at the time of the conduct referred to in paragraph (a).

Note—

Section 47G of the Road Traffic Act 1961 is redesignated as section 47K, and relocated, by clause 14 of the Road Traffic (Drug Driving) Amendment Bill 2005.

No. 23—

Page 11, line 9—

After 'ending' insert:

at a time calculated as if the specified period commenced

No. 24—

Page 11, line 10—

Delete 'expiration of the specified period after the'

No. 25—

Page 11, line 18—

Delete 'the specified period after the end of'

Amendments carried; schedule as amended passed.

Title.

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

Delete 'and to make related amendments to' and substitute:

the Bail Act 1985; the Harbors and Navigation Act 1993; and

Mr BROKENSHIRE: This is agreed to.

Amendment carried; title as amended passed.

Bill reported with amendments.

The Hon. M.J. ATKINSON (Attorney-General): I move:

That this bill be now read a third time.

I thank the member for Mawson and the Liberal Party for their cooperation in swiftly passing this important measure.

Bill read a third time and passed.

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

A quorum having been formed:

DEVELOPMENT (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 October. Page 3608.)

The Hon. I.F. EVANS (Davenport): My understanding is that it is the government's wish to debate this bill for three minutes tonight, unless it wants to move the adjournment of the house. I am happy for that to happen if the house so desires. I am happy to withhold my contribution. I seek leave to continue my remarks.

Leave granted; debate adjourned.

ADJOURNMENT

At 5.58 p.m. the house adjourned until Monday 21 November at 2 p.m.