

HOUSE OF ASSEMBLY

Monday 5 June 2006

The SPEAKER (Hon. J.J. Snelling) took the chair at 2 p.m. and read prayers.

VISITORS TO PARLIAMENT

The SPEAKER: I draw to members' attention the presence in the gallery of students from Concordia College, who are here as guests of the member for Unley, and students from Mount Gambier High School, who are here as guests of the member for Mount Gambier.

WORLD ENVIRONMENT DAY

The Hon. M.D. RANN (Premier): I seek leave to make a major ministerial statement, and it is a somewhat controversial one.

Leave granted.

The Hon. M.D. RANN: Today we celebrate World Environment Day, with this year's theme being deserts and desertification. Four years ago, I stood in this chamber as a newly elected premier and spoke about the achievements and the commitments made by this government in the first few months of office. These included:

- the restructure of the EPA as a truly independent authority;
- the establishment of the Office of Sustainability;
- the River Murray and early agreements with Victoria for extra environmental flows; and
- the introduction of legislation aimed at ensuring that South Australia did not become the nation's radioactive waste dump.

We now know that South Australia was successful in defeating the commonwealth government in its plans to impose the dump on this state. But what we did not know at the time was that, when the radioactive waste dump was first being considered, the federal Howard cabinet was also seriously looking at building a nuclear reactor in the federal seat of Mayo—held back then and today by our federal foreign minister, Alexander Downer.

Last Friday, shortly before flying out to East Timor via Broken Hill, the foreign minister came to Adelaide to announce that a nuclear reactor power station should be built in South Australia—in direct contradiction to his fellow South Australian, senior federal cabinet minister Senator Nick Minchin. So, you had Alexander Downer, a very senior minister in the federal cabinet, flying into Adelaide and saying that what we needed was a nuclear power station just a couple of weeks after Senator Minchin had ruled it out.

The Hon. I.F. EVANS: On a point of order, Mr Speaker, the Premier is debating during a ministerial statement.

The Hon. K.O. Foley: We are saving your electorate from a power station.

The SPEAKER: Order!

The Hon. M.D. RANN: I am trying to save the Leader of the Opposition's electorate from having a nuclear power station deposited on it. Senator Minchin had, only a couple of weeks before, ruled out a nuclear power station being built anywhere in Australia, saying 'not in 100 years' would it become viable. I was asked for a response to the foreign minister's bizarre statement, and I said that such a reactor was economically unviable, financially irresponsible and some-

thing South Australia did not need. I also jokingly said that maybe the foreign minister wanted to build a nuclear reactor at Arbury Park Estate—his former ancestral home in the Adelaide Hills.

The Hon. M.J. Atkinson: Close, but no cigar.

The Hon. M.D. RANN: That is the sort of *Brideshead Revisited* of the Downer family. Mr Speaker, it appears that I was not far off the mark. That is because this morning we discovered that in 1997 the federal cabinet was in fact considering the Adelaide Hills as one of several logical places to build a nuclear reactor—right in the middle of Adelaide's water catchment area, which also has strong agricultural, tourism and wine industries. The federal cabinet submission, dated 4 July 1997 and signed and approved by the then federal industry minister Peter McGauran, who, it appears, wrote 'good work' on the front of this document, states—

Members interjecting:

The Hon. M.D. RANN: This is what he said. We know about his plan to establish a nuclear waste dump in South Australia, but this is what it states in the cabinet submission—

The Hon. K.O. Foley: Where are you going, Iain?

The Hon. M.D. RANN: Apparently, the Leader of the Opposition does not want a nuclear reactor—

The SPEAKER: Order!

The Hon. M.D. RANN: —in his electorate in the Adelaide Hills. It goes on to state:

Areas directly north and south of Adelaide are unsuitable due to urban expansion uses. A site might be in the Mount Lofty Ranges (east or south-east of Adelaide) or in the farming areas east of the Ranges and within 90 minutes drive from the Adelaide Airport.

Mr Venning: It's exactly the same as Roxby Downs.

The Hon. M.D. RANN: Breaking news! Members opposite are saying that the water catchment area in the Adelaide Hills is exactly the same as Roxby Downs. Maybe they should go and consult with their electorate in the Adelaide Hills, because I do not believe that the wine industry in the Adelaide Hills wants a nuclear reactor in the middle of its vineyards.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: It states:

A site might be in the Mount Lofty Ranges (east or south-east of Adelaide) or in the farming areas east of the Ranges and within [about] 90 minutes drive from the Adelaide Airport. The land is freehold.

It goes on to state:

Sites could fall in the electorates of Barker or Mayo.

The Hon. M.J. Atkinson: The local member says yes, bring it on.

The Hon. M.D. RANN: And apparently with support from members opposite. While the eventual site chosen was Sydney's Lucas Heights, this federal Liberal government cabinet submission serves to underline just how dangerous it can get when a minister seriously believes that placing a nuclear reactor right in the middle of an area that holds Adelaide's water supplies is not only a good idea but one worthy of serious cabinet consideration. I wonder whether the Natural Resources Management Board and tourism and wine industry bodies in the Adelaide Hills would agree. I can assure this house and all South Australians that for as long as this government is in control of this state there will be no nuclear reactors, no nuclear power stations and no national nuclear dumps built here.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Not on our watch. Over the past four years—

Mr Venning: You're incredible.

The Hon. M.D. RANN: The member opposite is a baron of the Barossa but apparently not a baron of the Adelaide Hills where he wants to put a nuclear reactor amongst the vineyards.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Members will find that the baron of the Barossa might be a bit quieter for the rest of question time. Over the past four years this government has achieved an enormous amount for the environment, and, in particular, the River Murray. We helped broker an agreement at COAG, securing \$500 million from the states and commonwealth over five years to put 500 billion litres of water back into the Murray, putting the river on the national agenda. We implemented the River Red Gum Watering Program in 2005 to rescue these majestic trees in Murray River tributaries. Last month, we announced a 35 billion litre package of measures to secure water for the Living Murray First Step. Thirteen billion litres will be made available immediately, and I congratulate the Minister for the River Murray.

We move towards an interim agreement on permanent water trade with New South Wales, which is a significant step forward. We have the nation's only Minister for the River Murray, with the river having its own specific legislation. Other achievements for the environment include eight new parks being created and several additions being made to the reserve system. Parks and reserves cover about 21 million hectares or 21.3 per cent of the state. New wilderness protection areas have been established on Eyre Peninsula, including the 500 000 hectare Yellabinna Wilderness Protection Area, and I understand that Mount Finke is in the middle of that area. One day I would like to climb Mount Finke. We have saved Coongie Lakes, after years of debate, by creating Coongie Lakes National Park within Innamincka Regional Reserve, which has resulted in greater protection of over 26 700 hectares of significant wetland systems with the permanent exclusion of mining.

The Adelaide Dolphin Sanctuary was established in 2005 to protect a population of bottlenose dolphins. We have reintroduced the previously extinct mainland Tammar Wallaby—found on an island off New Zealand and saved by us—into Innes National Park. We have initiated the Million Trees program with the aim of creating suburban forests across metropolitan Adelaide and, as I have said, about 850 000 trees have already been planted. Co-management of national and conservation parks with indigenous owners, through amendments to the National Parks and Wildlife Act in 2004, has enabled the handing back of the 2.1 million hectare L-shaped Conservation Park to the Maralinga Tjarutja people. Groundbreaking legislation, with the Natural Resources Management Act, has put an end to 150 years of fragmentation with comprehensive and integrated legislation to help us take better care of the state's soil, water, marine environments, native vegetation and animals. The Water-proofing Adelaide strategy is a 20-year plan for managing, conserving and developing our water resources and is designed to meet the water needs of Adelaide for the future as well as reduce the state's reliance on the River Murray. We have released the Blueprint for the South Australian Representative System of Marine Protected Areas with 19 marine

parks proposed by the end of 2010. Legislation is now being developed.

Four years ago, I spoke about the new Office of Sustainability and its role in promoting innovative, sustainable initiatives across government. This office is now the Division of Climate Change and Sustainability and reports to me as the new minister. This reflects the need for leadership in climate change, which I believe poses a bigger threat to Australia than terrorism.

Mr Venning interjecting:

The SPEAKER: The member for Schubert is warned.

The Hon. M.D. RANN: Over the past four years, the state government has put climate change on the national agenda of COAG. It has installed solar panels on Parliament House, the Museum, the State Library and the Art Gallery as well as starting a program to put solar panels on 250 schools across the state.

The government will also fund solar panels for the Adelaide Airport. We have begun reducing energy consumption in government buildings with a new target of a 25 per cent reduction, set for 2014. We have set a target for sourcing 20 per cent of electricity from renewable energy within a decade. We have converted all trains and diesel buses to 5 per cent bio-diesel with a further trial of 20 per cent for the transport fleet. The government has committed to rent office space, where possible, in buildings that have five-star ratings. We have introduced mandatory building requirements for all new houses from July to have rainwater tanks plumbed into the house as well as mandating that all houses have a five-star energy rating. South Australia leads the nation in wind generation, supplying more wind power than all other states and territories combined. We also have 45 per cent of the nation's grid-connected solar power. The government continues to support the renewable energy sector with the development of geothermal energy from the hot rocks of the Cooper Basin.

I know that this ministerial statement can only be brief on a day as important as this, but the government also made several commitments at the recent election which include:

- investing \$5.7 million to help create a River Murray native forest;
- a rebate of \$400 offered to plumb new or existing rainwater tanks into existing homes;
- providing 20 additional park rangers to support the increase in parks created;
- supporting the development of nature-based tourism close to national parks and reserves;
- installing mini wind turbines on government buildings in the CBD with the aim of saving up to 4.3 tonnes of carbon dioxide entering into the atmosphere each year;
- investing \$250 000 into a Chair of Climate Change at the University of Adelaide; and
- introducing legislation to enshrine a 60 per cent reduction of greenhouse gas emissions of the 1990 levels by 2050.

As I said in 2002, as the new Premier of the state, this government is committed to ensuring that there be environmental security for future generations in South Australia, and we stand by that today.

The SPEAKER: With regard to the Leader of the Opposition's point of order, standing order 107 which governs ministerial statements does not prohibit debate during a ministerial statement; that is only in answer to questions. But, I would ask the Premier if in his future ministerial statements he could refrain from small asides,

particularly those which tend to inflame other members and make it difficult for the chair to keep order.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Ms BREUER (Giles): I bring up the 58th report of the committee, entitled 'Upper South East Dryland Salinity and Flood Management Act 2002 Report, July 2004-June 2005'. Report received and ordered to be published.

QUESTION TIME

STATE BUDGET

The Hon. I.F. EVANS (Leader of the Opposition): Given the Premier's five page ministerial statement on environmental matters, can he guarantee the house that the Department of Environment will not have any cuts to its funding as part of the budget review?

The Hon. M.D. RANN (Premier): The budget will be announced on budget day—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —not on New South Wales budget day—tomorrow—but on our budget day—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: You have just seen a series of announcements about the environment, and you will be very pleased to note that, in these areas, we lead Australia. On the environment, here is the difference: you want a nuclear reactor in the Adelaide Hills, according to Peter McGauran.

Ms CHAPMAN: I rise on a point of order. Sir, the Premier is accusing you of wanting a nuclear reactor.

The SPEAKER: I don't think he was doing that.

Ms Chapman: He did.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! This is exactly what I was speaking about last week: when the opposition asks a question, a minister gets up to answer it, and a barrage of heckling emerges from members on my left and, naturally enough, the minister responds with debate and then, no sooner does that start to happen than an opposition member gets up, calling a point of order asking me to pull up the minister for debating the question. The standing orders apply to all members, not only to some members, and this habit of members not only interjecting but also heckling ministers while they are giving a response is not satisfactory. Members on both sides need to improve their behaviour.

ABORIGINAL SUMMIT

Ms SIMMONS (Morialta): My question is for the Minister for Aboriginal Affairs and Reconciliation. What are the latest developments in the federal government's proposed national summit on remote Aboriginal communities?

The Hon. J.W. WEATHERILL (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her question and acknowledge her dedication to this topic. Today we learnt that the date for the establishment

of the national summit is to be 26 June. I have already said, we welcome any suggestion about a summit which has been called to deal with child sexual abuse and abuse of women in remote communities. It is an important topic, and we have always said that we would participate in a summit that was called to discuss these issues. However, the success of any summit of this sort will depend on our ability, first, to understand the issues; and, secondly, to engage with Aboriginal communities, and that is why I will be inviting key leaders of the South Australian major remote Aboriginal communities to join me at that summit. We have heard a lot over the last few weeks about what white people think about what is going on in these communities, but little discussion has occurred with the Aboriginal people themselves and those communities.

Certainly, I do not intend to go to a summit without having the benefit of the best advice that I can have about what exists on those lands. As Australia no longer has a representative body with the abolition of ATSIC, the question of Aboriginal representation is a lively issue, and it is important that we ensure that we do hear the voice of Aboriginal people. The representatives from whom we will be drawing includes the APY lands, Maralinga Tjarutja and the Chair of the Premier's Advisory Council, and I include both men and women representatives of the Aboriginal community.

What we do know about the issues at stake at this summit is that a simple authoritarian response is unlikely to be successful. Where we have seen successes in these communities (and, sadly, they are few and far between) have been the result of long, hard processes of collaboration between governments at all levels working closely with local communities and their leaders. They are the occasions on which there have been successes. It is welcome, though, that this has now reached the national agenda. We plan to make sure that this summit is a success, and that we do not leave it without real and sustained solutions for these remote communities.

TRANSPORT, CHIEF EXECUTIVE

The Hon. I.F. EVANS (Leader of the Opposition): Was the Minister for Transport correct when he told media outlets that Dr Horne was not sacked because of transport project blow-outs, or was the Treasurer correct when he indicated that Dr Horne was sacked because he could not manage transport project blow-outs? On media outlets the Minister for Transport was asked:

Has this got anything to do with the decision to dismiss James Horne from the position of head of your department?

The minister responded:

Increased costs of projects? No, not at all.

On a different radio program, the minister stated:

These decisions have nothing to do with the cost blow-outs on major infrastructure projects.

The media outlet asked:

Well, of course they do, the department throws them up to you.

The minister responded:

Let me assure you that the departure of James Horne had nothing to do with these blow-outs.

Last week the Treasurer advised the house that he was less than impressed with Dr Horne's ability to manage the issues.

The Hon. P.F. CONLON (Minister for Transport): I do not think that there is any inconsistency.

Members interjecting:

The Hon. P.F. CONLON: I should have written it down, but you know exactly what is going to happen: you say your first six words, and then you get the forced laughter—hah, hah, hah. Members opposite reckon they had a good week because Greg Kelton—who has barely been kept awake by the opposition for four years—has trotted them out for a photo shoot, or something. So, we get back to the tremendous performance of this opposition after its photo shoot, and it is six words in and you get some forced laughter. It is really very lame. Quite simply, and I repeat what I said before, the issues come from the original costings, which were done before James Horne became chief executive. I do not think that any fair-minded person—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I know that fair-minded people do not exist on that side very often, but I do not think that any fair-minded person could say that he was responsible for the original costings. It is all entirely consistent.

HEALTH, RURAL

Mr PICCOLO (Light): Can the Minister for Health update the house on the government's progress towards an integrated country health service?

The Hon. J.D. HILL (Minister for Health): I thank the honourable member for his question, and I acknowledge his very strong interest in country health issues. He is a strong advocate for health services in his community. On 24 and 25 May, some 240 delegates from across country South Australia came together to provide input into the plan to reform the country health services. Under the plan, local hospital boards will concentrate on advocacy and strategy, while Country Health SA will have responsibility for issues such as employment contracts and safety issues. Already the seven regional health boards have voluntarily agreed to relinquish their roles and responsibilities in order to create the one country health region. I want to thank those board members for their hard work and support for their communities over many years, and their cooperation during this process.

Under the reforms, local hospital authorities will still exist and have an important role. I assure the house that we have no desire to strip local boards of their assets, and donations will remain with the local community for it to decide how the money will be spent. Importantly, all savings from the streamlining of country health will go back into frontline country health services.

Today I announce to the house the appointments to the interim board of directors of Country Health SA. The chair of the new board will be Ms Barbara Hardwig, currently chair of the Mid North Regional Health Services Board. She was the chair of all the chairs of the existing seven boards. She has been a member of the board since 1996—

An honourable member interjecting:

The Hon. J.D. HILL: Appointed by your predecessor, I assume. She is an experienced nurse and chaired the Nurses Board from 1992 to 1995. Other board members include:

- Deputy Chair Sandy Miller, who brings experience in Aboriginal affairs and public health administration;
- John Drew, an active member of the Millicent Hospital Board since 1984 and chair of the regional board in that area;
- Kathleen Gregurke, who has worked on the Lamerook Hospital Board for 16 years;

- Cheryl Hughes, who is a member of the Riverland region board and a scientific officer for the IMVS;
- Phillip Jackson, who has an extensive public service legal background and is a member of the Mount Barker Hospital Board;
- Ann Johnson, chair of the Port Augusta Health Service;
- Dr Richard McKinnon, who works as a GP in Crystal Brook and is chair of the Rural Doctors Work Force Agency;
- Terry Mullan, who is chair of the Eyre Regional Board;
- Heather Richardson, who is a board member of the Wakefield region and brings a financial background to the board; and
- John Singer, who is the director and chairperson of the Nganampa Health Council, and he has lengthy experience providing services to Aboriginal people.

As members would know, the board has a broad range of experience and its members geographically cover the state. There is at least one person from each of the outgoing seven boards. We have set out to ensure there is some continuity between the new system and the seven regional boards that are being dissolved. One of the new board's first duties will be to make recommendations to me for the location of the head office for Country Health SA. The government has stated already that this will be in a major regional centre, not metropolitan Adelaide.

The deputy leader has come out in favour of keeping the seven regional boards, which is somewhat disappointing; and it highlights a division within her own party. She is now at odds with the Member for Stuart who has supported the recommendations the government has made. Indeed, the Liberal policy at the last election was to abolish the regional boards, whereas the deputy leader has an opposing position. Clearly, her party has yet to reach a position. Our reforms are not about an ideological or political agenda. We are doing what we are doing because it is the right thing to do. The government has a duty to give South Australians the best health system possible. I say to the deputy leader that, if she continues to argue for no reform and then attack the government for problems in country health, she has got a very serious inconsistency. If she is opposed to reform she cannot criticise issues that arise in country health as a result of the lack of reform.

TRANSPORT, CHIEF EXECUTIVE

The Hon. I.F. EVANS (Leader of the Opposition): My question is again to the Minister for Transport. If James Horne was not sacked because of cost blow-outs in the government transport projects, why was his contract terminated?

The Hon. P.F. CONLON (Minister for Transport): I made it very plain. Here is what happened. We wanted Jim Hallion to do that job.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Here we go: six words, forced laughter. It is a great technique, isn't it? I didn't know it was that funny. We wanted Jim Hallion to run that agency. That is what we wanted.

Mr Williams: Why didn't you appoint him before?

The Hon. P.F. CONLON: That is the best question I have heard in here. We wanted Jim Hallion to run it. Officers discussed with James Horne whether he would run something else in government. I think it is regrettable that we are not

simply able to reassign chief executives. I think we should be allowed to do that. James Horne did not want that option. It is as simple as that. We have said this over and over: at this time, the person I want to run that department is Jim Hallion. You have to take decisions in this business, and we did that. Jim Hallion is there and we have great faith in him. He got his crew off a sinking boat in the 1998 Sydney to Hobart. The Department of Transport will be a walk in the park for this bloke.

CREDIT CARDS

Mrs GERAGHTY (Torrens): My question is directed to the Minister for Consumer Affairs. Is the minister aware of current problems with credit lending practices of some issuers of credit cards; and, if so, how is this being addressed? A report on a television program last week showed a 16-year-old boy who was given a credit card with a \$5 500 limit linked to an account that he had received in primary school.

The Hon. J.M. RANKINE (Minister for Consumer Affairs): There is justifiable concern within the community about credit loan practices where consumers are offered credit in excess of their capacity to pay. I was also concerned about the report on television—in particular, where it stated that the young person referred to had only 38¢ in his bank account. I will give the house an illustration. The *Choice* magazine web site illustrates the following example. If you have a \$1 000 loan and the credit card interest charge is 18.25 per cent annually and you make the minimum payments each month, after 50 years you will still owe \$700. In other words, after making total repayments of about \$9 632 you will have managed to pay off not much more than \$300.

The Banking and Financial Services Ombudsman cites an example where a financial institution continued to extend the credit limit of an aged pensioner because she was meeting the minimum payments and she ended up with a \$74 000 debt. She was meeting the minimum payments by placing her entire pension into the credit card payment each month. There are many examples where debts have been accumulated as a result of credit card limit increases with no assessment of the client's ability to pay.

Credit and charge card debt in the year to July 2005 increased by 13.4 per cent from \$27.7 billion to \$31.4 billion, and over 70 per cent of this debt was accruing interest because balances had not been repaid in full each month. I have no doubt that these lending practices impact most severely on those who can least afford to carry a lifetime debt burden. The current Consumer Credit Code does not appear to deal adequately with these issues. For this reason, at the recent Ministerial Council on Consumer Affairs I supported very strongly the decision to develop proposals that ensure credit card issuers adopt responsible lending practices when assessing consumers' capacity to repay credit card debts.

TRANSPORT, CHIEF EXECUTIVE

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Transport. What is the skills set required of a CEO by the minister given that on 19 April 2005 the Premier described Dr James Horne as exactly the kind of new talent that this state needs to complement our existing team of experienced executives? What is wrong with Dr Horne's knowledge and skills that makes him unsuitable for the post or less suitable than Mr Hallion?

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON (Minister for Transport): I now have a note for myself which says: say six words, pause for forced laughter. I will see how it goes. I am not quite sure which information—

An honourable member interjecting:

The Hon. K.O. Foley interjecting:

The Hon. P.F. CONLON: They missed their cue. I am not quite sure which question the honourable member wants to ask: what is the skill set for the minister or the question he asked later. It is very simple. The skill set for the Chief Executive of the Department of Transport is the one Jim Hallion has. That is who we like at present. We made a judgment in April 2005 which, it turns out, might be argued not to be correct. There are actually some precedents for this. This is the mob that employed headhunters to travel around the world and employ a bloke called Sean Sullivan to run SA Water. A year later, of course, we know what happened to Sean Sullivan. A year later Sean Sullivan was gone. He got a termination payment. As I understand it, and I will check this, but he may well still be suing the former government—this government now—as a result of that.

The Hon. M.D. Rann: John Cambridge.

The Hon. P.F. CONLON: John Cambridge got a big payout even though for all intents and purposes he seemed to resign. Now, he must have had a very special influence because John Cambridge got a real big payout after wanting to leave—'I want to go but I want some money.' So, let's be clear: in this business you make judgments. We made a judgment. The judgment now is that Jim Hallion is the right person for the job. What would have lacked courage is not to have made that decision. We are quite happy to make it. We would make it again next week and the week after. I am quite happy to suffer the slings and arrows of the opposition because, after all, sir, I am a man courage and fortitude.

HEALTH TRAINING, SOUTHERN REGION

Mr BIGNELL (Mawson): My question is to the Minister for Employment, Training and Further Education. What is the government doing to support training for local health industries in the southern areas of Adelaide?

The Hon. P. CAICA (Minister for Employment, Training and Further Education): I thank the member for Mawson for his question and note that he has already displayed a high interest in training issues across industry sectors, particularly as they relate to the southern regions of Adelaide. I recently had the privilege of officially opening a new state of the art training facility for education of nursing and aged care students at TAFE SA's Noarlunga campus. I was very pleased that the member for Mawson was able to come along with me that morning, although I did notice that he was not as keen as I to get his blood pressure taken.

The new 50 000 clinical skills facility will enable students to develop and upgrade their skills within a safe simulated working environment. The facility recreates real life hospital and aged care scenarios so that students have the opportunity to put theory into practice. The facility will help students to boost their competence in many aspects of nursing and aged care.

Students enrolled in the Diploma of Nursing and the Certificate 3 in Aged Care are not the only ones to benefit from the establishment of this new facility. Employers also stand to benefit by being able to employ graduates who can start work with practical experience behind them. Sir, I do

need to congratulate industries within the area for providing some of the material, such as beds, and apparently it was a sight to see the people from the local hospital wheeling the beds over to the new training facility. I thank them for their contribution to this facility.

The clinical skills facility features a nursing/teaching area with a classroom and skills laboratory. This area includes five acute care beds set up as a hospital ward. The ward itself contains a nurses station, a medication room and an equipment room. Essential equipment, such as lifting machines, intravenous therapy poles, walking frames, wheelchairs and linen trolleys, are able to be appropriately stored. The aged care teaching area has its own classroom and skills laboratory. It includes four beds, two showers, a bathroom and equipment room. A student information hub provides students with access to computers, some of which contain programs specifically related to the course.

TAFE SA's Noarlunga campus is the focus for enrolled nurse training and aged care training in the southern metropolitan area. The new clinical skills facility provides a real boost for nurse training in the south. The facility has been funded by fee for service activities that have been provided to industry. I am also pleased to say that since 2001 the delivery of enrolled nursing training at TAFE SA's Noarlunga campus has almost trebled, from 42 students to 114. This number is predicted to rise even further, with additional enrolments throughout this year. It is excellent news, sir, that the new clinical skills facility provides a greater capacity to accommodate more students in the future.

I must also point out that there are currently 912 students enrolled in the Diploma of Nursing with TAFE SA across the state. Of these students, 662 are new entrants to the nursing profession in South Australia. I applaud the efforts of TAFE SA in responding to the demand for nurses and aged care workers, not only in Adelaide's south but right across our state. South Australia's premier training provider is making a substantial contribution to achieving the State Strategic Plan targets of improving our quality of life and increasing our life expectancy. I congratulate the Noarlunga TAFE staff, the Noarlunga Hospital, and the private agency, which have successfully collaborated to bring this project to fruition.

TRANSPORT PROJECTS

The Hon. I.F. EVANS (Leader of the Opposition): Will the Minister for Transport advise the house what reporting mechanism he put in place to advise the Treasury and the Treasurer on the costings and progress of the proposed South Road underpass and the Northern Expressway projects?

The Hon. P.F. CONLON (Minister for Transport): I should really let the Treasurer answer this question. The reporting procedures are those required by Treasury and implemented by the chief executive—like everywhere else.

WISEMOVE PROGRAM

The Hon. P.L. WHITE (Taylor): Will the Minister for Recreation, Sport and Racing advise the house what initiatives and programs the government has implemented to increase the participation of women in physical activity?

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): The government is committed to increasing the level of physical activity for all South Australians and has developed an exciting pilot program to specifically assist women to get active. WiseMove is a 12-week lifestyle

program that encourages participants to set goals and enjoy getting more active more often, as well as addressing such issues as healthy eating, stress management and personal safety. It has been designed to tackle the issues that impact on women generally and, more specifically, the factors that may keep many women from being sufficiently physically active to gain positive health benefits. The program takes a holistic approach by including physical pursuits in a woman's lifestyle with the aim of establishing a lifelong pattern of physical activity.

WiseMove has been designed so that the program can be delivered in settings such as community centres, women's health centres, gymnasiums, church halls, seniors clubs, community clubs, local government recreation centres, and sporting clubs. Thirteen organisations will pilot the program in 2006, with a number of these organisations situated in regional and rural parts of South Australia, such as Kangaroo Island, Streaky Bay, Minlaton, Renmark, Tailem Bend and Lameroo as well as metropolitan areas. Many of these organisations intend to conduct more than one program, with each program targeting a specific group of women, such as new mothers, mature-aged women and new arrivals. The training and resources required to conduct the program will be provided at no cost to the participating organisations. Training courses for the instructors have begun, and it is expected that the pilot programs, conducted under the government's Be Active campaign, will begin in the various locations over the next few months.

TRANSPORT PROJECTS

Mr HAMILTON-SMITH (Waite): Did the Minister for Transport require fortnightly briefings from the department to provide him with regular advice on budget costs, including the prospect of any budget blow-outs, involving the South Road and Northern Expressway projects; if not, why not?

The Hon. P.F. CONLON (Minister for Transport): One of the things that is interesting to see is this mob, with the way it ran projects in government, now being such sticklers for fiscal discipline. This is a mob the Auditor-General described in such terrible terms in relation to the Hindmarsh Stadium.

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: We'll talk about the Auditor-General all day, mate. No-one in this government was going to take the Auditor-General to court to stop him doing his job. No-one in this government required a price on legislation so that the Auditor-General would be allowed to do his job. I do not think you should ever talk about that.

I had fortnightly meetings with the Department of Transport, the Chief Executive and the directors in which I expected them to raise with me with matters of moment. Can I say that the issue about long-lead projects is that costing issues emerge when they get to a stage where you are actually bringing in tenderers, expressions of interest and early contracting arrangements. I do not know why you are all so surprised about the timing of this. In short: yes, I had very enjoyable fortnightly meetings with the Chief Executive and the senior executives of the Department for Transport, where I did expect them to raise with me matters of import.

ASPERGER SYNDROME

Mr KENYON (Newland): My question is for the Minister for Education and Children's Services. What is the

government doing to provide schools with the most recent information about students with Asperger syndrome?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Newland for his question. Members will realise that the number of young people with Asperger's is rising consistently in this state and around the world. It is an important area where the capacity of schools (whether through teachers, SSOs or a range of support officers) needs to be kept up to date to provide the best services for these very special young people. In order to advise the department and me, my ministerial advisory committee for students with disabilities has undertaken a series of research projects to look at best practice in this area. It particularly aims at informing schools and preschools about the advances in the area of teaching for these children.

I am pleased to say that part of the work this year has involved a major conference bringing together those people involved in teaching, not just to examine what is happening in the good practices in our public, independent and Catholic schools, but also to look at the opportunities for learning about partnerships to support these children within the community. The meeting that we had earlier this year was supported by Autism SA. It worked with the advisory committee. The title of the conference was 'Quality education practices for students with Asperger Syndrome.' The seminar was run as a way of making sure that we looked at the way we operated, because, of course, best practice does not always mean more money; it often means better skills and more innovation.

As it is, we put in \$6 million a year to support autism spectrum disorders of which Asperger's is one. We have also invested \$46 million to support students with special needs. However, it appears that many advances in this area can be made by good partnerships with support between teachers and parents, and also by making sure that, where there might be only one child with Asperger Syndrome in a school, the SSOs and teachers involved in supporting that student have an awareness of the innovation that is available. This is a good method of working across the three school sectors.

This event was particularly interesting because it helped some schools in rural areas where they previously had little experience of this increasingly common condition, and it helped form connections among the support across the sectors. I hope to release the report from my advisory committee within the next few months, towards the end of this year. I hope that more teachers and support staff will have an opportunity to learn from the successful activities in some schools. Clearly, in some schools the capacity to deal with these special children is much better than in others, and we want to train and enhance the management and opportunities for these young people. Some schools have enormous success in improving educational outcomes for these special children who have enormous capacity but who can, of course, under adverse circumstances, become disruptive, disillusioned and marginalised. It is important that these young people, as all others, have a chance of a good education. I hope the steps we are taking will improve outcomes for them.

TRANSPORT, CHIEF EXECUTIVE

Mr HAMILTON-SMITH (Waite): Given that the Minister for Transport has acknowledged that fortnightly meetings were held between him and the CEO, Dr James

Horne, will he advise who else was usually present at the meetings? Were agendas and minutes kept, and by whom?

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The Attorney-General will come to order.

The Hon. P.F. CONLON (Minister for Transport): Senior executives, and no doubt that endless fisherman you've got up, will put in an FOI for the rest.

VICTIMS OF CRIME

Mr KOUTSANTONIS (West Torrens): Will the Attorney-General outline to the house the ways in which services for victims of crime have been improved since the re-election of the Rann Labor government?

Mr Venning interjecting:

The SPEAKER: The member for Schubert has already been warned.

The Hon. M.J. ATKINSON (Attorney-General): We have improved services for victims of crime both before and after our recent re-election. Crime victimisation can be an horrendous experience and, thankfully, we have the dedicated people at the Victim Support Service who help victims get information, tell them about the criminal justice system, counsel them and much more. Every year, since I have been appointed Attorney-General, I have increased the sum of the annual grants paid to the Victim Support Service. The service runs a metropolitan office and seven regional offices, and that is due to Labor being the party for regional South Australia that we have established so many branches outside metropolitan Adelaide. It also employs a specialist homicide worker. They could not get it from the Hon. K.T. Griffin, but they have got it from the Rann government. Together with Urban Pacific, the developer of the Westwood Urban Renewal project, my department has also funded the Victim Support Service to pilot a victim support worker and a community safety officer who are based at the Parks Community Centre.

I am, therefore, pleased to advise the house that I have approved an increase to the sum of the grants to be paid to the Victim Support Service. For the 2006-07 financial year, the Victim Support Service will receive over \$1.3 million plus GST. That includes an extra \$7 000 for new lodgings in Port Pirie and over \$50 000 for the service's general operating costs, and I think that more than answers the member for Heysen's earlier interjection. I have also agreed to pay a one-off grant of \$10 000 so that Michael Dawson, the Chief Executive of the Victim Support Service, can attend the international symposium on victimology in the United States. It is important that South Australians who work with victims have the knowledge to keep our state at the forefront in victimology. Victims have a right to be told about the services that are available to help them deal with the effects of crime. The Rann Labor government has pledged to improve services for victims, and I commend the Victim Support Service for its continued dedication to this task.

TRANSPORT PROJECTS

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Transport. Did Dr Horne provide a written briefing at the 21 April meeting he had with the minister and Treasurer and, if so, will he release it?

The Hon. P.F. CONLON (Minister for Transport): I do not recall his having a written briefing. I thought that it was a discussion.

Members interjecting:

The Hon. M.J. Atkinson: Forced laughter.

The Hon. P.F. CONLON: Forced laughter.

The Hon. M.J. Atkinson: Forced laughter after five seconds.

The Hon. P.F. CONLON: Yes. I don't recall that. I assure the opposition that if it is a briefing associated with budget matters, they were as likely to get it as we were likely to get it. Actually, we were more likely to get it from them, but it was never through a formal process. You were as likely to get a budget matter from us as we were to have got it from you under a formal process.

Mr HAMILTON-SMITH: Again, did Dr Horne mention any numbers at the meeting on 21 April about the size of possible blow-outs on the South Road and Northern Expressway projects? If so, what were they?

The Hon. P.F. CONLON: As I have indicated to the house before, the briefing I got—and, from memory, the briefing the Premier and the Treasurer got—talked about a range of numbers according to the scope of projects. I have said it over and over. I do not know how often you want me to say it. Again, I point out that, until you decide some of those matters and the approach you take, the range of numbers is particularly meaningless. What they do is give you an inner or an outer. The question about the Northern Expressway, for example, what was the number you threw up—\$900 million? The truth is, if it is a brand new road, you can spend \$2 billion or you can spend \$200 million, depending on what you build. I assume that a range of numbers was talked about, according to the particular chosen scope of the projects.

The one I can point to, which is going to public works, where we took some design changes and had some cost overruns but, mostly, it was a case of design, those numbers are not finalised. You get far enough through a contract process, and a change in design and consultation, to take it to cabinet and say, 'This is what we want to do,' and you do it. The opposition is trying to generate the notion that this cost overrun in transport projects is a unique thing in South Australia. I came back from the transport ministers' council, and I do not think I have a single colleague who does not have cost overruns on transport projects.

The Hon. I.F. Evans interjecting:

The Hon. P.F. CONLON: No—a single colleague including the federal government; it just doesn't have the obligation to build them.

An honourable member interjecting:

The Hon. P.F. CONLON: It's all Labor governments—they never had a cost overrun—what an absolute nonsense! I point out that the *Australian Financial Review* talks about a public/private partnership with Brisbane council involved in what is called the north-south bypass tunnel. They have still not commenced construction, and the cost has gone from \$1.3 billion to \$3 billion.

Mr Williams interjecting:

The Hon. P.F. CONLON: According to the geniuses on that side, it is because they are Labor governments, because Liberal governments do not face these cost pressures. This is the mob that overran Lyell McEwin by 217 per cent. This is the mob that looked at building the Southern Expressway—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON:—realised they could not get it in, so they only built it one way. For once I find myself in

agreement with *The Advertiser* editorial. It says that you do not scope them down, you build them up. What we will do is keep it within the investment budget. The opposition has had a bit of fun. It had a pretty ordinary four years, pretty ordinary election—

The Hon. M.D. Rann: The Victor Harbor aqueduct.

The Hon. P.F. CONLON: They are going to build the Victor Harbor goat track. The bottom line is that—

Mr Williams: You are struggling.

The Hon. P.F. CONLON: Struggling to stay awake through this rigorous, besieging questioning. They say it is only Labor governments. Well, have a look at Leighton Contractors, the private company doing the Flinders Street station, and see where it is at, with massive losses to the private sector out of taking it on at a price that it simply could not meet. That is what is happening in Australia: Australia happens to be going pretty well. South Australia is going better than it ever has done before because this government has an economy going better than it has ever gone before. There are skills shortages, there are increases in material prices, there is a high demand for labour, and the lowest unemployment the state has seen. So, that is where the pressures come from.

The Hon. I.F. Evans interjecting:

The Hon. P.F. CONLON: Again, he says I didn't know anything about it. I have said in public that we all knew that there were cost pressures on projects.

An honourable member: Why don't you tell the public?

The Hon. P.F. CONLON: Why don't you tell the public? Because you don't realise final numbers—and I have said it over and over—you don't realise final numbers—

Members interjecting:

The Hon. P.F. CONLON: Here they go again. You don't realise final numbers until you get a project out there to the private sector, start talking to people who are going to build it, finish the scope, and get some numbers in. That is what we have done. So, what you have so far, apart from all of the numbers that you have thrown about, is that Bakewell Bridge has gone from \$30 million to \$41 million. So, let us put all of this back in context. We should give credit to the opposition in that it has managed to focus on a line of questioning; I think that that is a huge improvement. We do not have the member for Bragg jumping up with a supplementary about something in a school in the middle of question time. So, it has improved but, at the end of the day, to put it all in context, everyone is facing cost pressures around Australia. Yes, we were always aware that there were going to be cost pressures, but those figures are not realised, and the numbers are not realised, until you get far enough down the path to get some solid numbers. It is a nonsense to say anything else.

Mr HAMILTON-SMITH: My question is again to the Minister for Transport. During his regular meetings with Dr Horne in 2005 and 2006, on how many occasions were major transport infrastructure projects discussed; were concerns raised by Dr Horne to the minister specifically about costs; and how did the minister deal with these concerns at that time?

The Hon. P.F. CONLON: I cannot remember how many times we talked about it, but the bottom line is, yes, anyone involved in doing a major project is aware of cost pressures, as well as the environment in which we live. If the honourable member is hoping to find something, he will not find it. The truth is—

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON:—that everything I have told you about when details were given are the facts. Go back and read *Hansard*, because it is all in there. I point out that, when members are talking about cost overruns, the Brisbane City Council has the \$1.3 billion project that is now a \$3 billion project before it goes to construction, and that project is run by a Liberal mayor.

TRANSPORT, CHIEF EXECUTIVE

Mr HAMILTON-SMITH (Waite): My question, again, is to the Minister for Transport. At the meeting on 21 April with the minister, the Treasurer and the former CEO (Dr James Horne),—

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH:—did the Treasurer advise Dr Horne that he should dismiss senior officers in the minister's department, and did Dr Horne refuse to follow the Treasurer's advice?

The Hon. P.F. CONLON (Minister for Transport): Certainly, I do not remember the Treasurer's saying anything like that. I do not remember his being particularly pleased, but I do not remember his saying anything like that. I do remember his expressing some disappointment that he did not think—how should I put this—that the message was being delivered with sufficient clarity, but I do not remember his saying anything like that. No, I really do not recall the Treasurer's saying anything like that. I can understand treasurers being very disappointed in cost overruns. He might have thought of it, but, certainly, I do not remember his saying that.

TRANSPORT PROJECTS

Mr HAMILTON-SMITH (Waite): My question, again, is to the Minister for Transport. Why is the minister trying to blame public servants for the blow-out in transport project costs rather than accepting ministerial responsibility himself? With your leave, sir, I will explain—

The SPEAKER: Order! No.

Mr HAMILTON-SMITH: The minister is now—

The SPEAKER: Order! That question is out of order. Quite clearly it is debate. I know that the Minister for Transport is keen to answer it but, clearly, it is a question which contains argument and which is seeking argument.

Mr HAMILTON-SMITH: I will rephrase it.

The SPEAKER: Well, the honourable member can try to rephrase it, but he will have to rephrase it substantially.

Mr HAMILTON-SMITH: Who is responsible for the blow-out in costs of major projects? The minister is now on the record, having stated that, in regard to major projects, his 'officials have lost the skills to manage them'; he has 'launched a broadside' at staff; and he has made 'a blistering assessment of the ability of his department'.

The Hon. P.F. CONLON (Minister for Transport): With the greatest respect, what I did say was that, because the previous Liberal government had underinvested in major transport projects for a very long—

Members interjecting:

The Hon. P.F. CONLON: Here comes the forced laughter! The previous Liberal government had underinvested, and that is simply a matter of fact. It under-invested in major transport infrastructure for some eight years. What

I said was, because of that (and the issue I was asked about was land acquisition), it was my view that, having not exercised skills, the department may have lost something. I think that the *Sunday Mail* has a fair capacity for turning a pretty mundane comment into a broadside, but I stand by it.

Try not kicking a footy for 8½ years and then having a go at it. You are not as good as you used to be. It is quite simple. This notion that I am trying to avoid ministerial responsibility is a very slippery line of questioning. On the one hand members opposite want me to take responsibility, but on the other hand they want to know whether we have ever said 'Why don't you sack officials?' They want us not in any way, shape or form to interfere. They do not want us to sack anyone. They do not want us to do anything to them, but they want us to accept responsibility for what they do. Well, I do accept responsibility, but I will continue to have meetings with my chief executive. If I am disappointed in the performance of officials I will tell them—I am not disappointed with them all; most transport officials do a very good job with a very high workload—because I will have to come into this place and accept responsibility for their performance; so I will have something to say about it. We will have the courage to make change if we think it is important. That is what you do if you are a government with a bit of ticker. That is what we have done. I do not apologise for anything.

TRANSPORT DEPARTMENT

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Transport, given his answer to my earlier question. Do people in his department lack skills, leading to an inability to handle major projects; and, if so, when did the minister first become aware of this lack of capability, skills and training among officers in his department? What action did he take at the time to rectify the problem? Does he now have a plan to address the problem?

The Hon. P.F. CONLON (Minister for Transport): As members well know, these are Marty's latest omnibus questions. These questions are normally read out at the commencement of estimates, but Marty sometimes forgets where he is. The simple truth is that, since we came to government in 2002, especially in accounting and Treasury matters, we have been doing nothing but restoring some skills and accountability to government. We inherited a situation—on which the Treasurer might like to comment—where health would not tell Treasury what they were doing. All sorts of strange things were going on. Since coming to government we have done nothing but restore accountability and skills. It is an ongoing program. We did make changes. One of the first things I did after establishing the department—something members opposite would never have the courage to do—was to invite within government a major projects group, predominantly from the private sector, led by Andrew Fletcher and including John Bastian and others. I said, 'Look at it and tell us how we can do it better.' That is an ongoing process. We have made changes as a result of that and we continue to make changes.

I remind members opposite that its weak, lazy government would not talk between departments. There are complete silos with the reforms and changes we have made. The reason we balance the budget is because we demand accountability.

Members interjecting:

The Hon. P.F. CONLON: I love it when I talk about this because members opposite say, 'We would have done it. Four more years and we would have done it.' They could not do

it for 8½ years, but if they got just another four years the miracle was going to happen and they would have done it. There was 8½ years of not doing it. They privatised ETSA and said, 'That will do it.' A couple of years after they privatised ETSA, they still could not do it and still were not doing it. Departments would not talk to each other. The departments would not provide information. We had the running warfare between ministers. We have done nothing but improve—and the facts speak for themselves. We have a balanced budget; the best economy the state has ever seen; best employment rates; best of everything; best confidence; best future; and a big, ambitious investment program. We are being criticised for having the courage to govern and deliver by these little people who were reduced to what they are now; and, if they keep going down this path, they will become smaller. This is a good government and they are a terrible opposition.

Members interjecting:

The SPEAKER: Order!

HALLETT COVE SHOPPING CENTRE

Mr PENGILLY (Finniss): Will the Minister for Transport guarantee that the election commitment for the upgrade of Lonsdale Road, Landers Road and the access to the Hallett Cove Reception to Year 12 school, to enable the Hallett Cove Shopping Centre expansion, will proceed as promised? The federal government has promised significant funding support for the construction of the necessary infrastructure to ensure that the Hallett Cove Shopping Centre extension and renovations can go ahead.

According to the City of Marion's web site, on 13 January 2006 the state government announced that it would ensure that the road would proceed by contributing the remaining \$5.41 million, thereby completing the funding package. The Deputy Premier in a statement to parliament on 27 April 2006 said that the government is asking agencies to review their programs of expenditure. All information on the Hallett Cove Shopping Centre has been removed from the minister's SA government web site since the election.

The Hon. P.F. CONLON (Minister for Transport): I am a bit surprised by that question, because it has been announced; it has been committed to. We should be being congratulated, not asked questions about it, because this is an enormous contribution to a road that is not really ours. We stepped up to the plate and delivered money because we thought the whole combination of projects was very worth while for the people in that area. So, we were prepared to make a contribution greater—

Members interjecting:

The Hon. P.F. CONLON: Of course, that fellow, Angus Redford, wanted something more: he wanted to extend Marion Road to the moon, or something like that—I can't remember. His commitment would have been much greater, he would have committed much more money to extending Marion Road to I can't remember where—it would have been a huge project. What this shows is that our sensible commitments were embraced by the electorate in a way that their dopey commitments were not. The amount has been decided; the commitment has been made; I can't understand why you are questioning it.

RAIL, MURRAY BRIDGE STATION

Mr PEDERICK (Hammond): Will the Minister for Transport facilitate the transfer of management of the Murray Bridge railway station building to the Rural City of Murray Bridge and cover the clean-up costs required to make the building safe for human use? The Murray Bridge railway station has been unused for a number of years and is under threat for a number of reasons.

The Hon. M.J. Atkinson: I thought you'd know the exact number of years.

Mr PEDERICK: Yes, it's about five, Michael. You should know, you were there on Friday night. I visited the site recently with David Altmann, the CEO of the Murray Bridge Rural City Council. I am advised that the site is owned by the Australian Rail Track Corporation but that it is under the management of Transport SA. The site is in a terrible state of disrepair due to inhabitation by feral pigeons and the homeless. It is full of pigeon waste and at risk of fire due to use by the homeless. The Murray Bridge Rural City Council has indicated to me—

The Hon. K.O. Foley interjecting:

Mr PEDERICK: —I haven't got any ducks and I haven't got any logs, Kevin—that it may be prepared to take over management of the site for use by young people as a youth centre—that would be just fantastic, wouldn't it—however, the clean-up bill is expected to be in the vicinity of \$50 000.

The Hon. P.F. CONLON (Minister for Transport): I took a trip up there. I enjoy my working relationship with the local council.

Members interjecting:

The Hon. P.F. CONLON: I can tell you that I'm halfway through a renovation—I might be up there at the railway station soon. I took a trip up there and examined the land with the mayor. I think our relationship is good.

An honourable member: That's nice, Patrick.

The Hon. P.F. CONLON: I think it's good, but I'd better get an opinion from him.

Members interjecting:

The Hon. P.F. CONLON: Well, I like him. I have visited the land. There are issues, and I acknowledge those, but it should be recognised that a lot of that land is in a prime location. It runs onto some other land, and the council has some quite ambitious plans for some redevelopments and extensions.

Mr Pederick interjecting:

The Hon. P.F. CONLON: We don't give away something for nothing very often. Kevin Foley doesn't, let me tell you. However, I understand that the LMC is working with the council. It is certainly looking at master planning or having an examination of all the land we hold there. I am continuing to talk with the council and of course the Thoroughbred Racing Authority which has interests up there.

Our view—and I think you would find it quite acceptable—is that that land should be dealt with, looking at the whole issue in Murray Bridge and all of the opportunities. Frankly, my initial judgment would be that the entirety of the land would be too valuable simply to hand over to the council. I do not know if you have been there, but it has some old rail houses on it and it fronts the river, in a beautiful location, and I have to say I wouldn't mind an apartment up on that riverbank myself. I understand the remediation issues.

An honourable member interjecting:

The Hon. P.F. CONLON: I simply could not afford one. It's sort of McFetridge territory, not Conlon territory. But

there is no doubt that we will continue to work with the council. I believe that we all would like to see some progress on that, but I think you would accept it needs to be considered as a part of some very ambitious plans from the council itself for some development up there. But I am always happy to go up and visit the mayor, and I am sure he likes me as much as I like him.

GPS HOST SERVER BEACONS

Mr PEDERICK (Hammond): My question is to the Minister for Infrastructure—

Members interjecting:

Mr PEDERICK: Same bloke, different hat. Will the government now fund the roll-out of host server beacons to ensure South Australia is linked to the GPS net global positioning server? Host server beacons are essential to ensuring optimum performance of this satellite positioning system used by businesses, emergency services and primary producers throughout Australia. Both the Victorian and New South Wales governments have committed to this project, but despite the benefits and repeated requests the South Australian government has not.

The Hon. P.F. CONLON (Minister for Infrastructure): I am not actually certain who the repeated requests have been made to. I am not aware of them. I think I had best get a report on this one for the member for Hammond.

HEALTH, SOUTH COAST DIALYSIS SERVICES

Mr PENGILLY (Finniss): My question is to the Minister for Health.

Members interjecting:

Mr PENGILLY: Well, Patrick hasn't had such a good day. Can the Minister for Health advise the house if the government intends to provide a dialysis service to the southern Fleurieu region based in or near South Coast District Hospital? Currently dialysis patients are having to travel the some 160 kilometre round visit to Adelaide for this service. It is proving to be disruptive and a great inconvenience. The south coast region is growing at a huge rate and these services are urgently required.

Mr Venning: That goes for the Barossa too.

The Hon. J.D. HILL (Minister for Health): I thank the member for Finniss for his question. He raises a very good point, and the member for Schubert says what about the Barossa, and we could say what about a dozen places around South Australia. The provision of services in communities that keeps people out of hospitals is very important to us. The government's commitment is to roll out primary health care so that we are able to keep people healthier in their community. I guess dialysis machines is perhaps not primary health care but it is akin to primary health care because it can keep people effectively being treated through appropriate means. It stops them having acute needs. I cannot answer the member's question particularly. All I can say is that we have a general commitment to provide services closer to where people live, and I can get him a particular response in time.

GRIEVANCE DEBATE

SHOP TRADING HOURS

Mr PISONI (Unley): I seek to raise the issue of shop trading hours in South Australia. Next month is the third anniversary of Sunday trading, and shortly the minister will conduct an independent inquiry. I would first like to tell a bedtime story, although some would suggest it is more of a horror story.

Ms Chapman: A nightmare.

Mr PISONI: Or a nightmare, as the member for Bragg has eloquently put. So I am not sure it is suitable for bedtime reading. But beds and linen are certainly serious business and, in fact, the total turnover Australia-wide is hundreds of millions of dollars. There is a South Australian business success story, a mum and dad business, started from scratch. I do not need to mention their names as it may cause some in this chamber, who watch commercial television, to start singing their advertising jingle.

The business specialised in manchester. They used to trade seven days a week, including public holidays. But 18 months ago two of minister Wright's inspectors visited the store and told them to close the door as they were breaking the law trading on a public holiday—a very productive use of taxpayers' money. Two public servants, on double time and a half, visited the store, noted that they were open and told them to close. Of course, this was a surprise to them, as their competitors—large furniture and bedding stores—are open on public holidays. So why were they singled out? Furniture stores selling beds and bedlinen were opening on public holidays, so why couldn't they? The answer is that you can be a bedding specialist selling more furniture than manchester, but you cannot be a bedding specialist selling more manchester than furniture. This is a nanny state mentality if I ever heard it. What is the logical reason for such a law?

What about an exemption—other businesses have them—an exemption that can be given on a number of grounds? The legislation clearly provides:

The minister may grant or declare an exemption on application to the minister in a manner and form determined by the minister, or on the minister's own initiative.

The company is trying hard to satisfy its customers and makes some 4 000 sales per week. On public holidays, a couple of hundred customers turn up only to find that the company is closed. It applied for such an exemption but was refused. I suspect that this decision surprised even the minister's friend and colleague the member for West Torrens, who wrote to the minister personally in support of the company's request for an exemption in March 2005. I can understand the member for West Torrens being disappointed, as he had a strong argument in favour of granting the exemption. He stated:

I fully support the company's intention to be given an exemption this weekend and for future public holidays, given their competitors trade on these days just down the road.

He prefaced the request by asking that the minister exercise ministerial discretion under the Shop Trading Hours Act and grant an exemption. No exemption was granted. I am not sure whether the member for West Torrens ever followed up on the letter with the minister, but he could easily have taken the direct route and simply asked his mate Don Farrell, who told a small business proprietor associate of mine that he runs this

state. I believe that, as five of the new Labor MPs in this parliament thanked Don Farrell for their election success in their maiden speeches, perhaps that is true.

The manchester store is a South Australian business that employs 45 people. It pays nearly \$50 000 per year in payroll tax; \$10 000 a year in land tax; and \$1.3 million a year in GST. All these taxes end up in the hands of the South Australian Treasurer to pay for schools, hospitals, police and, of course, shop trading inspectors for the Minister for Industrial Relations—and a very valuable service they provide for this state indeed. There is no doubt that, to find a more ridiculous example of ideology gone mad, you would need to look back a long way, although Labor's three mines policy would come close as an example of such ideological gobbledegook. Let us hope that we can have some sensible debate on this issue and that the commissioner, who is soon to be appointed to the independent inquiry into shop trading hours, has terms of reference that go beyond simply taking instructions from the Shop Distributive and Allied Employees Association.

WORLD ENVIRONMENT DAY

Ms SIMMONS (Morialta): As the Premier has already told us, today is World Environment Day. It is a day we are asked to stop and become more aware of the total health of the planet and its people and a time when we need to express concern for the damage done by man over thousands of years—

Dr McFetridge: And women.

Ms SIMMONS: And women ('man', plural)—and to demonstrate how we can use recent knowledge, skills, attitudes, and values to protect and improve the environment. Australia possesses one of the most diverse environments in the world, ranging from tropical and temperate rainforests to arid deserts, coral reefs and glacial plateaux. Properly managing and utilising our natural environment and its associated resources is a major concern. Two schools in my electorate of Morialta have been leading the way in South Australia in educating their students about the importance of protecting our environment. They are Stradbroke Junior Primary School and Rostrevor College.

I feel extremely lucky that the electorate of Morialta stretches up into the Morialta National Park and way out to the Basket Range. It gives the local students not only greater opportunities to experience natural areas but also to see what we have done to our environment and to help rectify it. The principal of Stradbroke School, Carolyn Fehlberg, is a passionate environmentalist. Over many years, the children of the school have been inspired by her knowledge and dedication and have adopted the area of Fourth Creek, which runs past their school, by making it their own. They have cleared and weeded out feral vegetation and revegetated the area with native vegetation. The children are rightly proud of their work and have become very knowledgeable about the philosophy behind their hard labour. I spent some very happy hours there recently while they explained all this to me.

Today I was pleased to attend the opening of the Rostrevor Environmental Education Centre. The brainchild of Jeff Crosier and Gerry McCarthy, principals at the school, the centre will provide a focus for a unique opportunity for students throughout South Australia to learn about Australia's flora and fauna. The courses run are interactive and engage students in a multisensory experience led by their environment teacher, Mr Scott Whitters. He is a herbologist by

background. Today the children demonstrated their skills up close and personal with a python—which did not go down too well with me—various lizards, turtles and even a baby crocodile.

The work the children have been doing in their adopted patches of Morialta Park also includes clearing, revegetation and propagation projects. I spent some time with the children who demonstrated a clear understanding of environmental issues and how various sciences interrelate to help solve environmental problems that we are experiencing today. These youngsters were quite clear that their generation will need to develop new patterns of behaviour, including both personal lifestyle choices and informed social action, that reflect this care if they are to change around the things that we have done wrong in the past. I congratulate both schools on their programs.

TOURISM

Dr McFETRIDGE (Morphett): Today is World Environment Day, and it is particularly pertinent for tourism in South Australia to note that the Rawnsley Park eco villas were officially opened last Friday by the Hon. Tim Fischer. The eco villas are the result of very hard work by the Smith family—Tony and Julieanne. The villas were opened on Friday after a lot of hard work on behalf of the Smiths and a lot of local tradespeople up there. The state government put in over \$130 000, and the federal government put well over \$100 000 into this fantastic tourism development for South Australia.

There are four eco villas. They are of straw bale construction and have been rendered outside. The inside of them looks like any five-star hotel room. The entire cooling and heating system is environmentally friendly. The rainwater catchment is there for use. The waste effluent treatment system uses the latest technology. The eco villas have incorporated really leading-edge technology in environmental design, and I congratulate the Smith family. The Hon. Jane Lomax-Smith was up there as well, and I congratulate the minister on her speech and, to give credit where credit is due, on supporting the fantastic work that has been achieved by the Smith family.

Tourism in South Australia is a huge business. In a few weeks' time we will see the tourism exchange, with over 600 visitors coming to that event. Yesterday, I said in the media that we do not have a Dreamworld or a Movie World, but we certainly do have the new Beach House at the Bay. The Beach House at the Bay, in some people's opinion, is Magic Mountain, mark 2. It is a lot higher than I thought it was going to be. The structure is squarer than I thought it would be and I certainly was not very happy about the addition of an extra storey. But, when you look at it from a 13 year old kid's point of view, or even a younger kid's point of view, it is going to be fantastic.

The three water slides will be terrific. There is a small one for those who want to be squeezed and squished down, and another one, which is totally black, is called the black hole. But the one I am really interested in is the one that is built for two. I want the Premier to come down the Bay with me and we will have the inaugural splashdown when the Beach House opens later this month. The Beach House will employ 15 permanent staff and 150 part-time staff. The soon to be heritage-listed carousel from the old Magic Mountain has been completely restored and will be put back in there. There is a huge semicircular window from which you will be able

to watch the carousel go around and all the thousands of young people enjoying the ride.

There is a new type of dodgem car, which looks like a small Formula 1 car. They are the only one of their type in the southern hemisphere. It is leading edge technology. You have to be under (not over) a certain height to get into the five-storey playhouse. It will be well and truly a leading edge fun house for the children. The Smart Card technology that will be used to access the rides will make sure that nobody loses tokens or pinches money from others. That does not happen much down at the Bay anyway because it is a great suburb and the Beach House will be fantastic for tourism in South Australia.

Yesterday afternoon, I went to the Royal South Australian Society of Arts for the announcement of the award winner for the South Australian story. South Australian artists featured at that exhibition. One of them was Richard Maurovic, who is a good friend of mine. He went to Salisbury High School with the member for Unley and me, although it was at slightly different times; I was there before both of them. Richard is in a wheelchair. He had an unfortunate accident a number of years ago which left him a near quadriplegic. He produces exceptionally fine art work and he produced a piece for the exhibition at the Royal Society for Arts. I commend this collection to all members. He was a deserving winner of the first prize, and I congratulate Richard on that award. He produces some terrific art. Some fine examples of his work are on display at the Adelaide Airport.

Tourism in South Australia is a huge business. It will keep growing if this government keeps putting money into it. We heard today that Major Events was being underfunded compared with some of the Eastern States. I hope that the government looks at what is possible and does not reduce funding. A tourism operator said to me the other day that South Australian tourism is the worst it has been for 20 years. I hope that is not going to continue.

Time expired.

HEALTH, MEN'S

Mr PICCOLO (Light): In my inaugural speech, I spoke briefly about some of the feedback I received from men in the community during my campaign for election to this place. I met many men who felt that they had been alienated by society and who, increasingly, have found negative ways to express their frustrations and anger. In my speech I indicated that I was keen to establish and/or support, as the case may be, forums for men in my electorate in order to focus on the unique afflictions and social issues confronting men in today's society. I am aware that some people in our community may deride the need for a men's support group in a world that still maintains genuine advantages for men. Such arguments should not be an impediment to addressing some of the significant difficulties confronting men in our communities. Issues including youth suicide, depression, prostate cancer and violence require a forum to generate ideas and action where men can seek advice from others who have experienced and triumphed over these issues. I proceeded to warn that the alternative is inaction and continued alienation.

Since delivering my first speech, I have met and spoken with a number of people in government and non-government agencies and community groups regarding the state of men's health in this country. My research indicates that my concerns are well-founded. Next week is International Men's Health Week and a number of men's information and resource

groups around the country are hosting several events and activities to increase the profile and awareness of men's health issues. In Adelaide, to celebrate International Men's Health Week, the Men's Information and Support Centre is holding a men's health stall in Rundle Mall between 11 a.m. and 2 p.m. on Tuesday 14 June to Friday 17 June. In my own electorate, on Wednesday 14 June, the Gawler Health Service will facilitate a men's health forum where a number of speakers will highlight the outcomes from current research. Local men and women, as women will be invited to attend, will be able to discuss their concerns or the concerns they have about the health of their fathers, husbands or sons.

According to the Men's Information and Support Centre, many factors have an impact on the physical, social, emotional and spiritual health of all Australian men and boys, including their changing social and economic roles, loss of identity, changing notions of men's roles in society and families, relationship breakdown, racism, negative attitudes towards disability and their inability to deal with life-threatening illnesses and disease.

Another important issue is mental health, including depression, anxiety and suicide. Changes to the economy bringing lower wages, working patterns and retrenchments have also challenged men; and, in the case of men who are separated from their children, there are issues of fathering. The centre states that, in Australia and in several other countries, men and boys experience significantly higher rates of addiction, violence, crime, and accidental and premature death in comparison with their female counterparts. The centre also advises that men show significantly higher rates of death from cancer, heart disease, homicide and suicide. It is hoped that this week—International Men's Health Week—will encourage increasing numbers of men and boys to value their health and wellbeing as an important first step to them developing more effective ways of taking care of themselves.

More research is required if we are to deal effectively with men's health issues. Research will move beyond the stereotypes about men and better identify problems which confront men in our society. I am aware of some of the research currently being undertaken. Unfortunately, the research effort in Australia—while well meaning—is ad hoc and dispersed. The establishment of a research centre would go a long way to focus attention and pool the resources required to make a meaningful difference. Such research would also lead to new strategies for action by practitioners in delivering men's health services. Of particular concern are the high risk behaviours of young men that sadly often lead to their tragic and premature death. We are destined to continue to mourn the premature death of our young people, our young men, and men generally, if we do not come to grips with the behaviours that lead to men's poor health. We can no longer afford to say that boys will be boys.

SPENCE, CATHERINE HELEN

Mrs PENFOLD (Flinders): I recently attended a Port Lincoln Caledonian Society women's lunch where the chairman, Roger Inglis, gave a brief history of a famous Scottish woman, Catherine Helen Spence, whose portrait is part of the tapestry on the wall in this chamber. Mr Inglis was kind enough to allow me to use his fascinating speech, which he based on an article from *Australian Heritage Magazine*, to put it on the record in this place. My grandmother's family were from Gattonside in Melrose, Scotland, and his opening statement sparked my immediate interest.

Catherine Helen Spence was born on Halloween 1825, in the village of Melrose on the Tweed River, that is, in the heart of Sir Walter Scott's country and, coincidentally very near the birth place of my Scottish great grandmother. She spent the first 14 years of her life in and around Melrose, and the literature, legends, words and tunes of the Scottish border were ingrained in her childhood and were instrumental in the formation of her character. Catherine was the fifth of eight children born to David and Helen Brodie Spence. The Spences were an unusual family. David Spence once attempted to be a creative writer and then was a naval surgeon who retired from the sea to practice his own brand of natural medicine in Melrose. Helen Brodie wrote letters to the local press setting out her ideas for social reform. Unknown to Catherine, her father was a heavy speculator in foreign grain and, after a failed attempt to raise capital through creative investments, he was financially ruined. In April 1839, after Port Lincoln was settled, Catherine learnt from an aunt of her father's ruin, that he had to leave Melrose and Scotland forever and that the family must all go to Australia. David Spence then left for South Australia, where he was joined by the rest of his family in November.

Catherine Spence was shocked by her father's failure and, again, by the dusty collection of tents and shacks that was Adelaide when they arrived. The latter so upset her that she later wrote that she sat down on a log and cried. These shocks, and the change in the family's fortune, helped consolidate her determination to be self-reliant and not to be dependent on any man's support. She became a governess in 1843, established her own school in 1846, and began to contribute articles to the *South Australian* newspaper. In 1850, she decided to earn her living by writing and began her first novel, *Morrison: A Tale of South Australia During the Gold Fever*, the first novel about Australia by a female author.

Her success as a writer brought her into contact with young men and women who had taken up the faith of Unitarianism, and this association enabled her to throw off the shackles of Calvinism. She travelled to America—

The Hon. M.J. Atkinson interjecting:

Mrs PENFOLD: Yes—for the Unitarians and, while there, was invited to preach. On return to Australia she became the first woman to preach from the pulpit in South Australia. Catherine travelled to England in 1865 where she met leading Unitarians who were at the forefront of social reform. When she returned to South Australia, Spence established the State Children's Council in 1871, and the Boarding Cut Society in 1886, which placed hundreds of neglected children into foster homes. She wrote a book, *The Laws We Live Under*, which was used in schools to teach children citizenship duties. She contributed to their education through donations of royalties and fees from journalism.

Catherine Spence was an enthusiastic proponent of female emancipation and women's suffrage, and she published her book *Plea for Pure Democracy* in 1880. Her persistence assisted South Australian women to be the first in any Australian colony to gain the right to vote in 1896, when, for the first time, women were also eligible to stand for election. After the death of her mother in 1887, Spence (now 62, and free from the need to provide constant care and companionship) embarked on a new period of activity in support of her favourite cause—proportional representation, which she renamed 'effective voting'.

In 1894 she accepted an invitation to undertake a lecture tour of the United States. She said:

I felt that it was a big order for a little woman of 68 to undertake the conversion to electoral reform of 60 million of the most conceited people in the world. Still I went.

It seems that the only difference today is that there are many more of them. Catherine became the first female political candidate in Australia when she nominated for election in the 1897 federal convention, standing on the issue of proportional representation. Regrettably, she was not successful.

Time expired.

EYRE PENINSULA BUSHFIRES

Mr BIGNELL (Mawson): I think that the people of Flinders may be more interested in what I have to say than what their local member was just talking about. I want to talk today about a very important milestone in the Eyre Peninsula recovery program. Last Friday saw the closure of the recovery centre that was set up on the very day of those tragic Black Tuesday bushfires in January last year. The recovery centre and recovery committee were established last year, and the centre was declared the model of recovery centres in times of emergency, and it is deemed that they should be implemented throughout Australia whenever, God forbid, we have another disaster of the scale of the Black Tuesday bushfires.

On 11 January last year, the fires claimed nine lives, and destroyed or severely damaged more than 90 homes, 370 sheds or commercial buildings, 35 vehicles, 139 farm machines, 6 300 kilometres of fencing and more than 46 000 head of livestock. What we saw was a coming together of several different government departments and many community groups. It was an unbelievable effort. I was very proud to be there with the Premier and the then minister for emergency services, minister Conlon. Everyone chipped in. The Chief of Staff of the Treasurer was there, and he and one of minister Conlon's advisers got together and designed a logo for the West Coast Recovery Committee, which is still being used on its web site.

People from the department of primary industries were shooting stock all day. They would come back dusty to the offices of primary industries each night, having done a terrible job. They had no showers. They slept in their swags, which were rolled out in the office. They would get up the next day and go out and shoot more animals left wounded by the tragic fires. It was the coming together of not only the government agencies but also companies, such as ETSA. When I contacted Basil Scarcella, a few people were in urgent need of getting the power put on, and people worked throughout the days and nights immediately after the fire to restore power. Some people, in particular, needed emergency assistance from ETSA. Basil Scarcella was only too happy to do that. We had people from SA Water working hard to reconnect the water and get people's lives back to some level of order—which is very important in those first days after such a tragedy.

The recovery centre was set up initially at Port Lincoln High School. It was set up at about 4 o'clock in the afternoon of the fires. This is at a time when people were still trying to get a grip on how badly these fires had affected the area. All sorts of reports were going around that people had died, and people were waiting for confirmation of that. One of the people who then worked for the Department for Families and Communities was Martin Charman. He decided that there was a new protocol about setting up recovery centres. He was

not exactly sure what it was, and he did not know how bad things were. He thought, 'What have we got to lose? If we start one up and we don't need a recovery centre, at least this will be a good trial run.' Well, we need to thank Martin Charman, other public servants and the people of the community of Port Lincoln and the wider Eyre Peninsula for what was done. On that afternoon he set up a recovery centre that was to last nearly 18 months. As I said, it closed last Friday. It took five days for a similar recovery centre to be set up following the Canberra bushfires. Last year an independent report that was commissioned by the South Australian government reported that the Eyre Peninsula recovery centre was the benchmark, and it is the type of centre that should be set up if there is a fire, earthquake, flood or some other major disaster in South Australia or anywhere else in Australia.

I remember minister Conlon being in the recovery centre when it was at the high school; later it moved to the Waybacks Football Club and finally to the Centrelink office. Grants of up to \$10 000 were being handed out three days after the fire. I remember minister Conlon being approached by a young farmer. Minister Conlon said, 'Have you taken the \$10 000?' The young man said, 'I have but my old man hasn't. He's too proud. He won't take charity.' So minister Conlon went over to him and said, 'You have been paying your taxes all your life, haven't you?' This bloke said, 'Yes.' Minister Conlon said, 'Well, we're just giving a bit back. You make sure you take it.' The guy did take it. We were happy to be there to play different roles for many different people and to meet their needs in time of absolute despair. While the recovery centre closed last Friday, the good work will continue. The agencies involved have put out a newsletter which contains a list of the people to contact if they need more help.

INSTITUTE OF MEDICAL AND VETERINARY SCIENCE (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (ROAD TRANSPORT COMPLIANCE AND ENFORCEMENT) BILL

In committee.

(Continued from 30 May. Page 314.)

Clause 2.

The Hon. G.M. GUNN: I move:

Page 6, line 7—Delete 'Part 2 or section 16' and substitute 'this Act'.

This clause is far-reaching and wide-ranging in its implication. In discussion with Mr Shearer from the South Australian Road Transport Association, Mr Shearer informed me that a set of incremental guidelines will be used to enforce these new provisions. As I understand it, they have some flexibility and commonsense. However, that appears to have escaped the authors of this particular set of proposals. I understand the police and the bureaucrats have these guidelines, so it would not be unreasonable for the parliament to have them, because

the parliament has to accept responsibility for passing these laws, not the Sir Humphreys in the minister's department.

Some of these provisions are quite wide-ranging, and I put to the minister that there are very few people who operate trucks in South Australia who have any idea of what is in these provisions and what it is expected they will provide. So, will the minister have these guidelines tabled forthwith, because Mr Shearer has made it clear to me—I think I have his card in my pocket—that it would be most helpful. In my view, if you have a set of guidelines they ought to be in the schedule of the bill so that we all know what they are. So, I ask the minister whether he will immediately have these documents obtained and tabled for the benefit of all members.

The Hon. P.F. CONLON: Is the honourable member referring to a set of operational guidelines to be adopted by the Department of Transport for the application of this act?

The Hon. G.M. GUNN: Yes.

The Hon. P.F. CONLON: The guidelines are national guidelines for implementation, because this is a national reform. Those guidelines are on the Ausroads web site now, so they are publicly available, but, to save the honourable member the effort and expense, I will see whether someone from my staff can run them off for him. As I understand it, there are five sets of guidelines that apply to the enforcement of what is a national reform.

Amendment negatived.

The Hon. G.M. GUNN: I move:

Page 6, after line 7—Insert:

(3) The minister must not recommend to the Governor that a proclamation be made bringing this act, or part of this act, into operation unless the minister is satisfied that—

- (a) an adequate exercise has been undertaken to inform all sections of the public of the contents of this act and to invite and consider the representations of the public as to the contents of this act and its commencement; or
- (b) similar legislation has been enacted in all other states of the commonwealth.

I don't know whether the minister or his advisers have had much to do with the road transport industry. I may not have much experience in certain things, but I know a bit about loading grain, sheep and wool onto trucks. I actually have a limited heavy vehicle licence—there is probably only I and the member for Schubert who do—and I have probably driven more in the last three or four days than all the rest of the members of parliament put together. I have been talking to truck drivers and operators, and most of them do not know anything about this. I have been talking to Mr Quinn, one of the biggest Foxes at Streaky Bay.

The Hon. P.F. Conlon: I've spoken to him too. He's a good bloke.

The Hon. G.M. GUNN: I am pleased about that. The minister will obviously then know that the sentiments that he expressed to me—I actually know Mr Rodney Quinn—

The Hon. P.F. Conlon: I saved him from the commonwealth, their charge increases.

The Hon. G.M. GUNN: Well, I commend the minister for that. That was the most foolish proposal put forward by a group of insensitive commonwealth bureaucrats, who had probably never been outside of Canberra, and wanted to inflict upon the rest of the country excessive charges without any good reason. I know he took a different view from the Western Australian minister who had herself engrossed in dipping her hand in the pockets of the long-suffering public.

My amendment here is fair and reasonable. What it sets out to do is to ensure that the public is aware—and I do not know whether the minister is aware—of the process. But you

are giving these people, these nasty inspectors—and we will talk about them. I will give you some real examples. Can I explain to the minister right from the start what the process is so everyone can understand what is going to happen? For every complaint I get—because the government will not change these proposals—the people concerned will get named in this place. Make no mistake about it. I do not care who they are. As I drive around the state I see these people operating, so I will continue the process—even more vigilantly—of taking their numbers and asking questions on notice.

Now, I know that upsets the Deputy Commissioner of Police. That is his problem, not mine. I know it upsets those people who operate—that is not my problem. My problem is—having warned this parliament about the foolishness and the unfairness of some of these proposals—one unreasonable act always generates another. These people do not have to have these provisions and there will be some grave injustices perpetrated, so I will get even. Make no mistake, because one of the reasons I am in this place and one of the things I told people at the last election is, ‘You re-elect this Labor government and you will give more power to bureaucrats and inspectors. You will have more inspectors chasing you from behind bushes’—and here we are.

The Hon. P.F. Conlon: I was wondering what you told them.

The Hon. G.M. GUNN: Well, there’s other things I told them besides that. That is just minor, Patrick. But if you want to know the full story we can negotiate that on another occasion. One of the other things I did tell them is that if they vote for the current member they will get someone to stick up for them, that will not be a rubber stamp. So, unfortunately, this process, it appears to me, is going to be a lengthy one today because these are far-reaching proposals and I do not think many people would be aware that you have changed the whole process. I would ask your advisers if they would like it if someone came and served one of these notices on one of their children. That is what power you are putting in this. I know what it has done to spouses. So we will have this right out before the night is out. A couple of the Independent groups in the upper house asked me whether they could be of any help to me on any issues. Well, they can certainly be of help to us on some of these issues. I look forward to the minister’s positive response.

Mr VENNING: I just want to speak in support of this, even though the minister has not responded yet—and I look forward to that response. The minister is, above all, a reasonable fellow, I think. I cannot see how—without hearing what the minister has to say—he can say no to this because this is a fair and reasonable thing that is being asked here. All legislation for this house ought to have reasonable public airing and all we are saying, through the member for Stuart’s amendment number 2, is that the minister not continue with the bill until he is happy that certain things have been met, and then when he is satisfied that an adequate information process has been abided by. And, secondly, that we are not hanging out there before any other state implements legislation such as this, because we do realise national standards come into this. I say to the minister that all legislation, irrespective of what it is, has to share the full process.

As the member for Stuart just said, most people out there, particularly the stakeholders, are not aware of the complete change of process involved in this bill. I include in those people not only the Transport Association but also the South Australian Farmers Federation. They are not aware of what

is happening here. I have to say that the work done by the member for Stuart has certainly highlighted these concerns to members of the Liberal Party. The provisions in this clause are not the teeth of the bill. I believe that it is important that, when you are making a change like this, the people out there ought to have a proper process they go through. You, sir, should not bring in bills such as this until you are satisfied that they all know. You do not expect everybody to agree to it, but at least they know, and the government then legislates.

The Hon. P.F. CONLON: I cannot accept the amendment. First, as to some of the points made on their merits, the proclamation will not occur until about six months after the bill has passed in order to allow sufficient time for all the tasks, training, education, system upgrades, and all that. There was extensive consultation in 2002, with 25 meetings in metropolitan and regional areas. Above all, one of the reasons we would not do it is that we and the Premier gave an undertaking to the South Australian Road Transport Authority to pursue this legislation with some urgency. Can I make it clear that the lobby group most pressing the government to proceed with this in a timely manner is the South Australian Road Transport Authority. Whatever else, we will not go back on our undertaking to them and will seek to proceed with it.

I also point out that this is a national agreement which, of course, includes a national Liberal government, and which sought to have these changes made by 2005. I am well aware that the pace of reform in ministerial councils is often glacial, and that is pretty slow. I understand the member for Stuart’s passion on this, but I would prefer to see it stand or fall. I indicate that there are some amendments we can consider between houses, but what we cannot do is consider amendments which require us to go back on undertakings to the industry or which run entirely counter to the national reform. I just do not think that you can make national agreements and then apply something differently in your parliament. But what I can say is that we will give the greatest possible latitude to our consideration of what is and is not consistent with the national reform. Having said that, what we cannot do are things contrary to that reform and to our undertakings. For that reason, I hope that the member for Stuart will understand that I cannot accept the amendment.

The Hon. G.M. GUNN: I will try to be cooperative, because we could have a long night. The explanation the minister does not recognise is that I guarantee that very few members of this parliament have read this legislation, and that in itself—

The Hon. P.F. Conlon: I could give you an ironclad guarantee on that.

The Hon. G.M. GUNN: Yes—and I would say that probably fewer members of the federal parliament have read it. It would not be to their credit that they have not read it because they were elected to be legislators and not glorified social welfare officers running around endeavouring to make good fellows out of themselves and looking towards a day in the future. There were elected to be legislators to consider this. But the fun starts when some of their constituents, who will be the victims of this, have been given one of these dreadful on-the-spot fines by the inspectors or the police. When the constituent points out to them, ‘Well, you voted for this and never put your finger up in the wind,’ I will be able to say with a clear conscience, when I go after these inspectors (as will happen), that I warned them.

As far as Mr Shearer is concerned, I say, ‘You have a fair bit of time, Michael. Don’t be in any hurry whatsoever.’ I had

a lengthy discussion with Mr Shearer, and I have had a lengthy discussion with a number of people. The Farmers Federation told me that it was working on a 1993 version, God help us.

Mr Hamilton-Smith: It was 2003.

The Hon. G.M. GUNN: It was 2003, sorry. It might as well have been 1993, God help us. So, I took them through it at some length. Mr Shearer told me that he spends a lot of his time trying to make representations about some of these people in uniform who think they will save the nation. I put it to the minister that we will go through this line after line. As to running sheep up a truck, one of the questions that has not been answered is whether volumetric loading of stock still applies. Will it still apply? Another question relates to when you load a mob of woolly sheep, they get halfway to market, you get a big shower of rain, and they become like sponges. It does happen.

Mr Bignell interjecting:

The Hon. G.M. GUNN: I would suggest that the member, new in this place and full of his own misguided importance, ought to get the file out and read—

The Hon. P.F. Conlon: Don't interject, for God's sake.

The Hon. G.M. GUNN: If I can help the member in his deliberations, as difficult a task as it may be, perhaps he should start reading these provisions and see the long-term consequences. When the little carriers in his area are pulled over for some trifling and stupid offence, I wonder what he will do. Will he tell them, 'I didn't raise my hand. I haven't even read it.' So, I say to the member to apply himself to his task, because there are some 69 clauses—page after page of this gobbledygook, which is not meant to help people: it is meant to hinder them and anyone who believes in the industry long-term. I say to the minister that everyone should know—

An honourable member: And the member for Bright.

The Hon. G.M. GUNN: The member for Bright can win a deal with her own problems. I think the member claims to have a rural background. I make the point to the minister that we have not started off too well.

Amendment negatived; clause passed.

Clause 3 passed.

Clause 4.

The Hon. G.M. GUNN: I move:

Page 7 lines 30 to 32—Delete subclause (3) and substitute:

- (3) A direction under this section must—
 - (a) be given in writing; and
 - (b) state the grounds on which the direction is given; and
 - (c) state the name and telephone number of the police officer to whom the police officer giving the direction reports (and such other police officer must consider any objection to the direction and may revoke the direction if appropriate).

This is a central amendment, which clearly and simply sets out to protect people from being given unreasonable directions. If a police officer is going to give a direction, it ought to be in writing. If you look at section 7, some of these particular provisions and powers that people are given are very powerful. It provides that, to prevent police officers and the other inspectors from giving unreasonable directions, they must state the grounds upon which a direction is given, and it must be given in writing. There is nothing unfair or unreasonable about that. If you get a parking sticker you get it in writing.

You can be given a direction to shift a \$500 000 rig, it can have dangerous chemicals on it or some other provision, just like the case where the police officer going down to the western suburbs made a person unhook a B-double. The

officer was told it was dangerous to do so. The driver put down the little steel wheels, and when he let it go it went through the bitumen as he said it would, but he still had to do it. He complained. If that particular officer had put in writing that instruction to do such a dangerous and foolish thing he would not be a police officer today. That is why it is necessary. It should state the name and telephone number of the person to whom the police officer gives the direction. 'Such other police officers must consider any objection to the direction' means that you can ring up the chief superintendent—and they are normally reasonable people—and they can sense when they are going to have a problem and when the paper wars will start (in which they do not want to get involved) and use a bit of commonsense.

I will give you another example, so that Sir Humphreys and the department are fully aware. Some years ago, the late Ted Chapman got a call early one morning. One of his constituents on Kangaroo Island was coming to one of the suburbs in Adelaide. He came off the old *Troubridge*, or it might have been the one that followed—the one which had the built-in anti-submarine device on it and which used to zig-zag down the port. However, he pulled over, and this policeman said, 'You've got a rusty holder for your back.' The bloke said, 'You are talking absolute nonsense.' He insisted he stop the truck and not shift it. The bloke rang Ted; Ted then rang the then minister for police, and within 45 minutes the bloke came up and said, 'You'd better get going quick.' Now, you know what happened: it went through the system and a few backsides got kicked. These instructions should have to be given in writing. They have the power to write out a ticket; they can write out an instruction and, unlike these tickets, they want to put in their name in a legible fashion and not scribble it, so they actually know who it is and so people do not come to me complaining.

I can give you some more examples, because when you sit in one of these difficult electorate offices and people come to you with these problems—it is bad enough dealing with disruptive Housing Trust tenants—and when your electorate is completely dependent upon small operators trying to make a living under difficult circumstances, then you will clearly understand why some of these provisions are necessary.

The Hon. P.F. CONLON: The member will not be surprised to know that we do not accept the amendment, first, for having stated the grounds for a direction. The grounds for the direction are set out in the clause, where a police officer believes on reasonable grounds that the person is not fit to drive the vehicle because of consumption of drugs or alcohol. I would have thought that they are the grounds for which an instruction is given. It is incredibly administratively cumbersome to require directions to be in writing. Many cases exist of directions required to be made under this and other acts where they are not required to be put in writing. I am not sure what this is, but it would make it very difficult to administer the section. We cannot support it. I will talk to the officers between the houses to see if there is any way in which we can address some of the member for Stuart's concerns, but not in this fashion.

Mr VENNING: I would like to speak in support of the member for Schubert's amendment. I can not understand why, when the police officer has the book in his vehicle, he cannot write out an instruction in purely legible handwriting. I think it smacks of gestapoism. They want to be able to give an instruction and have no proof of giving it? I just do not think that stands up in this modern day and age. I think this is a very important amendment, to the point that we will

divide on it. The record will show that 99 per cent of police officers are good, straightforward citizens, and they are very professional at what they do, but occasionally, you get one who is not. I believe that an instruction in writing is fair and reasonable. I hope the minister will see some sense in that, and agree with us.

Mr HAMILTON-SMITH: I seek a point of clarification from the minister on this clause because, as I understand it, the member seeks to amend the section dealing with 47EAB—Direction to leave vehicle, etc. This applied to the Road Traffic Act 1961 in regard to drink driving and drug driving offences. It is really those offences to which this amendment seeks to apply. Am I correct in understanding that the minister wants a police officer to be able to direct another person to do either or both of the following: to leave the vehicle or not to enter the vehicle? However, section 3 provides:

A direction under this section may be given to the driver orally or by means of a sign or signal—

That would be consistent with practice, going back many years—probably since that legislation was introduced. Do I understand the minister correctly, that he wants to simply retain that and that is why he is resisting the member's amendment, because he wants to require that direction in writing?

The Hon. P.F. CONLON: There will be circumstances when a direction will have to be in a form other than writing. If it is of any assistance, the police will be required to administer this and they have indicated that they will give directions regarding drugs and alcohol in writing, but I do not think it would be wise to constrain the police to the extent where every direction of every kind would have to be in writing. That may not be physically possible. I do not think it requires a great debate.

Amendment negatived.

The Hon. G.M. GUNN: My next amendment was consequential and, therefore, even though I think it is fair, reasonable and proper, I will not persist with it, because we have many others to argue about before the day is over even more vigorously than the previous one. However, I make the point to the minister that we are not here purely to legislate for the ease of the bureaucracy's administration. We know how insensitive, unreasonable and, in many cases, unwise and unnecessary the bureaucracy can be. It has come to light in recent days that the more scope you give some people, the more foolish and unwise their decisions. If the minister wanted me to, I could take him through it chapter and verse, and I could name some individuals. I know that they are not particularly keen on me, but I am not losing any sleep over it. They invited me to that rather large building at Walkerville and, when I sat down at the table with another 12 people, I said to them, 'Is this the inquisition? Because I am not here to be intimidated.' I put my hand in my pocket and took out a very large pile of those questions on notice on blue forms and I said to the fellow, 'If you keep this up, I think I have about 150 here, I will start writing them out.' I knew full well that he was going to have to answer.

His face went a greyish colour, and he said, 'Can we come to some reasonable dialogue?' I said, 'Of course we can, but you people were going to give me a hard time and I thought I would get us back on the right ground.' I then said that I would keep them in my pocket, because when I am sitting in a hotel and I am feeling annoyed I can start writing them out. He did not want that to happen at all. We had a major victory.

I had the same thing from the Deputy Commissioner of Police, who rang me once and wanted to know what he had done to upset me. I explained that it was not particularly him. He said that he was the one who had to answer these things. I said, 'The matter is now in your hands.' So, minister, that is why I object. We are not here to make it easy: we are here to stick up for people's rights, to see that they are fairly treated.

Clause passed.

Clause 5.

The Hon. G.M. GUNN: I move:

Page 12, line 2—Delete 'residence or'

We will certainly have a debate on this amendment. There is no reason, under any circumstances, why one of these departmental officers (or anyone else) should go into a person's private residence without a warrant. There is no evidence whatsoever. We will count the house. We will have a division on all of these, if necessary. We live in a democracy. I give the minister an example of what these people are like. These people have no sense of right or wrong in many cases. When you put a uniform on them, give them a flash car with flashing lights and so on, they suddenly think that they are like Eliot Ness.

The Hon. P.F. Conlon interjecting:

The Hon. G.M. GUNN: They do. You have that fellow at Ceduna who has only got one friend. Three or four people who have worked with him have gone off on stress. We know all about him. He has struck on me, the member for Flinders and other people. Every dog has its day. I will give an example of what they are like, involving a constituent of mine at Melrose. A bushfire had started—and we know all about bushfires—so the son got off the header so that his father could drive it. He put the grain in the truck, then went off to fight the fire. But, of course, bushfires mean nothing to inspectors; they have a book of rules that has been written for them. They raced around, pulled him over, and told him which rules he had contravened. They had quite a difference. Eventually, one afternoon, two of these characters arrived at the lad's house and served a summons on his spouse. She had never driven a truck nor had she ever held a truck licence. Her name was not even on the registration papers. These are the sorts of people you are dealing with.

I hope the minister listens to this. My constituent explained that she was a fully qualified special nurse, employed on call at the Port Augusta Hospital in case of emergency. They told her that she had to appear in court on a certain date and that they did not care about her explanation. When she rang the prosecution section, they were as rude. I then rang the then minister's office to advise her of what would happen to her next morning in the party room—namely, that she might not be the minister—and all hell broke loose. I said to her, 'It is all right to lift your eyebrow, but this is fair dinkum, this is what these people are like.' If this house thinks that this is the way you treat Australians in a democracy, it is a disgrace. To give them any right whatsoever to go into anyone's residence is a disgrace. I said to the lady in question, 'When they take you to court, let me know, and we'll have all the television cameras there because this is a great story, particularly if you have to be called to the Port Augusta Hospital. Not only that, I will go into court to defend you.' I know a lot of cases involving these blokes from one end of the state to the other.

Further, if you get a spouse at home with two or three children and they arrive, demand to go in, and start shuffling

through people's documents, is that South Australia? I wonder if all the back benchers sitting up in their offices have read this or know what is in this. The minister is a lawyer; I thought he believed in sticking up for people's rights. That is what we are elected for. We are not elected here to empower bureaucrats. It is a public outrage to go into any person's residence, under any context, without a warrant. It is absolutely not on. So, we want it made clear right from the outset that they cannot do it. This is not what you would expect in Australia. No reasonable person would agree that these people have any need under any circumstances to go into someone's residence without a warrant. So, we will be going to war on this.

The Hon. P.F. CONLON: If the honourable member goes to page 40 or page 41 of the bill, he will find that there is a protection in that it does not authorise without a warrant or consent the searching of premises, or any part of premises, used predominantly for residential purposes. The clause is intended to catch people who run a business from their premises, but it is not intended to catch those premises that are predominantly for residential purposes. In that case, an Australian's home remains their castle, so to speak.

The Hon. G.M. GUNN: It is not clear enough.

The Hon. P.F. CONLON: I do not know how to make it clearer; it is in the act.

The Hon. G.M. GUNN: Say you can't go there.

The Hon. P.F. CONLON: It would render useless this bill if they were not able to go to businesses that were run from residential premises; it would be impossible.

Mr HAMILTON-SMITH: Is the minister arguing that the provision—this amendment—that we are debating now is the definition or interpretation clause? Also, is the minister arguing that the member for Stuart would be advised, perhaps, to reconsider his concern later in the bill when we get to the page that talks about the powers of officers under the bill?

The Hon. P.F. CONLON: That is essentially right; this is the wrong place to try and address the concerns that the honourable member has. The bill intends to protect predominantly residential premises. If the honourable member thinks that that protection is not strong enough, he might want to do it there, but it would be ridiculous to suggest that, in this industry, you could not go to a business that was run out of a person's premises, because there are an awful lot of businesses like that, and he knows that.

Mr VENNING: With due respect, on page 38, in new section 40S—Power to inspect premises, subsection (1) states: This section applies to the following premises:

- (a) premises at or from which a responsible person carries on a business. . .

Yes, you said that, and I agree with that, no problem. Then it states:

. . . or that are occupied by a reasonable person in connection with such a business, or that are a registered office of a responsible person;

In other words, anybody from that family. That says it: it really opens it up to anybody who is connected with that business—irrespective. That could be their home; it is not necessarily just where they run the business, or even the address where they keep the vehicle. It is quite clear to me that our problem would be solved by changing a few words there.

The Hon. G.M. GUNN: Notwithstanding what the minister has said, line 30 on page 12 states:

- (a) in the case of a natural person—the person's residential address or a place of abode in Australia.

Now, that is absolutely all encompassing. I suggest, minister, that I have sought very good advice in relation to this matter, and I—

The ACTING CHAIR (Hon. P.L. White): We are on the member for Stuart's amendment No. 5, and I think he is talking about amendment No. 7.

The Hon. G.M. GUNN: That is right, but you have to read them together because in (a)—

The Hon. P.F. CONLON: You cannot cut out 'premises'.

The Hon. G.M. GUNN: We are not talking about premises; it is their residential address. The problem is, and you as a lawyer would know better than anyone else, that the average citizen is at a tremendous disadvantage when dealing with a government or its agencies, and you would see that in your electorate office, as we see on a daily basis. I had it this morning when I was at my electorate office at Port Augusta. You have to ring up these people, and they are unlike the minister and me, who are naturally retiring people who find it somewhat difficult to defend ourselves. We who sit in this parliament should not get talked into all sorts of foolish provisions, and the people who are going to administer that want all of this so that they have a big stick to beat people, but it is not our job to enhance the egos of those people at all. I say to the minister, why would any piece of legislation want a provision like the one I read out on line 33? I say to the committee that every member in here who votes for this will have to wear it on their conscience.

Amendment negated.

The Hon. G.M. GUNN: I move:

Page 12, lines 33 and 34—Delete paragraph (a)

Paragraph (a) provides:

in the case of a natural person—the person's residential address or place of abode in Australia; or

If that is not a draconian, unnecessary and unwise position, heaven help us. It should not be in the legislation. Whatever enlightened bureaucrat got people to agree to that ought to go and have a cold shower, because it is unnecessary; and, certainly, we will not be a party to it.

Amendment negated.

The Hon. G.M. GUNN: I move:

Page 17, lines 39 to 43 and page 18, lines 1 to 30—Delete all words in these lines and substitute:

responsible person, in relation to a vehicle, means the owner, operator or driver of the vehicle or any other person who controls or directly influences the operation or loading of the vehicle;

Again, we are making life difficult for people. This amendment deals with certain responsibilities. I believe that we are not going down the right track. This is another impediment. I do not know whether the minister has ever loaded a vehicle on the side of a hill; I do not know whether he has ever loaded vehicles out in a paddock, because grain has different densities, and this will be absolute chaos. This bill is full of bad provisions. Mr Quinn told me that this division will put up the cost of grain. It is all right for the adviser to shake her head.

The Hon. P.F. CONLON: No; we are just trying to understand whether we are on the same clause, because I am having trouble understanding.

The Hon. G.M. GUNN: I am on clause 5, page 17, 'responsible person'.

The Hon. P.F. CONLON: I cannot understand how that will put up the price.

The Hon. G.M. GUNN: If you go through all these provisions you will see that a registered operator is a person in charge or apparently in charge. Well, what does that mean? Paragraph (e) provides:

- a person in charge or apparently in charge of the garage address of a vehicle. . .
- (f) a person appointed under an approved road transport compliance. . .
- (h) a person in charge of premises. . .
- (i) a person who consigns goods. . .
- (k) a person who unloads goods or a container containing goods. . .
- (m) a person to whom goods are consigned. . .

You are going out to catch the big supermarkets, but somewhere an innocent spouse will be sitting at home and the share farmer or someone will slightly overload a vehicle and they will be held responsible. They will know nothing about it. This is right over the top. No-one has seen these guidelines. I do not know why they have not been posted out. This is a thoroughly objectionable clause. It goes too far. It is unfair and it will have very significant consequences on innocent people who are not aware that there has been a contravention.

The minister and his advisers may think that they will have a win here, but remember that these things tend to come back and bite you. We will not forget who was responsible or who advised the minister, because every dog has its day. This is an outrageous provision. It is far too all encompassing. As a group of people who know something about industry and commerce, we cannot let this go through. People will line up and go absolutely choco when they are pinged because they had no idea they had committed any offence, trivial as it may be. The government will be able to get the silent partner. The only one it has not included is the bank manager. That is the only one it has not included. It might go after him because he provides the money to buy the truck.

Mr Goldsworthy interjecting:

The Hon. G.M. GUNN: It is true; read through this.

Mr Goldsworthy: Lucky I left the bank.

The Hon. G.M. GUNN: Lucky you did, and you came into this organised place and you had to listen to me. You probably had to deal with people like me in the bank. That probably gave you some sleepless nights. No point in worrying yourself, but, nevertheless, I guarantee that not one of my constituents involved in transporting goods has any idea of this provision—not one. What happens to Billy the pastoralist up from Innamincka who puts on a load of cattle, or the carrier who goes and picks them up in the yard? What will happen? He goes out to pick them up in the yard. They might be going down the road and get stopped, and they might say, ‘You are overloaded.’ Do we ping the manager, the owner and the overseer who have no idea the bloke has loaded too many cattle? The farmer might load some grain or the carrier might take it out of the bin when the farmer is not even there; he is driving the header. Who is responsible? Do you go through the chain of command? The easiest one will be the spouse going to pick up the kids from the school bus.

Minister, do not say that these people do not pick on what they think are the easy targets. I can tell the minister privately what these people are like—and this provision gives them an open licence to penalise people. Surely, the government will not allow this provision to stand. The South Australian parliament is elected to make decisions. We are not here to rubber stamp what a bureaucrat in Canberra thinks. There is no obligation whatsoever. I have been in this place for many

years. My first real confrontation with the bureaucracy was when a minister from the Tonkin government came along with a huge heap of regulations and he wanted us to agree with them. I read through some of them and thought, ‘Blind Freddy will not agree to that.’ I had the then director general of marine and harbors tell me that he had agreed in Canberra to this. I said, ‘Well, that’s your problem, sunshine. I’m not agreeing to it. If you bring in the bill, along with a couple of others the opposition does not agree with, they will go out the window.’ He went off in a terrible huff. He said, ‘It has taken five years.’ I said, ‘Well, so be it.’ People seem to get themselves engrossed in these sorts of unnecessary, draconian measures—surely for the purpose of being unreasonable.

Mr GOLDSWORTHY: I want to speak in support of what the member for Stuart is proposing. I will present to the house an example which one of my constituents faced a year ago. He is an earthmoving contractor. He has a fairly big operation, which he bases on a commercial property in the north-western suburbs at Cavan. He came to me with an issue. The driver of one of his vehicles was pulled over by the police. He had a big load. He had sought a special permit from Transport SA and the police to carry some earthmoving equipment. It was a piece of machinery which, under the standard regulations, was over width, over length and over height. My constituent sought and gained a permit, which allowed his driver to cart that piece of machinery down the road. Unfortunately, the police pulled him over and put the measuring tape over the load, and found that the load was actually over height. It exceeded the permit limitations. What that triggered was that the whole permit was cancelled. Because the load was then over width, over length and over height, he was fined three times; not only the driver was fined three times but also my constituent (being the managing director of the company) was fined three times.

So, for one breach of a permit requirement or limitation (whatever one likes like to call it) six fines were issued. I wrote to the then minister for police (the Treasurer) requesting that this matter be investigated. I got a response back with which I was not satisfied, so I wrote again. I am citing this as an example. The member for Stuart is saying that this legislation is going even further and implementing a more rigorous and restrictive regime than what is in place currently, where my constituent was fined six times for one contravention of a regulation.

The Hon. P.F. CONLON: I cannot accept the amendment; and a couple of points have to be made. The member for Stuart proceeds from the logic that, because some people who are responsible for enforcement and with whom he has dealt are completely unreasonable, the laws that govern the control of road transport and heavy vehicles should be as small as possible to stop them doing too much enforcement. It is just not an acceptable proposition. You cannot proceed to say that because you do not like some people in enforcement then there should be much less to enforce. We answer questions in this house about safety, road maintenance and all those sorts of things. You cannot have it both ways. You cannot want us not to address the issue and then question us about it.

The problem with the member for Stuart’s amendment is that it cuts away the reasoning underpinning the bill. It is about chain of responsibility; and within that chain of responsibility has to be understood a reasonable steps defence. These matters have been passed in New South Wales and Victoria, and they have operated without ending the world as we know it.

The Hon. G.M. Gunn interjecting:

The Hon. P.F. CONLON: Graham, I have no doubt I will be lectured by you for many hours; it does not bother me. Despite the fact I do not agree with you, I often learn things from you. You know a lot more about carting grain than I ever will. The government does not think—and the rest of Australia does not think—that the current arrangements are adequate for the proper and fair enforcement of these provisions. That is why we have a chain of responsibility; it is to try to be fair. To narrow it down as required by the member for Stuart would destroy the bill. It been operating in two states, and I cannot find any support from SARTA, regardless of the honourable member's discussions with them.

Steve Shearer and I disagree on quite a few things, but he is smart and he is hard-working. Surely, if this was going to be the disaster you paint, the industry body would have noted that and would be in revolt against their position, but that is not the case. If you wanted to defeat the whole bill, you could do what you are seeking to do here, because it destroys the logic of the chain of responsibility. It is impossible for the government to accept, because it goes to the heart of the purpose of the legislation. If someone can demonstrate on reasonable grounds that any particular clause would operate unfairly on someone in that chain who should not be in there and the defence set out there would not be useful for them, I am more than happy to look at it, because my view is that this legislation should make enforcement more, not less, fair—that is what it is about.

I am quite happy to look at any reasonable argument where you can show that our good intentions have gone astray, but it is not possible for the government to accept this amendment because the member for Stuart and the member for Kavel have had bad experiences with enforcement. It is unfair to paint every transport officer or police officer who enforces legislation as bad on the basis of those experiences. I believe we should do better at making sure that enforcement is as fair as possible, and this whole measure is about making it more, not less, fair. I cannot accept the amendment, but if someone can argue on strong grounds that there is some technical defect which means that it would not achieve its purpose, that it would not be fair, that it would be less fair in some category that can be named, we will look at it, but we simply cannot accept the sweeping amendment of the member for Stuart.

The Hon. G.M. GUNN: Once this bill passes this chamber we will not be in a position to deal with these particular matters in any detail. We can ask the odd question or we can make a five-minute grievance speech, but it is our responsibility as legislators to go through these provisions in detail and to change them if we think they are wrong. I do not say that every person who sets out to administer this legislation is going to be unreasonable. All I am saying is that there is the potential for that, and in a democracy you have to weigh up enforcement measures against the rights of ordinary citizens. This is all-encompassing.

The minister referred to Victoria, the most anti-small business state in Australia. It is certainly the most anti-farmer state in Australia. Only last week, one of my constituents told me about all the humbug he had got from bureaucrats in South Australia who told him that they didn't know there was a drought in New South Wales. I asked this bureaucrat did they listen to the radio news or did they have a radio in the Department of Transport. We got that sorted out and that character capitulated fairly quickly. So, he then goes to the

New South Wales bureaucrats, but they don't have a permit system. They have such draconian laws, even though the government of New South Wales is encouraging people in South Australia to cart hay over there for drought affected stock. You have to take a certain size load to make it economically viable.

I guarantee that there are few people who own trucks in South Australia who are aware of these provisions, and when they start to be enforced the real game is going to start. I make no apology for what game we will play. I have come back here for the purpose of sticking up for people in small business in the bush, and I will do so. One unreasonable act always generates another.

The Hon. P.F. Conlon: That's not true. People are unreasonable to me all the time. I'm a conciliator.

The Hon. G.M. GUNN: Like me. I have people saying shocking things about me and I am such a humble retiring farmer. People have called me all sorts of things over the issue of corellas.

Mr Goldsworthy: I have had emails about that.

The Hon. G.M. GUNN: I suggest you process them straight into the non-return file. These provisions are all encompassing. I put on the record that we are concerned. The bill refers to a person in charge of these premises, entered by an authorised officer or a police officer. It refers to a person who consigns goods for transport by road. If some individual has a parcel to be consigned, you can go back to whether they have ever seen a truck being loaded in their life! This is nonsense! When the fun starts and the questions go on the *Notice Paper* at length, those who have to answer them will be able to remember what has been said in this place. I will be driving along the silo lines from November onwards.

I have driven to the silos on a few occasions, and on one occasion when I started talking to a farmer with a truck a certain government car disappeared as soon as I arrived there. I do not know why that was. Obviously they did not want to see me. I had my notebook—a pretty handy piece of paper. I am not a computer person. I have a notebook and occasionally I may jot down a vehicle's numberplate, but that is another matter. I could tell you a few other stories, which I will do before it is finished. It is on the record and I will endeavour to convince people upstairs that these provisions need to be changed radically.

The committee divided on the amendment:

AYES (11)

Chapman, V. A.	Goldsworthy, M. R.
Gunn, G. M. (teller)	Hamilton-Smith, M. L. J.
McFetridge, D.	Pederick, A. S.
Penfold, E. M.	Pengilly, M.
Redmond, I. M.	Venning, I. H.
Williams, M. R.	

NOES (26)

Atkinson, M. J.	Bedford, F. E.
Bignell, L. W. K.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Conlon, P. F. (teller)	Foley, K. O.
Fox, C. C.	Hill, J. D.
Kenyon, T. R.	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
O'Brien, M. F.	Piccolo, T.
Portolesi, G.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Simmons, L. A.	Snelling, J. J.
Weatherill, J. W.	Wright, M. J.

PAIR(S)

Evans, I. F.	Geraghty, R. K.
Griffiths, S. P.	Stevens, L.
Kerin, R. G.	Thompson, M. G.

Majority of 15 for the noes.

Amendment thus negated.

The Hon. G.M. GUNN: I attempted to improve this clause in a most reasonable, fair and proper fashion. That particular course of action was rejected for reasons that I cannot quite fully understand. So therefore the clause, in my view, is unacceptable. It denies proper and reasonable rights to people involved in the transport industry, particularly small operators, pastoralists, farmers, contractors, those sorts of people who do not have the ability to be represented by armies of people. It will have no effect on the large contractors. The clause is totally without any fairness, and I therefore believe the house will have to make another decision in relation to this provision.

The committee divided on the clause:

AYES (27)

Atkinson, M. J.	Bedford, F. E.
Bignell, L. W. K.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Conlon, P. F. (teller)	Foley, K. O.
Fox, C. C.	Geraghty, R. K.
Hill, J. D.	Kenyon, T. R.
Key, S. W.	Koutsantonis, T.
Lomax-Smith, J. D.	Maywald, K. A.
McEwen, R. J.	O'Brien, M. F.
Piccolo, T.	Portolesi, G.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Simmons, L. A.
Snelling, J. J.	Weatherill, J. W.
Wright, M. J.	

NOES (13)

Chapman, V. A.	Goldsworthy, M. R.
Gunn, G. M. (teller)	Hamilton-Smith, M. L. J.
Kerin, R. G.	McFetridge, D.
Pederick, A. S.	Penfold, E. M.
Pengilly, M.	Pisoni, D. G.
Redmond, I. M.	Venning, I. H.
Williams, M. R.	

PAIR(S)

Stevens, L.	Evans, I. F.
Thompson, M. G.	Griffiths, S. P.

Majority of 14 for the ayes.

Clause thus passed.

Clause 6.

The Hon. G.M. GUNN: This clause has some fairly significant effects and deals with logbooks. I ask the minister whether it is necessary for a person operating within 100 kilometres of their base to carry a logbook?

The Hon. P.F. CONLON: I think that there is an exemption in the Motor Vehicles Act for a heavy vehicle driver within 80 kilometres of the farm.

The Hon. G.M. GUNN: So there has been no change.

The Hon. P.F. CONLON: We do not believe that there is anything in the bill to change that. I will get a more studied answer, but it is the view of the officers that there is nothing in the bill to change that.

The Hon. G.M. GUNN: It is important to thousands of people and all the little delivery trucks around Adelaide and everywhere else. As I drove through the wonderful countryside of South Australia this morning to get here for this

afternoon, I was thinking about this. I was working myself up.

The Hon. P.F. Conlon: It sounds as though you have thought about nothing else for a while.

The Hon. G.M. GUNN: Well, minister, I have applied myself to what is my job; perhaps it is one of the reasons I am still here.

The Hon. P.F. Conlon: There has got to be some explanation.

The Hon. G.M. GUNN: I know that, at the Willows restaurant on election night, it was bragged that they had spent \$3 million to—

The ACTING CHAIR (Mr Koutsantonis): Order! If the father of the house can possibly accept that he won the election, will he come back to the bill?

The Hon. G.M. GUNN: I am just making—

The ACTING CHAIR: Thank you very much, member for Stuart—back to the bill.

The Hon. G.M. GUNN: There is plenty of scope in the bill. There are 69 clauses, and I have read each one of them. I would sooner not be here. The ability to act reasonably is very important to this clause. I accept what the minister has said, and I sincerely hope that he is correct; if he is not, I hope that he will take appropriate steps to rectify it.

The ACTING CHAIR: Has the member for Stuart moved his amendment?

The Hon. G.M. GUNN: No, I will not move that one. Clause passed.

Clauses 7 and 8 passed.

Clause 9.

The Hon. G.M. GUNN: This is one of the real champions of them all: it really takes the cake. It provides:

(1) For the purposes of this act, a person is an associate of another if—

- (a) one is a spouse, parent, brother, sister or child of the other; or
- (b) they are members of the same household; or
- (c) they are partners; or
- (d) they are both trustees or beneficiaries. . .

I put it to the minister that this states that a seven-year-old child can be called into the draconian, unnecessary, nasty, vindictive provisions of this measure. No reasonable person in this country would agree with that. I suggest that all those members sitting on the back bench ought to read it and have a good look at it. Why would anyone, except a vindictive agnostic, want a provision of this nature? What is the purpose of it? If anyone thinks that any opposition in this country should sit idly by and rubber stamp a provision of this nature, there is something wrong with them. I suggest to the member for Light that he ought to have a look at this, because of all the little operators in his electorate, and I intend to write to thousands of farmers and tell them what is coming to them and be aware who has done it, because I have a clear conscience.

The ACTING CHAIR: I indicate to the member for Stuart that we dealing with clause 9.

The Hon. G.M. GUNN: Yes, clause 9 on page 20, 'associates'.

The ACTING CHAIR: No, page 21.

The Hon. G.M. GUNN: No, we have not come to that.

The ACTING CHAIR: We have passed clause 8. We are dealing with clause 9.

The Hon. G.M. GUNN: Either I must need a hearing aid—

The Hon. P.F. Conlon: We have dealt with clauses 6, 7 and 8.

The Hon. G.M. GUNN: All right, then. We are in for a late night—

The ACTING CHAIR: No, my apologies—

The Hon. P.F. CONLON: With the greatest respect, the member for Stuart, I cannot follow what you want to do. It was not done to sneak it past you. I am happy to reconsider it, if the member wishes. I was just following the member's lead.

The ACTING CHAIR: The member for Stuart, I clearly called clause 8, and I turned to you and asked the opposition—

An honourable member: No, clause 6.

The ACTING CHAIR: I dealt with clauses 6, 7 and 8, and I asked opposition members to indicate which amendments they wanted to speak to, and I was told clause 9.

Clause passed.

The ACTING CHAIR: The minister has agreed to reconsider the clause. Does the member wish to do that?

The Hon. P.F. Conlon: The Hon. Mr Gunn was asked whether he wanted to proceed and he said no.

The Hon. G.M. GUNN: The clause that we just voted on and this one, in my view, where I come from, are the two most significant amendments.

The ACTING CHAIR: It is clause 6.

The Hon. P.F. CONLON: The confusion has arisen because the member is looking at new section 9 contained in clause 6. I suggest that we reconsider clause 6.

Clause 6—reconsidered.

The Hon. G.M. GUNN: I think I have explained my objections. I thank the minister very much for his assistance and help. I just want to explain, because this is significant; the association is absolutely significant.

The Hon. P.F. CONLON: This provision is identical to section 71C(3) of the Motor Vehicles Act. It is modelled on longstanding powers in other areas of law, such as the Corporations Law and the Criminal Assets (Confiscation) Act. It is merely to prevent people avoiding the consequences of breaches or improper enforcement by use of family or associates. It is actually not very remarkable at all, and has operated in the Motor Vehicles Act for a considerable period of time.

The Hon. G.M. GUNN: I thank the minister; however, it is more likely, when you read the other provisions of this particular act, that minors and others will get caught up in it. If one of these inspectors comes to a business—a farm or some other small business—and there are 10 or 11 year old children in the same household they will do it.

The Hon. P.F. Conlon: Yes; but it is not about that.

The Hon. G.M. GUNN: Yes it is. I do not want to do it in here. Minister—

The Hon. P.F. Conlon: I am not after any ten year olds.

The Hon. G.M. GUNN: But you are not the one handing out the things. You do not have the power to direct inspectors, unfortunately. During my time in this place, I have spent a lot of it arguing—

The Hon. P.F. Conlon: With me.

The Hon. G.M. GUNN: No, trying to get ordinary citizens a bit of justice when they have been pinged by these zealots. That is why I stand up in here today. I think this is a terrible provision which should not be applicable in a democracy. The average person does not have the ability to defend themselves because they often do not have access to lawyers and other necessary provisions. I put it on the record

that we are totally opposed to this provision, and I look forward to a future Liberal government rewriting it—and a number of others. There is only one good thing about it: you can change it. These things can be changed, and changed they will be.

The Hon. P.F. Conlon: You would have to change the lot of them.

The Hon. G.M. GUNN: Well, I have been told by ministers on both sides of politics about these things, and, on occasions, I have successfully called their bluff, particularly when we were in government, because they had a very simple question: do you want the bill, or do you want the other bills that you have on the Notice Paper or not? It is as simple as that. I have had Premiers yelling at me on the phone from London, and I have said to them, 'Go back to bed. It's going to make no difference at all to what I'm going to do. Put the phone down.' It rang again, and I said to the chief of staff, 'Look, just tell him to go back to sleep. It makes no difference. And I will tell him privately one day why I want to deal with those issues.' I did tell one bloke that he needed me more than I needed him. One of the problems with this place is that some of us have been lucky enough to have a life outside and actually know what the real world is like and what takes place. That's why some of us—

The Hon. P.F. Conlon: That was a long time ago, Graham—34 years.

The Hon. G.M. GUNN: Well, yesterday morning I was doing a few a practical things, but we will not go into that, Mr Acting Chairman. I could go into it at length, but I am sure that I would test your tolerance.

The ACTING CHAIR: Member for Stuart, I seek your indulgence. I asked you earlier if you wished to proceed with your amendment. You said that you withdrew it.

The Hon. G.M. GUNN: That's right.

The ACTING CHAIR: Because we have recommitted the clause, the amendment is still standing.

The Hon. G.M. GUNN: I move:

Page 20, lines 38 to 41 and page 21, lines 1 to 16—Delete new section 9.

Amendment negatived; clause passed.

Clauses 10 to 13 passed.

Clause 14.

The Hon. G.M. GUNN: I move:

Page 22, line 25—Delete 'may not need' and substitute 'must'

This is in relation to the enforcement by authorised officers. An authorised officer has considerable powers. My amendment will make it more reasonable for people who are the victims of some of these actions.

The Hon. P.F. CONLON: As I understand it, the current process is that an ID card is produced by an authorised officer, or a police officer, when requested, if the officer is exercising or is about to exercise a power under legislation. I think it is unnecessarily onerous for officers to be threatened with a fine of \$5000 for failing to produce an ID card—that is, if I understand the purport of the member for Stuart.

I think the member for Stuart's amendment is unusual, and I cannot think of an example. Authorised officers must be Public Service or government employees—is that what you are seeking? That will be far too restrictive a provision. I do not think that we do employ or appoint people at present who are not government employees. We will oppose it now because I am not sure of the full import of it. No-one can tell me who we would want to appoint who is not a government employee. I am always a reasonable man, so I will have a

look at it between the houses and see what the import is. I cannot believe that the national body would lose enormous sleep if we appointed only government employees. I will have a look at it, but I will have to oppose it at present. We will have a look at it between the houses.

Mr HAMILTON-SMITH: I rise to ask a question of the mover of the amendment to elucidate this point a little. Is it your concern that considerable power is given to authorised officers and, therefore, they should be officers of the crown or public servants rather than contractors or other non-paid volunteers?

The Hon. G.M. GUNN: My concern is that people who are authorised to operate under this legislation have very considerable powers and it should be clearly understood that (a) they have had the training, (b) they have an understanding of the act and (c) they have a clear understanding that people have rights; and, in a democracy, those rights are paramount. People should be properly cautioned and made aware that they have a right to get legal representation and various other things. If you employ a contractor, they may not have those skills.

There is another thing: we can get up and ask the minister a question about his or her employment in this place. If they are not fully responsible to the minister, we have our hands tied. I am not normally one to want more public servants.

The Hon. P.F. CONLON: My view is that even if they were not government officials, he would blame me for them.

The Hon. G.M. Gunn interjecting:

The Hon. P.F. CONLON: I understand, so I am happy to look at it. I point out that we have had a very long list of complaints by the member for Stuart tonight about the operations of government employees, so I am not sure why he thinks that they are so terrific now. I understand, and we will have a look at it.

Mr HAMILTON-SMITH: I think that the thrust of my friend's concern is apparent, namely, that there ought not be a large group of people, who are not on the public payroll, exercising these powers. My friend has put the motion, so we will vote on it. Has the minister undertaken to look at that issue between the houses and, if possible, to consider some clarification of that clause?

The Hon. P.F. CONLON: That is exactly what will happen. I do not think that restriction on the appointment of authorised officers has ever existed. We also have only ever appointed government employees. I do not think there is any intention to create a new class. However, because it is a national jurisdiction, some of the other states have wanted to be able to do that. It is not something I will turn my mind to because it is not any kind of departure from ordinary practice, but we will find out if there is any merit in it. I am sure that Jan McMahon would agree with the member for Stuart, which would be a very rare coming together of minds.

Amendment negatived.

Mr HAMILTON-SMITH: I move:

Page 24, after line 5—Insert:

Penalty: \$2 500.

The thrust of this concern, which I draw to the minister's and the member for Stuart's attention, is not only shared by us on this side of the house. Considering the fact that there is a considerable onus on members of the public to produce identification, there also ought to be an obligation upon officers to produce identification before they impose fines or censures on members of the public. Our understanding is that it is consistent with the existing law that, in certain cases,

there is a burden upon officers to produce or to comply with such requirements and that there are provisions under which officers can be fined if they fail to comply. On the basis that there are precedents, our recommendation is that we look at that provision. After line 5, it states:

An authorised officer who is exercising or about to exercise a power is required to comply with a request to identify himself or herself, by producing his or her identification card.

We hope to see a penalty inserted here to the effect of \$2 500 for failure to comply. My friend the member for Stuart has a separate amendment requiring a much larger fine of \$5 000. I ask him to consider whether \$2 500 would be sufficient, given that our hardworking officers are not the wealthiest of people. However, should they refuse or fail to comply, we think it is fair that there should be some obligation.

The Hon. P.F. CONLON: I think the bill, where the production of an ID is required and where the powers under the act are to be exercised, is quite reasonable. I do not think it is reasonable to subject authors to possible prosecution in some contest about whether or not they produced their ID. I assume that in some cases, under the act, failure to produce an ID may provide a defence in proceedings against a particular driver. So, if there is, in fact, an administrative penalty for failure to produce an ID, I would hate to think that, first, some people who do not particularly like each other would agitate to have someone prosecuted. Secondly, I think it would be pretty hard if officers going about their duty discovered half-way through that they had lost their ID card and were subject to prosecution. I think that sums up my view on it. I think it is a very unusual provision.

Mr HAMILTON-SMITH: Drawing that issue out a little further, we feel that, considering that the bill imposes sanctions upon ordinary members of the public for failing to produce certain documents, licences or material to an officer, it is only reasonable for those members of the public to be assured that officers can produce their ID so that people can be confident that they are being legitimately bumped, if you like, or apprehended by those officers.

On the one hand, it is fine to say that a member of the public will get a very hefty fine—and I think it is in this magnitude—but the officer will not. I raise two points about that. First, how do members of the public know for sure that they are being bumped by an authorised officer if they do not produce an ID or identify themselves? Secondly, what use is this provision if there is no penalty at all? If I recall correctly, we have had this debate over a corruption matter, where concerns had been raised (I think it was during the Ashbourne matter) about there being certain obligations under the Whistleblowers Act for certain people to do certain things, and the defence was, 'Oh, well, there's no penalty provided in that specific section of the act, therefore the police won't prosecute.' The specific case was when I raised this issue with the police in regard to whether the Premier had breached the Whistleblowers Act in not reporting concerns about the activities of Mr Randall Ashbourne. The Police Commissioner wrote back to me and said, 'There is no penalty, therefore, we will not proceed with the matter.'

If I apply that to this clause, that would mean that, if police officers failed to produce their identification or failed to state orally their surname, rank and identification, the member of the public would have no defence. Were they to make a complaint to the police, the Police Commissioner would simply say, 'Well, there's no penalty for that specific offence, therefore it doesn't matter.' So, why have a law that

is unenforceable or does not matter? There ought to be a penalty of some kind.

The Hon. P.F. CONLON: I have to say that, for a number of reasons, a reasonable debate has turned absurd. It is so shallow and cheap for the member for Waite to bring up a matter, refer to it as a corruption matter when it has not been found by anyone anywhere to be a corruption matter, and try to get it on the record—it is just the cheap, slimy politics of that side—and then try to draw some comparison with this provision. I have been gentle so far. The fundamental difference is this: it is impossible for authorising officers to do their job if they are not allowed to require the production of some documents. It is not a question of saying, ‘If I have to show documents, you’ve got to show documents.’

Secondly, this is the issue: the ID is there as a safeguard. First, if it is not produced, and it is shown not to be produced, it may well be a defence in a protection under this but, if it is drawn to the attention of the government that some authorised officer is persistently failing to produce ID, that person will not be an authorised officer for very long. If any authorised officer, in my view and in the view of this government, is not abiding by the provisions of this bill, then they will not be an authorised officer for very long. But to suggest that because, in the performance of their duty, an authorised officer must be able to require the production of documents—and that there should be a penalty, or the bill does not work—and that that means, therefore, that the officer has to be fined if they cannot produce an ID card, is simply an absurdity. It is an absurdity and the opposition has descended to a pretty low level.

Mr HAMILTON-SMITH: First of all, the minister has not answered my question in regard to this point, and I made it very clear: how is a member of the public to be certain that the individual who stopped them, who has apprehended them and who was seeking to impose a penalty upon them, is duly authorised to do so?

The Hon. P.F. Conlon: By requesting their ID card.

Mr HAMILTON-SMITH: Well, you say by requesting their ID card, and this very clause requires the officer to produce that. What you are saying is that they do not have to produce it and what you are effectively saying by the fact that there is no penalty is that, if they do not produce their ID card and do not identify themselves, that is okay. So, you have not answered that point. Secondly, how is it fair to require a truck driver, or a farmer, or anyone else, not to be forgetful, not to leave their licence at home, not to leave a certain document at home and, if they should be forgetful, then they will face the full penalty of the law and a hefty fine, but it is quite all right for a police officer, or a senior public servant, or a public servant, or a bureaucrat somewhere who is going around bumping people and imposing these fines to be forgetful and to leave their identification at home? That strikes me, and many of us on this side, as a bit of a double standard. So, I would really like to hear your answer on both those points. This clause requires officers to produce their ID but there is no bite to it; if they do not do it, it does not matter. So, my first concern is how can a member of the public be assured that they are being legitimately apprehended and, secondly, is it not a double standard?

The Hon. P.F. CONLON: I will tell you again. It is not a double standard. We are not doing this for fun; the officer has to have the authority to do this or the bill does not work. It is pretty plain that you do not like the bill, and it is pretty plain that members of the opposition do not like any sort of regulation of heavy vehicles. Now, we just have to disagree.

I think it is a nonsense. The bill requires the production of ID, and I say this again: it may be a defence in proceedings against a person if they fail to do that. Thirdly, someone might forget their ID once, but anyone who persistently fails to produce their ID when requested by a member of the public, who is brought to the attention of this government—well, as far as I am concerned, they will not be an authorised officer for very long because they have to abide by the law. It is their duty as an employee, or as an authorised officer, to abide by the law. That is where the duty is enforced, not by some bizarre prosecution, and I will leave it at that.

Amendment negatived.

Mr HAMILTON-SMITH: I move:

Page 24, line 8—Delete ‘; or’ and substitute ‘; and’

This amendment relates to the substance of what we have just debated, that is, the production of ID by an officer. It is our view, given that officers are being extended extraordinary powers under this bill, that the officer should have to both produce their identification and state orally or in writing their surname, rank and identification number. The bill, as it is presently drawn, gives them the either/or. They either state, ‘Look, my name is Constable Bloggs and this is my ID number,’ or they can produce an identification. It gets to the same point that my friend the member for Stuart is concerned about, along with many other members, that is, how is a member of the public to be assured that they are being legitimately apprehended if they do not see an ID?

It is fine for someone to pull them up and say, ‘I am authorised under the act to do these things. My name is so-and-so and this is my ID number but I cannot prove it; I cannot show you any ID.’ Surely it is fundamental to our system of justice and law, and is a principle that should be present and evident at all times in our law-making, that before we empower officers we at least require them to show some form of identification. Otherwise we have a whole lot of grey men going around in grey suits telling people that they have certain powers without showing any ID. All we seek to do is delete the word ‘or’, to require the officer to both produce their ID and state, orally or in writing, their name and ID number.

The Hon. P.F. CONLON: I can only say that the opposition has a fundamental distrust of the police that I do not share.

Mr Hamilton-Smith: It is not only the police: other officers are authorised.

The Hon. P.F. CONLON: No, it is not other officers. Authorised officers are required to produce their ID.

Mr Hamilton-Smith: An authorised officer or police officer.

The Hon. P.F. CONLON: The police officer is the one that has an option. I do not share that fundamental distrust. The member for Waite thinks that there are people running around dressing up as police, impersonating them for the purpose of enforcing road traffic regulations, but I do not share his view that that is a likely outcome from which the public needs to be protected. I find the entire notion underlying this, and the attitude of the opposition, to be quite unbelievable given that this is a national set of reforms that have been agreed to, including by their federal government. Their attitude is that the police who are going to do this are somehow untrustworthy at every step of the way and it is not sufficient to have ‘either or’; you have to have both. My view is that if an ID is produced to someone who cannot read it would be a reasonable request to tell them what it says.

However, to produce an ID card and then to have one of our officers stand there and be told, 'Okay, I want you to tell me your name and everything too,' or, having provided that information, provide the ID card as well is, I think, a level of distrust and disrespect for the police officers that the government does not share.

The Hon. G.M. GUNN: I would like to say to the minister that it is nothing about distrust. It is about the fact that in a democracy we believe, first, that the average citizen is entitled to be treated with dignity when dealing with the government or its agencies or instrumentalities and, second, that they are entitled to ask reasonable questions of an interviewing officer. It is fair and reasonable, minister, to ask for an ID card.

The Hon. P.F. Conlon: You can do that.

The Hon. G.M. GUNN: I will give you an example. Some years ago I was travelling to Ceduna and on this Saturday morning there was a big police block at the weighbridge just out of the town. There was a fellow in white overalls signalling people in so, as a law-abiding citizen, I quietly pulled in and wound down the window. I said 'Good morning,' and he said, 'Good morning; I would like to see your drivers licence.' I said, 'That's no problem at all, but I would like to see your authorisation.' He looked at me, and he felt around, while I just sat in the car with my arms folded. He got quite indignant and could not find it, and then he pulled out his Victorian one. I said, 'No, we are in South Australia.' After a while he went inside and then came out with it and pushed it towards me. I said, 'The Commissioner of Police told me that you pride yourself on how you deal with the public.' So, after he showed me, I took out my drivers licence and showed him.

I actually know my rights in a democracy; the average citizen does not. I thought I would test this character, and he was very irate with me. Two hours later I had to come back and I was called in again, of course. The sergeant came out and he was far more amenable. As a lawyer, I thought the minister would understand the average person going about their business, trying to make a living (sometimes with pressures on them). Suddenly they are stopped by these people. Blind Freddy knows this: if a certain major police station does not have many tickets, they will pick on the truckies and others to issue a few tickets. We know this, and I can tell the minister that some of the things they are getting stopped for are absolutely over the top and ridiculous. Mr Quinn said to me (and the minister said that he knew him) that, with respect to this bill, they will give us hell. They were his very words: '... give us hell'. I said to him, 'Make sure that you take the names of every one of them and we'll run them through the system'—and I mean that.

The Hon. P.F. CONLON: All I can say is that the protections afforded by this bill mean that that person can get the name of every one of them, and I don't know what more the honourable member wants than that.

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: Just calm down, son. The ordinary provision under the Summary Offences Act, which covers the police, requires the police to give their name, rank and serial number, or whatever it is. What is it? Yes, name and rank. They do not have a serial number; that is when you are a prisoner of war or something. The member for Waite would know more about that. That is the ordinary provision. Apparently, we can trust the police to that extent, but not if they are going to deal with a truck driver. According to the

member for Stuart, they should then also be required to produce an ID card.

Authorised officers are required to produce an ID card if requested. Police can do either/or. I do not find anything remarkable about the police having to supply their name and rank; but, again, I stress that I do not think that someone will get themselves a police uniform for the purpose of impersonating a police officer. Everything that the member for Stuart says confirms that it is driven by a view that you cannot trust the police and you cannot trust authorised officers.

Amendment negated.

Mr HAMILTON-SMITH: I move:

Page 24, after line 10—Insert:

Penalty: \$2 500.

This amendment is similar to my amendment No. 1, which sought to amend section 39 subclauses (1) to (3) and impose a penalty so that there was some way of ensuring that the law was enforced. My amendment number No. 3 simply seeks to apply that \$2 500 penalty to section 39 (page 24, after line 10), which is the aforementioned failure to produce identification. It gets back to the simple fact that there is no point imposing a requirement on authorised officers if there is no penalty. If there is no penalty, it is not worth the paper it is written on; nothing need be done about it.

The Hon. P.F. CONLON: I understand that the police operate under very strict operational guidelines. Having formerly been a police minister and having dealt with the Police Commissioner and our police, I can tell the honourable member that the Police Commissioner is a stickler for people abiding by proper procedures. I think it would be a very foolish thing for any police officer to fail to abide by the provisions of an act on a persistent basis. This provision deals only with police.

For the same reasons I gave before, I think this amendment fundamentally misunderstands why a power is given to authorised officers or the police to require the production of documents. It is not to do with punishment one way or the other—you show me yours and I'll show you mine; it is to do with the fact that they are unable to enforce the legislation unless they are able to do that. That is why we must give them the power to do that.

Mr HAMILTON-SMITH: I make the point to the minister in an effort to convince him (which I know will be unsuccessful) that the reason why the opposition has raised this issue is not its concern for the actions of police officers. The reason we have raised this issue is that the bill grants considerable powers to people who are not police officers by empowering other authorised officers to take on these powers. Those authorised officers, some of whom, as we established earlier, may not even be on the public payroll—they might be contractors or consultants—will be given authorised officer status and therefore considerable powers under the act.

All we are saying is: the minister has a provision requiring them to carry and produce identification, but he is not prepared to put any penalty alongside it, so it has no weight. It has no punch; it is not worth the paper it is written on. We are simply saying that it is a good provision. If the minister means it, then have a penalty. I am sure the Police Commissioner, as always, will ensure that his police officers act superbly. They are not the concern. It is these other people and contractors whom the minister is empowering and about whom we are concerned.

The Hon. P.F. CONLON: It is an interesting argument in defending this amendment that it is not the police that they are concerned about. The opposition is seeking to amend section 39(4), which only deals with the police. The honourable member cannot hide behind woolly excuses. The honourable member is defending an amendment which refers only to the police. It is no use the honourable member saying that he is worried about someone else: it is the police he is after. Section 39(4)—

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: Read the bill. Section 39(4) deals with the police. The honourable member cannot hide behind that. What the honourable member has to understand is that, if any authorised officer or the police are requested to produce ID and, in the case of the police give their name and rank, they do not do it, they then cannot proceed to exercise the powers. That is what they have to do. That is the safeguard. I guess I will not be able to convince the honourable member, but I think that it is nothing more than an expression of distrust in the police to seek to amend a provision to say that they should be penalised if they do not comply. The honourable member may be confusing subsection (3) with subsection (4), but his amendment deals with subsection (4).

Mr HAMILTON-SMITH: As I fly to the parent legislation, I might ask the minister, if I am correct, to apologise for his remarks. He is stating that this provision applies only to police officers. If I am not mistaken, he cannot read his own bill, because the provision that I am seeking to amend clearly says ‘an authorised officer or police officer is required to comply’. He says that it deals only with police officers.

The ACTING CHAIR (Mr Koutsantonis): That is subsection (5). We are on subsection (4) which provides:

A police officer who is exercising or about to exercise a power is required to comply with a request to identify himself or herself, by—

- (a) producing his or her police identification; or
- (b) stating orally or in writing his or her surname, rank and identification number.

Mr HAMILTON-SMITH: I take the point. However, the minister has also applied his remarks to section 39(1), which I amended earlier in seeking to apply a penalty of \$2 500.

The Hon. P.F. Conlon: There is no way out of it; you have made a mistake.

Mr HAMILTON-SMITH: The minister referred his remarks to that as well. The minister used exactly the same argument in relation to section 39(1).

The Hon. P.F. CONLON: I point out that what I said was the honourable member’s amendment seeks to amend section 39(4). Section 39(4) deals only with police. The honourable member cannot hide behind it arguing that he is worried about authorised officers. It deals only with police. The honourable member will not be getting the apology—and I am sure I will not get one from the honourable member because I know how these things work. The truth is the honourable member cannot hide behind the comments he used to defend this amendment because the section deals only with police.

Amendment negatived.

The Hon. G.M. GUNN: I move:

Page 29, after line 3—Insert:

(5a) Subsection (5) does not apply if the direction is unreasonable.

I would suggest that when we are dealing with commodities which are perishable, or livestock, or time frames that incur minor transgressions, there is a very good case to have a provision such as that in this particular amendment. If someone has loaded stock onto a truck and is proceeding to Adelaide, and they are given an unreasonable direction and there is no place to unload—and in many cases a B-double cannot turn around on a highway—that would be unreasonable. As someone with some experience in these things—and, unfortunately, not many members in this place have had that experience—then in a decent society people have a right to say, ‘That is an unreasonable and ridiculous provision and it ought not to stand.’ I ask the minister to accept this amendment, if he believes in treating people reasonably.

The Hon. P.F. CONLON: I cannot accept the amendment. It would be impossible for every direction to be contested on its reasonableness.

Progress reported; committee to sit again.

ADJOURNMENT

At 5.58 p.m. the house adjourned until Tuesday 6 June at 2 p.m.