

HOUSE OF ASSEMBLY

Tuesday 6 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 members' attention to the presence in the chamber of students from Concordia College, guests of the member for Unley, and to students from Sacred Heart College senior school, guests of the member for Morphett.

TAXATION

A petition signed by 2 055 residents of South Australia, requesting the house to urge the government to introduce legislation to establish an independent inquiry into property-based taxation; raise the land tax threshold; prevent bracket-creep and review the effects of the tax on the community was presented by Ms Chapman.

PAPERS TABLED

The following papers were laid on the table:

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

Development Act—Development Plan Amendment Reports—
Adelaide Hills Council—Miscellaneous Amendments
Wattle Range Council—Primary Industry 2 Zone

By the Attorney-General (Hon. M.J. Atkinson)—

Dangerous Area Declarations—Statistical Return for the period 1 January 2006 to 31 March 2006
Road Block Establishment Authorisations—Statistical Return for the period 1 January 2006 to 31 March 2006.
Regulations under the following Act—
Legal Practitioners—Fees

By the Minister for Health (Hon. J.D. Hill)—

Controlled Substances Advisory Council—Report 2004-05
Public and Environmental Health Council—Report 2004-05
Upper South East Dryland Salinity and Flood Management Act 2002—Quarterly Report for the period 1 January 2006—31 March 2006

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

Regulations under the following Act—
Occupational Health, Safety and Welfare—
Amusement Structures

By the Minister for State/Local Government Relations (Hon. J.M. Rankine)—

Rules—
Local Government—Superannuation Board—
Successor Fund Transfer
Local Council By-Laws—
Yorke Peninsula, District Council of—No. L—Port
Vincent Marina.

QUESTION TIME

TRANSPORT, CHIEF EXECUTIVE

The **Hon. I.F. EVANS (Leader of the Opposition)**: My question is to the Minister for Transport. What discussions

did the government have with the former CEO, Dr James Horne, in relation to proposed cuts in road maintenance funding? The opposition has been advised by senior transport sources that the government proposed to Dr Horne to cut road maintenance by up to \$20 million a year—an \$80 million cut over four years.

The **Hon. P.F. CONLON (Minister for Transport)**: Their leaks are good! That is absolute nonsense: I have never had such a discussion, never had such a suggestion, and the proof will be in the budget when it comes. The opposition will find out what we have done with that and all other matters, but I think it had better check the quality of its sources.

DNA TESTING

The **Hon. P.L. WHITE (Taylor)**: My question is to the Premier. What plans does the government have to strengthen the DNA testing regime under the state's criminal law?

The **Hon. M.D. RANN (Premier)**: I thank the honourable member for her interest in this area. Members would be aware of the recent court judgment by Judge Marie Shaw and also, I understand, deliberations by the Auditor-General. I am very pleased to announce that the government will overhaul DNA legislation to allow the indefinite retention of lawfully obtained forensic material and DNA profiles by police. Complications with the existing DNA legislation have been highlighted in recent court proceedings. Currently, the United Kingdom is the only jurisdiction to have similar legislation to that proposed for South Australia. Since the change in UK laws, it is estimated that around 198 000 profiles that previously would have been removed have been retained on the database, helping to solve a range of crimes including murders, rapes, sexual offences, aggravated burglaries and drug crimes.

DNA databases are playing an increasingly significant role in the prevention, detection and investigation of crimes, including terrorism. In the past two years in South Australia, DNA evidence has been used by police to charge 786 people who are accused of a total of 2 487 offences arising from 1 323 separate incidents. Without our laws in this state, police may not have been able to charge people for 31 rapes, 27 robberies, four arsons, 90 aggravated serious criminal trespasses, 1 098 non-aggravated serious criminal trespasses and 15 serious assaults.

As the number of DNA profiles on databases grows, the number of DNA matches also begins to increase, illustrating the potential intelligence value of such a database. DNA testing has the proven capacity to solve serious crime such as murder and rape, and it has already been used to solve so-called cold cases where the offender has avoided detection for many years. We recognised the importance of DNA as a powerful tool for crime fighting when we changed the law to force all prisoners in South Australian prisons to be DNA tested. So this government has widened the DNA test for people not only convicted and imprisoned but also charged, as well as suspects in certain cases.

We are well aware of the strong opposition from the opposition when I made the announcement. I remember an intervention by the member for Bragg, who apparently did not want Bevan Spencer Von Einem to be DNA tested. That is the difference. I respect members opposite for their position: we have a different position, which is to be tough on law and order, and we believe that DNA testing is the modern version of fingerprinting.

The government also, of course, changed the law to require DNA testing of suspects and offenders involved in so-called less serious crimes. Since July 2003, expanded testing has resulted in more than 25 000 samples from crime scenes and offenders being added to a database. Rather than just a couple of hundred or a few hundred on the database, we have 25 000 on the database, and we are helping the police to clean up crime, including rape. The collection of DNA samples will help police not only detect but also prevent future crimes. We will also ensure that the reforms include protections aimed at preventing the data being used for purposes not related to the prevention, detection, investigation and prosecution of crime.

I find it difficult to understand why anyone should object to the retention of their DNA profile once it has been lawfully obtained. If you are innocent, you have nothing to fear. It boils down to that.

Ms Chapman interjecting:

The Hon. M.D. RANN: It is very interesting that members opposite clearly do not even want criminals convicted of offences such as murder to be DNA tested. I am just amazed at the interventions from members opposite. DNA testing is usually done through a simple mouth swab, which was the case when the Attorney-General and I were DNA tested—

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

The Hon. M.D. RANN: —and, in fact, the former minister for police. I have no objection to my DNA test remaining on the database for all time. Through DNA analysis of blood, hair, fingernails or skin left at crime scenes, investigators are able to connect perpetrators with their past crimes or to exonerate those who are falsely accused. The changes to the UK laws follow two cases that demonstrated the potential value of the retention of profiles on the database. The cases involved the overturning on appeal of the convictions of a rapist and a murderer, despite DNA evidence that linked the defendants to the offences. The convictions were quashed by the UK court of appeal on the grounds that DNA evidence should not have been admitted. The defendants had been identified through their DNA profiles being retained on the database for earlier offences when they should have been removed. This caused considerable public concern in Britain, and the law was subsequently changed to allow profiles to be retained on the database. We do not want to see this occur in South Australia.

DNA evidence is an important tool in fighting crime and terrorism, and we stand by our decision to balance people's rights, but also their rights to live safely in our community. The proposed changes to the state's DNA laws are on top of the government's election commitment for DNA tests to be conducted. I can inform the parliament today that we intend to widen the DNA net in this state even further to offenders involved in any assault on another person, offenders committing stalking offences, offenders who damage other people's property (irrespective of the value), offenders who are found unlawfully with other people's property, people over the age of 18 who vandalise and graffiti property and people in possession of illicit drugs. This was announced in our election campaign.

Because the DNA profiles of offenders who have been tested will be kept on a database, police will be able to more effectively identify offenders by matching known offenders' DNA profiles against samples collected from crime scenes. I can also announce today that, when we introduce the legislation, we will also include a provision for oversight by

an independent body, the Police Complaints Authority; the independent police ombudsman—

Ms Chapman interjecting:

The Hon. M.D. RANN: I beg your pardon?

Ms Chapman interjecting:

The Hon. M.D. RANN: Oh, apparently, there is a lack of confidence among members opposite in the Police Complaints Authority. We have confidence in the Police Complaints Authority, an independent body which will have oversight of this area to make sure that there are no abuses of the law.

TRANSPORT, CHIEF EXECUTIVE

The Hon. I.F. EVANS (Leader of the Opposition): My question is again to the Minister for Transport. Was one of the disagreements between the government and Dr James Horne, former CEO of the department, the fact that the government proposed cutting road maintenance funding and Dr James Horne vigorously opposed this?

The Hon. P.F. CONLON (Minister for Transport): Let me make it absolutely plain (and I guess I am taking the risk of having to win a bilateral argument here) that I have never supported, and I do not support, cuts in road maintenance. The only possible explanation I can think of for the member's line of reasoning is that I was surprised that the former chief executive sent to the Department of Treasury and Finance a list of savings without checking with me, because it is not something I like. If someone proposes savings to Treasury, I like to check off on them. I have never ever asked the chief executive to cut road maintenance, and I would not support such a thing. I think it is a bad investment.

EAST TIMOR, SUPPORT

Mr O'BRIEN (Napier): Can the Minister for Health outline what support the state's public hospitals have offered to those injured during the current conflict in East Timor?

The Hon. J.D. HILL (Minister for Health): The recent civil unrest in East Timor has tragically led to thousands of refugees and many injured local people. Since the arrival of Australian peacekeeping troops, South Australia has played its part in the national effort to assist the evacuation and care of people who have been affected in this conflict. I am pleased to let the house know that today and tomorrow, three badly injured patients will be arriving in Adelaide to have treatment at the Royal Adelaide Hospital. Two men aged 25 and 30 and one woman aged 26 were injured during the ongoing conflict in East Timor. They were evacuated from Dili to the Royal Darwin Hospital on Sunday 28 May, and the South Australian government has responded to the Northern Territory's request for these patients to undertake treatment in Adelaide.

The patients have complex bone and tissue injuries which require the services of a bone bank and ongoing specialist grafting which is not available in Darwin. Upon arrival in Adelaide they will be assessed by a team of orthopaedic clinicians who will make decisions about their ongoing care requirements. The South Australian government has also contributed to the operations in East Timor by dispatching two intensive care nurses to the Northern Territory. The nurses, Ms Selina Roberts from the Royal Adelaide Hospital and Ms Kym Dixon from the Flinders Medical Centre, were part of a national team that helped the Royal Darwin Hospital cope with the extraordinary demand. Having now completed

their work they have returned to Adelaide and will be returning to their respective hospitals this week. I would like to take this opportunity to thank those nurses for the effort they have put in.

In addition, Mediflight SA, which is a retrieval scheme based at the Royal Adelaide Hospital, has also been part of the East Timor operations, flying injured Timorese from Dili to Darwin. Mediflight was the first medical retrieval plane to evacuate East Timorese people, when it took the two most urgent patients to Darwin on 28 May. The Mediflight crew will also be flying the three patients from East Timor to Adelaide for treatment. Once again, on behalf of the government, I would like to thank the Mediflight crew and the two intensive care nurses for their support for the people of East Timor. I would also like to thank in advance the doctors and nurses who will be involved in the treatment of these three patients, who are arriving soon from Darwin, having spent a few days there.

TRANSPORT PROJECTS

The Hon. I.F. EVANS (Leader of the Opposition): My question is again to the Minister for Transport. In the list of proposed savings sent to Treasury from the department, what was the level of proposed cuts to the passing lane, accident black spot and shoulder sealing programs?

The Hon. P.F. CONLON (Minister for Transport): Now the question is: what are in your various budget documents? I do not think so. To the Leader of the Opposition, I say: I do not think so. Just so he understands my previous answer I will tell him what occurred. You talk about disagreements; one of the things I did disagree about was the former chief executive sending proposed savings to Treasury without asking me about them. One of the things I discussed with him, when I looked through some of the lists, was that I thought it was silly to send to Treasury these things from transport officials suggesting savings that we would never approve.

Members interjecting:

The Hon. P.F. CONLON: You might, we would not. That is why the process came back again. I can tell you: wherever you think you are going, there is one thing I know you are not doing and that is not talking to James Horne, because I think he would have cleared this matter up for you.

TAFE, GILLES PLAINS

Ms BEDFORD (Florey): My question is to the Minister for Employment, Training and Further Education. How is TAFE SA's Veterinary and Applied Science Centre at Gilles Plains helping to train new staff for BHP Billiton and Amdel?

The Hon. P. CAICA (Minister for Employment, Training and Further Education): I thank the member for Florey for her question and acknowledge her keen interest in all training matters. I am pleased to report that TAFE SA has won an initial contract with the potential for expansion to develop and deliver intensive laboratory training for 64 new BHP Billiton employees. The training will take place at TAFE SA's Veterinary and Applied Science Centre at Gilles Plains. The acceleration of the development of South Australia's mining industry has resulted in an emerging need for laboratory technicians with relevant skills.

The first eight of a group of 64 new employees have commenced a week-long intensive training course with TAFE SA. Following that they will continue their training

both on and off the job through either Certificate III in Laboratory Skills at TAFE SA or through further studies, which will enable them to pursue their future career paths within Amdel or BHP Billiton. The remainder will be trained progressively in groups of eight, with the possibility of more being trained in a second round. The new employees will be involved in the testing of core samples from the Olympic Dam mining operations near Roxby Downs.

It needs to be said that this contract is a product of the strong networks and linkages that the Veterinary and Applied Science Centre at Gilles Plains has with the scientific community and with industry. At very short notice TAFE SA was able to develop a training program for Amdel and BHP Billiton that is customised to their relevant needs. I also need to make reference—

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. P. CAICA: I also need to make reference to the \$15 million redevelopment of the VASC at the Gilles Plains campus, which is due for completion in December 2006 and which will increase the overall size of the facilities from approximately 1 500 square metres to approximately 4 800 square metres.

Mr Koutsantonis interjecting:

The Hon. P. CAICA: It is a good proposal, and an excellent committee too. Significantly, this redevelopment will enable TAFE SA in the future to work with relevant industries in providing customised training to all sectors of the state's emerging scientific, primary and allied industries, including biotechnology, biological and environmental testing, and mining. This is yet another illustration of the capability that exists within our excellent TAFE system for meeting training needs in areas such as mining where there is, and will continue to be, a rapidly increasing demand for skilled workers.

ROAD MAINTENANCE

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Transport. Given the minister's answers to earlier questions, can he guarantee to the house now that there will be no cuts to road maintenance funding in the September budget?

Members interjecting:

The Hon. P.F. CONLON (Minister for Transport): Let me answer it this way. You have done me a great service in defending them and I have enjoyed the line of questioning today, because I reckon that when we get to bilaterals my arguments will be stronger.

The Hon. K.O. FOLEY: I rise on a point of order, sir. The minister is clearly debating the answer.

The SPEAKER: There is no point of order.

The Hon. P.F. CONLON: It is not within my gift to guarantee it, but I can tell the house what I said earlier. I would not support a saving by cutting road maintenance—and I am out on a limb now because I have to get the Treasurer to agree with me, but I would not support it. But you have done me a big favour today, thanks; keep them coming.

MITSUBISHI MOTORS

Mr BIGNELL (Mawson): My question is to the Minister for Administrative Services and Government Enterprises. Can the minister inform the house how locally based Mitsubishi

Motors has been supported in terms of the government's vehicle purchases?

The Hon. M.J. WRIGHT (Minister for Administrative Services and Government Enterprises): I thank the member for Mawson for his question and acknowledge his great support for Mitsubishi. This government is firmly committed to supporting Mitsubishi, having implemented initiatives to purchase a significant number of its vehicles for the government fleet. Members may recall that in January last year the government committed itself to buying 200 additional Mitsubishis, a commitment delivered by July of that year. Following that success, some months later the Premier announced that the government would purchase a further 500 locally manufactured Mitsubishi 380s by the end of this month. I am pleased to have been advised that we have actually placed orders for more than 680 Mitsubishis, well in excess of the 500 commitment, and have already had 480 of the locally manufactured vehicles delivered. I can inform the house that the government is on track to have 500 Mitsubishi 380s delivered by the end of this financial year.

This is a significant commitment to Mitsubishi Motors Australia, and represents more than \$12 million in government expenditure. It also means that the South Australian government's 6- to 8-cylinder passenger vehicle fleet consists of approximately 30 per cent Mitsubishis, compared to Fords at 10 per cent, Holdens at 56 per cent and 4 per cent for Toyota. I am advised that nationally Mitsubishi 6-cylinder vehicles comprise approximately 10 per cent of large passenger vehicle sales for the year to March. That is a striking comparison that clearly demonstrates the South Australian government's support for locally produced Mitsubishi products as well as local workers and their families.

Mr Hanna: Why did you get more Holdens than Mitsubishis then?

The SPEAKER: Order!

TRANSPORT PROJECTS

Mr HAMILTON-SMITH (Waite): Did the Minister for Transport, in his fortnightly meetings with the former CEO Dr James Horne and senior transport department staff, ever actually ask whether the South Road projects or the Northern Expressway were on budget and, if not, why not? In parliament yesterday, the minister claimed:

I had . . . 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.

In response to a question on 31 May 2006, the minister stated:

I expect to be briefed by officers of the department when something relevant is brought to their attention because it should be brought to mine.

An honourable member interjecting:

The Hon. P.F. CONLON (Minister for Transport): Yes, I liked the explanation. They seemed like very sensible comments from whomever he was quoting, they were most intelligent. I will say two things again: the reason I meet with my executives—not just the chief executive—on a fortnightly basis is so they can tell me things they think I should know. Can I repeat something I said I think a few days ago, that we were aware, as is everyone running a department of transport, of cost pressures on projects. We were aware that there would be cost pressures; we are not unaware of that. However, what you fail to understand is that you are talking about projects

that are not in construction as yet. It is when you actually go to the stage of design—for example, Bakewell Bridge—I think design was completed in April this year. It is when you go to stages like that that you start to get to actual nail-downable numbers.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: So, you are talking about a project aimed to go to design this year, and you expected me to be asking—given that nothing is happening with it—whether something had changed, when there is nothing happening. It is a nonsense. I do expect, and I continue to expect, our government's transport officials to raise matters with me of importance. And, so that you understand, yes, this department and other transport departments around Australia knew that there would be cost pressures on projects because, if you did not know that, you would not be in the real world.

AFFORDABLE HOUSING

Mrs GERAGHTY (Torrens): My question is to the Minister for Housing. How is the government increasing the supply of much needed affordable housing in our community?

The Hon. J.W. WEATHERILL (Minister for Housing): I thank the honourable member for her question. It would come as no surprise to members of this community that the country is facing quite a deep crisis in relation to housing affordability. Of course, the South Australian community fares better than most regions in this nation about that issue but, nevertheless, we are not untouched by it. Indeed, at the moment, we have a federal government that has been so far unwilling to play a serious role in increasing the supply of affordable housing. Unusually, Australia is one of the few nations that does not have a national housing minister, does not run a national affordable housing policy, and does not have a national housing department—it is very strange. Even the land of free enterprise, the United States of America, has a housing and urban development department. It seems to find its way clear to take that role. But the government has not been waiting for the commonwealth. We have accepted our own responsibilities and that is why with our \$145 million State Housing Plan, and the affordable housing program set under that arrangement, we are actually moving forward with the process of increasing the supply of affordable housing.

Today I was very pleased to speak at the Dunstan Fellows Forum on Affordable Housing with some of the best thinkers in the nation in this area. The Dunstan Fellows include Julian Disney, Barbara Pocock, Brian Howe, the former deputy prime minister, Professor Mike Berry, as well as Monsignor David Cappel, Gary Wilson of Shelter SA, and Robert Harding of the HIA. To show you how far the commonwealth is out of the loop with the consensus of opinion about this question in the Australian community, there is a broad consensus and a broad cross-section of the community which is engaged in a national debate calling for the national government to participate in this important public policy issue of increasing the supply of affordable housing. We have people from organisations such as the HIA sitting down with the ACTU—the lion laying down with the lamb, as it were—to address this incredibly important issue confronting our community.

Today's forum was called Over Our Heads: Housing Costs and Australia's Future. The forum presented as a wake-up

call to us that we need to address this issue. It is a challenge to all levels of government, not just state government, not just commonwealth government, but local government, the private sector and the non-government sector. South Australia is taking a leadership role with its 15 per cent target in new affordable housing developments, and it is not quarantining its own projects from this important target. Stage 3 of the Northgate Estate, which I know is of great interest to the member for Torrens, will include this required component of affordable housing. We will have a mix of different types and styles of housing, with full access to amenities and services, such as public transport, that is consistent with that designated by an agreement reached between my Department for Families and Communities in cooperation with the City of Port Adelaide Enfield.

The affordable housing component will be a model for future developments, including a mix of public housing to be provided through the Housing Trust, other social housing rental to be administered through local community housing organisations, as well as low cost home ownership products that will be sold through the government's own HomeStart program. This development will ensure that the external appearance of each of these houses is indistinguishable from market-based housing, so no particular stigma will be attached to any particular sort of tenure. Sir, as you can see, we are using the expertise that we are now gathering together around our affordable housing unit to drive new and innovative approaches to increasing the supply of affordable housing in South Australia. All we need is a willing commonwealth partner.

TRANSPORT PROJECTS

Mr HAMILTON-SMITH (Waite): When the Premier attended the meeting with Dr Horne, the Treasurer and the Minister for Transport on 21 April, what were the estimates of the blow-out in the South Road underpass and the Northern Expressway projects expressed at that meeting?

The Hon. M.D. RANN (Premier): I will check my notes and report back to this parliament sine die.

SCHOOL OF LANGUAGES

Ms PORTOLESI (Hartley): My question is to the Minister for Education and Children's Services. What role does the School of Languages play in assisting school students to develop skills in languages other than English?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Hartley for her question. I know she is interested in English as a second language and the teaching particularly of mother tongue languages in her electorate.

I was recently delighted to join principals, teachers and community members from a number of schools to celebrate a great milestone in the teaching of languages in South Australia. That was the 20th anniversary of the School of Languages. It opened with an exhibition in the education building showing teaching materials and memorabilia going back two decades. It is an unusual school. It was a virtual school before the expression virtual schools or virtual anything was being used in any language form in our country, because it does not actually have students enrolled in its Mile End headquarters. The students attend their regular schools during the day and then attend lessons after school hours at centres throughout the metropolitan area related to their

specialist language interests. Most of the centres are indeed secondary schools where teachers from the School of Languages deliver language courses.

The School of Languages is not only virtual but it is unique. It is the only school offering teaching in more than 20 languages, including indigenous Australian languages and languages of the newly arrived communities. The school complements and supports the work of our mainstream schools, as well as our ethnic schools, in learning skills and building awareness of other cultures through the study of language. Indeed, I take this opportunity to applaud the work of all those teachers who work in this entity because they dedicate themselves to young people, particularly currently refugees who do not have the opportunity otherwise to learn literacy skills in their mother tongue.

In 1986—20 years ago—when the school opened, there were 155 enrolments in six languages, and at the time the minister for education, Greg Crafter, said—and I am not sure who wrote this speech—

The Hon. J.D. Hill: He had excellent staff.

The Hon. J.D. LOMAX-SMITH: Very good staff members. He said, 'The school will have a small beginning this year, but I anticipate there will be an expansion into many language programs into future years.' This year 1 350 students were enrolled to learn 20 languages. It is a credit to the school leaders and the members of the multicultural communities who have worked so hard for this virtual school and supported it over many years. It is a first in our country and an innovative solution to teaching languages across many schools. I commend all teachers and support staff and say that this great school has many years of life in it yet.

HALLION, Mr J.

Mr HAMILTON-SMITH (Waite): My question is to the Treasurer.

The Hon. K.O. Foley interjecting:

Mr HAMILTON-SMITH: I like to be fair. Will the Treasurer inform the house why, on coming to government in 2002, he immediately removed Jim Hallion, as CEO of the department of industry and trade. The Minister for Transport told the house yesterday that James Horne was sacked because the government wanted Jim Hallion. On coming to government in 2002, the government and the Treasurer removed only two CEOs—Geoff Spring and Jim Hallion. Jim Hallion was removed from the key department of industry and trade and demoted to primary industries.

The Hon. K.O. FOLEY (Treasurer): Mr Speaker, I thank the member opposite for the question.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I will give a little history lesson. Mr Jim Hallion, in fact—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: You right there, Vick? She is great, isn't she? Honestly, how lucky are we to have Vick as the deputy leader.

Mr Venning: More lucky than Mike.

The Hon. K.O. FOLEY: Luckier than what? Luckier than Mike.

The SPEAKER: Order! The Treasurer will desist from responding to interjections.

The Hon. K.O. FOLEY: Sorry, sir, I am not sure whether I should laugh at that or be concerned. Mr Jim Hallion was

shifted to Primary Industries and Resources; from a department where there were 150 employees to one with, I do not know, probably a 1 000 or more. In all humility and all manner of expressions one might like to use to explain the fact that I am never ever slow in saying when I have made a mistake, I think that, beyond a shadow of a doubt, one of the most serious errors of judgment I made as a minister was not to keep Jim Hallion in that role as the head of the department of industry and trade, because I made a mistake and I was wrong. What I would say, sir, is that, in my experience, Jim Hallion is one of the best chief executive officers with whom I have worked.

An honourable member interjecting:

The Hon. K.O. FOLEY: You have to work with someone before you get to know how good they are. In fairness to myself, I was wrong, but, when you work with someone, you get to know whether or not they are good; you then make a judgment. What I like about Jim Hallion is he is a fixer. He is a doer. He comes to government with solutions, not the problem, and that is a skill that is rare and a skill that Mr Hallion has, and for that he has been rewarded and I hope over—

The Hon. P.F. Conlon: He better not bugger up.

The Hon. K.O. FOLEY: And he better not bugger up. In public life, I do not think that it does any of us any harm or damage to admit when we are wrong.

The Hon. M.D. Rann: You have to admit you're wrong to do what's right.

The Hon. K.O. FOLEY: As the Premier said, sometimes you have to admit when you are wrong to do what is right. No doubt I will be standing in this place at some other time admitting to an error, because I am only human.

FAMILY COURT

The Hon. L. STEVENS (Little Para): Will the Minister for the Status of Women detail what action is being taken to provide more support for women when they attend the Family Court?

The Hon. J.M. RANKINE (Minister for the Status of Women): I am pleased to say that a new program has been established offering a greater level of support and information for women attending the Family Court. The Family Court support initiative has been set up by the Women's Information Service through the Office for Women as part of the Rann government's five-year women's safety strategy. I recognise the efforts and work of the member for Ashford, who was the driving force behind this initiative. Women often face emotional trauma when they are required to attend the court, going through a marriage breakdown, especially if they have experienced violence and abuse. They will now have a support service when they have to attend the Family Court. The aim of this voluntary service is to help make women feel safer, have greater access to information and be less traumatised by their court experiences.

The Women's Information Service recently completed a training program for the voluntary court supporters and will be responsible for their day-to-day operation. In developing the training programs for the volunteers, the Women's Information Service has worked with organisations with expertise in family law, domestic violence, victim support and women's issues. Ten volunteers have so far participated in the training program, which also includes comprehensive information on child abuse issues, barriers to leaving abusive relationships and the processes and procedures of the Family

Court. The volunteers are receiving ongoing support from the Victim Support Service and the Central Eastern Domestic Violence Service.

Various organisations, both metropolitan and country, are understood to have already expressed an interest in referring women to the program. The program coordinator will be visiting health and welfare organisations soon to inform them about the program and processes for referral. This is a very positive project, and the Office for Women, the Women's Information Service and the 10 volunteers who have undertaken the training should all be commended for their significant input into this service. I had the privilege of hosting a morning tea for some of these volunteers this morning, and they are clearly incredibly proud of what they have done and what they have achieved, and they are very much looking forward to the challenge in front of them.

The Hon. G.M. GUNN (Stuart): By way of a supplementary question, will the minister advise whether similar amounts of money—

Members interjecting:

The SPEAKER: Order! The member for Stuart has the call.

The Hon. G.M. GUNN: I am easily put off. Will similar amounts of money be made available for men, because I understand it is against the law to discriminate on the grounds of sex?

The Hon. J.M. RANKINE: I point out to the member for Stuart that this is a program involving volunteers.

TRANSPORT PROJECTS

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Transport. Is the process for determining the annual allocation of funding and the specific projects to be undertaken by the Department of Transport, Energy and Infrastructure 'complex, time consuming and chaotic', as suggested in a confidential email to the University of Adelaide, authored by senior officers in the minister's department and reported by the *Sunday Mail* on 21 May this year?

The Hon. P.F. CONLON (Minister for Transport): He is at it again! Last time he asked the question it was a leaked document—now it is a confidential email. This is a document on the web site! It is confidential perhaps for technologically challenged people like the member for Waite—it took him ages to get it! I have told the house before that, when we came to government, we inherited a public service that had been run down by their silos and neglect for 8½ years. We made steady improvements, as is so evident in the improvement in this state. We made steady improvement. The issues referred to by the member for Waite were issues identified on minor projects—because he always likes to fudge it around—in 2003. I have given a list of things done about those, and the department decided to try to use some free labour—which is something I encourage. We are trying to get something for nothing, and it is certainly something I encourage. And these matters are all old.

But, remember how badly they budgeted. They would not talk to each other. The agencies of the former deputy premier and, before that, former premier would not tell Treasury what was going on. Is that right?

The Hon. K.O. Foley: Yes.

The Hon. P.F. CONLON: We have made nothing but improvements since we came to government, and sometimes

you have to get down and identify what is wrong before you start to improve it. And we are not going to finish: we are going to keep improving. We have already improved this government amazingly. We have improved the state, employment and the economy, and set alight mining. We look for what is wrong and go out and fix it, because that is the sort of thing we do.

INTERPRETERS

Mr KOUTSANTONIS (West Torrens): My question is to the Minister for Multicultural Affairs. Can the minister inform the house what the government is doing to ensure that new migrants in South Australia have suitable interpreters available to meet their needs?

The Hon. M.J. ATKINSON (Minister for Multicultural Affairs): The government's population policy is part of the South Australian strategic plan. During the past few years the government has been working to make certain that we have a sustainable population and work force, now and in the future, to allow our society and economy to continue to thrive. The government is well aware that the success in attracting new migrants brings with it a need for services and support to ensure that new migrants integrate effectively into society. Much of this is the responsibility of the commonwealth but, at state level, we do what we can. The state government is responsive to the changing composition and circumstances of our migrant and refugee intake so that our schools, health system, police, TAFE and other agencies can provide appropriate services and support.

We take account of changes in our migration intake and, indeed, during the 10 months to the end of April this year, 1 127 humanitarian migrants arrived in South Australia and, collectively, these new arrivals speak 40 languages.

An honourable member interjecting:

The Hon. M.J. ATKINSON: I will. I am sure members of the house would be interested to know that among these languages are Acholi, Bari, Dinka, Kakwa, Kuku, Lotuko and Madi, all languages of Sudan. Amharic and Oromo are languages of—

Mr Hamilton-Smith interjecting:

The Hon. M.J. ATKINSON: Well, the member for Waite may laugh but, last night, in a throng assembled to mark the 50th anniversary of the accession to the throne of King Bhumibol (and I wear the Thai orchid today in commemoration of that), the member for Waite told the assembly that they that were there to celebrate the king's birthday. I am happy to help out the member for Waite: just speak to me beforehand, Marty.

Chin is a language of Burma. Dari and Farsi are languages of Afghanistan. Gbandi, Gio, Kpelle, Krahn, Loma, Lorma, Mandingo and Mano are all languages of Liberia. Kirundi, Kiswahili, Nyarwanda and Swahili are languages of Burundi. Creole, Krio, Limba, Temne are languages of Sierra Leone. Kurdish is a language used in Iran, Iraq, Turkey and Syria. Somali—and I am sure the member for Waite will be able to tell us that that is spoken in Somalia. Tigrinya is a language of the hill tribes of Eritrea, and Uzbek—

The Hon. K.O. Foley: Uzbekistan.

The Hon. M.J. ATKINSON: That's right. The Treasurer gets it right: Uzbek is spoken in Uzbekistan.

An honourable member: Point of order—

The SPEAKER: There is no point of order. The Attorney has the call.

Mr Hamilton-Smith interjecting:

The Hon. M.J. ATKINSON: You are doing better than Joan, Marty. I remember when she said on the Greek National Day that she wanted to visit their little island one day.

The Hon. M.D. Rann: Or Joe Rossi, who talked about—

The Hon. M.J. ATKINSON: No, we will not go there with Joe Rossi. The government has pledged to improve access to interpreting and translating services by continuing to add new languages to help new and emerging communities and their settlement needs. To improve access to interpreting services the government, through Multicultural SA's Interpreting and Translating Centre, has been training those who can be interpreters in languages for which there is a need. The Interpreting and Translating Centre recently completed a course that resulted in the induction of 24 new interpreters in 29 languages, some speaking two or more languages.

Some of the important interpreting work is done in hospitals and courts, where the consequences of poor communication can have a major impact on people's lives. For this reason, as part of the training for new interpreters, they all participated in an orientation in hospitals and courts. Quality interpreting and translating services and other settlement services are essential to the success of the government's population policy, and I commend Multicultural SA for its response to the changing needs of new arrivals. And yes, Mr Speaker, I enjoyed commemorating last night in Hutt Street the anniversary of the accession of King Bhumibol to the throne.

RAIL, SEAFORD EXTENSION

Ms CHAPMAN (Deputy Leader of the Opposition): My question is to the Minister for Transport.

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

Ms CHAPMAN: When the minister was made aware that the Seaford rail extension would require additional land and, therefore, affect the Goldsmith Drive land development project, did the minister immediately ensure that his colleague the Minister for Housing was aware? A leaked memo from the Housing Trust has revealed that a \$35 million—Goldsmith Drive land development project cannot proceed until issues have been resolved surrounding its boundary and the Seaford rail project. Yesterday, the minister told the house that his government had made sure that departments talk to each other and provide information to each other through his major project facilitation group.

The Hon. P.F. CONLON (Minister for Transport): It just goes to show you, sir. Apparently, the leaked minute was in fact some documents provided to the Public Works Committee, which, of course, should have stayed there until the committee had finished dealing with the matter—

The Hon. M.D. Rann: Did they stamp them 'confidential'?

The Hon. P.F. CONLON: —yes—but apparently someone decided to give it to the *Sunday Mail*.

Mr Hamilton-Smith: An outrageous claim!

The Hon. P.F. CONLON: He says it's 'an outrageous claim' with a huge grin on his face. You might have learnt from masters but you still can't do it.

Members interjecting:

The Hon. P.F. CONLON: When they're finished, sir—the shock horror. The issue that the member for Bragg refers to relates to the department of housing developing a project. In about 2003 they had a conversation with a department of

transport person who told them that they were not likely to build a line there for 10 or 20 years. There was a subsequent decision by government, announced in the infrastructure plan, to do a corridor study, a feasibility study. When the Housing Trust brought a project to cabinet just shortly afterwards, they were advised that part of that land might be necessary, and that was at Public Works. So the fact is that the communication worked in a timely fashion—end of story. I know the *Sunday Mail* was determined to have a story on the weekend and thought this was one but, at the end of the day, when the people brought their project to cabinet and sought comments, very shortly after that the Department of Transport provided advice that there was a feasibility study into that corridor. For the life of me I do not understand how that is a failure of communication.

Ms CHAPMAN: My question is now to the Minister for Housing. When was the minister first made aware that the Seaford rail extension was going to require additional land and, therefore, affect the Goldsmith Drive land development project?

The Hon. J.W. WEATHERILL (Minister for Housing): The process that was outlined by the Minister for Transport—that is, that—

Ms Chapman: He did not tell us.

The Hon. J.W. WEATHERILL: He did. He set it out. I will perhaps go over it again for you. You heard it; I heard it.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. J.W. WEATHERILL: Mr Speaker, it is really a simple example of the process working. There was basically a project which the Housing Trust was working up for a particular area. Before that project was commenced, another project—the Seaford Rise extension, which may go ahead at some future time—may have a need for a corridor, so it was sensible to consider the effect of one project on another, and that is what is happening. That is the process working. For the life of me I cannot understand what the difficulty is with that. We are quite pleased that we did not proceed with a project that entered into a corridor we may need at some future stage.

Ms CHAPMAN: My question is to the Minister for Housing. Why, then, weren't the Housing Trust staff made aware until May 2006 that the Goldsmith Drive land proposal would not be proceeding, as planned, due to the boundary realignment?

The Hon. J.W. WEATHERILL: That is erroneous. In fact, I know, because I deferred the project myself in January. They were well aware in January 2006 that the project should be put on hold to investigate the potential effects of the corridor that may be going forward. I am also quick to tell the house that the project also has been deferred for other reasons which do not bear upon the rail corridor. It is important that that particular issue be clarified before we take any steps building on what could potentially be a corridor for a rail extension.

Ms CHAPMAN: My question is again to the Minister for Housing. Has the government received any notice of damages claims as a result of the shelving of the Goldsmith Drive land redevelopment project and, if so, by whom and how much?

The Hon. J.W. WEATHERILL: I am not aware of any such claims. I am absolutely unaware of any such claims.

GORETA ABORIGINAL CORPORATION

Mr GRIFFITHS (Goyder): My question is to the Minister for Aboriginal Affairs and Reconciliation. Why has the Goreta Aboriginal Corporation, which is based at Point Pearce on Yorke Peninsula, gone into liquidation for the second time in 10 years?

The Hon. J.W. WEATHERILL (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question. That question, of course, is not capable of a simple answer.

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Well, I am assuming that was a serious question and not a question seeking to make a cheap political point. One way of answering it is to say that I am not responsible for the Goreta Corporation. It is, in fact, its own statutory body; it runs its own affairs and it is not the business of government to tell communities how to run their own affairs. Of course, when they get into trouble there is no direct relationship between that and government.

However, we take a broader view of our responsibilities to the Aboriginal community. It is no secret to people within the broader community that some self-managed communities have run into difficulties in recent times and it is fashionable, in some quarters, to blame that on those communities and make some racist point about Aboriginal people not being able to manage their own affairs. That is not a view that I subscribe to; however, I do subscribe to the view that governments of all persuasions have not adequately supported or resourced communities, and have certainly not built their capacity to manage their own affairs. I believe that what has passed for self-determination has, too often in the past, also become an abdication of responsibility to local communities. Nobody blamed the Salisbury council for the Snowtown murders, yet people seem to be fond of picking on Aboriginal communities in remote areas and blaming them for every single thing that goes on within their communities.

I think that we, as a community, need to look to our own responsibilities and to the sorts of things that we expect state and commonwealth governments to attend to in some of these local communities. We need to accept those responsibilities. We have certainly accepted our responsibilities in the APY lands and are now very deeply engaged in that area, where there had been serious failings. It is at great expense, but it is not just about the money. While that is important, it is also about engaging in what I call helpful partnerships—not ones where we fly in and tell people what to do and what to think, but ones in which we engage as genuine partners.

That is the challenge in the Goreta area. There are pockets of things that are working in that community, and we have to pick up those strengths and work with the local community to allow them to rebuild. We are now deeply engaged in the Point Pearce or Goreta community to turn around what is, obviously, a difficult situation. I look forward to working with the member for Goyder—indeed, with any other willing partner—to try to put that community back on the rails.

Mr GRIFFITHS: Will the Minister for Aboriginal Affairs and Reconciliation advise the house what short-term financial management plan was put in place by the government prior to August 2005 to avoid the Goreta Aboriginal Corporation going into liquidation for the second time in 10 years?

In January 2005, in my previous role as CEO of the Yorke Peninsula council, I, along with the mayor, Robert Schulze,

and the economic development officer, met with the late minister for aboriginal affairs and reconciliation, his chief of staff and senior officers of the Department for Aboriginal Affairs and Reconciliation to outline our concerns. At that meeting we were told that the government would step in and prepare a short-term financial management plan. Administrators KordaMentha were appointed to review the financial position in August 2005. They commenced in early September and the decision to liquidate was made in March this year.

The Hon. J.W. WEATHERILL: I thank the honourable member for his question. The way he pitches it is that somehow nothing was done in relation to the matter when it was raised—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Well, from the member's limited perspective in the council—

Members interjecting:

The Hon. J.W. WEATHERILL: It is easy to make a cheap point. I answered his first question in, I suppose, a spirit of bipartisanship but now it seems that we are making cheap points. A little letter written a year ago is somehow now meant to be the solution for the difficulties in this area.

In September 2005 the Office of the Registrar of Aboriginal Corporations appointed an administrator following a review of the performance and financial status of the Goreta Aboriginal Corporation, so it was not until 2 March 2006 that the corporation was liquidated. So, we were actively engaged in September 2005. Since the appointment of the administrator, government funding has been redirected to other groups to manage municipal funding, which is going to the District Council of Yorke Peninsula; health funding to the Wakefield Regional Community Health Service; and Aboriginal housing officers have assumed responsibility for managing housing. The Aboriginal Lands Trust has resumed control of the Aboriginal lands at Point Pearce. The state government, Australian government and local council have established a group with representatives of the community to establish how government services will be delivered in the future and governance in the community, and this group will continue to meet regularly until these matters are resolved.

There is always a balance in intervening in communities to ensure that we do not completely destroy what exists and have something to rebuild. We have tried to intervene in a sensitive way; we have intervened early and we are now trying to rebuild this community.

GRIEVANCE DEBATE

TRANSPORT DEPARTMENT

Mr HAMILTON-SMITH (Waite): I rise to draw the attention of the house to the chaos and confusion reigning within the branches of the Department for Transport, Energy and Infrastructure. It is quite apparent that the department, from a ministerial viewpoint, has been poorly led for many years but particularly in the last year. I want to refer in particular to a confidential memo that was leaked—and it found its way onto a web site in due course—between a branch of the department, the Rural Operations Directorate, and the University of Adelaide. It sought assistance from

MBA students at the University of Adelaide business school to help that section of the department sort out chaos and confusion. The directorate consists of three rural regions, headquartered in Adelaide, and involves more than 400 employees including field staff engaged in managing the state road network asset outside the metropolitan area, undertaking road bridge maintenance and minor construction, and providing specialist design and advisory services in relation to bridges, other structures, road pavements and surfacing.

The project the directorate sought assistance on related to helping them sort out what was perceived to be an absolute mess in that section and within the department. The problem is described in the leaked email, which states:

While the process for delivering major infrastructure projects are also complex and time consuming, they are reasonably well documented and understood, and are outside the scope of this project.

The processes for delivering minor work and asset maintenance programs each year typically leaves those at the end of the process with inadequate time to effectively plan for, and allocate resources to, the most effective means of completing the work in the field within a financial year. The current processes require commitment to projects that are often not well defined and present a high risk of encountering numerous unforeseen problems resulting in significant cost over-runs.

This is a perennial problem that typically involves a rush of work towards the end of each financial year (when conditions for road works are often poor), encourages procurement shortcuts and risk taking, places enormous pressure on human resources (which is a significant OHS&W risk in itself), and generally leads to sub-optimal outcomes in terms of project quality and/or value for money.

The email continues:

It is considered that at least part of the answer to this problem lies in better defining future candidate projects for consideration, which requires the availability of more and better-developed design plans, accompanied by well-developed business cases justifying the needs and benefits of proposed projects.

However, the Directorate has not been able to consistently achieve this, and it has been an issue for a number of years.

I will bet that it has—for the last four and a bit years—since this government came to office. The email goes on to state:

The aims of the proposed project are to:

- recommend strategies for change within the Rural Operations Directorate and to achieve the intention of having more and better defined design plans, together with well-defined business cases, for candidate projects in future years.
- recommend strategies that might contribute to improved operational planning and delivery of these works, including recommendations for change in other parts of the organisation—

that is, in the rest of the department. The email continues:

- recommend strategies for Rural Operations Directorate to successfully engage in and influence the decision-making processes that determine the final make-up of annual asset maintenance and minor works programs in the Department

The originators of the email or the points of contact are Mr David Fitzsimons, the Director of Rural Operations; Mr Rick Hennig, Manager, Field Services; and Mr Geoff Woolridge, Manager, Business Support. When read, this email tells a story, particularly when read in conjunction with the Auditor-General's Report of October and the events that have now come to light in regard to project mismanagement in everything from the Northern Expressway to red light cameras and train safety management systems. The leadership from ministerial level in this portfolio is an absolute shocker, and I recommend that members on the back bench opposite take a careful note. Some of the hot-shots over here are not quite as hot as they seem.

EDUCATION AND TRAINING

Ms CICCARELLO (Norwood): Today I rise to speak on a matter of public importance. While the Howard government wallows in its absolute belief that it can fool the people of Australia by offering one-off bribes during election periods, the Australian Labor Party has been listening to people's needs and concerns and has got on with the task of ensuring Australia's economic future with sound and cohesive policies. While Labor is moving forward at both a state and federal level, our state opposition continues with its knee-jerk response to sound policy and initiatives and its reliance on its federal counterparts to maintain relativity in our state. It appears that the state opposition will not be supporting a move to raise the minimum school leaving age to 17. The opposition spokesman says a review of the South Australian Certificate of Education released recently does not cover the needs to make children stay at school. He says that by forcing students to stay in education the government is already admitting defeat to its planned overhaul. One could hardly call coming up with better ways to make our children more employable 'defeat'.

Under Labor, South Australia has seen jobs growth rise each successive year. To address the need for more skills in the work force we have come up with the best solution. We want to bring youth unemployment down and reform senior secondary education, because we have burgeoning industries which cannot find employees. Labor wants all our young people to be at work, at school or in training. We want to get them to an employable stage for those jobs. Labor looks to the future rather than sitting on its hands throwing money at useless and ad hoc programs which hold little value to the community. During the last election Labor proposed to deliver 10 trade schools, the biggest reform that South Australia has ever proposed in relation to the training of our young people. A \$79 million package, which includes trade schools, a new SACE certificate, finding good pathways and good careers advice, will give young people a more flexible system which will help them get into local jobs. It is about matching job opportunities with young people's ambitions and skills.

To prove our commitment, a recent announcement by South Australia's training minister will see aged care and nursing students able to train in a simulated hospital ward as part of their course—a first for South Australia in these industries. This training replicates real life hospital and aged care situations by replicating wards in hospitals, and it will enable students the opportunity to put their theory into practice and to boost their competence in many aspects of nursing and aged care. Labor acted on a need identified by the community. We seek to train our future work force with today's needs in mind. But training cannot be solely the responsibility of the states. In fact, to complement the processes being put into practice in our state, federal Labor has announced an innovative policy called Skills Accounts, which will see an end to up-front TAFE fees for traditional trades apprentices and tackle the current national skills crisis.

Under federal Labor's new Skills Account policy, the government would contribute \$800 per year for up to four years in an apprentice's Skills Account. This would get rid of up-front TAFE fees for the 60 000 traditional apprentices who commence training each year. State and federal Labor are determined to build a better future for young people, and I thank the federal member for Adelaide, Kate Ellis, for keeping me apprised of developments in her seat.

Labor is the only political force in Australia which is developing new policies to tackle the current skills shortage. In the past 10 years, the Howard government has neglected the training of skilled tradespeople, but it alone cannot be held to blame. During the Liberals' reign in South Australia, we saw that little was done. Australia's future work force has suffered as a result. However, this government is finally doing something to address the skill needs of our work force.

RAWNSLEY PARK

The Hon. G.M. GUNN (Stuart): I am pleased to advise the house that last Friday the Minister for Tourism, the Hon. Tim Fischer, the member for Morphett, the federal member for Grey and I had the pleasure of attending the opening of the eco-tourist cottages at Rawnsley Park, which is owned by the Smiths and which is in my constituency. I place on the record how enjoyable the morning was and what a wonderful tourist development it is. It has been well supported by both state and federal governments. The Smiths have done a great job, as have other tourist operators in the Flinders Ranges, in providing facilities and services to not only the people of this state but also visitors from interstate and overseas. They have a history of relating to people and they have provided outstanding services. It was a most enjoyable occasion, which was supported and attended by many people.

The only blemish on the whole occasion was when I was approached by people from the Hawker school who are very upset that, for some reason best known to the minister and others, at the end of the term, they will have their school bus taken away. I may have a peculiar outlook on life, but I cannot understand why bureaucrats want to race around small rural communities and take away the meagre services they have, when we have a budget of over \$10 billion. The few dollars it would cost to have one bus at Hawker is not a lot to ask for. I come from a small community and I have some understanding of what these children need to have any social interaction with other schools. It is about 60 kilometres to Hawker, 150 kilometres to Leigh Creek and 60 or 70 kilometres to Ororoo. Surely the hallmark of a decent society is that we provide them with services—nothing outlandish.

If there is a shortage of money, I can tell the minister where she can get a heap of money. Close that office she set up to put the Labor candidate in at the last state election in Port Augusta and she will save hundreds of thousands of dollars. The other day at Hawker, I was told that the rumour on election night—when they were having a dinner at Willows Restaurant—was that they had spent a couple of million dollars—

Ms Breuer: Who spent a couple of million dollars?

The Hon. G.M. GUNN: A couple of million dollars running that office at Port Augusta. I say to the member—three motor cars; how many staff; and how much went on the building?

The Hon. J.D. Lomax-Smith: I have never been to the Willows Restaurant.

The Hon. G.M. GUNN: No, I did not say you. I said that on election night the journalists were there and the rumour is that they were told what it cost. They thought that they were going to win. They spent the taxpayers' money; they did not win. All I am saying is that, if you need to save some money to keep the school buses going, there is one avenue.

As someone who is very keen on country events, rodeos and things, let me say to the anti-rodeo group—

Ms Portolesi interjecting:

The Hon. G.M. GUNN: They are sending a few emails, and the lady who is trying to shut rodeos down has had the audacity to contact my office and to want a meeting with me. Let me say to her: I do not deal with people who spread malicious, inaccurate, misleading comments about hardworking volunteers in my electorate.

The Hon. J.D. Lomax-Smith: What about that lot?

The Hon. G.M. GUNN: They were well taught by people here when they sat over here. I do not deal with people who insult people providing medical facilities at rodeos and make misleading and quite untrue statements that they were drinking intoxicating liquor while providing that service. They tried to get councils to ban rodeos. I say to this group that they can send all the insulting emails to me and others, but it will make no difference to me. Call me a redneck, insult my constituents, but let me say that we will keep the rodeos going. We will continue to allow people to have some good, sensible entertainment.

In my view, the only people who should be involved in prosecutions should be the veterinary surgeon on duty, and if people ignore advice from vets, they deserve to be prosecuted. Otherwise, I say to these people that they have engaged in unacceptable behaviour and I have neither the time nor the desire to have anything further to do with you, except to publicly criticise you. I am looking forward to the Carrieton Rodeo on 28 December—a great occasion—and the one at Wilmington about a month later. There is also one at Spalding.

Time expired.

WORKCHOICES LEGISLATION

The Hon. S.W. KEY (Ashford): I was pleased to read that the union movement in South Australia, in conjunction with the ACTU campaign, is organising a national week of action to make sure the community all around Australia and in South Australia are educated about the implications of the work choices legislation. Kevin Andrews, the federal minister, and the Howard government members have promised Australians that the work choices legislation will provide not only a choice to business and employees through simple and easy industrial relations legislation and provisions but also that this will be accessible, particularly to small and medium businesses. South Australia being the centre of small and medium businesses, this is obviously a seemingly attractive choice for those employers.

The other concern that has been raised is the fact that, unlike the promises that have been made, the work choices legislation (and it took me considerable time to wade through it—and I have a lot of experience reading industrial relations legislation in particular) is 800-odd pages long and has 300 pages of regulations. The explanatory notes, which as members would know are there to help interpret and make practical legislation, run to some 1 000 pages. What has been promised as being simple and easy to use will be very difficult for people to understand, particularly when the role of employer and employee organisations is very doubtful under the Work Choices Act. Whether people appreciate some of the peak bodies, both on the employer and employee side in the industrial relations arena, I know from experience and from working in the small and medium private sector business area that quite often employers and employees have

not even read the relevant industrial relations legislation, not to mention the health and safety, the WorkCover or indemnity insurance legislation, let alone having to wade through 800 pages to find out how they deal with a particular situation.

One of the practical things that has happened over certainly the past 50 years is that awards or enterprise agreements have made sure that there are common conditions, wage rates and a process that people can easily understand. Obviously employer and employee associations have represented their members in the Industrial Commission or in negotiations to try to streamline this whole process. So far it would be fair to say that this procedure has worked very well and stood us in good stead. I am very concerned that with the introduction of work choices not only is the system difficult to understand but I would put money on the fact—and I am not a betting person—that most people in the industrial relations area, whether employers or employees, will not read that amount of legislation to understand how they can survive.

I was particularly concerned to read in one of the magazines, the Independent Education Union (South Australia) magazine, its most recent edition, Rob Durbridge, the Executive Director of the Australian Institute of Employment Rights—a very good academic and activist in the industrial relations area—has written about what he calls the regulatory minefield centralised in Canberra. His opening comment states:

A law which codifies the minimum standards on how a working mother can have her unpaid maternity leave cancelled following the death of her newborn child is a low point for Australia.

And I have to say I agree with him.

RAIL, MURRAY BRIDGE STATION

Mr PEDERICK (Hammond): I wish to refer to a question I asked the Minister for Transport yesterday about the railway station area at Murray Bridge. The railway station has been unused for a period of approximately five years and the council would like to take it over and develop it into a youth centre. This requires a massive cleanup bill, and the council obviously would like to work through the process to get it into a useable state to assist the many youth in Murray Bridge, which is a booming town at the moment. The minister also brought up the subject of the whole of the railway lands development in Murray Bridge, and, yes I do agree with him, it is on very valuable land, and I think it is a waste to see it sitting there as it is, with the amount of development going on in and around Murray Bridge. We can see the potential for a tourism-type complex, whether it be a hotel or convention centre, etc.

The minister made the comment that it is too valuable for the council to handle. I am assured by the Rural City of Murray Bridge that it is more than happy to hand over the money to acquire this land and develop it as it sees fit—that is, in accordance with its grand plan for a tourist development on this site, which has magnificent views of the Murray—instead of its being just a weed-infested hillside with a few old houses. Obviously, there will be a lot of things that need to be talked through—not least, Ngarrindjeri land rights and other land ownership issues in the area. There is also land owned by SA Water further down, and there are some initial plans for various developments which could coincide with a development such as this, for example, a golf course, etc.

Also mentioned yesterday by the minister was the fact that the Thoroughbred Racing Authority has interests at Murray

Bridge and there is a major development planned for a location next to the freeway to develop a new racetrack and areas for trainers to train horses. It is also part of a housing development which will involve thousands of new houses, which will be a real boon to the area. With Cheltenham shutting down and the resulting lack of training facilities, the state needs to have a good look at the most appropriate place for a venue of this type, and I think that on the road to Melbourne is the most appropriate location.

I believe the initial plans for the Thoroughbred Racing Authority development are with Planning SA, and I would be very pleased to sit with the planning minister, minister Holloway, to work through this proposal. One question I would ask is: where does all this fit with the master planning for government land in Murray Bridge? There is huge growth forecast for jobs and population in the Murray Bridge area and it needs appropriate master planning. I believe that a project was set up two years ago to discuss master planning but the project has stalled, and I think it is a disgrace that there has not yet been a brief made available to employ consultants to move forward with this project.

WESTERN AUSTRALIAN LEGISLATIVE ASSEMBLY SITTING

Ms THOMPSON (Reynell): I would like to report to the house on my attendance last week at the regional sitting of the Western Australian Legislative Assembly in Geraldton. The sitting was held on 31 May and 1 June, although I was able to attend only on Tuesday 31st. However, my attendance at that time was sufficient for me to gain a little understanding of the differences and similarities between the proceedings in our two houses. I begin by thanking the Hon. Fred Riebeling, the Speaker of the Western Australian Legislative Assembly, for his hospitality throughout my visit, and also Siobahn Grill, the assistant to the Speaker, for her assistance.

In terms of some of the similarities and differences, one of the first things I noticed was that, when members on the Speaker's left became a little disorderly, the call was 'members' rather than 'order', which reminds members very directly that it is their behaviour that is at issue. A similarity was the range of topics that were being discussed. I thought it very interesting that two major topics were increases in infrastructure expenditure and difficulties in obtaining health services in regional Western Australia. I noted that the explanation for the infrastructure increases was exactly the same as is the case here: a considerable increase in the capital value of houses that needed to be acquired and the shortage of skills in the construction industry around Australia. It was pointed out that the construction industry, particularly heavy construction, now has a national labour market. Many people move from state to state, and this is making infrastructure projects much more expensive.

One of the big differences was that they kept on talking about all the money they had and how the state was awash with money, and that it was just a matter of being able to spend it wisely. That is certainly a different experience from ours. Of course, that state's huge budget was attributed to their resources boom and the many developments in the north-west of the state and the revenue that accrues from it.

One of the differences in procedures was that petitions are read by members. Another is that ministerial statements are limited to three minutes—although I did not really believe that this enhanced the reporting to the parliament. Ministers were very rushed in what they had to say, and it would have

been a challenge for *Hansard*. Also, the explanations that were given, including one about a death in custody (which is a very important matter), did not seem to go to the depth of some of the ministerial statements that we hear in this house. Question time was only 30 minutes. There are very different arrangements for grievances. Some are dealt with on Wednesday mornings, when they start at 9 o'clock. There is a general agreement that no votes will be taken early on a Wednesday morning; that is the time for grievances, when the minister often replies to a member who stands about a grievance. So, there is an informal arrangement for notice to be given.

There is another opportunity for members' statements, during which members will make congratulatory comments about issues in their electorates. I did not hear those, but I am told that they are 90 seconds. That is another nightmare for *Hansard*, because all the local members rush like crazy to get through it. I did observe a matter of public interest debate, which was as follows:

This House calls on the Labor Government to improve the safety of Western Australians by addressing problems of crime and antisocial behaviour across the state, with particular regard to Geraldton and the mid-west region.

The government and the opposition have a total of 30 minutes to speak on these matters, and five members must stand in their place to support the motion. I thought it was very disappointing that, just about all opposition members having stood in their place, very few stayed for the debate. Most government members stayed. The debate was very interesting, with members from both sides rising in no particular order to make their contributions, and they were highly relevant contributions. Generally, the outcome of it was that the government is undertaking a number of initiatives in this area.

Time expired.

CITY OF ADELAIDE (REPRESENTATION REVIEW) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 31 May. Page 341.)

Mr GOLDSWORTHY (Kavel): I am pleased to lead the debate for the opposition on this legislation, which the opposition intends to support. As members would know, if they had taken any notice of the second reading explanation of the minister, the legislation is reasonably uncomplicated, notwithstanding the fact that it has drawn some criticism from certain sectors.

The government introduced the bill basically to postpone the City of Adelaide elections for a maximum of 12 months to allow a review to be undertaken of the city's governance. The review will consider, amongst other things, which system of representation would be most effective for the City of Adelaide, whether it be a one-ward system, multiward, combined ward and citywide system—they are the various options—and the specific number of councillors.

There is a bit of history to all this which goes back to 1998 when the City of Adelaide Act was enacted by the previous Liberal government. Those amendments were made with a provision not to allow any amendments to the act until after

two full terms had transpired. Those two terms will have been served by November this year. As I said, there is some history to this, which involves some interesting detail. Prior to 1998, there were eight ward councillors and what could be called four citywide aldermen, plus the lord mayor. However, there were some concerns at that time that there were levels of parochialism within this system and it was considered that a one-ward structure, where all councillors represented the whole city, would provide more effective representation for residents and businesses.

I take this opportunity to thank the minister, her staff, the Office of Local Government, and the Lord Mayor and senior staff of the council for providing me and my staff with a briefing last week. We had quite a constructive meeting. The position was put, the proposal was put, a number of questions were asked and answered quite satisfactorily, and it certainly assisted me to work through the process. Arising from some of those discussions was the concern of some of the constituency within the City of Adelaide council district that the one-ward system has caused more problems than it has addressed. There is an argument that it has actually enhanced the parochialism; at the same time, no-one really takes ownership or responsibility of any one issue or one particular part of the council district.

It is my understanding that these concerns have been brought forward by, and that pressure for changes has come from, a section of the constituency made up predominantly of residents who actually live in the council district in the North Adelaide area and in the eastern and south-eastern part of the city. Those concerns were brought forward when an approach was made to the city council and the motion put to postpone the elections due this year to allow this full and comprehensive review into the structure.

In the second reading speech that the minister made last week she covered the aspects reasonably comprehensively, and there is no need to go into a lot of these areas in real depth. However, as I said, a percentage of the residents of the district were looking for some change and approached the council to postpone the election so that a full review could take place. The bill outlines the scope and process of that review. Very importantly, it also requires close scrutiny and for the city council to work closely with the Electoral Commissioner because, if the bill passes through this and the other place, and the council institutes its review but it does not satisfy the requirements of the Electoral Commissioner, the whole process has to be worked through again.

As I said, it is a requirement in the bill that this is all wrapped up so that the elections take place no later than November next year. There is every chance that, if the review is undertaken appropriately and meets the requirements of the Electoral Commissioner, the elections can take place in July or some time earlier than November. I believe this is a positive outcome, because some sectors in the community have criticised this proposed legislation fairly harshly. Any changes that come from the review—once it has been completed and ratified by the Electoral Commissioner (and there is a time line that needs to be adhered to, as I mentioned earlier)—will come into effect at the time of the election some time in the latter half of next year. If the bill does not pass through the two houses then the status quo remains and the elections will take place as scheduled in November this year. Obviously, the current act will remain in place, and the review, as per the current legislation, will take place next year in 2007 with any changes from that being implemented at the

2010 elections. However, that is not what we are looking to achieve with this legislation before us now.

In relation to the residents—the groups within the council districts—there has been some criticism by some sectors that this whole process of legislation that we are dealing with is undemocratic and that it is just an excuse to give the council—the Lord Mayor, the council members, and the current administration—another 12 months in office. While I understand that argument, from thinking through it, talking to people, asking questions and getting some correct answers last week, I do not necessarily agree with it, because it is the actual constituency—a reasonable percentage of the people who live in the council area—who have asked for this. You could argue that it is the democratic process working. It is not undemocratic: it is actually democracy working, because the people who actually vote at the council elections have requested this. It is not the council or the administration, from what I understand, forcing this on the constituency; it is actually the other way around.

Mr Hanna: How do you know?

Mr GOLDSWORTHY: Because, as I said before, these questions were asked, and some answers were given, which I have taken on face value. The minister has asked similar questions, and I understand that she was not prepared to have any dealings with this if it was only to do with petty, local parish pump political argy-bargy within the district, and she was given some assurances that that was not the case. If somebody tells me something and I do not have any reason necessarily to disbelieve it, I will believe it. So, I take the minister on her word in this case, and I take the answers that were given to me by the most senior administrators within the council on their word. I can understand the member for Mitchell's concerns, but I think that they have been well responded to.

As I was saying, I think that this is the democratic process working, that the constituency has sought that the structure of the council be reviewed, because it is evident that they go to the elections in November this year, under the current one-ward, whole of council structure. There are eight councillors currently in office; they will go to the election, and there will be another eight councillors plus the Lord Mayor elected, and the review would take place next year. That would mean that, for the percentage of the residents who are concerned about this enough, the council would have to operate under that system for another four years. These changes were made back in 1988, and we are now eight years down the track in 2006, so it would mean another four years. It would mean 12 years under this current structure when, obviously, there are some real concerns out there in the council's constituency. It would mean another four years—in total 12 years—to operate under this system that people do not want. They want to have a review.

Just expanding on that a little, this issue was also raised prior to our March 2006 elections. This became somewhat of a local Adelaide electorate, state electorate, issue. There were some meetings held, I understand, within the district. It was the ALP's position—the member for Adelaide and Minister for Education and Children's Services, it was her position and her party's position that they supported legislation to be amended so that the review could take place prior to this year's election. It was also the Liberal Party's policy within the state seat of Adelaide to also support that proposal. So, this is really a continuation of both the ALP's and the Liberal's position, at the March election, being put into place.

There is also another interesting aspect to all this, if we go back in history a little and look at what took place in 1998 when the City of Adelaide Act was being enacted by the then Liberal government. If we look at the *Hansard* it makes some pretty interesting reading, because it was actually the Liberal Party's policy—it was our position at the time—to support a ward structure. Funny about that. I actually have the *Hansard*. It was the member for Mount Gambier, an Independent member at the time, who moved the amendment in committee to change the act from a ward structure to this one ward system, where we had a lord mayor and eight other members. It is right here in black and white, Tuesday 4 August 1998.

An honourable member interjecting:

Mr GOLDSWORTHY: It was Rory. The debate ensued. There are pages and pages of debate about that particular amendment, and what do you know, Madam Deputy Speaker, when it came to a vote there was a division and the amendment was supported by the opposition. The ayes were 24, the noes were 20. It is interesting to note that the member for Chaffey and the member for Mount Gambier supported those amendments. It was probably only a year or two after that that the then ALP opposition members saw the error of their ways. It is interesting to note, too, that obviously once caucus makes its mind up everybody on that side is locked in. One of the ayes is Rankine J.M., the current Minister for State/Local Government Relations who is supporting the bill to change—

The Hon. J.M. Rankine: No, be careful. I'm not changing; what am I doing?

Mr GOLDSWORTHY: With the intent to have the system reviewed that will put an option forward to change the structure back to the ward system.

The Hon. J.M. Rankine: No, no, no; that's not true.

Mr GOLDSWORTHY: Yes; you read things.

The Hon. J.M. Rankine: I am not proposing any particular structure.

Mr GOLDSWORTHY: It is very interesting to revisit history on these things. A number of years transpired, concerns of residents were listened to and people do a complete 180 and change their minds about things. That is with what we are now dealing eight years down the track. That is an interesting issue to raise in the context of the debate.

This also leads to a question that I have been battling with, and I have not received a satisfactory answer on why this issue was not looked at a year ago. This issue has been around for a fair while. I mean, someone has not just woken up one day and said, 'We are not very happy with the way in which the current structure is working, I think we need a review.' This issue has been around for a long time. We are changing the law so that a process can ensue, a review can be undertaken, some options put forward, a decision can be made—whatever that might be—and then implemented. Why could this not have been done 12 months ago? Why could we not have changed the law this time last year? The review could have taken place, the outcomes would be known, the Electoral Commissioner could have been engaged and the changes implemented in time for the November 2006 elections. The ALP was in government. If the then minister for state/local government relations was across his stuff, he should have been aware of this and he should have brought it to the parliament then. This is more than last minute stuff. To that extent, I can understand why there is some consterna-

tion in the broader community. I have spoken about that previously.

Another idea put forward concerning this bill is that the election date should be set for November 2007. The notion for setting the election date in November 2007 was that it gives some certainty to when the election will be held and any potential candidates wishing to run their campaign would know that that is the date. It gives some certainty to the process. I do not support that because there is an opportunity to get this whole thing done and dusted and get the council to the elections as early as possible. As discussed, it could be as early as July next year. That was put to me, but I do not support that because it is giving a bit too much latitude to the whole thing.

I could continue my remarks. I have some papers from the council talking about how the scope of the review will take place, but we may explore that more in committee. I also have a document from one of those bodies out in the broader community that strongly opposes this piece of legislation. We do not need to explore that at this stage of the debate. The opposition is pleased to support the bill.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Kavel for his comments and I am pleased that he will support the minister's amendments today. One has to understand the context that the original capital city act and the reforms of the City of Adelaide were acting within. Members may recall that it was a period of enormous conflict. During the 1996-97 period there was a degree of scandal: I think the lord mayor was under siege; there were various trips about some wheat sales to Libya; and an unsuccessful attempt to sack the council that resulted shortly after in a change of premier.

During the 1997-98 period there was a review with, I think, Neil Wallman, Annette Eiffe and Gael Fraser, who came up with an innovative solution and one that I particularly support—the Capital City Committee structure as part of an act that allowed there to be a contact point between the capital city council and the state government. Those two bodies traditionally have fought and it is often useful to have creative conflict, but in other states there have been sackings of capital city councils and, quite rightly, business and investment communities are concerned about the way the city council in any of these states has operated because they see that the city council is not just a group of elected members representing residents but also has to embody the development industry, economic development, the tourism structures and a whole range of functions that traditionally local government has only begun to embrace within the past few years and one that requires a level of expertise and diligence that is beyond that of other councils.

The Capital City Committee has the power to discuss issues and debate them, even when relationships fall apart to the level where there are recriminations. You need to have a body that forces debate between the two partners when things go wrong. I had great respect for premier Olsen and the capacity to work with him, but the Capital City Committee is one of the most useful elements of the reform introduced in 1998 because it allowed ongoing collaboration.

One of the problems with that act was that the element that related to the review did not talk about review of structures so much as the collaborative arrangements. You can review the collaborative arrangements without striking at the heart of the representation structure, which is what has brought us to this point today. One of the weaknesses of the act is that

it relies on the local government enabling amendments and clauses in order to structure the Capital City Committee, when the two bodies are not absolutely congruent. The present situation arose because, in the middle of the third council elected under the new arrangements (and I was part of the first council elected under those arrangements), electors began to lobby about a degree of dissatisfaction in the way the council operated. It is not about personalities or not liking the mayor or the councillors but about the way they operate and are represented.

They were really encouraged by the fact that several councillors—and I believe the lord mayor—were elected under the promise of a review and a return to wards. They believed that during this term it would occur and they were disappointed towards the end of the term as there was no sign of a review. That is why we have been brought to this point, because both the Liberal candidate and I as the Labor candidate in the seat supported the idea of a review. Having a review does not mean we will get wards back again. I believe there should be wards again, and originally when the act was brought into place I believed that the number of councillors was too small, as we do not have the diversity, breadth of experience or the variety of people. If you only have a small council it is easier to get a homogenous group of people who agree with each other. I have always thought that maybe 10 or 12 would be a better number. I had reservations about the ward structure, but was prepared to give it a go.

We have now had three terms under the new structure and, as a resident of the city and a former business owner in the city, the area in which I live and in which my business operated is barely represented on council, to the extent that when a housing development was proposed adjacent to a karaoke bar that operates all night, I said, 'Whoa, that's a stupid thing to do,' because I know that that karaoke bar goes all night and is a vibrating sound. I was surprised that not a single member of the council knew that at the bottom of my garden there was a karaoke bar that goes until 4.30 in the morning, and they approved a row of housing developments next door. That is a simple argument about local representation, local knowledge and local insight. Something has been lost in the new structure.

The issue I have had some debate with members of the public about is the time it takes to do the review. When I initially suggested that I would support a review I was under the impression that it would take an extra two or three months beyond the November election, in which case it was a reasonable thing to do. I am very disappointed that it takes a year, but I can understand why it is more problematical than some people suggest. If the review suggests we should return to wards, one of the problems is that you cannot just draw the boundaries back along the city dividing the north of the square mile into a commercial zone, the bottom into two wards and maybe North Adelaide into two wards. You cannot even divide it so that one ward is the North Adelaide ward and another ward is the South Adelaide ward because of the enormous amount of mixed developments and infill residential developments within the city.

The reason I am most concerned about that is that now there are large-scale residential developments in the classic CBD area and there is a massive mixture across the city and, if we return to the wards as they were designated previously, we will end up with not a single commercial business representative in our city, and that would be a very sad state of affairs. It would be to the detriment of future development

and business decision-making. Whilst I listened with some interest to the member for Kavel's comments, he actually talked about residents—he continually talked about residents—and the reality is that the city is the commercial heart of our state. It is something that is significant for every single South Australian because every investment, development and activity within our state has a linkage to the central business area. It is the institutional, commercial and banking heart of our state, and what happens in our city is very relevant to everyone.

Therefore, to have the city looked upon as merely a residential enclave (and I am a resident), I think will damage the future of our city and state. So I am very keen, when this review occurs, for the boundaries to be reimplemented (if they are reimplemented) with significant care to ensure that the business interests are still catered for. It may even be important to have a different franchise in regard to voting so that the commercial voters have representation—it may be possible to be sophisticated—but we must ensure that there is commercial representation.

In terms of the delay in the election, no-one has mentioned that we have already delayed the elections for the Adelaide City Council, and all councils across the state, by six months. So the current elected members, across South Australia entirely, are in office for 3½ years when, by rights, they should have been there for only three years because there has been an extension from May, when they should have had their election, to November to take them out of step with their budget cycle, I understand, so that the budget can be implemented at the end of the financial year and they will be elected afterwards. That is because, so often in council elections, a new council is elected and totally derails the budget process and causes administrative chaos.

If we were to ignore this issue now, we would have an election after 3½ years and another election in another 3½ years. That is the status quo, the do-nothing option, and already councils have had a six-month extension. If we did not have an election now and we had the review and a by-election in 18 months' time, we would end up with a 3½ year term, a 1½ year term and maybe a two-year term, so we would have three elections, which would be costly and not an appropriate way to run a council, with multiple short terms. If, as is proposed here, we do not hold the election in November and we do not hold a by-election mid term, we would have a four-year term from 2003 to 2007 and a three-year term from 2007 to 2010, which will give us a four-year term and a three-year term. In reality, that is not much different from a three-year term and a four-year term—it is a seven-year period with a break in the middle and, whether you have a four-year and a three-year term or a three-year and a four-year term, there is really not a lot to choose between it. Whichever happens, this council will have had an extension of term of six months and maybe even a year.

Unless you truly believe that this is being implemented solely to get rid of the council and have a different elected member body, I think you will understand that this is actually a worthy way of having a review, making a decision, implementing the choice at the end of the review and allowing candidates to stand again. There may be more candidates and they may be restricted franchises that will allow the commercial sector to be represented, but I would hope that, when we get back the advice, we have done what is best for the community and not what is based on personalities or the views of the elected council, because the current

elected council is irrelevant. This is about the structure, about the governance and about a fair representative structure.

I am optimistic that the council will implement this in good faith and that there will be recommendations that we can then decide upon, but it will be a difficult process and far more difficult than many residential and commercial representatives have understood, because I think the mix of residential and commercial in the city is far different from what anyone expected it to be in the 1997-98 period. The whole demographic of Adelaide has changed because of infill development. But the reality remains the same: it is the commercial business heart of our state, and we owe it to every South Australian to get it right, because the Adelaide City Council can be a huge driver of economic development as much as it can be a chain that we all pull behind us.

Mr GRIFFITHS (Goyder): I confirm that I support the amendments to the bill, but with some degree of frustration. As probably one of the few people in this house who has worked within local government in a senior role and therefore been responsible for such legislative reviews, I can say that the people I have spoken to have always understood the requirements to act within the legislative time frames. For the City of Adelaide suddenly to decide very late in the process that it needs an extension of time comes as a surprise to me. I readily admit to the fact that the areas I have worked in are far less in scope and size. My most recent employer, and the area in which I grew up, has only 110 employees and a budget of \$20 million, so it pales into insignificance compared to the City of Adelaide—but it is still very much a vital organisation and serves some critical areas in its community.

Having had responsibility directly for such reviews (and we have done them internally in the past and also using consultants), I support the comments about time delays. No matter how quickly you would like to conduct the process, the critical point is to engage the community because, at the end of the day, the community must have ownership of it because they are the people who vote and ensure that the appropriate people represent them in local government.

I also very much understand the emotion that becomes part of the debate when we consider changing existing structures. Some six years ago, the community in which I now live went through two review processes within a 15-month period, only because the first one was deemed to have been unsuccessful. It is interesting to note that there were proposals then for area and ward councillors. However, at a public meeting that was held to discuss this matter, one section of the community was vehemently opposed to any proposal that the council put forward, and the then CEO was very seriously attacked on a personal basis. He was a man of honour, so it came as a great surprise to many of us who knew him that that situation existed, and it resulted in his departure from local government soon after on health grounds.

I can appreciate that the City of Adelaide has specific time lines to meet. However, the other 67 local government authorities understand that there are time issues, and they all make sure that they act within those appropriate time frames. They do not need a minister overriding them to tell them they have to do something or a minister who needs to seek amendments to a bill to allow them an extension of time. They make sure that they do what is required within the period allowed.

It is obvious to me, after a 27-year career in local government, that the community at large is very passionate about

local government. We commonly hear it said that it is the level of government closest to the community. In many ways, it certainly is. In the 27 years in which I worked within local government, I was constantly aware that all the residents of those communities were my bosses, not only the elected members. It is interesting that the voter turnouts are quite good. Voting is carried out on a voluntary basis and, therefore, local government does not receive the support offered in federal and state elections, where voting is mandatory, but the councils that seek to engage their communities always receive a good response rate. I know of some regional councils that have a 70 per cent return on a voluntary voting basis, whereas in many metropolitan councils it is probably down to between 15 to 20 per cent. That is a debate for another day, but it is an important factor in a review of any local government authority to ensure that it puts the right structure in place so the community has confidence in it and wants to express an opinion.

Local government in many ways sets the base work for the development of its area. We all understand and support the comments of the minister that the City of Adelaide is very different. It is the heart and soul of South Australia, and it is important that the structure put in place here ensures that the City of Adelaide has the capacity to allow our state to grow. It is rather interesting that, every time a new council is elected, it has a different marketing campaign and reviews its strategic plan, which is good, because it should be a fluid document which is updated as the needs of the city change every year. However, it becomes a very personal document, and is often based upon the opinion of the mayor, the elected members and senior management. I am not sure whether it always truly reflects what the community at large thinks.

The wards structure verses area councils debate will be an interesting one. Having worked within communities that adopted both options, I have seen where it works and where it does not work. However, the absolutely critical thing is not necessarily the number of people who nominate but the quality of the person who nominates. It is important that a council is structured in such a way that it encourages people who have the appropriate skills and capacities to represent it.

The minister talked about the need to ensure that business representation exists within the City of Adelaide. I also see that as a critical issue. For a city which has such vibrancy, and which needs to be vibrant to ensure that the state prospers, we need to make sure that the decision makers within the Adelaide Town Hall are people who can accept the challenge of ensuring that the state grows because, with the growth of the state, the City of Adelaide will grow.

I again express my frustration that a time delay has occurred. I feel that it should have been managed within either the local process or the state government process to ensure that this occurred within the current time frame of this council. I respect the comments that have been made that all local government authorities have had their period of tenure extended by six months to a four-year term from November this year. I think the greatest problem that we as a state government will have to manage with respect to local government after that date is the fact that there will be a lack of nominees. Too many people are concerned that four years is too long a period and, while it may be that within the metropolitan area people are prepared to make that commitment, I am not sure whether that is the case within all local government authorities.

The Hon. R.B. SUCH (Fisher): Members who have been here for a while will realise that I have a longstanding interest in local government matters. I was a councillor many years ago, and I enjoyed it—and, if I live long enough, I may even go back to local government. There is no point in beating our chest about this bill. I do not think there is much choice but to allow the council to go through its review process. It should have happened earlier, but it did not. However, I guess that, in some ways, that is symptomatic of some of the problems I see in relation to the Adelaide City Council. A review to look at the representation structure is fine. However, we ought to be undertaking a thorough review to look at the whole metropolitan area of Adelaide. I deliberately exclude country councils, because I do not think there is any rational reason to look at the amalgamation of councils in the country. I think that size is a significant factor there. However, in terms of the metropolitan area, depending on which edge one takes, there are 18 or 19 councils between Gawler and Noarlunga. The City of Brisbane has one. I am not saying that that is the correct number, but I do not believe that we need 18 or 19.

I moved a motion on 14 October 2004 that called on the Local Government Association to consider the desirability or otherwise of changing the number of metropolitan councils and their configuration as well as the advantages and disadvantages of maintaining the status quo; making recommendations as to how councils can be more efficient and effective in the delivery of services, both as individual councils and through cooperative endeavours; making recommendations about how changes, including to rates, can be implemented in accordance with equity principles; and considering ways to ameliorate upward pressure on rates and other charges. The LGA, to its credit, looked at the financial aspects. It was very keen not to look at the other aspect that was part of my motion, which was whether we need 18 or 19 councils, and the related question, which was: if we do not need that number, how many do we need? It has continued to avoid focusing on that issue, because it does not want to rock the boat. I guess a lot of council members and staff do not want to rock the boat, either. So, we continue on in the same old way, doing things we have done for many years. We have councils in the metropolitan area with different approaches to parking, the management of trees and the disposal of waste—and so the list goes on.

In relation to the City of Adelaide, who does it belong to? It only exists because of financial involvement by the rest of South Australia. It is the capital city, and the businesses which exist in the city basically survive from commerce generated throughout the whole of the state. We have a few people living in and around South Terrace and related streets, people at North Adelaide and a few people in the business part, but you could argue—and I think should argue—that the City of Adelaide belongs to all of South Australia and therefore it follows that all of South Australia should have a say in the running of the council. Maybe that can be looked at in this review; I would hope so. I think country people should have a say about what happens in the City of Adelaide, just as people in the rest of the metropolitan area should. That will be one interesting aspect I will be looking at to see whether this review is thorough and comprehensive, or whether it is simply looking at one's navel.

The City of Adelaide has done a lot of good things, but it has done a lot of silly things, too. It changed its logo at great expense. It had a campaign—I do not know whether it is still going—which said, 'You are here.' Well, if you are not here,

where are you? I think that is a nonsense type of approach. They seem to have more money than sense sometimes in terms of how they spend it; for example, spending \$20 000 so people can watch soccer in Rundle Mall. I do not know how the small business people of Adelaide feel about that, but I would have thought it was a task for the major retailers and the electrical retailers in the heart of the city to put up some large screens if people wanted to watch the soccer. It seems to have plenty of money to throw around on various things. It pays its city manager—and I will not be too critical, because he is an ex-Goody Tech boy—about double what the Premier gets. That is indicative of some of the aspects that are wrong in local government. I am not saying he should not be well paid, but I do not think you can justify paying the manager of the City of Adelaide more than double what the Premier gets.

The City of Adelaide has not been able to get it right in terms of parking. It seems to have a funny approach to the question of motor cars. It seems to hate them one week and love them the next. It seems to have an obsession with toilets. I like Councillor Anne Moran and I am sure I will get a phone call from her, but what we are seeing is the great purge. That is probably not the right term when you are talking about toilets! It bowled over the one in Victoria Square.

Members interjecting:

The Hon. R.B. SUCH: This is germane because, unless you get a good review and good practices, you will end up with this sort of continuing silly behaviour. It got rid of the one in the South Parklands, it got rid of the one leading to Glen Osmond Road and it recently got rid of the one in Hindmarsh Square. It might be all right for the councillors who live in North Adelaide because they can go home when nature calls, but the rest of us actually require toilets, and preferably toilets that are somewhat bigger than a Telstra phone box. Presumably, the toilets they are installing now are second-hand phone boxes which have been converted after being purchased from Telstra.

This obsession with toilets on the pretext that paedophiles congregate around toilets should be applied and extended, so we should get rid of banks because they attract bank robbers, and we should get rid of a lot of other things. It is silly logic, and all it does is take away facilities in the city which are essential. It highlights the fact that what we are getting out of the City of Adelaide at the moment is not often sound decision-making. That is why this review is necessary in terms of hopefully coming up with a better structure and a better representational structure.

I support wards because if you represent everyone you represent no-one and you are accountable to no-one. The challenge for the City of Adelaide is that, with all its money, which it seems to throw around with (we are not allowed to use the term 'gay abandon') happy abandon, they seem to be able to do things like spend millions of dollars wrecking Pulteney Street, and leaving the South Parklands barren, as a car park. I think it has misunderstood the term 'parklands', which actually means we have trees and things, not where you put cars. The South Parklands are still barren and used for car parking, and so the list goes on.

I am not very optimistic, quite frankly, but I hope that out of this review we get some sensible representation and some accountability and that the people of South Australia, whether they live in the metropolitan area or the country, actually have a say about the capital city which they support through their spending and their activity. Without the rest of the state the City of Adelaide would not survive at all. It lives off the

commerce of the rest of the state, but people who live in the rest of the state do not have a say in it. Sadly, we have come to a point where we need a review. Why do we need it? Because the City of Adelaide has been sitting on its hands, which is typical, in my view, of the sorts of problems I have just highlighted. We have not had good decision-making; we have had factionalism and councillors trying to outscore each other with some sort of proposal or scheme and lacking the broader-term vision.

We still have the mullock out of the River Torrens stored in the railway yards down here, hundreds of tonnes of it. It has been sitting there for years and years, an ugly eyesore. The council owns it, but it is doing nothing about it. There is no progress that I can see. I get frustrated with this council. I think the sooner we can move to a greater metropolitan area council, whether it be five councils or three; I do not know the number and that is why you need an independent body to decide it. This review will not do it. This review is just tinkering with a small part of a bigger problem. The bigger problem is that councils in the metropolitan area are not able to deal with issues that confront us in the 21st century. They are equipped to deal with horse and buggy stuff. You get these decisions, whether it be in relation to toilets, wrecking streets like Pulteney Street, having little regard for what sort of street trees are planted—all those sorts of things. You do not get vision. What you get is short-sighted, inappropriate decision-making by a council which is loaded with dough but which has not been able to deliver in terms of sensible outcomes.

I wish this review well but, sadly, and as I said before, it is only going to tinker with a tiny part of the major problem—and that is the fact that the city of Adelaide should be part of a bigger council configuration with input from the rest of the state, from the people who help support the city of Adelaide and for whom it is their capital city.

Mr HANNA (Mitchell): I am speaking today to oppose the City of Adelaide (Representation Review) Amendment Bill. I am surprised that not one other member in this place is willing to declare this proposal to be unprincipled. Election dates were set by parliament for the Adelaide City Council, and other councils, when the issue was considered just a short time ago. The point is that state parliament sets the rules for local government elections; in fact, I wonder if it should be enshrined in the constitution so that it is not the plaything of state governments from time to time. Once you have the rules set out in legislation then you ought to play each election according to those rules and not shift the goal posts because it does or does not suit some of the constituents or candidates or some of the sitting members.

In this case, the reason given for delaying an election by up to 12 months is that there needs to be a review of the electoral processes of the Adelaide City Council. I am not against a review: I am in favour of one, and it seems to be centred around the debate as to whether there should be wards or not in the Adelaide City Council constituency. I am not going to present a conclusive opinion about that debate, but I will just say that it is a matter of balancing the compelling reasons for proportional representation with the democratic benefits of having particular elected members attached, in a way, to a particular vicinity. If you did have wards, for example, there would be people who had a special concern about the vicinity for which they were elected, and that is a good thing to have in combination with the overall consideration of issues across the city.

The fact is that there were a few residents agitating for this review to take place before the next election. I commend the residents and the residents' societies that were pushing for a review and I commend those who have been democratically agitating for a ward system rather than an 'across the city' election system; however, I think their right to agitate for those changes falls short of requiring elections to be postponed. Who in this place can say with any certainty that there are not one or more city councillors, or aspiring city councillors, who are behind this move to delay elections because of some perceived benefit to them? If that is the case then there is a really insidious element to this bill.

The minister has referred, in particular, to the North Adelaide Society and the South-East Corner Residents Association, who have been campaigning for the reintroduction of wards. I say to them that that is a campaign worthy of their efforts, but they should have the patience to wait until the ordained election has taken place—and I refer to the election that was due to take place later this year. I might point out that, when the legislation to set the November election was dealt with, I opposed that change specifically and sought the election due in May this year to continue as it was on exactly the same reasoning. Parliament changed the goal posts for local government elections mid-way between elections and I think that was unprincipled. I maintain that it is equally unprincipled now, just because a few constituents in the city of Adelaide have agitated for a particular change to the way voting takes place in the city of Adelaide, to postpone the election—because that is the effect of allowing the city-wide electoral review to take place before the next election.

I think the principled thing for elected members of the Adelaide City Council to do, should this legislation pass, is actually resign in November this year and cause a series of by-elections. That way they would face the people according to the legislation which is in place today.

The Hon. J.M. RANKINE (Minister for State/Local Government Relations): First I would like to thank the opposition and the shadow spokesperson, the member for Kavel, for supporting this legislation. The member for Kavel, as he said, very willingly participated in a briefing and is very understanding that there is a critical time line in relation to getting this bill through. We know that if we do not get it through in the next couple of weeks then, in fact, the status quo will remain. The rolls for the election will close on August 11, so if the legislation does not proceed through both houses of parliament the status quo will be in place and there will be no opportunity to change the structure of the council until the 2010 election.

Mr Hanna: Hear, hear!

The Hon. J.M. RANKINE: The member for Mitchell says, 'Hear, hear,' but that is not generally the view of the residents. It certainly is not the view of the City of Adelaide—

Mr Hanna: How would you know?

The Hon. J.M. RANKINE: Because they have written to me and the City of Adelaide passed a motion seeking a review be enacted. In his address, the member for Kavel, talked about amendments to the City of Adelaide Act in 1998. In fact, there were no amendments to the act—that was the year it was enacted. So, the intent was to prevent a review from occurring for a seven year period, and that has now occurred but because of changes to the Local Government Act, it could not happen until after the 2006 election. So, that

is why this legislation is before the house now. Regarding the questions raised by a number of people about why it was not introduced last year, or why has the review not been conducted earlier, the simple answer is that the City of Adelaide council did not request any amendment until 14 March this year.

Mr Hanna: We are rewarding bad behaviour.

The SPEAKER: Order!

The Hon. J.M. RANKINE: That answers a number of the questions put by members. The member for Fisher talked about a review of the whole of local government structure throughout metropolitan Adelaide. This is not the aim of this bill, and I am not about to propose we turn local government on its head just a few months out of the next election. This review will be comprehensive, and I have had written assurances from the City of Adelaide that it will be a comprehensive review as required under section 12 of the Local Government Act. I have sought and received assurances from it about the timeliness of that review. The council initially wanted a 12 month timeline to conduct it, but the legislation gives it up until 12 months—until November 2007—and, as the member for Kavel said, if everything goes to plan we could be looking at an election in July 2007, so that is the reason for that.

The council has given me an assurance about the independence of the review because it has stated a position of preference for wards. That is not the intent of this legislation. This legislation provides the opportunity for people to come to the review, and lodge submissions both written and oral, expressing their point of view about the sort of structure that they think needs to take place. The council has also given a guarantee, and it is required, that its next election will be in 2010.

The problem with the timeframe is that there are a number of things that need to happen. People need to be appointed to conduct the review; and there needs to be a representation paper produced which puts a whole range of options to people, not simply, 'Do you want wards or not?' We have to go through a public consultation process, and when I say 'we', I am referring to the review of the City of Adelaide not the Office of Local Government or myself as minister. The council needs to report to the Electoral Commissioner, provide copies of the public submissions, and the commissioner has to determine that the appropriate processes have been complied with, and then that needs to be gazetted. There is a three month turnaround after the close of role before an election can take place. So, like I said, the earliest that that can happen is July 2007.

The member for Fisher talked about all of the people in South Australia being able to have a say and that is allowed. The review is not restricted to the residents or the business operators within the confines of the City of Adelaide. Anyone throughout South Australia, I understand, can have access to the discussion paper and lodge a submission. So, I want to thank the opposition for their support and consideration of this legislation, and all members for their contribution.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr GOLDSWORTHY: For the benefit of members, could the minister explain in some comprehensive detail how the whole process will work. Assuming that the legislation will proceed through the parliament, I would like the minister to give a reasonably comprehensive outline of how the

process will work. I understand that there is a requirement of the Electoral Commissioner to have a 14 week period as well. So, if we can just step through that please.

The Hon. J.M. RANKINE: All of the detail that the member for Kavel asks for is detailed in section 12 of the Local Government Act, and it outlines the entire process. I will just very briefly outline it, and if I miss anything out or get it slightly askew I am sure I will be corrected. I am not going to read all the sections of the act. The member for Kavel can refer to section 12 because that does outline it, but just briefly, my understanding is that the council will appoint an independent person or panel of people to conduct the review. They will be required to develop a representations paper that goes out for discussion.

Public consultation on the paper will take place. They also have to provide the opportunity for people to make written and oral submissions. A report will be prepared, it will go to the council and then it will be referred to the Electoral Commissioner with the copies of all public submissions. The Electoral Commissioner will then make a determination that section 12 has been complied with. So, the commissioner's role is to evaluate the report against section 12 of the Local Government Act and make sure that it has been complied with and that the report reflects the submissions made.

The report will then be gazetted and it will take three months from the close of rolls until election day. Because of the process of conducting a postal vote, the Electoral Commissioner has advised that she needs three months to prepare for that to occur. That is basically a brief outline but, as I said, all the process is detailed in section 12 of the Local Government Act.

Mr GOLDSWORTHY: With respect to the independent person who will be appointed to conduct the review, can the minister advise the committee what qualifications this person might have and what background this person will come from?

The Hon. J.M. RANKINE: I wrote to the council, to the Lord Mayor, on 11 May in relation to the impartiality and independence of a person to undertake that review. I made the point that the conduct and timing of the review had already led to some public criticism and I was keen to have their assurance that the person who would be appointed to prepare the representations options paper would be a person who is recognised by the public as being independent, authoritative and experienced in local government matters.

The council passed a motion as a result of my request that states:

(a) in relation to impartiality and independency of the review process

That the Council, through its delegation to the Chief Executive Officer, would appoint a consultant to undertake the representation review (who would be responsible for drafting the options paper, drafting the new directions paper and reporting to the State Electoral Office and the Department of Administration and Information Services), but also incorporate a panel of experts to oversee and provide specialist independent input and analysis for the representation review process. In particular in relation to taking into consideration feedback from the community/public in considering options for the new directions paper.

The panel may, for example, consist of an executive consultant who has experience in either conducting Representation Review or other Local Government Reviews, a legal advisor, a political/demographic advisor and a public consultation consultant.

Mr GOLDSWORTHY: I noted the remarks of the Minister for Education and Children's Services in her contribution during the second reading and I certainly agree with her that the CBD is obviously the most significant area

of economic activity and drives the economy of the state. I worked for a big corporation in the CBD for over five years before coming to this place, so I have had first-hand experience as to the remarks that the member for Adelaide—the Minister for Education—spoke about. I certainly do not in any manner diminish the role that the commercial and business community obviously plays in the key area of economic performance within the state. I just want to say that because I did not say that earlier.

I did speak about certain criticisms that this legislation has drawn from sections of the business community. I would be interested to know what the government's opinion regarding that criticism is. What is its response to that criticism?

The Hon. J.M. RANKINE: In relation to the comments of the member for Adelaide, I should also clarify something. She said that we can later decide upon the recommendations that the Adelaide City Council makes. In fact, section 12 of the Local Government Act provides that a representation review is complete when the council places the notice in the *Gazette*. That notice must be certified by the Electoral Commissioner not the parliament, so I just want to make that point clear.

In relation to the interests of business with respect to this review, it is an opportunity for everyone to have their say. This legislation is about allowing people to have their say about the structure of the Adelaide City Council. It is not defining the structure. Just like residents, businesses now have the opportunity to have their say about how they think the City of Adelaide council should be operating.

Clause passed.

Clause 4.

Mr GOLDSWORTHY: I appreciate the minister's answer, but I do not think she is answering the question. I understand that the proposed review process provides the opportunity for everyone to make a contribution, but I am talking about the criticism that has been—

The CHAIR: Member for Kavel, clause 4 does not relate to the review. Can the honourable member indicate which part of clause 4 he is referring to?

Mr GOLDSWORTHY: I was talking about aspects in general, Madam Chair.

The CHAIR: The questions must focus on the clause under consideration.

Mr GOLDSWORTHY: I was going back to the previous question I asked which the minister did not answer. You will not allow me to ask the question?

The CHAIR: No; it is not within standing orders.

Clause passed.

Clause 5 and title passed.

Bill reported without amendment.

Bill read a third time and passed.

STATUTES AMENDMENT (ROAD TRANSPORT COMPLIANCE AND ENFORCEMENT) BILL

In committee.

(Continued from 5 June. Page 405.)

Clause 14.

The Hon. G.M. GUNN: I would be greatly indebted to the minister if he could give us his response in a particularly favourable manner, because, like most of my amendments, this is a most reasonable proposition.

The Hon. P.F. CONLON: As I recall, the amendment was in regard to direction to stop vehicle. The direction had

to be made in a reasonable fashion. We do not think that it is sensible for someone to be able to contest the reasonableness of being directed to stop a vehicle. The notion that they have some ulterior motive for stopping a vehicle is peculiar. It would make absolutely necessary powers of direction for officers very difficult to exercise if they were to be challenged on the grounds of reasonableness every time. I cannot support the amendment as proposed.

The CHAIR: To help the member for Stuart, I remind him that this is his third question.

The Hon. G.M. GUNN: I thank you very much, Madam Chair. I will explain my disappointment in far more detail and give a couple of examples. The minister did not in any way contradict or give any argument to support this particular proposition. The proposition is based on a clear understanding that, from time to time, when city-based police officers are sent to the country and, if things are a bit quiet and they are not issuing their required number of tickets, they then become pedantic and issue frivolous tickets. I ask the minister: does the frivolous legislation apply? A piece of legislation was brought in a few years ago where an offence could be described as frivolous. Does that apply to this particular legislation, because I think it ought to.

I will give the minister another example. I was contacted on the phone today by a constituent of mine saying that they had sent these fellows up to Burra from Adelaide, they were pulling people over and they were not getting on very well. They pulled one fellow over in a ute and they could not find anything wrong, and so they implied—and this is the nonsense—that the seatbelt was slightly frayed. I put it to the minister that is where there needs to be a provision of this nature, that is, if the direction is unreasonable. I ask the minister to simply explain to me in clear and precise terms what right does someone have if they are given one of these unreasonable, unwise and unnecessary instructions, except to contact their member of parliament and get their member of parliament to name these characters—that will happen.

I ask the minister: what action can people take? The minister implied last night that there is nothing we can do about this. We have to rubber stamp this. The federal people are involved. I took up his suggestion today and I have written to those august, distinguished and honourable senators. I have sent them a copy and suggested that, if they read this enlightened document, it would further their education. I sought their urgent responses to it.

Patrick, I know you are enjoying this, but it appals me that we are asked to rubber stamp some of this stuff, because we are not elected to do that. I am absolutely amazed and surprised that a rural based minister, like the Minister for Transport, would allow this sort of stuff to be put on the statute books. I draw that to his attention because, if he goes back to his grassroots and they see some of this, he would get a counselling and he would not forget it. To give an example of what happens, a bureaucrat in Canberra decided to alter the diesel rebates, and when it got out the grassroots got very active and tapped their federal members on the shoulder and the Prime Minister gave it the kybosh, quite properly. What avenues do people have to challenge and object to what is an improper and unreasonable direction? That is not an unreasonable question to put forward. The minister's advisers appear to be very keen on this stuff. It will not be them stuck out on the road, but it will be the member of parliament getting a phone call at 11 p.m. I once rang at 1 a.m. a previous director-general of transport: I got pulled out of bed at 11.30 p.m. and I thought it was only fair that he got pulled

out of bed, as it was his bureaucrats causing the trouble. He got very cross with me, but we got some action. I ask the minister to respond.

The Hon. P.F. CONLON: The difference between the member for Stuart and myself—and we agree on many things—is that his whole argument proceeds from a view that people who have these authorities will exercise them unreasonably, given half a chance. Here we are talking of the direction to stop a vehicle. I do not think it is a wise proposition that someone being directed to stop a vehicle should have their view about whether or not it is reasonable and fail to stop if they do not think it is reasonable. That is the proposition being propounded. We are talking here of a direction to stop a vehicle. This terrible thing he cannot bear, and to which he thinks they have not turned their mind, is similar to section 42 of the Road Traffic Act, where people are required to obey directions to stop a vehicle so that other powers can be exercised. I cannot imagine how it would be a workable piece of legislation if someone being directed to stop a vehicle could substitute their judgment as to whether it is reasonable or not.

Amendment negatived.

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

Page 29, after line 12—Insert:

(1a) Subsection (1) does not apply in relation to a vehicle that is carrying livestock.

This is an important and significant amendment. It exempts people carrying livestock from having to comply with a direction that they return to a weighbridge within 30 kilometres. Someone could be carting a load of pigs from Ceduna, are 29 kilometres west of Kimba and are stopped on a hot day and told to go back. First, where will they turn around the vehicle? That is a nonsense, as they would block the road. Further, it is unreasonable and not practicable. If you know anything about the real world, you know that a proposition of this nature in relation to livestock is not practicable, is foolish in the extreme and is an absolute nonsense. There are very few livestock carriers, farmers or people who would be aware that this provision is in this act of parliament.

People can say that I am being deliberately obstructive and, as one ABC journalist said, that I am simply opposing it. I pointed out to them, as I point out to this committee, that it is our role to question the government and challenge this legislation. This provision is purely a matter of common-sense. If you knew anything about livestock carrying you would know how long it takes to get anywhere and that there is a time barrier. I asked the minister yesterday about volumetric loading and whether it still applies. I look forward to getting that response, but this is important. I ask the minister to consider it carefully, because carting livestock is a specialised occupation, and we want the animals to arrive at their destination as quickly as possible and in good condition so they are not distressed, particularly in the hot weather.

The Hon. P.F. CONLON: I will make a couple of points about why this cannot be accepted. The general point on this and the earlier comments of the member for Stuart is that we expect officers and police to operate reasonably and according to the law. It would be regrettable if a provision intended to be operated reasonably were operated unreasonably, and it would not be something I support. It does not flow that, if one individual makes a requirement of a livestock carrier that is impracticable, there should be no power to direct livestock carriers. That is not my view, but the South Australian Road

Transport Authority strongly set out yesterday that it is its view that there should not be special rules for livestock carriers. It is unreasonable to suggest that, because there have been occasions when livestock carriers might have been asked to do something impracticable, they should not have to follow a direction.

I point out again that no such exemption exists in New South Wales or Victoria and no-one at SARTA, as late as yesterday, very strongly believed that there should be special exemptions for farmers or the livestock industry. I understand that the member for Stuart holds this view strongly, but I simply cannot agree with him, and neither does the main industry body.

The Hon. G.M. GUNN: I listened to the minister's response very carefully. I pointed out to the minister yesterday that in South Australia we give people permits for road trains so they can cart a reasonable load of hay around the state. They do not do that in New South Wales, and that is stopping hay being carted to New South Wales at an economical rate, because one of my constituents has been involved and cannot cart it. That is how foolish that is. New South Wales is not a shining example of good government. They cannot even organise a toll system. I do not know whether the minister's dilemma is following the particular example of New South Wales, but I would not take that as an example to follow.

But I would say to the minister that, if he believes that there is not a need, I suggest he goes and talks to the livestock industry. I do not know whether he or his advisers have ever been involved in loading stock and what happens when they are having a few difficulties. There is a time constraint in relation to the hours of driving to ensure they get within those tolerances and, if they have to go back 30 kilometres and mess around and come back, they are going to run out of time. So how long are you going to leave the sheep or the cattle or the pigs sitting there on a hot day?

I have made the point, and I say this to the Commissioner of Police and the head of the department of transport: there is such a thing as budget estimates and when they sit here we will go through all this again, because a reasonable response would have generated a reasonable response. We will go through these chapter and verse using those blue question-on-notice forms if the minister has used the right notes. When I am a long way away from my home somewhere in my electorate and I am driving along and see some of these people, I will start writing out questions on notice, because I believe the responses are unfair and unreasonable, and I will go about doing what I think is my duty, and that is sticking up for people. It is hard enough to make a damned living driving these trucks anyway, and it is not a great lifestyle, and that they should be continually hindered by stupidity is beyond my comprehension. So we will have a few ringings of the bells as the afternoon goes on.

The Hon. P.F. CONLON: I indicate to the member for Stuart that section 41J of the bill requires authorised officers or police to make good any damage to a vehicle, equipment, load or premises as a result of the unreasonable exercise of a power.

The Hon. G.M. Gunn interjecting:

The Hon. P.F. CONLON: The section provides:

... the officer must take reasonable steps to return the vehicle, equipment, load or premises to the condition it was in immediately before the action was taken.

The sheep may be dead, but I assume they would have to supply you with more sheep in an alive state. But, again, I

stress that the member for Stuart's whole view proceeds from the quite jaundiced view that everyone given this power is going to exercise it unreasonably. I stress that we hope and expect that authorised officers and the police will exercise their powers reasonably and lawfully.

The Hon. G.M. GUNN: We now have those things that the minister has said on the public record, but I wonder whether the head of the department of transport and the police actually read the comments. Once it leaves this parliament, as members of parliament, we are no longer involved. We have handed over the authority to someone else and when it goes wrong we are the first port of call to be criticised. So I will make sure about this and my conscience will be clear. People can get annoyed with me as much as they like, and they will be doing that for a long time. They can cast all sorts of aspersions on me, but that is fine. I will presume I have done something right because I keep coming back here, and perhaps the reason I have come back is that I have stood up for people and that I am not here to be a rubber stamp for bureaucracy or people who have no understanding of what it is like trying to run a small business or carting livestock from Marree or Marla to Adelaide or elsewhere around the place and being stopped on the road by these people who are going to get paid whether or not they perform (and one can make a judgment about performance, but perhaps we will not go down that particular track). However, I am disappointed that the most reasonable and sensible amendment has been rejected. I will be talking to my colleagues in another place, and I sincerely hope we can inflict some changes on what is an inappropriate provision.

The committee divided on the amendment:

AYES (15)

Chapman, V. A.	Evans, I. F.
Goldsworthy, M. R.	Griffiths, S. P.
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.	

NOES (30)

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.
Hanna, 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.
Stevens, L.	Weatherill, J. W.
White, P. L.	Wright, M. J.

Majority of 15 for the noes.

Amendment thus negatived.

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

Page 29, after line 21—Insert:

(2a) Subsection (2) does not apply if the direction is unreasonable.

This sets a penalty of not less than \$5 000 and not more than \$10 000; in any case, \$5 000. I have attempted to add

subsection (2a), which provides: 'Subsection (2) does not apply if the direction is unreasonable.' I thought that democracy was about being reasonable: I thought it was about how we treat people. This measure will give people a better opportunity to defend themselves in relation to what I and others would consider to be an unreasonable direction. Therefore when you are going to put in these very severe penalties for the people involved—particularly small operators—then surely there must be some right of defence. This provision I have moved here is quite simple: it says, 'if the court considers it is unreasonable'. That is not a nation-rocking provision; it is not going to bring the whole pack of cards down on people. What it is going to do is say to people who are exercising this authority and bringing people to court, 'Well, we have to make sure who is right and who is not.'

There has been a real problem. It is not that someone got out of the wrong side of bed and was a bit grumpy and decided they were going to take it out on all and sundry. I can give the minister examples. We had a case with a carrier not long ago at Burra where the police officer put a defect notice on the vehicle—this is how to be unreasonable—and when he took it to Regency Park they said, 'This is a nonsense. It should not have happened. He had no right to do that.' He has been greatly inconvenienced and put out of pocket. Too bad; that is the government; we are all-important and have great wisdom and are fonts of knowledge. There is an example and therefore the direction of this amendment is to focus people on what they are supposed to do.

The Hon. P.F. CONLON: Again, it would be an impossible enforcement act if people were invited to substitute their view of what is reasonable for that of an authorised officer. There is protection in the bill under section 41J for people who suffer loss—in exactly the circumstances just described—as the result of an unreasonable exercise of the power. That is, I think, quite a reasonable thing. But it is not in the least bit practical to invite operators of vehicles to substitute their view for what is a reasonable direction of an authorised officer. We cannot make an enforcement bill a contest between the viewpoints of the authorised officer and the vehicle. It is pointed out to me, and I think it is true, that if a direction is patently ridiculous it would be a reasonable defence not to comply with it. Again, I invite the member for Stuart to look at section 41J.

Mr Hamilton-Smith: 41J is inadequate.

The CHAIR: Order! The minister has the call.

The Hon. P.F. CONLON: I am being interjected on by the shadow minister for transport, who has a different view from every minister for transport in the country, including the federal one, who believes that laws should not apply to heavy vehicles. Basically, the proposition of the member for Stuart, and the opposition who vote loyally with him, is that people who drive heavy vehicles in the country should not have any enforcement. Then they want to come in here and complain to me about road maintenance. They do not want us to make sure that our roads are not wrecked by heavy vehicles. They do not want us to enforce any laws, but want us to spend more on road maintenance. Frankly, the members opposing this bill live in cloud cuckoo land. All I have had since I got here is Graham Gunn threatening to wreck everything, to bully officers, to come to estimates and run it all again if he does not get his way. Well, I am sorry, I am going to persevere, in a reasoned and balanced fashion, and I am going to attempt to introduce a national reform which is agreed to

by every other minister in Australia and which has the support, the unalloyed support, of the South Australian Road Transport Authority who as recently as yesterday rejected the sorts of things that are being promoted here by the opposition.

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: I am the one accused of being unreasonable. I have every minister in Australia on my side and the Road Transport Authority on my side, but Graham Gunn is going to keep this going until doomsday—because I am being unreasonable. I cannot do any more. What I am going to do is give the information required of the house, but I am really not going to argue any more on the merits because, frankly, the position of the opposition—not just the member for Stuart; he's got his own act—but the opposition supporting the member for Stuart on these things is being utterly irresponsible.

The Hon. G.M. GUNN: I am really pleased that the minister now wants to cast aspersions upon us and our stand. The first public comments that I heard about this today were on *The Country Hour* and it was a limited comment by the South Australian Road Transport Association because many of its members are unaware of this. They had one farmer commenting who expressed grave concerns. Well, when they actually find out what is involved some of these organisations are in for a rude awakening. Whether people like the attitude that I take, it is my role and my responsibility to question what is put in front of us. If we are not allowed to question things there is no point in us being here. We are not here to rubber stamp things.

I do not care whether Sir Humphrey Appleby, one, two, three and all the bureaucrats in Canberra think this is good, bad or indifferent, I am not going to be cajoled. I am going to do my job because that is what I am elected to do. We are paid well to do it and we are here to question things. I cannot understand why people think that I am promoting that people irresponsibly break the law—I am not and I never have. But I know what happens in the real world. I bet the minister or his associates have never driven a truck. The advisers never have, and would never have had to deal with these people. I have, and I just say: I have to do my job and if it upsets the minister I do not really want to do that but, at the end of the day, I have a responsibility and I am going to discharge it.

The Hon. P.F. CONLON: All I can say is I support it, every transport minister supports it, SARTA supports it, the RAA supports it, the Transport Workers Union supports it. What that means, based on the power of the argument by the member for Stuart, is that we are all wrong and he is right. Well, I just cannot agree.

Amendment negatived.

Mr HAMILTON-SMITH: I move:

Page 29, lines 22 and 23—Delete subsection (3)

I ask the minister whether it is the intention of this new section that there be a mandatory sentence, in effect, for the offences prescribed under 40I(1) and (2) because it seems to say that, irrespective of the circumstances (some of which my friend the member for Stuart alluded to earlier), a court may not vary or mitigate in any way the minimum penalty prescribed by this subsection. So can the minister explain why he found it necessary to include in the legislation that the court may not interfere with the penalty?

The Hon. P.F. CONLON: It says that the court may not mitigate a minimum penalty. I would have thought that the spokesperson for the opposition, had he thought about it for a second, would realise that if you can have a minimum

penalty then you can probably have a maximum penalty and you can probably have something in between. That means that it is not a mandatory sentence by any definition that I understand. If the opposition believes that setting a minimum sentence is something new and unusual, I simply cannot agree.

Mr HAMILTON-SMITH: The effect of the section—

The Hon. P.F. Conlon: Is to have a mandatory minimum.

Mr HAMILTON-SMITH: Correct.

The Hon. P.F. Conlon: Not a mandatory sentence; a mandatory minimum.

Mr HAMILTON-SMITH: Call it what you will, but what it is doing is ruling out any role for the court in any matter to do with this. I remind the committee that we are not only talking about police officers here because this particular provision, like so many of them, talks about authorised officers, and I note from the definitions that this means:

A person appointed as an authorised officer, or of a class of persons appointed as authorised officers. . .

When I go to part 2, division 4 of the parent act I see that section 35 provides that:

The minister may appoint any persons to be inspectors under this act.

In the debate on this bill we have already had the point made that this could be contractors or people who are not on the public payroll. We are saying that someone not on the public payroll, a contractor, or an authorised officer that the minister has deemed to be an inspector can impose this \$5 000 penalty and subsection (3) states that a court may not in any way reduce that minimum penalty. So, as far as I can see, it is a mandatory minimum sentence.

Call it what you like. I am not saying that it is a mandatory maximum sentence but, for all intents and purposes, it makes this \$5 000 fine mandatory in that (unless the minister corrects me otherwise) there seems to be no right of appeal to the court—in fact, no role for the court—in possibly reducing that penalty even further should circumstances require that to be the case.

The Hon. P.F. CONLON: Authorised officers do not impose the penalty, the court does; so I do not know what half the honourable member's speech was about. We simply have a difference here in that we believe there should be enforcement for people who make serious breaches of this enforcement bill and the opposition does not. It is as simple as that.

I will see, between houses, how our minimum sentences compare in the jurisdictions. I am quite happy to look at that; however, as was pointed out, the thing the opposition complains of applies to ordinary South Australian motorists all the time. There are mandatory minimum sentences for road traffic offences all the time, and I ask the member for Mitchell whether he thinks he could go down to a court on a drink driving offence and get someone less than six months for exceeding the prescribed content of alcohol. It would take a very good lawyer. Basically, the opposition continues with the view—

An honourable member interjecting:

The Hon. P.F. CONLON: Law 101. As I say, I will have a look between houses at how our minimum penalties match others, but the whole purpose of this is to try to get a nationally consistent set of laws so that if you do commit an offence you are subject to a similar sort of penalty. South Australian drivers put up with driving in Victoria and New South Wales under the provisions that they have implement-

ed. I will have a look at what the provisions are, but for the opposition to recoil in shock and horror in setting a minimum offence just shows that they do not get out much.

Mr HAMILTON-SMITH: Just before putting the amendment, I would like to make the observation that these are simply not nationally consistent laws. If the minister had read the Victorian law he would be aware that it is different to the one being brought before this place and he would also be aware that they are not being applied across jurisdictions equally; each jurisdiction is applying slightly different approaches to the legislation. So they are not consistent; that is not the object. The object is to ensure that there is some commonality, but the bills are not consistent from state to state. I will come to that later. The point that we are making, and my friend has made, is that there are some unintended consequences. The minister keeps railing that we are opposed to the bill, but we have said that we are supporting it. The opposition is not opposed to the bill.

The Hon. P.F. Conlon: No, you have just tried to gut every single clause so far.

Mr HAMILTON-SMITH: No, we have not. The opposition is simply trying to remove any unintended consequences that may not have been foreseen by the minister, and make sure that drivers and operators do not suffer as a consequence of the detail of the bill. There are a number of things here, as my friend has pointed out, that are going to cause quite a bit of havoc and chaos for individuals on the ground. Now, you may have agreement from ministers in other states, and you may have agreement from certain associations that are keen to see the main thrust of the bill agreed to, and we support that, but there is some detail in here—when those associations have their members come to them once this comes into force and the practicalities of it unfold—you will find those associations lining up wanting to amend this bill. I foreshadow that many of the points that we have made will be the issues that they bring to you.

Getting back to subsection (3), I simply make the point that if you want to have a minimum sentence, that is one thing, but to expressly exclude the court from a role in varying any sentence that you may prescribe, or having a role in the matter at all, seems an unnecessary step to us. If you want to have a minimum sentence, state that, but there is no need to say that a court may not be involved in even considering the matter.

The Hon. P.F. CONLON: I am looking at the mass effects as they apply at present. Section 152 of the Road Traffic Act regarding mass penalties is instructive reading for the opposition. That section states:

A court may not reduce or mitigate in any way a minimum penalty prescribed by section 3.

That is failure to comply with a direction. The opposition has two amendments: one is failure to comply with a direction, and the other is failure for mass. Now, if you do not have that capacity to enforce as high a fine for failure to comply with the direction as you do with mass, then the people will fail to comply with the direction because it is cheaper than a mass penalty—that makes sense. So, regarding the end of the world that we are hearing about when they find out about it—it is out there already, and it is what happens already. So, Armageddon may not—I know that it is 666 today—but the end of days may not be as close as the opposition thinks as a result of this section of the bill.

Amendment negatived.

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

Page 29, line 36—Delete ‘30’ and substitute ‘20’

This amendment simply means that you have to be within 20 kilometres of a weighbridge not 30 kilometres. To drag someone back is bad enough, but to make people go back 30 kilometres is over the top. I have tried to be reasonable. If someone is going between Wudinna and Port Augusta, then they should have to weigh them when they get to Port Augusta. They should not make them go back, that is an unnecessary inconvenience—even though, at the present time, the weighbridge at Port Augusta ceases to exist because someone ran into it—it is wiped out. Notwithstanding that slight hiccup and problem, I think that this proposition is abundantly sensible, fair and reasonable, as I have tried to be the whole way through these proceedings.

The Hon. P.F. CONLON: The member for Stuart has attempted with amendment after amendment to gut the entire bill. He believes that it is reasonable because he believes that it is reasonable to gut the entire bill. Regrettably, I am not able to take that viewpoint, having brought the bill to the chamber. The subsection requiring 30 kilometres, while it is an increase in the present provisions, is in the national guideline legislation. It is that which has been enacted in Victoria and New South Wales. I assume that South Australian drivers have been able to comply when in Victoria and New South Wales with such directions. Again, I understand, it is also something that SARTA has not objected to, which is not surprising, given that many South Australian drivers drive into Victoria and are operating under those rules. I am a reasonable person. If the honourable member can find some reasonable argument as to why it can be complied with in New South Wales and Victoria and not here, I will look at it. On the surface—the fact that the opposition does not like it—it will have to be better than that. Drivers are complying with it in both states which have adopted the model legislation.

The Hon. G.M. Gunn: They pay taxes, but they don't like paying taxes.

The Hon. P.F. CONLON: Well, I am not a great fan of national model legislation but this has been a longstanding agreement; it has gone on for years. It started under your people—as you well know—it started under your minister. One of the things of which I can assure the member for Stuart is, having come to an arrangement, I keep it. We have been part of this national agreement and I will keep it both in its letter and its spirit as far as I can unless there is a compelling argument otherwise. I see no argument at present against a provision which is contained and operating in New South Wales and Victoria, and is part of the model legislation. The fundamental issue here is that the member for Stuart does not believe that there should be national model legislation. Well, he may be right, but that is not what everyone else has agreed, and I am going to have to keep the bargains that were made by my predecessors and me.

The Hon. G.M. GUNN: Can I say of the charitable remarks of the minister in relation to this matter that this is the first that I have seen of these. I was told that these guidelines for application were going to be the answer to the maiden's prayer.

The Hon. P.F. Conlon: You weren't told that by me.

The Hon. G.M. GUNN: Reading them has not made me feel any better whatsoever. What I was told by the Chief Executive Officer of the South Australian Road Transport Association—

The Hon. P.F. Conlon: Go argue with him. I didn't tell you that. I only gave them to you.

The Hon. G.M. GUNN: Well, I am just explaining the point. When I conferred with some of his members, people well known to me and very experienced, I found that they did not share that enthusiasm. You are not allowed to bet in this place, but I would put to this house that there are very few people in South Australia or members of parliament who have read these things. I had not seen all these until this bill was tabled in parliament, and then I gave it my due attention. I would have sooner done other things at the weekend than read this stuff, go through it, think about it, and get my blood pressure up even further. Being the mild-mannered fellow that I am, it did disturb me. So, I then had to seek advice and get these amendments drawn.

I do not care what the minister says about the previous government. Let me tell you this: if the previous government was in power some of these provisions would not be in the legislation, because the backbenchers would not vote for it. Whether Sir Humphrey Appleby in Canberra told them to or not, they would not do it, and there would be other consequences if they tried to enforce it, let me tell you. We did apply those consequences. So, I have a clear conscience. We are going to debate these issues, and I am going to make sure that people around rural South Australia are aware of these things and what rights they have. I started that process off today when I very reluctantly went on the radio and explained what people should be aware of. We will be making arrangements and telling people to beware and what steps they should take to protect themselves. It will create some paper for the Sir Humphreys, let me tell you. Too bad; I cannot help that.

Amendment negatived.

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

Page 32, after line 16—Insert:

- (3) If an authorised officer or police officer gives a person a direction under this Subdivision otherwise than in writing, the authorised officer or police officer must cause the person to be given a notice in writing setting out the terms of the direction within 24 hours.

If you argue about that you will argue against motherhood, because there is absolutely no rhyme or reason why anyone could not support this most sensible suggestion. If you were given a direction, if it was put in writing, that means you have the ability to challenge it, seek some advice on it and, if it is unreasonable, act upon it.

One of the things I thought we had in this state and in this country was the ability to defend ourselves and to actually challenge authority. We are not there to be subservient. We are not there to be directed continuously. We have a right to question authority. The minister is a member of that august and esteemed legal profession. It is something I would have probably liked to have been a member of, because it would have given me a great deal of pleasure to deal with people in another forum. May I say this: my good friend Marie Shaw has, I think, put a breath of fresh air through the court system. She was a very good appointment. I am sure the government now recognises that.

The Hon. P.F. Conlon: Yes, she'll get some rapists off. That's good, yes.

The Hon. G.M. GUNN: That is an unfair reflection.

The Hon. P.F. Conlon: Well, you and I don't agree on everything, mate.

The Hon. G.M. GUNN: Well, I know that, Patrick. That is why—as good a fellow as you are—we sit on different sides of the house.

The Hon. P.F. CONLON: The directions that the member wants to be put into writing within 24 hours are directions to stop, move or leave the vehicle. We are talking about a moving vehicle which is being directed to stop. The member for Stuart believes that they should be able to contest that, because it might not be reasonable and right, and to get it in writing later. I have never heard such nonsense. His first request was to put this in writing. What are you going to do? Fling a paper aeroplane with the written instructions at the truck as it goes past?

These provisions to make directions to stop, move or leave the vehicle are quite ordinary provisions. They apply under section 46(1)(c) of the Road Safety Act and section 14(1)(a) of the Harbors and Navigation Act, where it applies to an authorised person directing a person apparently in charge of a vessel. We are talking about the basic direction. We are not talking about directing someone to do something complex. We are talking about a direction to stop, move or leave a vehicle. If the honourable member thinks that it is a necessary safeguard to our freedom that someone who has been directed to stop a vehicle needs, within 24 hours, to receive that direction in writing, we simply have to disagree.

Amendment negatived.

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

Page 33, lines 37 to 41—Delete subclause (4)

Amendment negatived.

Mr HAMILTON-SMITH: I move:

Page 36, line 6—Before 'vehicle' insert 'heavy'

The question I have for the minister regarding this and subsequent sections under subdivision 4 is that section 40Q(1) states that this section applies to a vehicle located at a place. I am asking whether the intention of the government was to have these sections apply to heavy vehicles? The whole thrust of the bill is to address concerns in the road freight industry. I note that there is no definition in the bill of the term 'vehicle', but in the parent act 'vehicle' includes a motor vehicle, trailer or tram, a bicycle, an animal-drawn vehicle, a combination, a motorised wheelchair, etc. Is it the intention of the minister for this section, but in particular subsection (1), to apply to all vehicles on the road? In other words, will police and authorised officers be able to exercise these powers with all vehicles? The concern we have is that, if that is not the government's intent, an unintended consequence may be that we could find any motor car or family sedan or any small business with perhaps a station wagon or a panel van being stopped and required to obey the provisions in this act. Is it the government's intention that this apply to every vehicle on the road, or was it the government's intention to restrict it to heavy vehicles, which are defined in the bill?

The Hon. P.F. CONLON: As in New South Wales, the intention was to apply it to heavy and light vehicles. I do not know why that provision was chosen here and in New South Wales but not in Victoria. I will oppose this amendment now, but if between the houses the honourable member has a good argument for why it should be restricted to heavy vehicles, then we will look at it. I am always happy to look at anything that does not undermine our agreement to enact a national bill. I am advised that they do have that power now. If the honourable member thinks that there is some compelling argument, he can forward it to me and we will have a look at

it between the houses, but it is intended to apply to heavy and light vehicles now.

Progress reported: committee to sit again.

RIVER TORRENS LINEAR PARK BILL

Received from the Legislative Council and read a first time.

**CRIMINAL LAW CONSOLIDATION
(DANGEROUS DRIVING) AMENDMENT BILL**

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 5.58 p.m. the house adjourned until Wednesday 7 June at 2 p.m.