HOUSE OF ASSEMBLY

Thursday 29 March 2007

The DEPUTY SPEAKER (Ms Thompson) took the chair at 10.30 a.m. and read prayers.

TREES FOR LIFE

The Hon. R.B. SUCH (Fisher): I move:

That this house—

(a) congratulates Trees for Life, and its antecedent organisation Men of the Trees, on its 25 years of outstanding contribution to the greening of South Australia through revegetation and the protection of remnant vegetation;

(b) commends the staff and the many thousands of volunteers who, by their efforts, link city and country; and

(c) acknowledges the support of former minister Hill and minister Gago along with the generous contributions of the CMV Foundation and the Crawford family in making it possible for Trees for Life to have a new multipurpose facility at Brooklyn Park.

I have amended the original motion as shown on the *Notice Paper*, bearing in mind that, although the organisation is now called Trees For Life, when it started it was Men of the Trees, which is the name they have kept in Western Australia. In the original motion I also understated the length of time of the organisation's contribution.

Last Friday night I had the privilege of attending the opening of the new multipurpose facility at Brooklyn Park, which was opened by minister Gago and which, as the motion indicates, was made possible not only by the generous support originally initiated by former minister Hill and continued by minister Gago but also by the CMV Foundation (originally Commercial Motor Vehicles, the commercial truck dealers) which very generously donated $400 000 towards that facility. The opening was also attended by members of the Crawford family who have taken a particular interest in this organisation and what it does afford a community. I would like to quote from *Trees For Life*, which is the history of the organisation here, as follows:

By the late 1970s most of South Australia's original native vegetation had been cleared. More than 150 years of white settlement had well and truly taken its toll, changing the South Australian landscape dramatically. Government incentives for landholders to clear land hadn't helped and, with tree cover at dangerously low levels, the state was on the brink of environmental bankruptcy. Burr Dodd and Lolo Houbein decided to take action.

In 1980 they heard about the prolific promoter of tree planting, Dr Richard St Barbe Baker, who had founded the hugely successful Men of the Trees movement in Kenya in 1922. Inspired by his example, Burr and Lolo decided to set up their own program to help revegetate South Australia. In 1981 they formed a South Australian branch of Men of The Trees. A letter sent out on 15 April that year outlined some of the aims of the group. Identifying South Australia's specific needs, Burr wrote, 'Our prime purpose should be to protect an already dry and eroded land from becoming drier and more eroded.'

Based on Canadian research that recommended 22-25 per cent of farmland be devoted to shelter belts (which decrease wind speed on farmland, reducing soil loss and providing shelter for animals), Burr proclaimed Men of The Trees' main task in South Australia be the establishment of trees to increase the general health of the land. The main obstacle, as Burr put it, would be getting enough farmers involved. Richard St Barbe Baker was invited to Adelaide to speak at a meeting in September of that year, and the rest, as they say, is history.

Just quoting further in relation to the first meeting of Men of The Trees:

On the evening of 30 September 1981, 230 people made their way to the YWCA hall in North Adelaide for the inaugural meeting of the South Australian branch of Men of The Trees. No minutes were taken, but information from the first newsletter and the recollections of people who were there can be pieced together to give an impression of what took place.

Former Trees For Life secretary Gillian Middenway remembers founder Burr Dodd's pragmatic approach: 'He said, "The quorum is going to be two, because if people don't turn up, I still want to be able to do things".' Burr doesn't dispute this, saying, 'We weren't democratic in the beginning . . . we didn't want to spend a lot of time on meetings and minutes, and people accepted that.' Burr and fellow founder Lolo Houbein were delighted to see so many people turn up and were kept busy taking details of the new members. 'It was very practical,' Lolo recalls. 'We were laying the foundations for something that would work.'

Aims were discussed, not the least being the ambitious goal to 're-tree the state by the year 2050'. Goals were set high, as land-clearing practices had been exasperating South Australian residents as early as 1850, when botanist Dr F. von Mueller observed the rapid spread of weeds.'

The following is a quote in the article:

'[The introduced plants] in the neighbourhood of Adelaide had so changed the appearance of the land that, apart from the eucalypts, the vegetation appeared more European than Australian.'

That is quoted in the book by Darrell Kraehenbuehl, 1996, 'Pre-European Vegetation of Adelaide: A Survey from the Gawler River to Hallett Cove', published by the Nature Conservation Society.

The main activities of Men of the Trees were set out as seed collecting, raising seedlings and planting trees. Membership was set at $12, although free to pensioners and unemployed people. Members were asked to divide into groups according to the area in which they lived, and 11 local branches were formed. The groups were all to work independently, without centralised control. Talk of changing the name of the organisation was already circulating. Some women voiced their dislike of the name 'Men of the Trees', saying that they wanted to become members, but refused to join if the name was not altered to something more inclusive. However, it seems the time was not right as only 11 out of all present voted to change the name 'Men of the Trees'. It was not until two years later that the name was changed to 'Trees for Life'.

What has grown from that initial meeting is something of the order of 8 000 volunteers and a fantastic cooperative effort between people in the city and country, and particularly amongst the farming community. Very special bonds have been developed between the volunteers who raise the seedlings and the farmers who plant the seedlings and who are also often assisted by volunteers from within Trees for Life. I conclude by congratulating Trees for Life, the people who had the vision to establish it over 25 years ago, and commend all those who work for it (whether they are on the staff or as volunteers) and use it as an example of how city and country can work together to improve the environment for everyone. I acknowledge that these founding people who set up Trees for Life were ahead of their time and how prophetic their views were, given our current focus on global warming and greenhouse gas emissions and dealing with the creation of carbon.

How farsighted they were to be creating an organisation which has literally resulted in the planting of millions of trees throughout South Australia. I commend all those involved and wish the organisation—its staff, volunteers and supporters—all the best for the future.

Mrs GERAGHTY (Torrens): I, too, support this motion. I have spoken to some of my colleagues on this side and they support the motion as well. For quite a long time, my family, in one way or another, though not formally, have been involved with Trees for Life. My husband and I, our children, grandchildren and any friends who happen to be passing have planted thousands of trees on a property over the past 16 years or so. My son and his family grow trees from seeds, and we have been conned into packing the tubes and doing all the other things that go with it. It takes a big effort to do that. I commend the work of Trees for Life and all the volunteers who participate. They do a great service not just for our metropolitan community (because we do plant many of those trees in the metropolitan area) but particularly for our rural land, which has been denuded over the years. I support the motion.

Motion carried.

SCHOOLS, ABERFOYLE PARK CAMPUS

The Hon. R.B. SUCH (Fisher): I move:

That this house congratulates the parents, teachers and students of the four schools that make up Aberfoyle Park Primary School campus, namely, the School of the Nativity, Pilgrim, Spence and Heysen schools, on 25 years of achievement in a special learning environment supported by the Catholic Church, the Uniting Church and the Department of Education and Children's Services.

This week the campus schools celebrate their 25th anniversary. In fact, the actual day was yesterday. It was probably the first of these shared-facility schools in which you have a Catholic school (School of the Nativity), a Uniting Church school (Pilgrim) and the two DECS schools (one named after Catherine Spence and the other named after Sir Hans Heysen). They are four fantastic schools, which are very active and highly regarded in the community. Only last weekend I had the privilege to open their fair for what seemed like the 25th time, but not quite—I think it was about the 18th time.

It is a wonderful example of how people from different religious faiths and the state school system can work together and therefore save the community an enormous amount of money overall by sharing sporting facilities, meeting halls, gymnasia and the like. Recently (only a few weeks ago), the School of the Nativity had an extension and a remodelling, and I was privileged to be invited to attend. Archbishop Wilson blessed the building. He actually blessed me as well when he threw the holy water. I must say that, since that time, I have felt even better than I normally feel! When I went to Coromandel Valley school, which is one of those small schools, we had only 70 people in the school. We had one Catholic family in the school, the Scherer family (which is the German spelling), who are still active in Adelaide running businesses and so on. They had red hair, and I assumed, being a primary school student, that all Catholics had red hair. I had grown up in a fairly strict Protestant environment—

The Hon. M.J. Atkinson: And look what it did for you!

The Hon. R.B. SUCH: I am pleased that the Attorney has acknowledged that I turned out well. We regarded Catholics basically as the enemy. In fact, when I was young and courting a young girl who was Catholic, one of the relatives said, 'If you marry her, that will be the end of you.' Fortunately, we have moved on from those days of hatred and bigotry, in the main. The Scherer family, who are a fantastic family—and there is a street named after them in Coromandel Valley—used to head off on a Friday to take goodies up to the local priest. They were ahead of their time because a lot of those goodies seemed to be healthy things like dates and prunes and all those sorts of things. So, you probably had a regular priest as a result of that healthy diet of prunes and dates!

What we have seen as a result of the campus schools, comprising people, as I say, of the different faiths, is children playing together in the yard and parents cooperating together. We have Sir Hans Heysen's grandson Peter come to the annual year 7 graduations at Heysen Primary School, and that is a great occasion, as it is for the Spence school. It is great that we have a state school named after one of our fantastic female pioneers, in terms of someone who helped lead the way in South Australia. We have had tourists, visitors and educators come from all around the world to have a look at this particular model, and I believe it has been replicated in some other parts of Adelaide and elsewhere around Australia. It shows what you can do when you have a cooperative team of people on the councils, the staff, the principals and, of course, the children, mixing with each other in an educational environment and growing up in a spirit of tolerance and cooperation.

It is a great pleasure for me to move this motion. I was not able to be at their special celebration yesterday. I wrote to each of the schools, but I would like to see on the record an acknowledgment of a pioneering school and a fantastic effort on behalf of the Catholic Church, the Uniting Church and the Department for Education and Children's Services. I commend the motion to the house.

Dr McFETRIDGE (Morphett): I rise to support the motion moved by the member for Fisher. My son Lachlan attended Pilgrim Primary School. The campus there certainly was one that he enjoyed attending, and as a parent I was confident that he would receive a very good education. The synergy that was in place because of the combined enthusiasm of the state, Catholic and independent schools was clearly evident to everybody involved, whether they were a student, parent or a teacher in one of these individual schools. It is good to see that they have continued to prosper.

It is interesting to note that the federal opposition leader is talking about a similar synergy in other schools. Certainly, if they were to model it on the Aberfoyle Park Primary School campus, it would be one that the opposition would be willing to consider. If they could produce both the academic and social results, as well as the general community endeavour that is exhibited by this amalgamation, then the opposition would be more than happy to continue to promote education along these lines. The Aberfoyle Park Primary School is a terrific school, the campus has worked well and I support the motion.

Motion carried.

CHILDCARE

Adjourned debate on motion of Ms Bedford:

That this house calls on the federal government to:

(a) reject the recent Treasury publication entitled 'Economic Roundup' for failing to acknowledge the Australia-wide shortage of affordable childcare;

(b) endorse the findings of the Productivity Commission Report on Government Service 2007, which found that families are finding childcare increasingly inaccessible, inflexible and expensive; and

(c) acknowledge Bronwyn Bishop's recent comments drawing attention to the inadequacy of the federal government's

current childcare policy and the inaccuracy of the Treasury's 'Economic Roundup'.

(Continued from 15 March. Page 2091.)

Ms BEDFORD (Florey): To conclude my remarks: the matter of ownership of the service is really important. Their purposes are poles apart, as are the differences they make to quality childcare. Community-based services deliver for children, their families and their communities, not shareholders. Their core business is children, not profit. Their management is parents, the direct beneficiaries of quality care; not a distant board working for fees and shareholders. Any funds made by community childcare services go back into the service, not into the shareholders' pockets. I commend this motion to the house and urge all members to raise the concerns of the childcare sector, to work towards improving children's services in South Australia and to advocate the important role of community-owned not-for-profit services in building strong connected communities to support families in their role of raising children.

Ms CICCARELLO (Norwood): I am very happy to support the member for Florey's motion. Balancing work and family commitments continues to rank highly amongst my constituents and, indeed, all Australians as a top priority social issue. So, when I flipped through the Treasurer's Economic Roundup for summer 2007 and found the chapter on childcare and saw that it was entitled 'Evidence on the childcare market' I was delighted. Finally, I thought, the Howard government would acknowledge the increasing unmet need within the community for childcare places and the ever spiralling costs of childcare and do something about it. So, it was with great optimism that I started reading the chapter, and then I read the opening line on page 1, as follows:

The available evidence indicates that, contrary to popular perceptions, there is not an emerging crisis in the sector; supply is generally keeping pace with demand and childcare has remained affordable.

I berated myself for ever thinking that the Howard government would show a modicum of social responsibility. Quite frankly, I could not believe that they had so quickly and irresponsibly dismissed an issue that has recently been described by the Human Rights and Equal Opportunity Commission as:

. . . more than a happy barbecue stopper. . . it is one of the major challenges facing families, employers and governments.

It is a challenge that must be faced for there is no question that striking a harmonious balance in the professional and family lives of Australians by the provision of affordable and accessible childcare has many positive social outcomes. It provides an opportunity for caregivers to commence work or return to work. It reduces the reliance of caregivers on welfare benefits. It provides an increased productivity for the Australian work force and a returned boost to the economy via the taxation system. It provides a safe and interactive environment for children, and it supports an industry that employs thousands of hardworking and dedicated Australians. So, it is absolutely essential that childcare be looked at seriously and not just dismissed with the flourish of a bureaucratic pen.

Returning to the Howard government's statement, which is the basis for this motion, let us break it down into the two issues they have mentioned—affordability and accessibility. First, they state that childcare 'has remained affordable'. I am not sure who is advising Treasury about these matters, but what absolute rubbish! This is not just my opinion. Let us take a quick look at what others have been saying over the past few months. The Human Rights and Equal Opportunity Commission recently released its report entitled 'It's About Time' and, in it, the commission states that the cost of care is 'problematic' and 'childcare is becoming less affordable'.

The Australian Bureau of Statistics found that, if you take March 1996 as the basis with a CPI equivalent to 100 points, the childcare index for Australian cities is now at 201.78 points—that is, double the 1996 costs. Members might be interested to learn that in Adelaide the rise since the Howard government came to office has been 88 per cent. The Productivity Commission, in its 2007 Report on Government Services, found that childcare cost $233 per week in 2006 for full-time care, compared to the $209 parents paid in 2004—a cost that alarmingly now represents more than 20 per cent of average weekly earnings. The Task Force on Care Costs released figures last month, including the new Childcare Affordability Index, which showed that the cost of childcare has risen by 65 per cent over the past five years, while disposable income has risen by only 17 per cent. It also found that one in four Australian carers had already reduced their hours of work because of the high costs and that 28 per cent are likely to leave the work force in the future for the same reason. I could go on.

The high costs and increasing unaffordability of childcare in Australia is a consistent finding by independent researchers, yet the Howard government denies that there is even a problem. Hardworking Australians have told the Human Rights and Equal Opportunity Commission and the task force that they are struggling to pay for quality childcare and, at the same time, they remain in the work force, yet the Howard government says that they are wrong. The arrogance and point-blank refusal to listen to the volume of chorus within the community never ceases to amaze me.

I turn now to the second part of the government's statement that 'the supply of childcare is generally keeping pace with demand'. Again, the government has it patently wrong. I am not sure why they found it necessary to qualify this statement with the word 'generally', but how, in the first instance, can this possibly be an accurate statement when, as I have outlined above, the costs of childcare are preventing tens of thousands of Australian families from accessing it? Even leaving aside the question of affordability, the simple existence of childcare places is also a real problem. The ABS childcare survey found that parents required additional care for almost 190 000 children nationally, which represents an increase of 14 000 from the previous survey period. Let me repeat that: 190 000 parents who needed to access childcare places were not able to do so.

The survey found that 33 per cent of these parents said that they did not access childcare because services were booked out or that no places were available, 10 per cent said that no services existed, 9 per cent said they did not know whether places existed, and the rest cited costs and other service difficulties as being a reason for not accessing childcare places. That is, 43 per cent of families said that places were simply not available, regardless of any cost issue. Disturbingly, the survey also found that undersupply of childcare was a particular concern in rural and remote parts of Australia or when the child or the parent has specific needs. It is no wonder that the Human Rights and Equal Opportunity Commission noted consistently that childcare

availability was an issue frequently raised in submissions and consultations.

Quite simply, there is a crisis in the childcare sector. The Howard government might want us to believe that this is all an urban myth and that everything is hunky dory but, unlike them, I am basing my statement on cold hard facts and the experience and stories of Australian families. Childcare places are simply not available and, even when they are, soaring costs are preventing parents from being able to access them. I guess that like climate change and industrial relations this is just another in a long line of issues where the Howard government would simply rather bury its head in the sand than acknowledge that this is a real problem affecting real Australians. I support the motion moved by the member for Florey.

Mr HAMILTON-SMITH (Waite): I will make a contribution on this question of childcare affordability because I think the house may need a history lesson. In particular, the house may need to recall that childcare arrangements were radically reorganised by a federal Labor government, I think in about 1990. The member for Enfield may be able to tell me, because we were just discussing the other day the memoirs of a failed finance minister, Peter Walsh, who, as a senior member of a Labor government, made the decision to transfer funding from the childcare sector away from the public sector to parents. He realised that to build the required number of child are places across the nation in the public sector, it would cost far more money—tens of millions of dollars more—than it would cost to give the money to parents on a means-tested basis and let them then choose their childcare provider. The effect of that, of course, was to encourage the private sector to create places. There was a subsequent boom in the provision of childcare places and private investment in childcare, and very rapidly the number of places available across the nation grew.

I know this to be so because my family had a long history of involvement. My mother set up one of the first childcare centres in the state in the late 1950s, well before the Dunstan period. She was a pioneer of childcare in South Australia in those early years through the 1960s. I have to say that, on leaving the defence force, I went into that family business and was involved in the provision of private childcare places, having six businesses in two states. I was the national secretary of the industry body, representing about 4 000 small businesses across the nation. I was involved heavily in lobbying Labor ministers and then coalition ministers on behalf of the industry. I was also president of one of the state industry bodies.

I just say to the member who moved the motion and to the member for Norwood who spoke to it that they would simply be staggered if they considered the problems there would be in shortages of childcare places if the whole sector was still in the public domain. I can tell you that if the private sector was not in it there would be such a dramatic shortage of childcare in every state across the nation that we would be at crisis point.

I commend minister Walsh for his decision. I know it went over like a lead balloon with the radical left of the Labor Party—I think he copped quite a bit of venom for his decision—but I have to say that it was one of a series of sensible decisions by former Labor governments pre-1996. I think there were some sensible decisions such as those in regard to the banking sector and the privatisation of Qantas and the Commonwealth Bank and others. This restructuring of childcare was also sensible, and that is why the federal Liberal-National coalition did not oppose the measures; in fact, we supported them. So, I say to the member who moved the motion and to others who are interested in it, Labor created the childcare centre system we have today. It has provided tens of thousands more places than we had pre-1990 and more than we would have today if the system had remained in public hands.

I question the assertion that there is a dramatic shortage of childcare places, because I think it can be shown to be incorrect. I think it is fair to say that in certain locations there is a shortage. There will certainly be shortages in the type of childcare—for example, family day care, long day care or after school hours care—in certain geographical locations, but to argue that there is a shortage of childcare places across the board is simply wrong. To prove that, I encourage any member to walk out of the chamber, pick up the *Yellow Pages*, call childcare centres and see how many tell you they have no vacancies for either a full fee-paying customer or a person entitled to childcare assistance. In fact, it is easiest of all to find a place if you are on a very low income and entitled to a full percentage of childcare assistance and childcare payment, because childcare centres will snap you up.

Ms Portolesi: That's not true.

Mr HAMILTON-SMITH: Well, if it's not true then I encourage the member to go out, pick up the *Yellow Pages*—I will do it with her—and we will see about these shortages. I think we would find that the shortages are not as widespread as the member claims.

Ms Portolesi: I'll put my house on it.

Mr HAMILTON-SMITH: The member can make a contribution in a minute. Childcare centres are being built rapidly across the state and across the nation as we speak. South Australia is the only state that runs a family day-care system. As far as I am aware, we are the only state that is still building—with taxpayer money diverted out of education from high schools and primary schools—new childcare centres. Almost every other state, particularly Queensland, is allowing the federal government, which is responsible for childcare, to pay its way. They are relying on the childcare payment system and the federal government's childcare assistance scheme to meet demand by paying parents and they then go to the childcare centre of their choice. They might choose family day care—which is essentially private; it is small business people, it is mums at home who are running a small business—or they might choose a community-based childcare centre. Some go to a kindergarten-style centre and they make their payment.

The people who benefit most from the scheme are the people with the least money because, if you are on a low income or from a disadvantaged family, almost all your childcare fee is paid, except for a small gap. There are also arrangements in place for the whole of the childcare fee to be paid if a family is in crisis. Yes, it is true that the wealthy have to pay the full market payment. That is true. I will tell you where a lot of the really loud complaints about this come from: they come from the wealthy. They come from people on incomes of $100 000 or $150 000 or more, who are not eligible for any childcare assistance payment from the commonwealth. These people loved the time when you could take your kids off to a community-based or government-funded childcare centre and get, in effect, a free or subsidised service.

What minister Walsh created in 1990 was a system that is means tested. It is designed to help poor families and

families in need. They are the ones who benefit, and the rich pay. There would be very few members in this parliament who would be eligible for a childcare co-payment from the commonwealth. There may be some—the member for West Torrens puts up his hand. Maybe there are some children he would like to reveal to the house. The issue is far more complex than some members may feel.

The answer to this problem is not to divert tens of millions of dollars out of high school and primary school education into the construction of childcare centres. That is not the solution. Minister Walsh understood that. That would be inefficient. Those centres would generally be run less efficiently. They would be run in accordance with union industrial arrangements. I am not complaining about that per se, but I am simply saying that the efficient sector here is the private sector, and that has been proven to be so. Not only that, the national accreditation scheme (again introduced by Rosemary Crowley under a Labor government) which accredits childcare centres, consistently sees an outcome where private childcare centres achieve a full three year rating and are quality approved, at least on par with any other service and often well ahead of it. They are excellent services.

This is a much more complicated problem than is purported in the motion. I will not be supporting the motion, because it is full of political intent. However, I commend the member for bringing it to the attention of the house, because she has identified this as a major problem. It is a major problem: we require more and better childcare services, and we always will. However, I think we need to look at the type of service. I believe we will find that the demand is probably more for after school hours care than for long day care. I think we will find that it varies from geography to geography and location to location. That is simply the case.

Time expired.

Mr RAU (Enfield): Today I have a very happy thing to say: this is the first time since I have been here that I have been able to agree with the member for Waite. I think his contribution was very informed—

An honourable member: Progressive.

Mr RAU: And progressive. I want the member for Waite to know that I do not always agree with him, but today I think his contribution has been very useful. He has hit a number of very important buttons here, and I commend him for that. I agree with the general thrust of what the honourable member said, which is, effectively, that we have to put the choice in the hands of the parents. We have to say to the parents, 'You are the best people to work out where your kids should go and what their requirements are. We are going to give you the opportunity to have funds allocated on your behalf to satisfy the family's need for this sort of support'—and it is entirely proper that that should occur.

I am one of those people who, like the member for Waite, sees this as a very complex issue. I guess I have the privilege of living through this myself at the present time, and I have done so for some years. It is a very complex issue. It is not just about giving parents the opportunity to make decisions that are important for their children and their family, it is also about the issue of work force participation—not just for females, because I do not think this issue is just about females; it is about work force participation generally in families and the way in which families allocate their time.

I think that, eventually, we will have to broaden the way in which we look at childcare. The institutional model (which is, basically, what the member for Waite was talking about) is very good, and I agree with him that the private sector delivers very well on that model. However, it is not the only potential solution to the problem. Can I give an example. For families with children of different ages and with differing requirements, in particular, it may be more convenient to have some home-based childcare, where the routines of different aged children can be accommodated—there might be issues that relate to people who work, and those sorts of things. After school care has been mentioned and, again, that is a very important area.

This is a very complex question, one which requires continual review. I think that, in the fullness of time, we will have to consider at a national level whether the expenditures that families make on behalf of children in terms of childcare and education should always be made 100 per cent out of after tax dollars, and whether the best way of giving people the maximum reach into those services is to take the money off them and then give it back to them. Once we take money off someone through tax, there is an administrative cost in processing that money and spitting it out the other end as a subsidy or a rebate. It is easier and far more efficient never to take it in the first place and let the person do what they want with it.

It is now reaching the point where childcare is becoming quite expensive. The member for Waite is quite right: if you are dealing with people who are on very low incomes and who meet all the threshold tests for the federal scheme and you are talking about institutional care, the scheme is pretty good. However, there are a lot of dual income families out there who do not necessarily meet that test in that way, and there are a lot of other needs around the community. I think that, in the fullness of time, a federal government will have to look at the question, particularly now that we have more than 30 per cent of children attending non-government schools, and the ones who are attending government schools have to be supported by way of fees. These things will have to be constantly under review to ensure that government is offering the appropriate level of support for families to get on with, first, the important job of keeping the family together and, secondly, making sure that children are properly looked after in both the preschool and school areas.

Unlike the member for Waite, I will support the motion. even though I agree with him on everything else, that is the only part on which I disagree. He is probably surprised to hear that, but that is the case. I commend the mover of the motion and I say in all seriousness that it is a pleasure to hear the member for Waite say something with such obvious knowledge of the topic, as he has demonstrated in his contribution today. I am very pleased to endorse many of his remarks and, in particular, the idea that Peter Walsh (who is a personal favourite of mine) has come up with a practical scheme that has delivered in a meaningful way for many families, particularly those on lower incomes.

The Hon. L. STEVENS (Little Para): I support the motion, and I commend the member for Florey for moving it. I would like to draw the attention of members to the forthcoming report of the former Thinker in Residence, Professor Fraser Mustard, who has just completed his term. I think that, with respect to this whole issue of childcare, we need to shift our focus and realise that it is much more than childcare. It is about child development. It is about understanding that the early years of a child's life are the most significant years of all in terms of the development of their

brain and in laying down the foundations for their future potential.

This means that we have to put in place in our communities the very best nurturing in terms of child development, and we need to do this, first, by supporting parents themselves, but also setting up throughout our communities other means by which children can receive this excellence in nurturing to enable them to develop to their full potential. That means that we have to make sure that our childcare centres become early childhood development centres that focus not just on caring and looking after children in terms of giving them food and changing their nappies etc., but in terms of programs, activities and nurturing which develop that child's brain and which give that child every possible chance of reaching his full potential.

That means doing much more than what the ABC childcare centres are doing right now, and it means also establishing things for the support of parents. This is an incredibly important issue at the moment. We talk about the need for WorkChoices, for our economy, for enabling men and women to participate in childcare and to support that participation, but we also need to think about the work force of the future and our people of the future, and they are our young children, who require the services and supports that will enable them to develop to their full potential. I congratulate the member for Florey for introducing the motion. This is something that all governments of all persuasions—federal, state and local—and local communities need to put their minds to for the future.

Mr PEDERICK (Hammond): I rise to speak against the motion, and I will speak from the local level on what happens in Murray Bridge. I have an intimate knowledge of what happens there because I have one son, now six years old, who went through the Murray Bridge childcare centre and had excellent care, and my second son Angus now goes there two days a week. It is the original centre in Murray Bridge. It provides excellent care and has not done my son Mackenzie any harm as he is in grade 1 now and advancing very well. I do not know how many reader levels there are in his year—

Mr Koutsantonis: So, he's exceeded you already!

Mr PEDERICK: How is your son going, Tom?

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Hammond will address the point of the motion.

Mr PEDERICK: He is progressing very well and up to reader level 8 or 9 in grade 1, and we are very proud of him.

Mr Koutsantonis: Who does he look like?

Mr PEDERICK: It just goes on, doesn't it? I am never surprised in this place. I invite all the members on the other side—we could hire a bus and take them out to Murray Bridge—

Mr Pisoni: With seatbelts.

Mr PEDERICK: A bus with seatbelts, I am advised by my friend.

An honourable member interjecting:

Mr PEDERICK: Yes, the Opposition Whip knows Murray Bridge; that is very good.

Mr Koutsantonis interjecting:

Mr PEDERICK: If the honourable member would like to participate—

Mr Koutsantonis: I am!

Mr PEDERICK: That is fine. I would invite everyone to come down and see what is happening in a booming local economy with more industry coming into the area. The simple fact is that four childcare centres have been built in the last couple of years. I will pick a number out of the sky, but I would say that there are probably 200 vacancies available in Murray Bridge alone. The help of federal funding that assists people (especially with low incomes) to access childcare is what gets these buildings up. I would suggest that, if members opposite do not have adequate childcare, they are obviously not lobbying hard enough and they need to get out and lobby their federal members and get on with the job. Obviously, from a local perspective, it is happening. Also in the Mallee, there are mobile services that give people who live an hour and a half from a childcare centre a day to go and do other things, which frees them up.

Another thing I want to touch on is the family day care system, which is fantastic, but the one issue with it is that bureaucracy puts people off running the system. You have to have limitations in place, you have to have the right fencing, and that is all well and good, but good people have to jump through too many hoops. If it could be simplified in some way—and I do not have the answers because I have not researched it enough, although I know what happens locally—more good people would take up this option. If it was funded a bit better somewhere along the line, it would entice more people to do it at home so that they could make part of their living from having family day care at home. It has forced a lot of people, including ourselves at times, to make private arrangements, because people just do not want to jump through all the hoops.

This would help people on lower incomes not able to access some of the funding. I do not agree with the motion, and I certainly invite members opposite to lobby for more centres in their areas, because we have a good few of them in Murray Bridge.

Ms PORTOLESI (Hartley): I was not going to speak on this motion, but I became so enraged by the contribution by the member for Hammond that I thought I might talk about my own experiences for a moment. I have been extremely fortunate. I have a three year old child. I had six months maternity leave, and I arranged for my large and extensive Italian family to look after our daughter. We were lucky in that I have a healthy and able mother and three sisters who live in Adelaide, all of whom, in fact, are like mothers to me. They are all prepared to pitch in, and just as well, because at the one year mark when I started looking around for childcare centres, none were available. Anyway, that was fine, because my sister was going to look after my child.

My sister was prepared for quite a large load. After day two she hit the wall. My daughter refused to take the bottle; it was all extremely difficult. She had a bit of an anxiety attack; she could not do it. We were stuck for about 24 hours with two of us working full time, a child, and no childcare. I went through the *Yellow Pages*. I called every childcare centre in the east in my electorate, every childcare centre in the city, every childcare centre around the fringes of the city, a fantastic childcare centre—Lady Gowrie—in Thebarton, I think, Il Nido in Campbelltown, and centres in Unley—none of them had any places available.

I do not mind paying for childcare, but we are lucky in that we can pay. The waiting lists were about 18 months, that is, if the waiting list was open; some were shut. Anyway, my sister got better and things became slightly more manageable, and after a good period, a fantastic childcare centre in the city, the Sturt Street Community Childcare Centre made a place available for Allegra. During the time when we were

desperate, my husband and I visited some of the private childcare centres in the electorate. I must say that I was thankful that that was an option available to us. I do not mean to be disrespectful but it made me feel very uncomfortable, because I felt the quality control over those centres was perhaps a bit wanting. If members talk to Fraser Mustard, they will probably find that he has a similar view.

Mr Hamilton-Smith interjecting:

Ms PORTOLESI: No, I support the private sector, and that is a mistake that members opposite make in their thinking. What makes me uncomfortable about the private sector providers in the childcare industry is that you have to take your own food when you take your child there. Well, that is fine, but what if my daughter, who is allergic to something, pinched something from another kid's lunch box? What happens there? You have to take your own nappies. Anyway, we were lucky that something became available, but I am worried about the quality control in the private childcare sector.

The thing that enraged me about the member for Hammond's contribution is that, just because things are fine for him, just because he thinks that 200 places are available in Murray Bridge (a fine city), how does that assist people living in Campbelltown? How does that assist people living in Noarlunga?

Members interjecting:

The DEPUTY SPEAKER: Order! Members on my left will refrain from yelling across the chamber; it is just too loud.

Ms PORTOLESI: Just because things are okay for you, it does not mean that that is the case for other people. The member for Unley says that I should bring my daughter in here to Parliament House; well, that is a really sensible and sensitive contribution.

Mr Pisoni: I did not say that.

Ms PORTOLESI: You said to bring her in here.

The DEPUTY SPEAKER: Order!

Mr PISONI: I rise on a point of order.

The DEPUTY SPEAKER: Does the member claim to have been misrepresented?

Mr PISONI: Yes; I have been misrepresented. At no time have I suggested that the member for Hartley bring her child in here. At no time at all have I done that.

Ms BEDFORD (Florey): I thank everyone for their contributions. Childcare remains perhaps the major concern and issue raised with me by my constituents, and that is parents and grandparents alike. Knowing the raising of future generations must receive appropriate status and resources is a key source of worry for them. The work, as the member for Little Para said, of the internationally renowned Canadian authority in childcare development, Fraser Mustard, one of our Thinkers in Residence, has indeed heightened discussion and focused thinking on this issue. He has more than fulfilled his charter, capably assisted by Ms Dorothy McKinnon. I commend the motion to the house and hope that the federal government gets the message and begins to understand the importance of this issue.

Motion carried.

MULTICULTURALISM

Adjourned debate on motion of Ms Portolesi:

That this house reaffirms its commitment to multiculturalism as a policy based on mutual respect, understanding and coexistence, and which values the cultural diversity and economic opportunity brought to Australia by migrants.

(Continued from 22 February. Page 1870.)

Mr HAMILTON-SMITH (Waite): On 22 February 2007 the Parliamentary Secretary for Multicultural Affairs, the member for Hartley, moved the motion in the *Notice Paper*. I move to amend the motion, as follows:

Add after the words 'understanding and coexistence' the following words 'a commitment to democracy and the rule of law, the equality of men and women, respect for Australian citizenship, and a shared identity'.

I will speak to the amended motion. The state's Liberals have a longstanding commitment to a diverse and multicultural South Australia. We have championed the cause of ethnic communities for decades, and have pioneered many of the institutions and commitments upon which a multicultural South Australia has been forged. The general thrust of the motion put by the member for Hartley is, therefore, one with which members on this side of the house can fully concur. However, we feel that it could be improved and broadened to be even more inclusive and more accepting of diversity through the amendment we propose; and there has been some communication and cooperation and constructive engagement between both sides of the house in the past week.

Multiculturalism is a term for which there is no universally agreed definition. It has come to mean different things to different people and that is why it is a good thing that we are having this debate today. We will be able to clarify and reaffirm what we stand for, because a multicultural Australia and a multicultural South Australia has always been—and must remain—an Australia which enjoys bipartisan support and which is not politicised for shallow partisan gain. Our multicultural communities deserve better.

Can I talk to the house in brief terms about the Liberal Party's record on multiculturalism, because it was a Fraser government which, in 1977, formed the Australian Ethnic Affairs Council and which, in 1978, gave life to the first official national multicultural policies in accordance with the recommendations of the Galbally Report. In 1979 a Liberal government enacted legislation to establish the Australian Institute of Multicultural Affairs, and one of the first acts of Prime Minister Howard in 1996 was to reaffirm the Liberal government's commitment to racial respect and tolerance when he moved in parliament in Canberra that the house:

. . . reaffirms its commitment to the right of all Australians to enjoy equal rights and be treated with equal respect regardless of race, colour, creed or origin; reaffirms its commitment to maintaining an immigration policy wholly non-discriminatory on grounds of race, colour, creed or origin; reaffirms its commitment to the process of reconciliation with Aboriginal and Torres Strait Islander people in the context of redressing their profound social and economic disadvantage; reaffirms its commitment to maintain Australia as a culturally diverse, tolerant and open society united by an overriding commitment to our nation and its democratic institutions and values; and denounces racial intolerance in any form as incompatible with the kind of society we want to be.

In an earlier conversation with the member for Fisher, he reminded me of the important role the indigenous communities, and those who have served our nation in war, have to play in creating and forging that multicultural Australia, and I think he made a very good point, and members opposite and I have discussed this. I draw to the attention of the member for Hartley the fact that the statement that I just read into *Hansard* was supported by the Labor opposition leader in the federal parliament, and was carried unanimously on the motion of the Prime Minister.

Members would be aware that the Howard government now wants to advance the debate on multicultural diversity by focusing on citizenship, shared values, and the things that bind us together. They feel that the term 'multiculturalism' has different meanings for different people, and that there needs to be a de-emphasis on that word, with a re-emphasis on the word 'citizenship'. As Andrew Robb, then Parliamentary Secretary for Multicultural Affairs, in his address titled 'The importance of a shared identity' to the Australian National University on 27 November 2006, emphasised many points, including the need for a strong community built upon a nation of immigrants and a large measure of give and take, respect for the freedom and dignity of the individual, a spirit of egalitarianism that embraces mutual respect, fair play and compassion for those in need. Indeed, Mr Robb's address spoke at length of the values behind what we have come to know as multiculturalism, which he reinforced and reaffirmed.

Of course, that gets to the point. It is apparent that the federal government wants to take the debate about multiculturalism forward with its focus on the things we share in common and its emphasis on all Australians getting along with each other in a community which accepts diversity and embraces it. It is important that words do not get in the way of true feelings, genuine policy and real attitudes. The federal government can argue its own case about the direction it sees Australia heading in regard to cultural diversity as, no doubt, the Labor opposition will do in the months going forward up to, and including, the federal election. That is a national debate that needs to unfold, and I hope that cultural diversity in a multicultural Australia will come out of it stronger than ever, and I am confident it will.

We state Liberals understand that debate about multiculturalism is a good thing, particularly if it makes us a stronger community and if it supports and nurtures diversity and mutual acceptance and love for one another. We welcome the national debate. At the same time we do not want a debate about words to be misrepresented for partisan political gain. For that reason I take exception to many of the comments made by the member for Hartley in her address to the motion on 22 February, particularly her unsubstantiated and subjective claims of, 'developments driven by the federal government to abolish multiculturalism and rewrite history' in her address. The member for Hartley also claimed, 'It is a shame that John Howard does not share the same feelings.' In the same paragraph the member for Hartley said, 'The future of multiculturalism is too important to kick around like a political football.' She then proceeded, in the remainder of her address, to do exactly that.

The member for Hartley claimed, as the *Hansard* record shows, that 'multiculturalism is not a policy of separation, as Andrew Robb would have us believe'. She then inferred that Mr Robb had called for 'assimilation and paternalism'. The member for Hartley provided no evidence in the form of quotes, statements or direct proof that these were the views of either Mr Robb or Mr Howard. Speaking of the Prime Minister, the member for Hartley used words like, 'We all know what he thinks of migrants,' and implied that Mr Howard had been 'shamed into supporting multiculturalism'. Apart from being offensive and deeply hurtful, these comments by her are demonstrably untrue and inaccurate, and were not substantiated in her address by any direct quote or proof to support her claim.

The danger in the member for Hartley's approach to the motion is that it hurts our relationships with each other in our culturally diverse community. Rather than engage in an informed debate about how we can improve multiculturalism, the member for Hartley sought to score cheap political points. She and others in the Labor Party want to distort and misrepresent what their political opponents are saying for political gain. I think that this is the wrong approach and I urge the member for Hartley and others to address the substance of the issues. After all, multiculturalism is not the province of any particular ethnic group in our community. For that reason, I hope that expanding the definition of 'multiculturalism' in the motion to include a commitment to democracy and the rule of law, the equality of men and women, a respect for Australian citizenship and a shared identity sits well with all members of the house.

In summary, the state Liberals are not only comfortable with the amended motion but we are enthusiastic about it, as we have always been. We on this side of the house fully support multicultural communities; in fact many of us are living a multicultural life and we are richer for it. That is because multicultural is for all Australians and none of us has any special ownership of it above and beyond their fellow Australians. Multiculturalism is an omnibus in which we and all our ancestors ride. For that reason, we commend the amended motion to the house and, in a spirit of bipartisanship, we seek to reaffirm that multiculturalism and a multicultural South Australia is bipartisan to this house.

Mr RAU (Enfield): I will just say a couple of things about this motion. First, it is very nice to see that everyone is agreeing on it. That just shows that we are all capable of working together and coming up with positive contributions—and that is perhaps too rare, but a pleasant thing to see when it occurs. The second thing is that I listened again with interest to the member for Waite. I do not know whether the member for Waite has been taking some medication or whether I have, but I find myself again—

Mr Pederick: The flu injection.

Mr RAU: It must be the flu injection—that must be it. I must say that many of the things that the member for Waite said, had some considerable resonance for me. I guess the point on which he touched and which for me is a very important point in all this—and to some extent this undermines unfortunately the impact of the resolution, but nevertheless—is this: the term 'multiculturalism', to my mind anyway, is a term which is incapable of any precise definition. At one end of the spectrum, you have people who think it means some sort of Australian society which is made up of a series of sort of walled enclaves, each patrolled by their own official ethnic establishment and all funded by government; and, at the other end of the spectrum, you have the people who think that that means that we can get a Chinese feed on a Saturday night.

There is a huge range of views. The trouble is that, whenever you have a debate about this issue, each person who participates in the debate brings to the debate their own definition of that word (whatever it might be—and it can sit anywhere in that spectrum) to bear in terms of their contribution to the debate. They know what they mean, but the person to whom they are speaking hears the word and has their own definition of the word, and they think they know what they mean but they do not. They are hearing something that the person using that word may not be intending them to use—and if that is not all too Irish, I will keep going. The point is that the word 'multicultural' and the concept of multiculturalism is so rubbery and so difficult to define that, in some

respects, it is an impediment to expressing the important views that lie behind the contributions people make which include that word.

To that extent, I think I am finding myself in agreement with the member for Waite and, if I am not, then the flu injection has had an even more serious impact on me. In my opinion, the other thing that has happened is that any precise meaning that might have ever existed for this term (which I have historically researched and I think it started off with Malcolm Fraser—and whether it meant anything then, I do not know) does not mean much now, in the sense of having a precise definition. That precise definition (if it existed) has been sucked out and this word has become a touchstone for sort of emotive responses in terms of those people who think it is a great idea and those people who think it is a rotten idea, the paradox being that they are both talking about different things. I think it would be useful for people to move forward.

We need to retire that particular expression and find some other more expressive way of going on about whatever it is that we are going on about. I am happy to agree to this motion. Of course, I support it and I think everyone here does. My point is simply this: in supporting it everyone has their own concept of what they are supporting, but that concept may not be 47 identical concepts: it may be 47 different concepts. It is a motion which, for that reason, is impossible to disagree with. I agree with it because you cannot help but agree with it.

Ms Portolesi: What is the point, John?

Mr RAU: Again I apologise if the flu injection has had a serious impact on me, but I really do think that it is useful for us, when we are talking about our community working in a cooperative way, being inclusive and being a positive society in which all elements of society interact in a positive way, to talk specifically about what we are meaning as much as we possibly can, rather than throwing a catch-all blanket over what we are talking about, which is useful in a shorthand sort of way but may actually cloud what we are trying to say. It is better, I think, that we go that extra step and try harder to express what we mean. I am not sure that citizenship is the only answer to that. I think there is more to it than that and I guess the member for Waite was saying that there was more to it than that.

There are a lot of elements to this concept which need to be developed, I think. Having regard to what I have just said, if it means anything, it means that it is impossible not to agree to the motion—and I do. I think it is terrific and I support it enthusiastically.

Mr PISONI (Unley): What a joy it was to hear the member for Enfield. I know that he speaks with experience of multiculturalism and perhaps one day he may actually end up as the multicultural minister. With 17 per cent of his electorate of Enfield from a Vietnamese background, I am sure that he has a very good understanding of multiculturalism. He has seen the benefit that the Vietnamese community has brought to South Australia, and I agree with him that they have made a magnificent contribution to the state, as have all our immigrants

It would be difficult to disagree with the member for Hartley's motion in seeking to reaffirm what is generally accepted in parliament and throughout the South Australian community. It is, in fact, something of a motherhood statement. What the member for Waite's amendment has done, which I am pleased has been accepted by the mover of the motion, is give it some additional teeth, something more substantial: a commitment to democracy and the rule of law. Not every country can claim that it has a commitment to democracy and the rule of law, although I am sure that Mugabe would claim that he has such a commitment—as long as it goes his way, of course.

The equality of men and women is such an important part of Australia's modern culture. It was not always the case in this country, of course. My mother was forced to resign from her job when she had her children because mothers simply did not work back then. That was part of our culture at the time and it was wrong; just because it was the culture did not mean that it was right. It was wrong, and we have fixed it, and that is part of the modern Australian culture. As the son of an immigrant and having been in business for over 20 years, I can personally vouch for the cultural diversity and economic opportunity brought to Australia by immigrants, and in this regard, I am both a product and a beneficiary of this reality. However, I would not want my recognition of the positive and self-evident nature of this motion to be mistaken in any way as approval of the somewhat paranoid sentiments the member for Hartley expressed in her remarks supporting this motion. That having a shared identity or basic values is somehow at odds with Australians celebrating their full cultural background and sharing their diversity is just a nonsense.

I note that the member for Hartley claims to have drafted the motion in a politically neutral way in order to avoid using multiculturalism as a political football. It is therefore disappointing that in her speech she proceeded to kick the ball around the ground so enthusiastically, without, however, to my mind, scoring too many goals. If she wished to avoid using the subject as a political football, it was less than constructive of her to proceed so shamelessly to politicise the topic with inflammatory statements and unwarranted scaremongering.

There is no doubt that South Australia has always managed its migration effectively, minor adjustments to the use of words such as 'multiculturalism' in policy and portfolio titles notwithstanding. I point out to the member for Hartley, given how hard she was kicking the multicultural football, that federal Labor are the ones, in fact, saying that multiculturalism has lost its way and needs an increased focus on integration to revive it. The member for Hartley, in support of the supposedly politically neutral motion, begins by accusing the federal government of seeking to abolish multiculturalism and rewrite history. Is the member also suggesting that federal Labor's new emphasis on integration over celebrating cultural diversity through better equipping people to learn English and obtain a job is similar to rewriting history? Tony Burke, Labor's shadow minister for immigration, integration and citizenship, recently said:

> There is a near unanimous view across Australia that integration isn't working as well as it needs to.

He accuses the government of playing catch-up on the integration issue, and further states:

> That we have a multicultural society is a given, it's true. You need to acknowledge that and have integration policies to make it work.

I suggest to the mover that a better example of history being rewritten in regard to Australian multiculturalism would be the ACT multiculturalism minister comparing the decidedly dodgy and mafia-linked Al Grassby to JFK and commissioning an $80 000 bronze of him. If the member wished to play multicultural football it would perhaps be wise to come up to

speed with the game plan of her federal colleagues, who seem to be in agreement with the Liberals on many points.

In a recent address to the Fabian Society, Mr Burke tied himself in ideological knots, attempting in some way to differentiate Labor's and Liberal's use of the word 'integration'. This he failed to do in any meaningful way. Mr Burke's ideological discomfort aside, what is obvious is that at a federal level both major parties are readjusting policy to take into account the constantly changing nature of immigration, types of employment opportunities and the needs of a modern, changing and, yes, diverse Australia.

Personally, I do not see great merit in a citizenship test, but I remind the member for Hartley that Mr Rudd has not rejected it. I fear that perhaps the member for Hartley has become trapped in an ideological time warp and has been left behind by her federal colleagues. Like the mover of this motion, I fully support the benefits of the cultural diversity which is such an obvious and positive ongoing element of South Australian life. However, I fail to see how inflammatory statements about the Prime Minister, Tampa and Pauline Hanson assist in promoting the mover's argument, or bear any great relevance to her quite innocuous motion.

Although she accuses John Howard of playing the 'politics of fear', it was the member for Hartley who recently made unsubstantiated and ridiculous claims in the media that the federal government was planning to ban the speaking of native tongues in public—the politics of fear indeed! I am at a loss to understand why, if the member feels that multiculturalism is too important to kick around like a football and wishes to attract support for her motion from those supporters of cultural diversity on this side of the house, she claims in support of her motion that no-one does the politics of division better than John Howard. As I have done previously in this house, I would like to take issue with the mover on this score. If any party has sought to divide Australians for political gain, it has been the Labor Party, its factions shameful in their abuse of Australia's ethnic diversity.

In the Eastern States Labor has a long tradition of factions signing up members in bulk from ethnic communities who then vote as instructed by factional leaders, playing no further role in the party. Plenty of material is available on the subject, and it is common knowledge; in fact, it is so well accepted that the Labor Party engages in ethnic branch stacking that even the ABC has covered it on *Four Corners*. The Vietnamese, Cambodian, Turkish, Greek and other communities have been shamelessly targeted for branch stacking. Even ALP presidency ballots are not free from Labor factions manipulating ethnic communities. This was recently illustrated by reports that envelopes containing ballot papers, believed to have come from ALP branches dominated by the Vietnamese community in the Melbourne suburbs of Noble Park and Sunshine, had in fact been filled out with the same handwriting.

The mover claims that the Prime Minister is divisive because he, like many others, was appalled by the sexist comments made by Sheikh Taj el-Din al Hilali and openly debated what causes such unacceptable views being promoted by a community leader. Yet it was Labor heavyweights Bob Hawke, Paul Keating and Leo McLeay cynically manipulating the Muslim vote in western Sydney which allowed the provocative Sheikh al Hilali, a man whose behaviour is a blueprint for divisiveness and intolerance, to gain permanent residency status. If any party has been guilty of political manipulation and creating divisions in Australia for cynical political ends, it is the Labor Party.

Looking at the multicultural debate more widely, I would perhaps be tempted to agree with Sunder Katwala, the Secretary of the British Fabian Society, who wrote that 'multiculturalism has not valued integration enough'. Most thinking people on both sides of politics have probably felt this for some time, and the need to redress this small imbalance is being reflected in the current Liberal and Labor policy at federal level. In reality, there is no reason why multicultural programs and services should be changed. They have been mainstreamed into Australian public life in the same way as have ethnically and culturally sensitive welfare services. Multiculturalism has become a reality at all levels of government—federal, state and local. In any event, as most multiculturalism is administered at state and local level, a fear-fuelled debate prompted by some departmental title changes is probably a little premature. As one commentator recently noted, 'The beers will remain cold and the cappuccinos hot.' I support the motion.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I rise to support the motion. Of course, everybody has acknowledged that it is a resolution we can all support in its terms, but people have made different contributions about how they feel about this debate. I want to make an observation about the content of the notion of multiculturalism: that it is precisely the breadth of the concept that has been the secret of its success. It has not chosen to be a narrow concept, but it has not sought to say that these are the only ways one can be an Australian; instead, it has sought to adopt a much more pluralist attitude to what is an acceptable way of being an Australian citizen. It acknowledges that this difference is something that should be celebrated, rather than a narrowness that should be imposed.

I think there is an essential relationship between the success of the Australian story in multiculturalism and the breadth of the way in which we have sought to define multiculturalism, and I do not think it is a difficulty that it is a broad concept that is perhaps incapable of precise definition. One thing I think we can all agree on, though, is what multiculturalism does not represent, and I had the displeasure, I must say, of listening to Pauline Hanson on the radio this morning as she described her vision for Australia, rehearsing again a speech she made in 1996 when she spoke of Asian enclaves dominating the Australian landscape, and she talked up the fear and loathing that she sought to inflame in our community about that particular group of Australians. She made those remarks at that time and it really shattered a consensus that existed within this country between the major political parties around multiculturalism. Of course, she was on the radio program talking about Muslims because she had moved on to a new group of people to target to describe as different.

She gave snippets of throwaway lines about the Koran and the way in which it imposed laws that were fundamentally inconsistent with Australian values in a way which was calculated to inflame and cause fear in the Australian community. I hope that she does not gain control. She also explained her loss of support and the fact that there were not many One Nation candidates around the place and that it was because John Howard essentially had embraced a lot of the agenda that she was seeking to promote. They are the words out of the mouth of the key proponent of these issues.

Mr Pisoni: She is an authority, is she?

The ACTING SPEAKER (Mr Koutsantonis): Order!

The Hon. J.W. WEATHERILL: I can remember the first words the Prime Minister said after she made that speech. He said that it is good to see that the pall of censorship has been removed from this issue in this country, and I think one cannot underestimate the permission that was given to all of those people who sought to promote these divisive views in our community when the Prime Minister made such an important statement on those issues.

We talk ourselves into existence. Language is important. What is equally important is people who are silent when atrocities of this sort are trotted out. Of course, we all live in a political environment; we all have to respond to the needs and the emotions of our communities, and all of us in this place understand how easy it is to inflame emotions and to have a stampede of voters in a backlash against the government because they have been inflamed in a particular way.

What politicians on both sides of parliament have done consistently over the years is resist the temptation to tap into some of the potential opportunities to frighten the community into voting one way or another. I think it is important that we have supported this motion today. I know there are nuances of feeling that have been expressed on either side of the house, but I think it is to the credit of the South Australian parliament that we have found a form of words that we can all live with which expresses the breadth of views that exist about multiculturalism. I commend the mover and those on the other side who have cooperated to produce this motion.

Mr PEDERICK (Hammond): I commend the amended motion and wish to speak briefly to it. I would like to comment on the past contribution of European immigrants to this country and certainly to regional areas as well. A lot of the cream-brick homes in my local area (farmers' homes built in the 1960s) were built by George Trotta, an Italian immigrant. He did a lot for our local area when many farmers were still in their original homes—and some of those were just a couple of rooms in the end of a shed. I certainly acknowledge his contribution and also the contribution of all European immigrants, whether they be Italian, Greek or English. Let's face it, if you are English you migrated here at one stage. I know my family did in 1840. I think they do a great job, as do the market gardeners, and people from all walks of life, who come through and make a contribution.

I would like to comment on the 457 immigrants who have come in under the federal scheme to boost the workforce of T&R Pastoral in Murray Bridge. The simple fact is that, if we did not have the Sudanese, Afghanis—and some Afghanis are refugees—and the hundreds of Chinese working there, we would not have the strength of workforce able to keep that operation going as it is. Chris Rowe said to me the other day that the only reason they are not doing a third shift on a kill line is because they cannot get enough people. They access stock from all over the country. He said:

> The only thing holding us back from running past 1 o'clock in the morning is the fact that we do not have enough people.

So, I would like to acknowledge those people who have come in on those 457 visas, and let's hope that they decide to stay in this country and help enrich it as past immigrants have in the past.

Other people who have enriched our society are the farmers and farm workers who have come out from South Africa and Zimbabwe in recent times, whose farms have either been taken over or they have decided that Australia is the better place to be, which I would certainly agree with. They bring their own experience and knowledge of agriculture, and also enrich the community with their contribution.

The last topic I want to briefly discuss is the regional health service. To be quite frank, if we did not have doctors from India, Iraq, South Africa and other countries and regional areas, we might not have doctors in the bush. I certainly appreciate their services. It has been hard at times. An Indian doctor who worked in Pinnaroo left and Pinnaroo was without a doctor for a couple of months, but there is a doctor there now. I appreciate their input, especially in regional areas where it has been hard to attract local doctors. So, with those few words I commend the amended motion. I congratulate immigrants from all walks of life and hope that we can make a great Australia together.

Ms CICCARELLO (Norwood): It gives me great pleasure to speak to the motion raised by the member for Hartley. We would like to think that Australia is a country that provides equal opportunity for us all, but it does not. We do not all enjoy the same opportunities or have access to the same services. We sometimes forget to take into account the special needs and different circumstances of others. In short, we do not live in an ideal egalitarian society, and I am not sure if such a place can ever exist. However, I think it is our responsibility as a government, and my responsibility as a migrant, to strive to achieve the egalitarian goals of a fair go which unites us as a nation. It is our duty to strive to create an equitable opportunity for all; to consider the different circumstances of others; and to ensure that people from all backgrounds and cultures have equitable access to services to which they are entitled.

Multiculturalism may mean many things to different people, but its essence must always remain the same and, to me, that is that, despite our differences in likes and dislikes, dreams and desires, customs and traditions, there is nothing wrong or threatening about those differences. We are all individuals but we all have one goal in common: to uphold the fair go principle of what it means to be part of an Australian society.

Multiculturalism is about us all working together—a shared commitment—to building a better life for ourselves and our children, and nowhere is that more apparent than here in South Australia. We can boast a rich mix of culturally and linguistically diverse citizens and residents. We all know that over 20 per cent of South Australians were born overseas in more than 200 different countries. Twelve per cent of us speak a language other than English at home. We have a proud record of racial tolerance and of welcoming and supporting people from other countries who choose to make Australia their new home. In fact, as part of South Australia's Strategic Plan, the Rann government explicitly recognised multiculturalism as an objective within our Building Communities priority.

Our commitment to multiculturalism is set out in target 5.8, which states that we will increase the percentage of South Australians who accept cultural diversity as a positive influence in the community. Our commitment is backed up by a solid record of achievements. Some of these over the last year have included providing additional grants to not for profit community organisations to improve equity, tolerance and participation in our community; establishing a grants scheme to assist ethnic community organisations to meet their land tax obligations; and establishing a women's leadership program in the Riverland, just to name a few. Our government is not just about rhetoric and motherhood statements:

it is about backing up its commitment with action. Since taking office, the Rann government has increased multicultural grants by 300 per cent. We were the first ones, in fact, to provide land tax grants to ethnic community organisations.

I would like to briefly reflect upon this motion on a more personal level. As most members would be aware, I was born in Italy and migrated to Australia when I was six years of age. As part of a strong and almost exclusively migrant community in Norwood when I was growing up, I was acutely aware that community spirit and helping others was just part of everyday life. When you come to a new country you have no choice but to rely on the help and support of others, and when you are settled and established you want to return the favour. Certainly, my parents always said that it was our responsibility to give back to this country, which had provided us with so many opportunities.

The pioneering spirit of all those migrants and their determination to build happy and prosperous lives in Australia, despite the obvious obstacles in their path, continues to influence and inspire me. I consider myself very fortunate to be able to represent in some small way a community that is based upon an ethos of hard work, survival and determination. I certainly remember many of the people in my community who had two, three or four jobs in order to try to build a better life for themselves and, more particularly, their children and to give them the opportunities to achieve success in many ways in this country. I am certainly very proud to be part of a government that continues to recognise the contribution that multiculturalism provides for us all.

I believe many people recognise the contribution that Don Dunstan (who was also a member for Norwood and a premier of the state) made with respect to multiculturalism. Some of the things that we now take for granted were areas in which Don Dunstan was able to effect change because of his knowledge of the issues and problems that migrant communities experienced in our community in the 1950s and 1960s. I also draw on my experience as a former mayor, and now as a member of parliament. I have participated in hundreds of citizenship ceremonies, both public and private, for many individuals and groups to whom I was able to grant citizenship. There is no question about the commitment of those people, who had come from many countries, some of whom had horrific stories to relate, having lost entire families. However, they were very proud to become a part of this country and to take out citizenship and contribute as much as possible to the welfare of this country.

With respect to the member for Waite's amendment, I have some concerns about the wording relating to a shared identity. Certainly, we want a shared identity in Australia, but I would not like to think that the shared identity is the one that we found here 40 years ago. I think that the Prime Minister of Australia, John Howard, is probably the only one who wants to return to the identity that was this country 50 years ago. That is not meant to demean and denigrate how society was 50 years ago, when many of the migrants arrived here, but times have changed, and we have benefited from the contribution of people from many different countries—from their culture, literature and art. We always talk about the food, and it is much more pleasant now to be able go to the different restaurants in South Australia, and Australia, than it once was. However, culture is more than just food, and we have been enriched in many ways. We need to embrace this diversity, and decide whether the appropriate term is 'multiculturalism'. As I and others have said, it means something different to different people. This is a great society, to which many people have contributed.

I would also like to raise a concern about the new citizenship test. Again, so many people to whom I have spoken (particularly in my community) are very concerned about the citizenship test. Some of them have lived here for 50 or 60 years and have contributed much to society but, for whatever reason, they had not previously taken out citizenship. However, many British migrants never chose to take out Australian citizenship, and no criticism was made of them. We need to take into consideration the fact that many people from our communities were illiterate in their own countries; they could not read and write. However, that has not stopped them from contributing to this society and making South Australia a much better place in which to live.

A couple of years ago, the federal government ran a campaign to encourage people to take out citizenship. If the people to whom I have referred want to do so now, how could they possibly pass the tests that are being put in place? As many people have said, many of us probably would not be able to answer some of the questions that are being asked in these citizenship tests. I think that we need to do something about this and put pressure on the federal parliament to ensure that people who want to take out citizenship will not be disadvantaged. They have contributed to this country, and they have as much right as everyone else to be a part of this great nation. I commend the member for Hartley for her motion.

Ms PORTOLESI (Hartley): I would like to close the debate by thanking all members, including the member for Unley, for their contributions. However, I take objection to the suggestion that I have politicised this debate. I was responding to a debate kicked off by John Howard. I am happy to respond. However, I just want the house to acknowledge that I was responding in my column (which kicked off the debate locally) to policy changes occurring in Canberra.

On behalf of the government, I indicate our support for the amended motion, which was the subject of much toing and froing between the member for Waite and me, and I am glad that we were able to do that in a very bipartisan way. I would now like to briefly examine the proposed amended motion.

'A commitment to democracy and the rule of law': nobody will argue against that. 'The equality of men and women': again we all support that. 'Respect for Australian citizenship and a shared identity': I want to focus on those two points. The first point I would like to make about respect for Australian citizenship is that 'multiculturalism' and 'respect for Australian citizenship' are not mutually exclusive terms. They currently co-exist; it works. However, the federal Liberal government has replaced the term 'multiculturalism' with 'citizenship'. I do not understand. The two have worked for many years side by side, so why suddenly do we have to choose between 'multiculturalism' and 'citizenship'?

The second point is shared identity, and I take up the point made by my friend and colleague the member for Norwood, a long-standing advocate of multiculturalism. Here on the government side we are happy to support this aspect of the amendment. However, like the member for Norwood, I point out that 'shared identity' to this side of the house means that of course, yes, we are all Australians, that is the shared identity, but within that we are all free and not prevented from expressing our cultural diversity and all that that entails. That is the key difference between this state and parliament, I hope, and the federal government. We are all Australian. I

do not support enclaves but within that we are free to be who we are. I would like to respond to the member for Enfield's contribution.

I am not quite sure of the point that he was trying to make, but I think he was saying that he is going to support multiculturalism although that term has many limitations because it is too broad but, as the Minister for Families and Communities highlighted, that is the very key to its success. It is broad and, thereby, creates inclusion, not exclusion. It brings people to the table. It does not exclude them. People will argue about the merits of a debate around a word, but this is the very nature of it. The word says so much to the community. It is such a strong signal about inclusion, not exclusion. I thank the member for Enfield for his contribution although I disagree with it vehemently. I would also like to reply to the member for Unley—who cannot help himself but reduce the debate to a cultural stereotype and have a go at the Labor Party.

He talks about ethnic branch stacking. He might want to read a book called *Confessions of a Young Liberal*, which details the rampant branch stacking and ethnic branch stacking that goes on in New South Wales. That is a reminder for the member for Unley. In closing, I would like to acknowledge the courage of those opposite who support this motion despite the fact that it flies in the face of John Howard, their federal leader, and their federal colleagues. I thank them and acknowledge their courage in contradicting their federal leader. I would like to close by quoting Edmund Burke, who said, 'All that is necessary for the triumph of evil is that good men do nothing.' That is the very nature of this debate.

I thank members. I will write to the Prime Minister and convey the resolution on behalf of the house, if people have no objection. I am sure he will be very pleased to receive it.

Amendment carried; motion as amended carried.

NATIVE VEGETATION COUNCIL

Adjourned debate on motion of Mr Pengilly:

That this house has no confidence in the Native Vegetation Council to act fairly and reasonably, and calls on the Minister for Environment and Conservation to remove the council due to its unreasonable attitude towards people on Kangaroo Island.

(Continued from 8 March. Page 2016.)

Mr VENNING (Schubert): When I spoke previously in this debate and sought leave to continue my remarks, I was not aware that I was actually talking about the same person that the mover of the motion referred to when he introduced the motion to the house, that is, one Mrs Sally McKay. Mrs McKay lives in my electorate and she is in the house right now, although not in the chamber. She was in my office earlier in the day. It is an absolute disgrace to consider what happened here, and this is one of the reasons why we are having this debate.

Mrs McKay has had her rights totally abused. The McKays took over a bare block, and Sally and her late husband planted the trees that are there. Some years ago, Mrs McKay applied to be allowed to plant a vineyard, and every devious trick has been put in her way to stop her, including a sign saying that there was a disease in the area and vehicles could not go past. That is not the case and was never the case. Even after council got advice that it was never found there, the sign remained. It is an absolute disgrace. Everyone wants Mrs McKay's farm to be a park. Council's actions, as well as those of the DAC and Native Vegetation, have a lot of questions to answer. These people are hiding behind a mountain of paperwork, bureaucracy and red tape. Planning applications were left in the drawer for over six weeks while council prepared to counter that application. Disgrace! Mrs McKay has rights.

In this case, a lesser woman would just have given up, and that is exactly what the council and Native Vegetation thought would happen; but it has not. We need to have this issue fully aired in public. This is really a classic. It is a sad case of a citizen's rights being totally abused. These people need to be dismissed for unprofessional conduct, and I will name them in a speech later this month when I have all the details together. The paperwork is immense. These people's personal agendas have caused Mrs McKay much stress and heartache. They have been deceptive and dishonest. It is all very well for all those who bought and developed housing blocks alongside. They were happy to develop their land and now live there, but now they want to deprive Mrs McKay of doing the same. Worse, they want her farm to be a wooded park for their pleasure, to add to their property value and to their ambience.

What does Mrs McKay get out of this? It should never have come to this. Along with the member for Finniss and my good friend the member for Stuart, I will do all that I can to address these wrongs. Now we see new maps being drawn, and Mrs McKay's farm has been put in the middle of an area with total restrictions on it. In other words, they ignore that she is even there, they ignore that it is a private property, and they ignore that the trees growing on her land were planted by her. So, a lot of these native vegetation restrictions do not apply, but we never ever got to that, did we?

Mrs McKay was in the house earlier today. This is a disgrace, and I apologise for a system that allows no recognition of her rights. It is sad that we need to move such a motion, but it is issues such as Mrs McKay's that will bring down the curtain on the Native Vegetation Council. Those associated with the council who are responsible—and they are the people responsible—should intervene to stamp out abuse such as this. Enough is enough; people come first.

Mrs GERAGHTY (Torrens): I move:

That the debate be adjourned.

The house divided on the motion:

AYES (23)

Atkinson, M. J.	Bedford, F. E.
Bignell, L. W. K.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Conlon, P. F.	Fox, C. C.
Geraghty, R. K. (teller)	Kenyon, T. R.
Key, S. W.	Koutsantonis, T.
Maywald, K. A.	O'Brien, M. F.
Piccolo, T.	Portolesi, G.
Rann, M. D.	Rau, J. R.
Stevens, L.	Such, R. B.
Weatherill, J. W.	White, P. L.
Wright, M. J.	

NOES (12)

Chapman, V. A.	Goldsworthy, M. R.
Griffiths, S. P.	Gunn, G. M.
Hanna, K.	Kerin, R. G.
Pederick, A. S.	Penfold, E. M.
Pengilly, M. (teller)	Pisoni, D. G.
Redmond, I. M.	Venning, I. H.

PAIR(S)

Foley, K. O.	McFetridge, D.
Hill, J. D.	Evans, I. F.
Lomax-Smith, J. D.	Hamilton-Smith, M. L. J.
McEwen, R. J.	Williams, M. R.

Majority of 11 for the ayes.

Motion thus carried.

FORMER MEMBERS, RECOGNITION

Adjourned debate on motion of Mr Pisoni:

That this house—

(a) recognises the leadership of two of this state's most visionary members of parliament, the Hon. Norm Foster and the Hon. David Tonkin AO; and

(b) calls on the government, subject to consultation with their respective families, to name—

(i) the proposed South Road/Port Road tunnel the 'Hon. Norm Foster Tunnel'; and

(ii) the proposed South Road/Anzac Highway underpass the 'Hon. David Tonkin Underpass',

which Mr Bignell had moved to amend by deleting all words after 'families' and inserting the words 'to honour the late Hon. Norm Foster and Hon. David Tonkin by naming significant new infrastructure projects after them';

which amendment Ms Chapman had moved to amend by inserting after the word 'project' the words 'in metropolitan Adelaide'.

(Continued from 22 February. Page 1867.)

The DEPUTY SPEAKER: Member for Unley, do you wish to exercise your right of reply? There are two amendments: one standing in the name of the deputy leader and one standing in the name of the member for Mawson. Member for Fisher, I am advised that you have already spoken in this debate.

The Hon. R.B. SUCH: Yes, but have we not had additional amendments since I spoke?

The DEPUTY SPEAKER: The standing orders do not allow for a further opportunity once you have participated in the debate. In that case, if the member for Unley speaks, he closes the debate.

Mr PISONI (Unley): I am happy to accept the government's amendment put by the member for Mawson, that a significant piece of infrastructure be named after these two men. He did raise some valid points, particularly in the area of the naming of the Anzac Highway underpass and expanding, if you like, the memorial that we have to our soldiers who have fought for the freedoms that we enjoy in this country today. It is a very strong argument—and I certainly concur with that—and I am very happy to accept the amendment on that basis. However, I do feel that it is a bit mean spirited of the government. It has been indicated to me that they will not be supporting the amendment by the member for Bragg that the infrastructure projects named after these two men—Dr David Tonkin, and the Hon. Norm Foster—will not necessarily be in the metropolitan area.

I think the problem is that South Australia is a very urbanised state. We have fewer than 1.6 million people in this state, and more than a million of those are living in the metropolitan area. So a memorial in the metropolitan area will be seen and appreciated by the majority of South Australians virtually every week, and even those who live in our rural and remote areas and country towns visit Adelaide on a regular basis. Consequently, the memorial will be here for all to see and enjoy. However, naming a strip of road up in Roxby Downs discounts, I think, the credibility and the honour that I intended to give these two men through naming significant infrastructure projects in the metropolitan area.

Something that is very important to me here is that I was fortunate enough to be able to bring the son of Norm Foster and the wife of David Tonkin together; they met with me to discuss this proposition. They were very excited about it, and I know that Mrs Tonkin will be disappointed about not having a piece of infrastructure in the metropolitan area named after her husband and, likewise, Rob Foster will be disappointed about not having a significant piece of infrastructure in the metropolitan area named after his father. Something that Rob Foster mentioned to me when I spoke to him is that he thought it was quite ironic that we were discussing tunnels and roads in terms of a memorial to the foresight of his father, something that he argued South Australia desperately needed; it needed a good transport system. I think, to use his term 'a flat earth policy', is what he thought was needed; a complete restart to get our infrastructure, our transport and our road system working.

I am disappointed that the government has this mean-spirited attitude to this motion. I would not like to see the government observe these memorials for infrastructure projects only outside the metropolitan area. I think that they need to be where everyone can see them, and that is why I do not like the changes that the government has proposed and the fact that it will not restrict the naming of these projects to the metropolitan area. I am disappointed with that and I am on record as saying that. However, I do thank the government for supporting this motion in general terms.

Ms Chapman's amendment negatived; Mr Bignell's amendment carried; motion as amended carried.

SECRET BALLOT, WILLIAM BOOTHBY

Adjourned debate on motion of Hon. R.B. Such:

That this house acknowledges the innovative effort of William Boothby, former Electoral Commissioner for South Australia, who pioneered the secret ballot, often called the Australian ballot, enacted into law in Victoria on 19 March 1856 and in South Australia on 2 April 1856, and subsequently adopted in other states and many other countries.

(Continued from 22 February. Page 1873.)

The Hon. M.J. ATKINSON (Attorney-General): William Boothby was indeed an innovator who empowered electors world wide through his ballot reforms. Born in England, Mr Boothby emigrated to South Australia in 1853 at the age of 24. Having graduated with a Bachelor of Arts from the University of London in 1850, Mr Boothby entered the South Australian civil service as deputy sheriff. In 1856 he was promoted to sheriff, a post that he had until 1903. It was only a few years after his migration to South Australia that he pioneered a democratic reform that would be adopted around the globe—the secret ballot. Each voter was issued with preprinted ballot papers with the candidates' names. The voter would mark the paper in secret, placing an X against the name of the preferred candidate. No other matter or thing was to be shown on the paper, apart from the names of the candidates and the returning officer's initials.

The vote was then placed in a sealed box by the voter. In this way, no-one could be identified from their ballot paper and no-one could know how a person voted. The notion seems so simple today and, indeed, many take the secrecy of their vote for granted. However, before the reform, the

Australian colonies had followed the English practice and elections were conducted on the voices. Voters would assemble at local election centres, each voter's name would be called and they would call back the name of their chosen candidate—no room for treachery there. That name would then be entered on the register. The open system left voters vulnerable to bribery and intimidation. Votes became a commodity to be sold to the highest bidder. Bribery in elections had been mainstream for centuries. Legislative attempts to stamp out the practice such as the Bribery Act 1729 and the Corrupt Practices Prevention Act 1854 were either largely ignored or only forced the practice underground.

Stunningly, in 1869, an inquiry into a constituency in England found that, in every English election since 1832, 75 per cent of the constituents were 'hopelessly addicted to bribery'. The secret ballot system passed the power back to electors.

Mr PISONI (Unley): I thank the member for Fisher for moving this motion. My short contribution today was inspired by a conversation I had with a constituent of mine who is a former speaker of the house and now mayor of a local government body. I thank the Hon. John Trainer for his advice and passing his knowledge on to me—

The Hon. M.J. Atkinson: A constituent of Unley but not of West Torrens.

Mr PISONI: He does own substantial property holdings in the council area and has a very strong interest in the community that he represents. Although the Boothby-inspired bill for a secret ballot introduced in the South Australian parliament was the first of its type to reach that stage, it proceeded less speedily through the South Australian legislative process than did a similar bill in the Victorian parliament. Based on just pure chronology, the Victorian ballot was legislated a couple of weeks before Boothby's. Was it anything like what we recognise today as being a secret ballot? We can safely ignore those Victorian claims that are given unjustified credence: their 'secret' ballot was not that which is used today and it was not really a secret ballot.

First, it used the crude and cumbersome method of crossing out all the names of candidates except one—a method soon abandoned. Secondly, all the ballot papers carried a serial number matching the number on the stub in the book of ballots from which this was taken, so votes could still be traced, if required. I believe that system is still used in some branches of the trade union movement, Attorney.

The Hon. M.J. Atkinson: No, it's just a lie.

Mr PISONI: Or is it hands up in the trade union movement?

The Hon. M.J. Atkinson: No, you made that up: it is a complete lie.

Mr PISONI: It is Boothby's model that was adopted by the federal government and around the world, not the Victorian one. It is sad that hardly a soul in South Australia is aware of this fabulous South Australian achievement.

The secret ballot, as we know it today, has these features: they are pre-printed official ballots issued by a neutral authority; the ballots carry the names of all candidates with a space alongside for choices to be marked; the ballots are filled in away from prying eyes, folded and deposited in a box; and, all counting is done in such a way that no voter's choice can be easily linked to him or her. The secret ballot, with all those features which we take for granted today, was invented here in South Australia by Commissioner William R. Boothby in 1856-57 and copied around the world over the next century. In textbooks and dictionaries, etc. it is often still listed as 'the Australian ballot'. It was subsequently adopted in England in 1872 and in the USA for the 1888 presidential election to replace their 'open' ballots.

Ms CICCARELLO (Norwood): I am pleased to support the motion. The secret ballot became one of the BankSA heritage icons in 2005. I was very pleased to be present on that day representing the Attorney-General. I also acknowledge the work of the Hon. John Trainer, a former speaker of the house, because I think he was instrumental in having this nominated to be one of the state's icons.

The secret ballot, as such, was not invented in South Australia; forms of secret election had been known before, even in the ancient world. In the 18th century, the American state of Vermont had a system whereby the voter wrote on a blank piece of paper the name of the candidate he favoured and brought it to the presiding official. What South Australia pioneered was the general form of the secret ballot used in the present-day world, whereby ballot forms are pre-printed with the candidates' names and the voter marks the form in secret, folds it and places it in a sealed box from which ballots are collected and counted. It is all done in such a way that no-one can be identified from their voting paper.

In general, before the South Australian system was devised, elections were not in any way secret, not even in the manner prevailing in Vermont. Elections requiring such open voting had been prone to bribery, intimidation and violence. A classic literary depiction of an election under the old system is given in Dickens' *Pickwick Papers* in the chapter on the election at the borough of Eatanswill. The secret ballot was instituted in South Australia due to the efforts of liberals and radicals, especially during the early and mid-1850s. The South Australian Ballot Association was set up in 1851, and its first meeting was held at the Maid and Magpie Hotel in Stepney (in the electorate of Norwood) on 11 February 1851. At that meeting, it advocated the secret ballot.

The Advocate-General, Richard Davies Hanson, was a strong proponent of the ballot, which was an important issue in the debate on the Constitution that South Australia would have when it achieved self-government. The 1855 election showed that a majority of voters supported the ballot, but Governor MacDonnell's draft bill avoided it. Then Hanson introduced into the Electoral Law Bill of 1856 a ballot clause (No. 28) which was carried by a majority of the Legislative Council, despite some strong opposition. The new system required specially built booths so that the voters could have privacy.

There has been longstanding rivalry between Victoria and South Australia over the honour of developing the secret ballot. South Australia's claim rests partly on priority in bringing its Electoral Law Bill before the legislature in November 1855 as against Victoria's in December 1855. This is set against Victoria's claim to precedence on the grounds that its bill received the Governor's assent on 19 March 1856, two weeks before South Australia's did on 2 April. What also strengthens South Australia's claim is the pivotal role played by W.R. Boothby.

William Robinson Boothby was a son of Benjamin Boothby, a judge of the Supreme Court of South Australia. Arriving in the colony in 1853, W.R. Boothby quickly distinguished himself as a capable and energetic public servant. He was appointed deputy sheriff in 1954 and sheriff

in 1856. These posts entailed duties as a returning officer for elections, a position formalised in 1861 when he was made chief returning officer. He remained sheriff and chief returning officer until his death in 1903.

During the late 1850s the secret ballot was introduced in every Australian colony except Western Australia. When Boothby died in 1903, as returning officer he had presided over every election in South Australia since the colony became self-governing and then the federal elections at the turn of the new century. He was recognised throughout Australia, Europe and America as an expert on electoral matters. His proudest boast was that South Australian elections in his time had never been tainted with bribery or corruption. The federal electorate of Boothby was named after him. I commend the motion.

Motion carried.

MURRAY-DARLING RIVER SYSTEM

Adjourned debate on motion of Hon. R.B. Such:

That this house commends the Premier for seeking to have an independent authority manage the Murray-Darling River system so that the needs of all users and the environment can be met.

(Continued from 8 February. Page 1728.)

Mr VENNING: I move:

That the debate be further adjourned.

The DEPUTY SPEAKER: Is the motion seconded?

Mrs GERAGHTY: No.

The DEPUTY SPEAKER: There being no seconder the adjournment motion lapses. In that case we can consider the motion. The question is that the motion be agreed to.

Motion carried.

NORTHERN EXPRESSWAY

Adjourned debate on motion of Mr Hamilton-Smith:

That this house—

(a) notes that a public meeting was held at 7 p.m. on 30 November at the Virginia Community Centre to air public grievances in respect to the manner in which the Government is developing the Northern Expressway (NExy);

(b) shares general community concerns about the route alignment and the compulsory acquisition process in connection with the proposed NExy development;

(c) expresses its regret that the project costs have increased from $300 million to $550 million; and

(d) calls upon the Minister for Transport to provide an assurance that the excision of the nine kilometre widening of the Port Wakefield Road will not cause major traffic congestion and bottlenecks on the northern approaches to Adelaide.

(Continued from 7 December. Page 1562.)

Motion negatived.

ROADS, SPEED LIMITS

Adjourned debate on motion of Mr Venning:

That this house—

(a) expresses concern on the inconsistency of speed limits across South Australia and Australia;

(b) recommends that the state and federal governments agree to introduce standard speed limits across Australia; and

(c) supports the trialling of multicolour lines or markings on roads to designate the applicable speed limit.

(Continued from 7 December. Page 1565.)

Mr VENNING (Schubert): I am rather surprised that these motions this morning are not being picked up and debated. The adjournment of all of them has been with the government.

The Hon. M.J. Atkinson: It's a lazy, lazy opposition.

Mr VENNING: I say to the Attorney-General that the adjournments have been taken by the government, not by us, and I am very concerned that that has not been picked up. This motion is quite straightforward, seeking that this house expresses concern about the inconsistency of speed limits across South Australia and Australia; that it recommends that the state and federal governments agree to introducing standard speed limits across Australia; and that it supports the trialling of multi-colour lines or markings on roads to designate the applicable speed limit.

Since I introduced this issue on 7 December, which is a long time ago, there has been a fair bit of media activity in relation to it. The confusion about our speed limits has gone too far, people are getting very cross, and I think that this matter has to be addressed. The fact that it goes on month after month without anything being done is a disgrace, and it is not right.

The Hon. M.J. Atkinson: Everything's a disgrace.

Mr VENNING: It is not right, surely. As I said in my initial speech—

The Hon. M.J. Atkinson: How many disgraces per hour?

The DEPUTY SPEAKER: Order! Let us finish. The member for Schubert.

Mr VENNING: The Attorney-General needs to realise that he is the Attorney-General and he needs to be an example to others.

The Hon. M.J. Atkinson: How about some variation in the words you use?

Mr VENNING: It is a very unsatisfactory situation, if that is better for the Attorney-General. I am amazed that members on the other side of the house have not commented on this problem. Surely they would agree that the confusion about the 50 and 60 km/h zones in the city is a problem. As I said in the first place, some roads around the Parklands have a speed limit of 60 km/h while others have a 50 km/h limit. If you happen to get it wrong, you suffer a fine.

We have North Terrace, South Terrace, East Terrace and West Terrace around the city of Adelaide, with an inconsistency of 60 km/h and 50 km/h involving those thoroughfares. If you come along West Terrace it is 60 km/h and when you come around the corner it is 50 km/h. Why the difference? You only need to miss the sign (as I did the other day) and be nine or 10 km/h over and, bang, you're fined, with another demerit point and more dollars to pay. I think that is probably the government's desire, which is most unsatisfactory. I cannot see any reason—

The Hon. M.J. Atkinson: Did that happen under the Liberal government?

Mr VENNING: Madam Deputy Speaker, can you protect me from the infantile over that side?

The DEPUTY SPEAKER: Member for Schubert, just proceed. I am sure you are quite capable.

Mr VENNING: I cannot concentrate with the continual harping from the Attorney-General. I cannot see any reason why the lines on the side of the road cannot be painted in different colours for different speed zones. Is that commonsense or not? You can just look at the lines and see what colour they are marked. It can be a white, yellow or even a blue line and it will indicate, at a quick glance, the speed zone involved. If you go to Canberra you will see blue lines on the

roads. I cannot see why commonsense cannot prevail in this respect. We should at least try some of these things, at least have a trial in one part of Adelaide to see if it works, because what we have now is not satisfactory. People are angry, and we ought to fix the problem. I hope that the government will support this motion.

Motion negatived.

AUSTRALIAN WHEAT BOARD

Adjourned debate on motion of Mr Venning:

That this house—

(a) notes the Cole report and is dismayed by the culture and resultant performance of AWB Ltd and accepts the inevitability of changes to wheat marketing; and

(b) strongly supports the notion that wheat growers are not disadvantaged and that the benefits of orderly single desk marketing are maintained and not lost in the change process.

(Continued from 7 December. Page 1569.)

Mr PEDERICK (Hammond): I rise today to make a contribution on the wheat marketing report.

Members interjecting:

The DEPUTY SPEAKER: Order! Will everyone please be silent and we might deal with this in a half a minute.

Mr Venning interjecting:

The DEPUTY SPEAKER: Including you, member for Schubert.

Mr PEDERICK: Thank you, Madam Deputy Speaker. As we are well aware, there has been an upset in the wheat marketing situation with the way the AWB handled the situation in Iraq and, in the process, we have had the three sisters arrangement set up whereby three companies, including the ABB, have taken over some of the export wheat marketing arrangements. As we have seen in this house only yesterday, the barley export market was deregulated in South Australia. I certainly move that way, and everyone knows what I said in my speech.

However, I have had different thoughts on wheat marketing. I think what has happened with the Iraq arrangements has exacerbated the situation, and I think we may lose the single desk arrangements for wheat. If that does occur—and this is a national single desk, so I think it is different to a state-run single desk—we need to ensure that farmers can get the best outcomes. So, at the end of the day, we have to make sure that our farmers get the best outcomes.

Motion carried.

[Sitting suspended from 1.01 to 2 p.m.]

VISITORS TO PARLIAMENT

The DEPUTY SPEAKER: I acknowledge the presence in the gallery of school tours from Christian Brothers College, guests of the Hon. Jane Lomax-Smith, the member for Adelaide, and Morphett Vale High School students, guests of the member for Reynell.

QUESTIONS

The DEPUTY SPEAKER: I direct that the written answers to questions as detailed in the schedule that I now table be distributed and printed in *Hansard*.

NATIVE VEGETATION MANAGEMENT

In reply to **Mr HANNA** (Estimates B, 23 October 2006).

The Hon. K.A. MAYWALD: The Minister for Environment and Conservation has advised:

The streamlining refers to process. The review of existing processes under the Native Vegetation Act, 1991 is being carried out to simplify and speed up the clearance application and decision-making processes whilst not changing the nature of decisions that are made. The aim is for people proposing to clear native vegetation to have a better understanding of the requirements of the legislation and for decisions to be made more rapidly.

PUBLIC SECTOR EMPLOYMENT

In reply to **Mrs REDMOND** (Estimates A, 23 October 2006).

The Hon. M.J. ATKINSON:

Part 1. I refer the member to the 2006 Auditor-General's report.

Part 2. Positions with a TEC of $100 000 or more.

Between 30 June 2005 and 30 June 2006

Attorney-General

Minister for Justice

Minister for Multicultural Affairs

Positions abolished

Department/Agency	Position Title	TEC Cost
Attorney-General's Department	Assistant Crown Solicitor, Business and Competition	$214 797

Positions created

Department/Agency	Position Title	TEC cost
Attorney-General's Department	General Manager, Office of the Director of Public Prosecutions ++	$112 241
	Director Business Services, Crown Solicitor's Office++	$112 241

++ Positions already existed—reclassified to executive over $100 000.

PAPERS TABLED

The following papers were laid on the table:

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

Supreme Court of South Australia, Judges of—Report 2005-06

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

Dog Fence Board—Report 2005-2006

Rules—

Fair Work—Various.

WORKCOVER

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. WRIGHT: The South Australian Workers Rehabilitation and Compensation Scheme was established under the Workers Rehabilitation and Compensation Act 1986. The scheme commenced in September 1987 with the establishment of the WorkCover Corporation, which administers the scheme. The objectives of the scheme remain unaltered: to fairly balance the need to ensure that injured workers have the necessary financial, medical and other support to assist their recovery and safe return to work, with the requirement that the cost of the scheme to employers be reasonable and affordable.

The scheme provides injured South Australian workers with greater entitlements than other schemes. Since its inception 20 years ago, the scheme has been modified from time to time. However, the fundamental structure of the

scheme and how it delivers its twin objectives in South Australia's changing social and economic environment has not been reassessed. Over a number of years, on important indicators, including return to work rates for injured workers, the level of employer levies and actuarial forecasts, the scheme has been under performing.

Significant changes to the management of the scheme commissioned and/or supported by the government, including the appointment of a new WorkCover board, have assisted in identifying the true financial position and performance of the scheme. The board has taken significant steps to improve the management of the scheme, including:

- refocusing the organisation on the primary objective of achieving a timely and sustainable return to work;
- an urgent focus on the management and resolution of long-term claims; and
- strengthening the management of claims by focusing on the delivery of outcomes.

This approach has seen the appointment of a proven claims agent, Employer's Mutual, as the sole claims agent for the scheme. The appointment of a principal legal adviser in Minter Ellison is also part of the board's approach to improve management of the scheme.

The actuarial evaluation of WorkCover's return to work performance to 30 June 2006 indicated a future liability of $694 million. The evaluation provided to the board indicated that, without rapid and significant improvement in return to work rates, the scheme could expect the funding position to worsen by up to $300 million in the next one to two years. Based on industry-collected statistics for 2005-06, the return to work rate in South Australia, at 78 per cent, was the lowest of the Australian jurisdictions and compares with the national average of 87 per cent.

The board has reviewed other rehabilitation and compensation schemes in Australia and New Zealand to gauge where the South Australian legislation may be out of alignment, particularly where there is evidence of better return to work performance. In response, the WorkCover board has developed proposals for legislative change to enable the scheme to improve the return to work rate in South Australia, to restructure the levy rates to reduce cross-subsidisation of higher risk industry by lower risk industry, to minimise legal costs through disputation and to reduce disputes over opinions of medical experts. The proposals have been predicated on the view that substantial increases in the return to work rate can be achieved by the effective combination of:

- strong claims management, including rehabilitation services and employment placement, and
- properly timed and targeted financial disincentives for injured workers who have capacity to return to work.

The proposed changes also deal with other matters which, in the board's view, deter a return to work, for example dispute procedures and in particular disputes over medical issues. The board has proposed a number of significant changes:

- reducing initial weekly income maintenance payments to injured workers—

The DEPUTY SPEAKER: Order! Visitors in the gallery are advised that taking of photographs is not permitted.

The Hon. M.J. WRIGHT: —and further reducing those payments after 13 weeks to 75 per cent of the worker's average weekly payments;

- changing the two-year work capacity review to limit income maintenance to an eligible injured worker to a maximum of 75 per cent of the worker's average weekly earnings wage and to cease income maintenance to workers who have not returned to work to their assessed capacity;
- capping entitlements to medical expenses to 12 months after cessation of income maintenance;
- increasing the maximum payment to injured workers for non-economic loss from $219 425 to $363 660;
- removing arbitration and appeals to the full bench of the Workers Compensation Tribunal as part of an expedited dispute resolution procedure and allowing appeals to the Supreme Court on matters of law only and by leave of the court;
- appointing independent medical panels in lieu of the tribunal to make final and binding determinations about disputes over medical questions, including the nature of the injury, the capacity for work, assessment of suitable employment, assessment of the degree of permanent impairment and loss;
- limiting solicitors' capacity to charge injured workers and making solicitors personally liable for costs incurred as a result of fault or failure by the solicitor;
- ceasing income maintenance until disputes are resolved with arrears and interest paid to the worker where the dispute is resolved in favour of the worker;
- decreasing the period of notice required to an injured worker over the cessation of income maintenance in the first year of the claim period;
- increasing the period of notice required—

Members interjecting:

The DEPUTY SPEAKER: Order! I cannot hear the minister.

The Hon. M.J. WRIGHT: —to an injured worker over the cessation of income maintenance in the second and subsequent years of the claim period;

- raising the 7.5 per cent cap to 15 per cent to limit the cross-subsidisation of higher risk industries by lower risk industries;
- increasing the minimum levy from $50 to $200 and removing the requirement on employers to register and pay the levy where annual employee remuneration is less than $10 000;
- requiring the levy to be paid in advance, not in arrears; and
- strengthening controls over participation as a self-insurer where businesses have restructured corporate arrangements or otherwise downsized.

The board has also identified a number of other aspects of the legislation that it considers would benefit from some adjustment. The government recognises that substantial changes to the scheme are required to ensure the sustainability of the scheme and its capacity to meet one of its principal objectives: to assist injured workers to return to work.

The ongoing sustainability of the scheme is dependent on an urgent reduction of the unfunded liability. The government also recognises that the continued economic competitiveness of the state requires changes to the scheme to reduce cost to employers through a reduction in levy rates. The changes proposed by the WorkCover Board are far reaching and, if adopted, will have a major impact on the social and economic fabric of South Australia. Any changes to the scheme should therefore be determined having regard to the following objectives:

1. Injured workers should receive fair and equitable financial and other support that should be delivered efficient-

ly and equitably and enable the earliest possible return to work.

2. The average employer levy rate should be reduced and contained within the range of 2.25 per cent to 2.75 per cent by 1 July 2009.

3. The scheme should be fully funded as soon as practicable having regard to the above objectives.

The WorkCover Board proposals fundamentally alter the relationship between the two objectives of the scheme, namely, the support of injured workers and the cost of the scheme to employers. The proposals also significantly impact on the obligation of employers, including self-insured employers. The WorkCover Board's proposals also affect the role and involvement of other contributors to the operation of the scheme, in particular, the medical and legal professions.

The government has formed a preliminary view about a number of the proposals for change. In particular, the establishment of medical panels and streamlining the dispute resolution process appear to have merit and, subject to further deliberation, the government is inclined to favour this approach. Proposals that involve a significant reduction in entitlements to injured workers, including exclusion from the scheme altogether and proposals which increase levy rates for some industry groups by up to 100 per cent, necessarily require careful consideration and extensive consultation with interested parties. This will require consideration of available empirical data, including an assessment of return to work rates that any proposed changes could reasonably deliver, an actuarial evaluation of the proposals, and consideration of any modifications or alternatives to the proposed changes.

The government, with the support of the Chairman of the WorkCover Board, Mr Bruce Carter, intends to commission appropriately qualified and independent experts to review and report on the proposals of the WorkCover Board, to consult with employee and employer organisations and to make recommendations to the government about the adoption of the proposals and any modifications or alternatives to those proposals. The independent experts will also be required to examine the effectiveness of incentives for employers to reduce the incidence of injuries, illness and claims, and achieve the effective rehabilitation and return to work of injured and ill workers.

The independent experts will be authorised to commission relevant actuarial evaluations and any necessary social or economic impact assessments required to properly inform its deliberations and those of the government. The review may invite written submissions from the public and other interested parties at its discretion. The review will be directed towards achieving the three objectives referred to above relating to fairness and equity and early return to work for injured workers, funding and reducing levy rates.

The independent experts selected by the government and agreed by the Chairman of the WorkCover Board to undertake the inquiry are Mr Alan Clayton and Mr John Walsh. Mr Clayton is a highly credentialled, independent research consultant working in accident compensation and injury prevention, who was appointed in November last year to review the Tasmanian workers compensation scheme. Mr Walsh, who is a partner at Price Waterhouse Coopers, New South Wales, will assist Mr Clayton. Mr Walsh is the statutory actuary to the New South Wales Workers Compensation Authority, and also advises private sector insurers and the New South Wales Motor Accident Authority and was named Australia's actuary of the year in 2001. The review by the independent experts, including the consultation phase, is expected to be completed by 30 November 2007. The government anticipates a legislative timetable commencing in early 2008, with legislation to be operational by 1 July 2008.

Members interjecting:

The DEPUTY SPEAKER: Order!

PUBLISHING COMMITTEE

Ms CICCARELLO (Norwood): I bring up the report of the committee for the first session.

Report received.

STANDING ORDERS SUSPENSION

The Hon. I.F. EVANS (Leader of the Opposition): I move:

That standing orders be so far suspended as to enable me to move a motion of no confidence in the Minister for Industrial Relations without notice.

Motion carried.

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

That the time for the debate on the motion be one hour.

Motion carried.

INDUSTRIAL RELATIONS MINISTER, NO-CONFIDENCE MOTION

The Hon. I.F. EVANS (Leader of the Opposition): I move:

That this house has no confidence in the Minister for Industrial Relations for his incompetent oversight of WorkCover, and calls on him to resign.

In moving the motion, there are one billion reasons to sack Michael Wright, and the one billion reasons are the unfunded liability in WorkCover. It is his unfunded WorkCover; he has delivered it. He has had five years. This is all Michael Wright; it is all him. WorkCover and WorkCover's unfunded liability are ultimately his baby. He has delivered an unfunded liability from $67 million in 2002 to $1 billion in the next two years. We know that because the board and the government today released a report announcing their review. From the report—which the government has had now for five months, the report given to the government in November—we now know that:

The scheme could expect further deterioration of its funding position by up to $300 million in the next one or two years. Such an increase would push WorkCover's unfunded liability above the $1 billion mark.

So Michael Wright is the $1 billion man for this government. After five years, this is his legacy. Do not forget, this is Michael Wright's WorkCover by his design. It is his CEO, his board chair, his claim agents, his lawyers and his unfunded liability, and therefore it should be his sacking. There is no doubt about that. It is an outrage that South Australia has an unfunded liability approaching $1 billion. It is an outrage that South Australia has the worst unfunded liability in Australia and it is an outrage that we have the worst scheme and the highest levy rates. Even your own CEO is saying that, after five years under your ministership and leadership (or lack of leadership), what we have delivered for South Australia is the worst WorkCover scheme in Australia. That is what your CEO is saying on the front page of *The Advertiser*. That is your legacy—

The DEPUTY SPEAKER: I remind the leader that remarks must be addressed to the chair and the minister must be referred to by his title all the time.

The Hon. I.F. EVANS: Thank you, Madam Deputy Speaker. It is the minister's legacy to South Australia, and that is why minister Wright should create history and be the first male Rann minister to be sacked. It would bring some gender balance to ministerial sackings. Why did the government announce a review today? There are two reasons for the government's announcing the review today. First, a new unfunded liability figure is due out this afternoon. We have just had a six page, 15-minute ministerial statement by the minister, who did not have the guts to say, 'And guess what, the unfunded liability is going to get worse'. Do members know why he did not have the guts to say that? Because he is going to get his chairman to sneak out at 4 or 5 o'clock this afternoon to announce a worse figure. If he is announcing the review, why can the minister not tell the parliament what the new figure is? Why is it that he comes in here with a six page, 15-minute ministerial statement and does not have the courtesy to tell us that the unfunded liability has increased?

We will get that information this afternoon when the media has all gone. That is the how the minister operates in relation to this particular issue. The second point is that the government has announced it today with a time frame to push all the bad news for workers and the union movement past the federal election campaign. It was only this week that all Labor members were in the house wearing their orange badges all about WorkChoices and crying crocodile tears about WorkChoices. It is even using taxpayers' funds through the Industrial Relations Commission to conduct a report prior to the federal election. Then, the very next day, the government says that it will announce a review so that it can cut the guts out of workers' benefits and it will announce that after the federal election. That is what this is about.

This minister has had this report since November, that is, for four or five months. They could have made any announcement they wished but, no, the minister has said, 'We will have a review and we'll announce the changes well past the federal election.' Let us just go through the announcement. The minister says that it is coinciding with 20 years of the operation. That is rubbish. It is coinciding with another bad unfunded liability announcement this afternoon and a federal election in five or six months. Then the minister's press release talks about three key issues with WorkCover. It talks about the fact that injured workers should receive fair financial and other support. It talks about the average employer levy rate being between 2.2 and 2.5 per cent, and states that the scheme should be fully funded.

Why is that important now? Why haven't those three points been important to the minister over the last five years? Why is it we have delayed any action to do with those points until now? The only reason the minister is acting now is that he knows that he has a crisis on his hands, because he is going to go down in history as the minister who delivered to South Australia an unfunded liability of $1 billion in relation to the WorkCover scheme.

The press release says that the government is committed to maintaining the best and fairest workers compensation scheme. Minister, even your own CEO says that you do not have the best, you are not maintaining the best and, in fact, your CEO says that you have delivered the worst WorkCover scheme in Australia. Then the minister makes this fantastic observation of the WorkCover scheme—five years and he finally gets to this observation:

> What is obvious to everyone is that sustainability of the scheme is dependent on an urgent reduction of the unfunded liability.

He is a genius! For five years—over a hundred questions and over 50 media releases—we have asked the minister about the unfunded liability and there has been absolutely no action. Minister Wright was sacked from his transport portfolio, sacked from his gambling portfolio, sacked from the water portfolio, and it is my view that he should be sacked from the WorkCover portfolio. He is the one who has had control of this portfolio now for five years. He got rid of the CEO and left the organisation without a CEO for nearly a year. He hand-picked the current board members, he selected the chief executive, he put in his own case managers, he put in his owner lawyers, and what he has delivered is an unfunded liability of $1 billion.

I say to the minister that if it is obvious now that sustainability of the scheme is dependent on the reduction of the unfunded liability, why wasn't it obvious to you when the unfunded liability went from $67 million to $100 million to $200 million to $300 million, right up to $694 million? Why did it not become obvious to you when it went up on each and every occasion? Why is it only now that you are deciding to act after five years? There are people sitting on the back bench who have been sacked out of the ministry for far less offence than you have done to this state and to the WorkCover scheme.

The DEPUTY SPEAKER: I ask the Leader of the Opposition not to address the minister directly.

The Hon. I.F. EVANS: The current situation is this: the unfunded liability was about $67 million when the former government left office; then in June 2002, $192 million; June 2003, $590 million—no action then by the minister; June 2005, $647 million—no action then by the minister; and then in June 2006, $694 million in June 2006 and no action then by the minister. We all remember, of course, the $694 million figure snuck out on the Friday night of an AFL grand final, just like they are doing again with the unfunded liability announcement this afternoon.

South Australia has the highest WorkCover levy rate in Australia, at 3 per cent. Queensland pays 1.2 per cent, Victoria pays 1.62 per cent and New South Wales pays only 2.17 per cent. As the minister would know, in terms of the funding ratio, South Australia is the worst. Our funding ratio on the scheme is 65 per cent, New South Wales is 90 per cent, Western Australia is 125 per cent and Victoria is 119 per cent. So, clearly, the minister is aware that the scheme in South Australia is the worst in Australia and he has done nothing about it for nearly five years.

The trouble with the minister is that he has been trying to walk both sides of the street. As a former minister for transport, he should know that is dangerous. He has been running around to all his union mates, the donors to the Labor Party, saying, 'Don't worry, we won't change the scheme, we won't cut the benefits.' We remember those famous radio interviews with Nick Thredgold, President of SA Unions, when asked on the radio whether they had obtained a commitment out of the government that there will be no cut to benefits. The President of SA Unions said:

> We've got the commitment from the appropriate Minister and that's Michael Wright—yes!

He continued:

> My understanding is that we have verbal commitments from the Minister that employee entitlements will not be cut. . . Michael Wright is a man of his word [and] we are confident that the commitment we've been given will hold up.

It is pretty obvious that Michael Wright's commitment to the union movement has absolutely been cut adrift by the Treasurer through that famous speech in December just before Christmas when the Treasurer let the cat out of the bag to undermine the minister publicly about changes to workers' entitlements. At the same time, the minister was talking to industry groups. What was he telling industry groups at the same time as he was talking to the union movement? The Motor Trade Association let that cat out of the bag in its latest magazine when its president said:

> The Minister for Industrial Relations, the Hon. Michael Wright MP, subsequently met with us and provided a strong reassurance that changes to WorkCover were on the way and that the MTA would be consulted on these changes.

He tells his union mates, 'Don't worry. There will be absolutely no change' and he tells the industry groups that there will be change. He has tried to work both sides of the street.

The opposition has been raising this issue since June 2002. We remember the $600 000 extra cost to WorkCover because of the first review that the minister did on coming to government. The minister said he did not like reviews. He got the WorkCover Board to have a review. They spent over $600 000 on the review back in 2002. As I said, since 2002, we have asked nearly 100 questions on WorkCover, and we have not received answers, but we have certainly asked questions in order to bring this to the attention of the minister.

So, the minister has had fair warning in our view—100 questions, five years of probing, by the opposition. The minister should have been aware of what was happening. The only constant in this whole exercise is the minister. We have the same essential legislation; there has been no major rewrite of the act under this government. We have the same minister. We have a different CEO, a different board, different claim agents and different lawyers, all delivered by the minister, and what has he delivered? An unfunded liability of $1 billion.

If it was so urgent for the government, why is it delaying it until after the federal election? Why did it not make a decision in the past four months to bring in the changes it wants? We have the highest levy rates in Australia. The CEO maintains that it is the worst scheme in Australia. My view, and that of the opposition, is that the Premier has sacked him from the transport, gambling and water portfolios. He should sack him as the minister for WorkCover.

Honourable members: Hear, hear!

The Hon. M.D. RANN (Premier): There is a certain repetitive feel about this.

Members interjecting:

The Hon. M.D. RANN: Are you going to listen? Are you going to pay me the same courtesy I paid you of sitting here in silence listening to what sounded like an overwrought performance by someone who spewed forth figures? We know that there are only two figures on his mind today—and I will talk about that in a minute. On the last day of every session, we know that oppositions do this. What happened on the last day of last year when they ran out of questions, when they were being written off as hopeless? They moved a no-confidence motion. Of course, we see the usual reporting of it. Rather than writing it off as a dismal week for the opposition, they record a no-confidence motion that was somehow predictably defeated on party lines.

The fact is that this is politics as usual: being defeated on party lines, as it was the last time. But there was a real no-confidence motion today, and it was not defeated on party lines, and it was not dealt with in a partisan manner; it was a no-confidence motion by the people of this state—the independent umpire—as recorded in *The Australian* Newspoll. Let's just talk about that because we know what this is all about; it is about an attempted diversion.

Members interjecting:

Ms CHAPMAN: I rise on a point of order, Madam Deputy Speaker.

The DEPUTY SPEAKER: Order!

Ms CHAPMAN: Standing order 98 prohibits debate. Clearly the Premier has not even got on to answering the question on this debate, which is about a $1 billion WorkCover debt and the minister's future.

The Hon. M.D. RANN: Well, if that's what it's all about, I have to say—

The DEPUTY SPEAKER: Premier! There is no point of order; however, I ask the Premier to proceed to the topic.

The Hon. M.D. RANN: Absolutely. I am going straight on to WorkCover because it was wonderful to see the Deputy Leader of the Opposition finally stand up to support her leader, but what she says in here is not what she says outside. The figures in his mind are 61:39 and, despite debates and controversies over the proposed weir and despite the controversy over Victoria Park, we have seen a massive no-confidence motion in the opposition, the Liberals in this state. The polling has shown that they are about as popular as European carp. But there was worse—and that is what it is really all about. The worst figure was that before—

Members interjecting:

Ms CHAPMAN: I rise on a point of order, Madam Deputy Speaker.

The DEPUTY SPEAKER: Order!

Ms CHAPMAN: Clearly, the Premier is not complying with standing orders. He has entered into a debate which has nothing to do with the motion of no-confidence in minister Wright.

Members interjecting:

The DEPUTY SPEAKER: Order! It would be easy for me to tell whether the Premier was addressing the topic if I could hear him. As I was unable to hear him, I will simply ask the Premier to address the topic. The Premier.

The Hon. M.D. RANN: Thank you, Madam Deputy Speaker. Of course it was far worse on the preferred premier index—64 to 14! I am told that they are the worst figures in Australian political history since Newspoll began.

Ms CHAPMAN: On a point of order, Madam Deputy Speaker, if you cannot hear the Premier, neither can we. I have raised two points of order and you have claimed that you cannot hear what the Premier is saying. I ask you to rule on the motion and at least be consistent with the motion as to the relevance of the way in which the debate is being conducted. If you cannot hear it then neither can we, but I ask you to bring the house to order.

The DEPUTY SPEAKER: Member for Bragg, the topic of the motion is a no-confidence motion. Although there is noise on my right, it is about one-third of the level of the noise on my left. So, if the member for Bragg would like to raise a point of order which I may be able to uphold, perhaps she could ask her colleagues to allow the debate to be heard in silence. The Premier.

The Hon. M.D. RANN: Thank you, Madam Deputy Speaker. I want to be fair and reasonable about this because that is the way I am. I had nearly 8½ years in opposition—one of the longest serving opposition leaders in world history. I remember the bad days. I remember a bad day when I was rung up at 6.15 in the morning and told that I was 15 per cent behind in the Newspoll—not 50 per cent like today, but 15 per cent behind. I know the sort of things that staff would say. They would say, 'You're going to have a terrible day if you ask questions in question time. Every answer to an opposition question, every answer to a Dorothy Dixer will be about the poll results today. So you've got two options: you've got an option of moving a no-confidence motion or leaving town on a plane'—and the Leader of the Opposition is doing both today.

Members interjecting:

The DEPUTY SPEAKER: Order!

Members interjecting:

The Hon. M.D. RANN: If you don't stay here to vote on your own—

Members interjecting:

The DEPUTY SPEAKER: Order! The chair will be resumed when the house has demonstrated an ability to listen in silence.

The Hon. M.D. RANN: If the Leader of the Opposition does not stay here and vote on a no-confidence motion that he has moved, he is not fair dinkum about it.

Ms Chapman interjecting:

The Hon. M.D. RANN: It is all very well for the deputy leader to reply. She did not even know that the no-confidence motion was happening today. She had to be told by the government, I am reliably informed.

Let us go back to the substantive issue. Today, coinciding with 20 years of operation, an independent review will be held into the WorkCover scheme. The fundamental structure of the scheme, administered by WorkCover, has not been reassessed since its inception by successive governments, despite South Australia's changing social and economic environment, i.e., that now our economy is much stronger with us in office. The independent review will consider proposals by the WorkCover Board—

Mrs REDMOND: Madam Deputy Speaker, I rise on a point of order. I refer to standing order 128: tedious repetition of matter already presented.

Members interjecting:

Mrs REDMOND: He is reading verbatim what was already presented—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mrs REDMOND: The Premier is reading verbatim what was already presented by the minister in his long address to this house at the opening of today's session.

The DEPUTY SPEAKER: There is no point of order.

The Hon. M.D. RANN: There is the rub. When I am dealing with their poll results, they say, 'Talk about WorkCover.' When I talk about WorkCover, someone who is not a supporter of the leader says, 'Go back to poll results.' They cannot have it both ways. Let us deal with the substance, if there is any. The independent review will consider proposals by the WorkCover Board together with alternatives to reform the scheme to make it fully funded, fair to workers and affordable to business. I believe that it can be both. I believe that it can be fair to workers—as fair as it can be, and should be—but also, of course, affordable to business. Any changes to the scheme will be directed towards three objectives: injured workers should receive fair financial and other support, which should be delivered efficiently, to enable the earliest possible return to work; the average employer levy rate should be reduced from 3 per cent and contained within the range of 2.25 per cent to 2.75 per cent by 1 July 2009; and the scheme should be fully funded by the earliest possible date.

We believe it is possible to achieve these objectives. I want to repeat today that this government is committed to maintaining the best and fairest workers compensation scheme in the nation. We strongly support the actions of the industrial relations minister in announcing this top level review today, along with the Treasurer and the Chairman of the WorkCover Board, Bruce Carter, in whom I have great confidence (in fact, I will be travelling with him over the next few days to Chile, which he is visiting in his role in terms of the negotiations for the massive expansion of Roxby Downs). Certainly, the government has been heartened and encouraged by the excellent work of Mr Carter and the WorkCover Board in managing the scheme. It was due to their efforts that many changes already have been introduced—and let me just talk about that.

The board has taken significant steps to improve the management of the scheme, including refocusing the organisation on the primary objective of achieving a timely and sustainable return to work, an urgent focus on the management and resolution of long-term claims and strengthening the management of claims by focusing on the delivery of outcomes. Under this minister, what have we seen? The approach has seen the appointment of a proven claims agent, Employer's Mutual, as the sole claims agent for the scheme. The appointment of a principal legal adviser in Minter Ellison is also part of the board's approach to improve management of the scheme. I am now going to give members a hint about where I stand on some of these issues, if they want to hear them.

The DEPUTY SPEAKER: Order!

Mr PISONI: Madam, I rise on a point of order. I refer to standing order 141.

Mr Koutsantonis interjecting:

The DEPUTY SPEAKER: Order! The member for Unley has a point of order?

Mr PISONI: I refer to standing order 141. There is quarrelling in this chamber because the Premier will not—

The DEPUTY SPEAKER: Order! There are to be no speeches.

Mr PISONI: The Premier will not—

The DEPUTY SPEAKER: The member for Unley will resume his seat. There is no debate with a point of order. There is no point of order.

The Hon. M.D. RANN: I have absolute confidence in my minister but members opposite do not have confidence in the Leader of the Opposition, and members have only to hear what they say to journalists on an almost daily basis. The government has formed a preliminary view about a number of proposals for change, in particular, the establishment of medical panels and streamlining the dispute resolution process appear to have merit, and I tend to favour this approach. I went to the Parliamentary Library to look at what is perhaps regarded as the King James Bible on this issue, the seminal work—certainly not the Gideon Bible but the King James Bible—and not High Court judgments, not judgments by the Workers Compensation Tribunal but *Limbs, Lungs and Lives: Occupational Health and Safety Reform.*

I commend this to members because, very importantly, in 1984 it made a recommendation that I am pleased was taken up with some enthusiasm by business and unions alike. The recommendation is that:

> . . . comprehensive, no-fault workers compensation should be introduced and the right to common law damages removed. Workers compensation should be administered by a statutory authority governed by a tripartite board. This authority should be responsible for all aspects of workers compensation, from the setting and collection of premiums right through to the payment of rehabilitation. . .

and there are many pages on this. But we remember what it was like. It used to be a lottery, a lottery that benefited lawyers and doctors, and only about a third of the money actually went to helping the victims. I want to praise this minister and the fact that his father played the seminal role in getting this scheme up and going following the Byrne report—the Byrne report that was rejected by the Tonkin government, and therein lies the difference. It is a scheme that is generous to workers and affordable by business, and it needs a once in a generation review to make sure that it keeps going that way rather than return to common law, rather than return to the lottery that our workers had to face in the past.

Mr WILLIAMS (MacKillop): What an interesting turn of events, that the Premier could not even defend his incompetent minister. Nobody in the real world expects fantastic financial competence from Labor, but the real world does not expect total incompetence, the sort of incompetence we have now seen in South Australia for five long years from this minister. Total incompetence. This minister has been asked for 4½ to five years about what is going on behind the doors down at WorkCover, and this minister has blamed everyone else, has denied, has lived in denial, notwithstanding that he has been told on a regular basis through questions, through press releases and through the opposition trying to get to the heart of what is going on down at Workcover; notwithstanding all that probing and prompting, this minister has denied, denied, denied.

What do we have today? The bubble has burst, and we have a minister whose incompetence has come to the surface. I noted that his very own Premier did not say, 'I have confidence in my minister, the minister responsible for WorkCover.' He just said, 'I have confidence in my minister' and looked down along the front bench.

The Hon. M.D. RANN: On a point of order—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. M.D. RANN: On a point of order, members of parliament—

The DEPUTY SPEAKER: Member for MacKillop, resume your seat.

The Hon. M.D. RANN: —have a duty to tell the truth.

The DEPUTY SPEAKER: Premier, do you have a point of order?

The Hon. M.D. RANN: Yes, madam.

The DEPUTY SPEAKER: Would you like to raise it?

The Hon. M.D. RANN: My point of order is that it is in the standing orders of this parliament that members do not mislead the house or tell untruths. That happened.

Members interjecting:

The DEPUTY SPEAKER: No point of order.

Members interjecting:

The DEPUTY SPEAKER: Order! The house will settle. The member for MacKillop.

Mr WILLIAMS: I invite the Premier and his rabble to consult the *Hansard* later today, and they will see that I was, in fact, not misleading the house. The shame of what has happened, not just today but over the past five years because of the total incompetence of this minister, is that South Australia cannot afford what is befalling it through WorkCover. We have had the minister and we have had the Treasurer stand in this place saying, 'This is not a debt; this is just something on paper.' Well, they have changed their tune today. They fessed up that WorkCover is a mess; it is a bleeding mess. It is the bloody mess of this minister. If this minister was honourable we would not be having this debate. He would have tendered his resignation and walked; he would have been gone. And he would not have embarrassed his Premier, who had to stand up here and talk about all sorts of things but the subject. I invite every member of the government to consult *Hansard*, read carefully the words of your Premier, and see how many times he defended his minister, how many times he stood by the actions that his minister has taken over last five years, how many times he justified the actions of this incompetent minister—

Members interjecting:

Mr WILLIAMS: He didn't do it once.

Mr Koutsantonis interjecting:

Mr WILLIAMS: I invite you to do it, member for West Torrens, because you sit there day after day defending the incompetence of your minister, and you are just as culpable as he is. The ministers on the front bench all know that this report was handed down in November last year. The minister told the house on 5 December last year that he was consulting with the board, when he already had the report. For almost five months he has had it, and he has been consulting, and, as our leader said, comes in here, the last day of the sitting, sneaks in, and drops out this bombshell for the injured workers in South Australia. And then we will have Bruce Carter come out later in the afternoon and give the real bad news, that after five years of incompetence it is still going up, it is still getting worse. That is what is going on.

The Hon. M.J. Atkinson: What is your answer?

Mr WILLIAMS: What is our answer? I will tell the Attorney-General what our answer is, Madam Deputy Speaker, I will tell him what happened. The history of WorkCover, as the Premier said, goes back a long time. Whilst I am mentioning that, the Premier noted when he was reading directly from the minister's ministerial statement that there have not been any significant changes since the mid-1980s when the scheme was first set up, and suggested that the world has moved on, and then he went back and quoted from a document even before then. Great defence. It really marries in with the ministerial statement and the point you were trying to make.

But let me say what the situation has been with WorkCover. In the mid-1990s, when the Liberal government was still grappling with the mess of the State Bank—the Premier had a fair bit to do with that too—we made some changes to WorkCover, because WorkCover was part of the mess that we inherited in 1993. As of 1994-95 the unfunded liability was $276 million. At the change of government early in 2002 it was down to about $67 million.

Mr Koutsantonis interjecting:

Mr WILLIAMS: In that time, member for West Torrens, we achieved a 20 per cent fall in the injury rate in workplaces in South Australia, whilst, over a five-year period, we also had a growth in the work force of 10 per cent. So, that is what our solution is, Attorney-General: manage the scheme

properly, manage it how it was designed, and make it work. When the Liberal Party was in government it worked.

From 1994-95 to 2001-02 the unfunded liability came down. Injured workers enjoyed the same benefits that they have enjoyed continuously right up until this minister who, through his incompetence, will be forced to strip benefits from injured workers and gut WorkCover. That is what is happening. That is what we have been warning you against, minister, for 4½ years.

The Hon. J.W. Weatherill interjecting:

Mr WILLIAMS: Yes, we are worried about the workers, because I can tell the minister that I represent plenty of workers; I represent just as many workers as the minister does, and just because the minister sits in a Labor government, just because he is in the Labor Party, he thinks that gives him some God-given right to think that only he is concerned about working men and women in South Australia. I can tell you, minister, I would not have sat there around the cabinet table doing what you have done, allowing an incompetent fool like that to wreck the benefits that every working man and woman in South Australia expects. I would not have sat there as you have, so I do not know how you can open your mouth in this place on this issue. You have sat there and seen it all happen, so I really think you should be quiet, because I understand that your background is fairly close to injured workers; I understand—

The Hon. J.W. Weatherill interjecting:

Mr WILLIAMS: Yes, and you should be thoroughly damned ashamed of yourself.

An honourable member interjecting:

The DEPUTY SPEAKER: Order! I remind you that you may not address members directly across the chamber.

Mr WILLIAMS: I apologise, Madam Deputy Speaker. The interjections have been provoking me somewhat. The minister came out with a press release today, and a statement has been made to the house. The Premier has read verbatim from the statement. They would have the house believe that all of a sudden they realise we need a review. This government—this minister—has done nothing but review WorkCover for five years now. Indeed, I have here a report from Alan Clayton, dated June 2005. Mr Clayton has already done one review: a review of the framework for rehabilitation in the South Australian WorkCover scheme. We have had the standing review; we have had never-ending reviews. As the leader said, hundreds of thousands of dollars has been spent on reviews.

The minister knows what the problem is. He is the problem. We do not need another expensive review. Everybody in South Australia knows what the problem is. All we need to do to solve the problem is for the minister to stand up from that seat, walk around there, and take a seat up the back, because that is where he should be. If the Premier could find somebody considerably more competent on the back bench—and I am sure he could—most of the problem—certainly if they took some advice from us—would disappear.

The other thing that will concern working men and women in South Australia is: what can they believe from this minister? Nick Thredgold, President of SA Unions, on 30 January said on Adelaide radio that this minister is a man of his word and he has reassured the union movement there will be no cuts to benefits. That is not the way I read your statement to the house a few minutes ago, minister. I think there are going to be substantial cuts to benefits. I think that the noises that I have been hearing over the past few months in the industrial relations network that I associate with have been right. They have been telling me that you and the board have been discussing the Victorian system, and you have been modelling South Australian numbers into the clauses in the Victorian act and seeing how it will come out. I have seen, from the report of your board, that that is exactly what they have been doing. So the working men and women of South Australia can expect to have a WorkCover scheme after the next federal election—so they have got six months reprieve from you—not unlike the one that the working people in Victoria have, and the benefits are substantially lower than those they enjoyed when we were in government and actually brought your previous unfunded liability under control.

The Hon. M.J. Atkinson: What's the policy? What are you going to do?

Mr WILLIAMS: I have just explained that to you. I am going to argue that this minister should walk, that is what I am going to do. If this minister had any honour—and he can save some honour—he would walk now, because this is one 'Wright' that the working men and women of South Australia do not want.

The Hon. P.F. CONLON (Minister for Transport): The case for the opposition would be more credible had their reinterpretation of history not occurred, and I will refer to very recent history and some more distant. In terms of the recent history, what we heard today was that apparently—

Ms Chapman: We are $1 billion in debt.

The Hon. P.F. CONLON: No, we know you saw some lovely numbers today, but that was not the one you liked, Vickie. That wasn't the number you liked today, Vickie, was it?

Ms Chapman: No. Our children will have to pay for it, that's why I'm in on it.

The Hon. P.F. CONLON: No, I think you loved those numbers you saw today, the numbers that are behind this debate. The numbers reported in *The Australian* are behind today's debate. The reason that this has no credibility is that in recent history we have heard how the opposition has been probing the government on this in what amounted (by their own confession) to two questions a month over the past five years, and more recently yesterday. You would think that, if you were credible and finishing this sitting session with a no-confidence motion, it would have been as a result of a crescendo of a lead-up of questions. What happened yesterday? We had one supplementary question. It was supplementary to the question of the member for Mitchell from the Leader of the Opposition that he thought of at about question No. 9 and it was only tangentially related.

Apparently what did not warrant a question yesterday is now a matter of no confidence today. You have to wonder what happened between yesterday and today? What is it that would want to get them away from other issues on to WorkCover? What is it? I do not know. There must be something but, sufficient to say, if this is opposition tactics, it is right up there with the charge of the Light Brigade for strategy. The tactical brilliance of asking no questions and then attempting to get people and the media to believe that they are actually passionately pursuing a no confidence motion in the minister is simply a nonsense.

I turn to some old history. Simply outrageous fabrications have been made. The first one is that the opposition cares for injured workers. Of course, it was the Liberal Party that steadfastly refused to introduce a scheme that had as its aspiration getting injured workers back to work and giving

them compensation, instead of lawyers and doctors. Despite the Byrne report, it was they who supported the old scheme, which was massively more expensive for employers and which resulted in a bonanza for lawyers at the District Court steps settling nine out of 10 cases and trialling one, and just rolling off with the dough. That is what it was all about in the old days. That is what they supported and wanted to keep.

Then there is this further fabrication that they protected workers' rights while they were in government. Yes, they did. Do you know why? Because the enormous list of gouges that they brought up to take rights away from workers were refused in the Legislative Council, because, apart from other things, of the resistance by the Labor Party. The member for MacKillop would have you believe that these were the champions of the workers: they were not. They were the people who tried to gouge the rights out of workers and were prevented from doing it in the Legislative Council.

One other piece of history that they conveniently forget when it comes to the viability of this scheme is that, when they were in government, one of the other things that they promised to do and did not do was they promised not to sell ETSA—and they did privatise ETSA.

Mr Williams: That is a great defence, Michael.

The Hon. P.F. CONLON: No, you have to hear this because this is how dishonest you people are with workers' rights. This is how dishonestly you have treated workers compensation over the years. You have treated it as mere political football, with no regard for the viability of the scheme. What happened was, after you privatised ETSA—and *The Advertiser* will remember because their electricity bill went up by 25 or 35 per cent—industry had huge increases in the price of electricity; an average increase, by their report, of 35 per cent, by our report 45 per cent—industry bleeding because of their actions.

So, what did they do? Against advice they compensated business by lowering the WorkCover levies in an unsustainable way, against advice. That is what they did. That was their history as a government, gouging workers' rights, if the Legislative Council allowed them, and then lowering the levy in an unsustainable way because they had made such an utter mess of the privatisation of electricity. Now they want to talk about incompetence. These are people that have opposed a decent scheme since it was first thought of and they have opposed it every step of the way. It has only been that august body, the Legislative Council—well, occasionally august—that stopped them in their period of government from gouging rights for workers.

The issue of unfunded liabilities has been around for a very long time, and it has been up and down over the course of the scheme. It is despite—

Members interjecting:

The Hon. P.F. CONLON: No; they say they nearly got it to zero. They lowered the levy in an unsustainable way, against advice. That is a matter of public record. Gave out presents to their friends. They have opposed the scheme every step of the way, attempted to gouge our workers' rights and now—

An honourable member interjecting:

The Hon. P.F. CONLON: No; you did not get away with it. Your attempts failed in the Legislative Council, back when we had a good Legislative Council, as opposed to the current mob. What we are talking about is an unfunded liability based on actuarial projections—projections into the future. Whenever you change a simple assumption, that number changes, and it has gone up and down through its history. The proper way to deal with that is not to gouge workers' rights, the proper way is to look at which of those assumptions are causing an unfunded liability; in this case, the issue of getting injured workers back to work. That was the aspiration of the whole scheme in the first place. So, there is absolutely every reason why you would review the scheme, that aspect of it, if that aspect was proving difficult, because it is good for the scheme and it is good for the workers. It is good for injured workers to get back to work.

That was the logic that underpinned the scheme from the start, it is the logic that continues to underpin it, it is the logic that this minister has applied to the scheme every day he has run it, and he has got a good bloodline for it. If he was a racehorse you would buy him, wouldn't you? The truth is that the issue about injured workers getting back to work under the scheme is one that: (a) how you could so dishonestly blame a minister for that, but (b) something that has been addressed by two the major changes made under the term of this minister, and that is the single claims manager and the single law firm.

Members interjecting:

The Hon. P.F. CONLON: What you do not do is run around like headless chooks in a panic. What you do do is look at how you change those underlying assumptions that affect the liability, and in this case, as I say, the return to work of injured workers because it is good for injured workers and good for the scheme. That is what we are doing. Make no mistake, what you are seeing today has got absolutely nothing to do with the WorkCover scheme, it has got nothing to do with a lack of confidence in this minister, it has got to do with the fact that another absolutely dismal session for an opposition is about to end and ending with the worst poll in political history, down 4 per cent on their election result. They are the numbers occupying those people today, they are the numbers that they are agitated about, but they are not all agitated, some of them are very happy indeed about them. To paraphrase Paul Keating, the Deputy Leader of the Opposition thinks these are a very nice set of numbers.

Mr HAMILTON-SMITH (Waite): I always love to follow the Minister for Transport because there is often little to say after he has spoken. I would say that $1 billion of the taxpayers' money is a most important matter. Others have said that from small things big things grow. How small or how big is this $1 billion, and is more to follow? The remarks we have heard from the government today sound frighteningly reminiscent of the arguments they put forward in the early 1990s in defence of the State Bank when the Premier was captain of the HMAS State Bank, along with chief engineer Bannon, when Kevin Foley was a cabin boy running about asking what jobs needed to be done, and when other members opposite formed part of the intellectual property that delivered $11.6 billion of debt and a $300 million current account deficit. Here we are today dealing with another $1 billion problem, and it is growing. Here we have the same arguments being put forward.

The Minister for Transport had nothing to say apart from his usual attempts to sledge members on this side of the house. He spent little time defending the $1 billion unfunded liability. Interestingly, neither did the Premier; he did not spend much of his time addressing the issue of the $1 billion unfunded deficit. Instead, both of them wanted to talk about general issues to do with WorkCover—general visions on the way forward, general rhetoric on what could be. They did not really address the issue of the $1 billion debt which, in effect,

is what it is. Why is that so? Why has the Premier's and the Minister for Transport's defence of the minister responsible for WorkCover been guarded—and it has been guarded, because they know this situation could get an awful lot worse, and they know it is heading in that direction. As the leader pointed out, they have not had the courage to bring that information into the house today; instead, it will be announced in the twilight of this week's sitting when the media have already filed their stories.

On reading the act, I see that division 1 part 4 states that the corporation is subject to the general control and direction of the minister. Little has been said about ministerial responsibility. The matter of the Westminster system and what is an honourable thing for ministers to do has been raised. I note that the Premier, in his opening comments relating to his ministerial code of conduct, said that ministers of the Crown are in a position of trust bestowed by the people of South Australia and ministers have a great deal of discretionary power, being responsible for decisions which can markedly affect an individual, groups of individuals, organisations, companies, local communities and South Australians. Never has there been, in the life of this parliament, as important an issue as this.

This corporation is in trouble. It has been mismanaged incompetently by the minister and the government. Five years ago they could have taken action to sort through WorkCover, yet here we are five years later wrestling with the problem. The problem today is being foisted upon workers, who will pay through cuts to their conditions. The government, in one day, has said that it has the solution. The board has recommended the solution but, in a very next breath, the government has said it will have a review to work out what the solution should be. In other words, they have decided what they want to do: slash workers' entitlements in order to pay for their own incompetence. They know how they are going to do it—get a review to justify that decision and to share the blame. As usual, the Premier is supposed to get results; well, here we have a result—$1 billion of unfunded liability by a Premier who should have had a grip on this minister five years ago and should never have allowed this problem to come before the house.

Honourable members: Hear, hear!

The Hon. M.J. WRIGHT (Minister for Industrial Relations): What I think should be highlighted is not simply what has been put on record today on either side, but also what the former Liberal government did in outsourcing the claims management in 1995. The Liberals then put in place a contract that did not provide the proper incentives and penalties for claims management which should have been about getting people back to work. That is what claims management should be about—getting people back to work. If you look at the data, it clearly shows us that, as a result of the former government's silly contract, injured workers were not returning to work. This former government gave up on getting injured workers back to work. What else did they do? They robbed the piggy bank. They robbed the piggy bank when the scheme could not afford it.

If we look back to 2000, WorkCover paid a rebate of $25 million back to employers. The average levy rate was reduced from 2.86 to 2.46, effective from 1 July 2001. I do this from memory, but I think something like about seven months prior to the 2002 election, we had the former government not only providing the rebate of 2000 but also reducing the average levy rate in 2001. My recollection is that WorkCover effectively gave away $135 million as a result of the rebate and reduction in the average levy rate when it could not afford it. They robbed the piggy bank in the lead-up to the 2002 election.

We should also look at what the Mountford report said about WorkCover. We have had an inquiry into the WorkCover Corporation. When the presiding member asked Mountford about what period he was talking about—and I quote from the Mountford report—he said:

> Internally the corporation itself lost focus on its core business of claims management and was distracted by commercialisation and other initiatives. It suffered a loss of experience and capability as a large number of senior and middle management left the corporation.

When asked by the presiding member what period he was talking about in his report, Mountford said:

> I would broadly define that as starting from around the late 1990s through the next few years. Yes, that is right; probably about late 1990s into 2000, probably 2001.

The presiding member again asked:

> Do you think that our scheme in the late 1990s was managed properly: that our then CEO and the board were performing?

Mr Mountford said:

> . . . your cases are going against you, so there was a real lack of understanding there. In South Australia I believe that in the late 1990s this scheme was increasingly very poorly managed.

Very poorly managed. It was very poorly managed says Mr Mountford. What do we know? This is what we know. Members opposite talk about the unfunded liability like it is some debt. They try to talk about it like some State Bank. What they forget is that the unfunded liability is the potential cost of claims that have been made over the next 40 years or so. I repeat: the unfunded liability is the potential cost of claims that have been made over the next 40 years or so; it is not a debt. We see an absolute rabble in here today. What a pathetic opposition, just as they were a pathetic government when it came to WorkCover.

What has this government done? At the very first opportunity we put in a new board. The new board appointed a new CEO. The new CEO, with the support of the board, has put in a new management structure and changed the culture of WorkCover. We have introduced regulations to establish a contract to better incentivise claims agents to achieve better outcomes.

Time expired.

Mr Williams interjecting:

The DEPUTY SPEAKER: Order, member for MacKillop!

The house divided on the motion:

AYES (10)

Chapman, V. A.	Evans, I. F. (teller)
Goldsworthy, M. R.	Griffiths, S. P.
Hamilton-Smith, M. L. J.	Hanna, K.
Kerin, R. G.	Pederick, A. S.
Venning, I. H.	Williams, M. R.

NOES (24)

Atkinson, M. J.	Bedford, F. E.
Bignell, L. W. K.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Conlon, P. F. (teller)	Fox, C. C.
Geraghty, R. K.	Kenyon, T. R.
Key, S. W.	Koutsantonis, T.
Maywald, K. A.	O'Brien, M. F.
Piccolo, T.	Portolesi, G.
Rann, M. D.	Rau, J. R.
Simmons, L. A.	Stevens, L.

NOES (cont.)

Such, R. B.	Weatherill, J. W.
White, P. L.	Wright, M. J.

PAIR(S)

Redmond, I. M.	Foley, K. O.
Gunn, G. M.	Hill, J. D.
Pengilly, M.	Lomax-Smith, J. D.
Pisoni, D. G.	McEwen, R. J.
McFetridge, D.	Rankine, J. M.
Penfold, E. M.	Snelling, J. J.

Majority of 14 for the noes.

Motion thus negatived.

GRIEVANCE DEBATE

MURRAYLANDS FESTIVALS

Mr PEDERICK (Hammond): Today I wish to comment on a couple of functions held recently in the Murraylands, which were run by Rotary clubs: the Murraylands Music Festival and the Rotary Murraylands Cultural Festival. During the weekend of 24-25 March, the people of Tailem Bend played host to the 13th Murraylands Music Festival. This three-day event provided a stage for musicians who played a variety of styles, including country music, jazz, rock and roll, blues, folk and gospel music. Artists of all ages came from far and wide to this year's festival, and for three days kept the large audiences well entertained. In true country spirit, organisers acknowledged the hardship brought about by the current drought and made Sunday's event free, courtesy of sponsorship from Primary Industries and Resources SA, which I certainly acknowledge.

Local people, including students from Tailem Bend Primary School, pitched in to man the various catering stalls needed to keep the happy and appreciative audiences well fed. Well-known band The Borderers and high profile artist Greg Champion made guest appearances, headlining some of the nation's top music acts and an impressive list of other performers. Words of praise for the event came from visitors, musicians and volunteers, demonstrating what a happy event it was, and their promises to return for next year's event augur well for 2008. One of the most entertaining and keenly supported parts of the festival was the talent quest. With a $1 000 prize money on the table, aspiring musicians of all ages performed keenly, their enthusiasm and talent plain to see. No doubt, many of them will become familiar faces on stages and screens around the country in coming years.

Another recent significant event in my electorate was the Rotary Murraylands Cultural Arts Festival, held at Sturt Reserve in Murray Bridge earlier in March. Over the two days, the community was treated to 36 acts, presenting the most diverse program of entertainment ever seen in the region. The acts assembled featured traditional performances from many countries, including China, Africa and the Philippines. These acts were full of colour and movement, with music to match. Demonstrating the power and perseverance of traditional dance, which preserves so much of a culture's history and heritage, was a performance from Afghanistan. During the years of the Taliban's repressive reign, instrumental music and public performances were banned, but the traditions and music have survived and they added something special to the festival.

The colour and pageantry of other cultures provided a perfect backdrop for the launch of the Multicultural and Ethnic Affairs Commission, which took place on Sunday. This organisation will help build bridges of interest and understanding between the many diverse cultures now among us and help new arrivals assimilate and contribute more to the Australian way of life. The event received great support from the local business community as well as the general public, and offers future benefits for the whole community. In conclusion, I would like to congratulate the Rotary Clubs of Mobilong, Murray Bridge and Tailem Bend for their fine efforts in hosting these events in the last month or so.

MULTICULTURALISM

Ms PORTOLESI (Hartley): Today I would like to continue this theme of multiculturalism and congratulate the schools and children's centres throughout the state that have received grants through the Multicultural Education Committee, a state government program that administers funds for projects related to language and multicultural education. This is particularly timely as we celebrate Harmony Day on the 21st of this month, again a fantastic initiative and again timely, as the parliament today reaffirmed, very importantly, its commitment to multiculturalism in this state. In particular, I would like to acknowledge and congratulate the fantastic effort being undertaken at East Torrens Primary School, a great little school in Hectorville led by principal Ms Sandra Mauger and school council chair Mr Frank Gatta, a newly appointed chair I look forward to meeting soon.

East Torrens Primary School is a perfect example of multiculturalism in action and how a culturally diverse community can work well. The school has over 50 cultures and languages represented, which is an amazing feat. As we imagine the cultural richness of that school, we should also consider conversely the challenges such diversity creates for the school community and staff. It is with this in mind that East Torrens has been recognised by the MEC and received a schools and children's services grant for promoting a culturally inclusive curriculum. Briefly, for the information of members, the Multicultural Education Committee is an advisory committee to the Minister for Education and Children's Services, whose job it is, on behalf of the minister, to develop activities that advance and promote both linguistic diversity and multicultural studies in our community.

I also take this opportunity to acknowledge the fine work that they do. With the assistance of a $900 grant from the MEC, East Torrens Primary School has created a project entitled Valuing African Culture Within our Diverse Community. I am thrilled that in recent years so many migrants from Africa have chosen the local community of Hartley to settle and raise their families. I am privileged to have met so many of them, particularly at citizenship ceremonies where they stand out not because of any physical characteristics but because of the large number of children that many of these families have. They often have four or five children with many on the way—they are just so impressive.

Nationalities include Sudanese, Congolese, Kenyan, Ethiopian, and South African, and we welcome this diversity of language and religion. They may be skilled workers or refugees, while others are fee-paying international students and, as I said, we welcome them just as they are. It is

estimated that about 1 000 people of African background now live in South Australia. DIAC data shows that 50 per cent of African refugees in South Australia are children, so culturally inclusive education and care are key priorities. I want to live in a community where we celebrate diversity, not feel threatened by it, and I think South Australia is a fantastic example of how to do it well.

My electorate of Hartley almost perfectly reflects the changing waves of migration throughout Australian history. In areas such as Campbelltown, Felixstowe, Hectorville and Glynde we have established migrant communities which arrived here from southern Europe in the fifties and sixties, followed by a significant number of Chinese and Vietnamese in the seventies, and now there is a new wave from Africa.

The MEC grant will go towards holding a workshop for all students at the school from preschool through to year 7, and it will give students a greater understanding and appreciation of African culture. The school intends that a group of performers will visit the school, an activity organised with the assistance of the African Community Organisation of South Australia, and I thank them for their assistance.

Activities in which the students will be involved on the day include: listening to stories about Africa, learning how to make and play a drum, and having their hair braided. Students will have the opportunity through interaction to ask questions about Africa. It is intended that, at a date to be finalised, the students will give a presentation to staff and parents. I hope I will be invited to that presentation at the school as it will illustrate what they have learnt from the experience. The students and staff of East Torrens Primary School have been actively involved in helping to develop a more cohesive community and should be commended for the great work they have done so far to foster greater understanding, harmony and peacefulness between cultures. I am terribly proud to represent this school, and I look forward to many years of collaboration with it.

DROUGHT

The Hon. G.M. GUNN (Stuart): I want to raise a very important issue today. I note in today's issue of the *Stock Journal* the heading 'Agribusiness move on depression'. A great deal of concern has been expressed across the community about the effects of what is probably the worst drought in our history and the difficult situations facing many people in rural South Australia. It should be the role and function of government not to make life more difficult for those people, not to act unreasonably, not to enforce the law in a harsh and unreasonable or arrogant or uncompromising way, but to understand clearly the sort of difficulties these people are experiencing. When arms of government are acting beyond the intention of the law or common practice, it is the responsibility of members of parliament to step in and stick up for those people.

I know the member for Light and others have received representations about the unreasonable attitude of the highway patrol based at Gawler. I have made a significant representation in relation to that matter, and I am looking forward to a reasonable response. However, I thought as it is the last sitting day that I should clearly make known to all concerned my real concern about what is taking place and what will flow from it in the future. I am not one to make comments and not carry them out. I have the view that I would far sooner cooperate and work hand-in-hand with government agencies, whether it is the police or anyone else—and I have always tried to operate like that—however, one unreasonable act, or series of unreasonable acts always generates another.

In a democracy, when people object and express their objections, and then there are suggestions that they will get the book thrown at them, that is, an attempt to intimidate them and threaten them, that is a serious matter. And let there be no mistake: if there is not some commonsense applied the officers concerned will be named. They have got to get named, and there will be a motion moved. I know who they are. I want to put it on the record so that everyone clearly understands. People have been carting hay for generations. If you know anything about it, you would only be a fool if you did not stack it correctly. When people are given tickets for having a couple of straws over the side—

Mr Pederick: It's outrageous.

The Hon. G.M. GUNN: It's nonsense. People have been towing round fuel bins up and down the roads ever since they came into existence. If they are not allowed to do it you are going to put them out of business. People have taken their seed and server units up there. If they are not allowed to do it you are going to put them out of business. It is as simple as that. Do you really think these people have got the money? They have been given these fines. There were no cautions, no warnings, no sitting down with the industry; just an arrogant attitude—

Mr Pederick: The heavy hand.

The Hon. G.M. GUNN: The heavy hand of bureaucracy. I put this to the house, and I put it as clearly as I can. I always believe in cooperation, and I believe in commonsense. I come from an agricultural and farming background. I think I understand a bit about some of these things.

An honourable member interjecting:

The Hon. G.M. GUNN: Well, other people think different from me. I do not mind that. I can stick up for myself—even though I normally turn the other cheek. But let me say this: I have been elected to this place 12 times to stick up for people and, make no mistake, I am going to pursue this issue, and I am going to pursue it right down to the floor of this chamber when the Commissioner of Police is sitting next to his minister, and there will be 150 questions that go on the *Notice Paper* if necessary, and there will be motions moved in this house. I do not want to waste the time of the police. I believe the people I spoke to were fair and reasonable, and I am looking forward to their response. However, if these people have to pay these fines, if these people have their businesses interfered with, well then let me tell you: all bets are off.

MASERO, Dr G.

Ms CICCARELLO (Norwood): Today I have the pleasure to speak about a much-loved person in the Italian community, and that is Dr Giorgio Masero. Recently I had the pleasure to attend a farewell function where many dignitaries were present, including His Grace Archbishop Leonard Faulkner, to honour a man who is highly respected and loved by the Italian community and, indeed, the broader community, and that person is Dr Giorgio Masero. I would also like to pay tribute to Dr Carmine De Pasquale, himself an indefatigable contributor to the community for having had the auspicious idea of honouring Dr Masero, and on that night Dr De Pasquale was also able to tell us some rather amusing stories concerning Dr Masero and also his contribution to South Australia.

After many years of serving on the board of the Italian Benevolent Foundation, Dr Masero has decided to move on to the next phase of his life which, no doubt, will be just as interesting and as exciting as the ones he has already experienced. Dr Masero is a much-loved icon within the Italian community. He was born in Vicenza on 8 March 1920, and was called up by the army while still a student at the University of Venice. From 1941, as a lieutenant in the Italian army, he fought first in Croatia and later in Greece. After 8 September 1943, he took the decision not to surrender to either the Germans or the English. With his troop of 18 men he joined with the Greek partisans, and, helped by them and by Greek shepherds and farmers who were kindly disposed towards the Italians, he and his men moved on foot, and always under cover of night, northwest with the intention of returning to Italy.

It was January 1944 when he finally reached the shores of Italy at Taranto. After recovering from a near fatal bout of malaria, he finally moved north with the Liberation army. He eventually completed his degree in languages and foreign literature in 1947. In 1950 he married Lina Alberti and in 1951 they migrated to Australia, where it did not take long for him to realise that Australia was a land of opportunity. He became a wine and liqueur maker and, in what could be considered the golden years for his business, he exported his products to Italy, Japan, Africa and South America. Who does not remember having drunk his products—Alberti vodka, tamarindo, granatina, amarena, chinotto, cedrata, orzata, romantico, marsala, menta, sciampagnino and black current to name but a few.

Dr Masero was a brilliant businessman, but his passion throughout his life has been teaching. He taught Italian for 26 years at Adelaide university adult education classes. He founded the Dante Alighieri Society in 1960 and remained its president until 1985. Thousands of Italo-Australians and many others now in their 50s and 60s learnt Italian, thanks to Dr Masero. Over the last 28 years, Dr Masero has been a member of the board of the Italian Benevolent Foundation on which he has served tirelessly and with distinction. Dr Masero was honoured by the Italian government in 1963 and in 1966 with silver medals, and in 1980 with a gold medal for his dedication to the teaching of Italian and Italian culture.

Dr Masero is a Knight and Knight Officer of the Italian Republic. He is also a Knight of Malta and has also been honoured with the Order of Australia. I first met Dr Masero when he was my examiner for Italian matriculation, and I also later had the pleasure of serving with him on the Dante Alighieri board. What has always impressed me about Dr Masero is his love of life, his energy and his impish sense of humour. Although he has recently retired, an article in *The Advertiser* of Monday 26 March, dealing with Dr Masero's comments on nursing homes and nurses, states:

> Nursing homes generally still do not have a 'heart' and the industry needs dramatic staffing changes and innovative thinking to overcome problems, aged care patriarch, Dr Giorgio Masero, says. The industry continues to suffer a drain of nursing staff and the resultant heavy use of agency nurses is not in the best interests of residents' wellbeing and care. . . These agency nurses are strangers to our residents and there is no chance for relationships to form, he says.
>
> Retiring after 28 years. . . Dr Masero says the major issues facing the industry are the training of students to become aged-care nurses and building 'human contact time' into funding. Nurses are forever looking at documentation. If you are doing all the duties, you have no time for human contact. This is the heart in nursing homes and it still isn't there, he says. They cannot afford (the time) to sit and hold hands and spend 10 minutes just talking, so we lose nurses and it is a vicious cycle. Dr Masero calls on Minister for Ageing Christopher Pyne to bring profound change to the industry, being with a 'fair wage' to retain aged-care nurses.

Time expired.

WORKCOVER

Mr HANNA (Mitchell): Today, the Labor Party announced a review into the South Australian workers compensation scheme. Today, I joined with the Liberals in a vote of no confidence in the minister who handles WorkCover, Mr Michael Wright. I will explain why. When Labor came into office in 2002, it was clear there had been some mismanagement of WorkCover over the years. There was a problem with the unfunded liability. There was a problem with a long trail of long-term injured workers. There had been a notorious period known as WorkCover.com, when the corporation seemed to be more of an international PR firm than getting on with the business of returning injured workers to work. What did the Labor government do about it? It chose a new board with a very strong emphasis on accountancy and financial competence.

One can understand that, but I know of a number of injured workers who call those people 'bean counters'. The point is that, despite their integrity, one questions how much they can feel for injured workers, for people who have had their backs put out, lost limbs, fingers and eyes as a result of work incidents. The other thing that the Labor government did was institute the Stanley review. I have great respect for a man who had a long distinguished judicial career (His Honour Brian Stanley), but he might as well have been studying the form guide as collecting evidence and then formulating a rational and comprehensive review of the WorkCover system, because the government has done practically nothing to implement the many recommendations to make the system more rational and fair as His Honour Judge Stanley recommended.

What else did the government do? The Labor government also created a monopoly by allowing EML to be the sole claims agent and Minter Ellison to be the sole lawyers representing the employers through the claims agents. This resulted in a significant dislocation in claims management. Neither of those firms was fully equipped to handle the large volume of WorkCover cases that then came their way. They had to employ a lot of new staff, there was a lot of inexperience and for a while we were back to the chaotic days of the 1980s when so many claims managers did not seem to know their business, and it became a lottery—some workers got a hard time, some workers got an easy ride.

We come to the cuts that are now being mooted by the Labor government. The minister came into the parliament today and talked about these proposals: to cut workers' payments after 13 weeks post injury to 75 per cent of their wages; to cease income maintenance to workers after two years; to cap entitlements to medical expenses to 12 months after cessation of income maintenance—you wonder what happens for workers who go back to work for a short period, therefore giving up income maintenance, only to require further surgery for the disability that they have gained through work—and; ceasing income maintenance until disputes are resolved. Can you imagine a more gross, unfair disincentive to workers taking on a dispute in the first place? How are they meant to live while their claims are going to be decided?

How can Labor Party members sit there and vote for this when the government response to these suggestions is:

> The government recognises that substantial changes to the scheme are required to ensure the sustainability of the scheme.

There are so many Labor Party members who have long associations with the union movement and with injured workers: Gay Thompson, member for Reynell, her history in the Public Service Association; Pat Conlon, why has he built up the left faction to be a force to reckon with within the ALP only to—

The Hon. P. CAICA: On a point of order, Mr Acting Speaker, I believe that the member is reflecting on a decision of the house.

The ACTING SPEAKER (Mr Koutsantonis): He certainly is. I call the member for Mitchell to order and advise him not to reflect on a vote of the house.

Mr HANNA: I am reflecting on members of the house, sir.

The ACTING SPEAKER: Well, you cannot do that either, and standing orders are quite clear on that.

Mr HANNA: Sir, can you be specific as to how my speech is in contravention of standing orders?

The ACTING SPEAKER: You have breached a standing order that provides that members may not reflect upon a vote of the house. The house has debated the no confidence motion in the minister and it was defeated. You are now reflecting on that vote, and I call you to order.

Mr HANNA: Thank you, sir. I dispute your ruling.

The ACTING SPEAKER: Okay. Time is up.

Mr HANNA: I dispute your ruling, sir. I am saying you are wrong.

The ACTING SPEAKER: Okay; so move.

Mr HANNA (Mitchell): I move:

> That the Acting Speaker's ruling be disagreed to.

The ACTING SPEAKER: Can you do it in writing, please?

Mr HANNA: Yes, I will bring that to you as soon as possible, sir, because I believe you have got it wrong. You know what I am doing, I am having a go at the Labor Party members who are copping these cuts to workers' benefits. I am not concerned about the decision on Michael Wright; he will get his.

The ACTING SPEAKER: Order! Now you are debating.

Mr HANNA: Sorry, sir.

The Hon. P. Caica: Kris, I will move later on that you had 15 seconds left too.

Mr HANNA: I know you did it to cut the time, mate. Your name is coming up next, don't worry.

The Hon. P. Caica: Perfect timing then.

The ACTING SPEAKER: Order! It is entirely inappropriate for the member to be standing up threatening members of parliament. You are well within your rights to move dissent from the chair's ruling, you are well within your rights to debate that motion, but I think it is a little bit unfair, and in breach of standing orders, for you to threaten other members of parliament. If you do not think you have done so, you can do that in your explanation.

The DEPUTY SPEAKER: Under standing order 135, the member for Mitchell has moved dissent from the chair's ruling.

Mr HANNA (Mitchell): In giving my grievance speech today, in my opportunity to speak for five minutes, I aimed to account for my vote on the question that was handled earlier today of whether the house had confidence in the Minister for Industrial Relations, the Hon. Michael Wright. In my grievance, and I will revisit it in a moment, I did not seek to question the vote of the house. I wanted to explain my motivation, namely that I think it is appalling for the government to be considering cuts to workers' rights—for example, to cut the wages of injured workers by one-quarter after they have been injured for three months. I called into question how Labor Party members on the government benches feel about that move, and then I began to refer to many of the Labor Party members who have a history in the union movement or a history in advocating for workers. I was going through that list when the Minister for Employment, Training and Further Education interrupted. I cannot say that he interrupted in order to cut off my allotted five minutes with a point of order—that does not matter now. What matters now is whether I was reflecting on the vote of the house, and I say that I was not.

I will elaborate so that you know fully where I was heading with my comments, Madam Deputy Speaker. I was going through the list of Labor Party members who have spent a lot of time advocating for injured workers, because I was calling into question how they feel about the government entertaining the notion of cutting these workers' benefits. I had just been referring to Pat Conlon (the member for Elder) when I was interrupted, and I was questioning why he built up the left faction in the ALP to develop a position where it had policy influence only to squander it on a move to cut workers' benefits.

I was going to refer to Michael Atkinson, the member for Croydon. He had a history in the Shop Distributive and Allied Employees Association, or its predecessor, so he has come across injured workers in this position. Michael Wright, indeed, was the minister, but I will skip over him because I was not talking about him in his position as minister, rather as a former advocate for the AWU. I will leave him to one side because that might be concerning the vote of the house.

Jay Weatherill, the member for Cheltenham, spent a lot of his legal career acting for injured workers. Paul Caica, the member for Colton and the former secretary of the Firefighters Union, has seen plenty of injured workers. He knows what it means for a guy who has had his arm badly burnt or chopped off in a bloody accident inside a burning house somewhere to have his wages cut by a quarter after three months when he has bills and a mortgage to pay. He knows what it means.

We have John Rau, the member for Enfield, who in his career has acted for many injured workers. How would Stephanie Key, the member for Ashford, feel about this? I met her when she was an advocate with the Transport Workers Union. Robyn Geraghty and her husband have had a long association with the union movement. They know what it means for injured workers to have their wages cut. It is already bad enough that the wages of injured workers drop to 80 per cent after 12 months, but to have their pays cut after three months, when they have already had a kick in the guts by being injured at work, is appalling. This is the point I was making. They have already had their arm mangled in a machine, or their back twisted because they were ordered to lift 30 kilograms, or lost an eye through a bit of metal flying off a piece of machinery, and they have been on their back for a couple of months in hospital; then after three months their wages are cut.

This is the point I was making. It has nothing to do with whether or not the House of Assembly has confidence in the Minister for Industrial Relations. I was questioning how Labor Party members can possibly entertain having workers' benefits cut in this way. I am not forgetting members in the upper house either. What about people like—

The DEPUTY SPEAKER: Order! Member for Mitchell, your topic now is that the chair's ruling be dissented from, not the substance of the matter.

Mr HANNA: That is right. I am giving you the impression, Madam Deputy Speaker, of the substance of the debate so that it can be quite clear that it was not reflecting on the no-confidence motion in the minister. It was quite a different topic. I was calling on the Labor members generally, not the minister, be it the members of the House of Assembly or people like the Hon. Gail Gago or the Hon. John Gazzola—decent people, members in the upper house, who also have a history in the union movement and who know what it means for injured workers to have their pays cut (and have another kick in the guts) just when they are lying flat on their back with an injury. Labor members more than any other members know, and that is why it is worth making that point in this place. That was my aim in my five minutes allocated this afternoon when I was interrupted, quite wrongly—I am not saying it was to cut out the time that I had to speak—because I was not reflecting on a vote of this house.

I accept that a majority in this house have confidence in the Minister for Industrial Relations. I did not reflect on that decision in my grievance. I was making a point about Labor members and how they can possibly entertain these cuts to workers' benefits. I know it is not about the minister because he is just a front man, in a sense. It is the people at the top, above his level of seniority: the hard men, the money men who run the Labor Party in this place—it is their decision. I know that is where it comes from. It has nothing to do with whether or not we have confidence in Michael Wright. He does what he is told to a large extent.

Mr Koutsantonis: So why did you vote that you had no confidence in him?

Mr HANNA: I am not going to be drawn by the interjections of the member for West Torrens into why I voted the way I did. But I think it is absolutely justifiable to account for my decision in this place, especially as I did not have the opportunity to contribute to the debate on the motion of no confidence, because there was no allocation of timing. I stood to speak in the debate and I was not recognised by the chair. I do not have a problem with that because it is a house of 47 members—we all have to take a turn—but what I object to is when I am making a point about how Labor members are going to vote on cutting workers' rights, to have it objected to on the basis of how I reflect on the vote of the house was erroneous. I rest my case.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): The ruling that was made by the Acting Speaker was an entirely appropriate one. I understand that he consulted with the former speaker in relation to that ruling before he made it, and it is simply this: it is not appropriate for a member of the house to reflect on a decision of the house by singling out individual members. It is a simple ruling, and one that is entirely appropriate. I want to say something in response to the remarks that have been made by the member for Mitchell. He comes in here to lecture individual members of this house in relation to their morality about the position they take on a particular piece of legislation—

Mr Hanna interjecting:

The Hon. J.W. WEATHERILL: —including me—but he forfeited that right the day he turned his back on our caucus.

The DEPUTY SPEAKER: The question is that the ruling of Acting Speaker Koutsantonis be upheld.

The house divided on the question:

AYES (23)

Atkinson, M. J.	Bedford, F. E.
Bignell, L. W. K.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Fox, C. C.	Geraghty, R. K.
Gunn, G. M.	Kenyon, T. R.
Key, S. W.	Koutsantonis, T.
Maywald, K. A.	O'Brien, M. F.
Piccolo, T.	Portolesi, G.
Rann, M. D.	Rau, J. R.
Simmons, L. A.	Stevens, L.
Weatherill, J. W. (teller)	White, P. L.
Wright, M. J.	

NOES (9)

Chapman, V. A.	Goldsworthy, M. R.
Griffiths, S. P.	Hamilton-Smith, M. L. J.
Hanna, K. (teller)	Kerin, R. G.
Pederick, A. S.	Venning, I. H.
Williams, M. R.	

PAIR(S)

Snelling, J. J.	McFetridge, D
Foley, K. O.	Redmond, I. M.
Hill, J. D.	Evans, I. F.
Lomax-Smith, J. D.	Pengilly, M
McEwen, R. J.	Pisoni, D. G.
Rankine, J. M.	Penfold, E. M.

Majority of 14 for the ayes.

Ruling thus upheld.

SMALL BUSINESS

Mr PICCOLO (Light): I am a great admirer of small business, especially those mum and dad businesses that not only provide valuable services to the community but also provide the mums and dads and their families with a sense of independence and fulfilment. Small businesses require a lot of sacrifice, hard work and commitment. Small businesses are also consumers and, like ordinary consumers, are sometimes subject to appalling and predatory behaviour by other businesses.

Like other consumers, they suffer injustice at the hands of corporate villains whose behaviour is both unethical and reprehensible. While those opposite generally focus on the injustices committed by various spheres of government, I prefer to take a more balanced and even approach and am not prepared to overlook injustices perpetrated by one business against another. Ordinarily, disputes between businesses would be seen as a commercial matter and not one of concern to this house. I disagree. The eradication of injustice is the business of this house, as mentioned earlier by the father of the house, irrespective of where it occurs. The case I am about to bring to the attention of the house involves a corporate bully who has left a trail of financial and emotional destruction wherever he goes.

The injustice here is that the bully's victims have been left financially damaged to the extent that they cannot afford to

defend themselves in a court of law. Consumer affairs departments are not willing to act, as the dispute only involves businesses and not the traditional consumer. I am advised that the ACCC is not interested in it because the fish available for frying are not big enough. I wish to bring to the attention of this house the corporate behaviour of Flaschengeist (Australia) Pty Limited. Yes, the name sounds like a B-grade horror movie, but it is not. Flaschengeist is an A-grade horror story. At the outset I must make clear that what I am about to reveal to the house is in no way a reflection on the businesses or those people who operate the Flaschengeist franchises. My concerns are squarely aimed at the corporate behaviour of Flaschengeist (Australia) Pty Limited and its CEO Mr Milton Karan.

Flaschengeist is the trade name of a franchise involving the sales of boutique liquor and related gift lines. It has a sister business called Ezygifts. Flaschengeist franchises exist or existed in Victoria, New South Wales, Queensland and South Australia. The Victorian franchises have the following common factors: they have all closed down; the franchisees have been left with crippling debts; all franchisees have complained about receiving inferior or substitute stock and not the European stock promised in the agreements; they have endured threats and intimidation via phone, fax and face-to-face meetings with Mr Karan; and the franchisees have had to deal with soaring stock prices without explanation. A Sydney store has experienced similar problems and closed down. The three South Australian franchises to date, one of which is in my electorate, have also ended in closure and mounting debts by the franchisees.

While it is acknowledged that not all franchises succeed and that they can be a risky investment, in this case the franchisees have been misled on the sales potential of the products when the franchises were sold including, it is alleged, false sales figures in Form 2s provided to potential franchisees. If what I have revealed so far was the extent of the story, it might appear to be unspectacular, but the horror story continues. Not content with closing down the franchises and forcing the mum and dad owners into unemployment and crippling debts, Mr Karan has hounded, bullied and sought to intimidate former franchisees to ensure that they did not seek legal redress against the gross breaches of their agreements, and unethical business practices.

Mr Karan has tried every legal process available to prevent these small business people from opening new businesses. Currently, in this state he is taking action to prevent a former franchisee from obtaining a variation to his liquor licence, in an attempt to stop him from establishing a new business so that he can minimise the losses he has incurred. This is, in my opinion, an abuse of process but typical of the actions of Mr Karan. While the Dunstan government pioneered consumer protection laws to protect ordinary consumers from shonky business practices and the Whitlam government pioneered trade practices legislation to promote fair competition in the marketplace, I am not confident that current laws protect small businesses in their capacity as consumers. It is certainly a matter that I will be discussing with my parliamentary colleagues over the coming months.

Time expired.

SELECT COMMITTEE ON BALANCING WORK AND LIFE RESPONSIBILITIES

Ms PORTOLESI (Hartley): I move:

That the time for the bringing up of the report of the committee be extended to Wednesday 25 July 2007, and that the committee have power to continue its sittings during the recess.

Motion carried.

DEVELOPMENT (ASSESSMENT PROCEDURES) AMENDMENT BILL

Second reading.

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

That this bill be now read a second time.

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

Leave granted.

The *Development Act 1993*, together with the *Environment, Resources and Development Court Act 1993* and associated regulations, came into operation on 15 January 1994.

These Acts and Regulations set the statutory processes and procedures for the South Australian planning and development system.

Substantial amendments to the Development Act were made in 1997, 2001 and 2005 as well as progress on two amendment Bills to date in 2006.

This Government is progressing with a wide range of initiatives to improve the State's planning and development system in order to provide greater certainty for the community and applicants in regard to policies, procedures and timelines for actions.

As part of this program, the *Development (Assessment Procedures) Amendment Bill 2006* is one of a suite of Bills that the Government proposes to introduce.

The introduction of this fourth Bill since September 2005, highlights the breadth of the amendments proposed by the Government. It also provides Parliament with an opportunity to consider each Bill in manageable parcels.

As with the other Bills already considered by the Parliament, the Government has taken into account the comments made on the former Sustainable Development Bill. As a consequence, some development assessment provisions have been not been included in the current Bill or amendments have been made to the provisions as a result of the consultation process and amendments previously filed by the Opposition and other Parliamentary parties.

In addition to the membership of Council Development Assessment Panels addressed in an earlier Bill, the Development (Assessment Procedures) Amendment Bill 2006 introduces a range of improvements to the existing development assessment procedures.

While this suite of Bills retains the current voluntary Regional Development Assessment Panel provisions in the Development Act, this Bill provides clarification of the potential role of such a Panel, including a potential concurrence role for non-complying development applications instead of the Development Assessment Commission. This provision elevates the role of RDAPs as part of the program to facilitate independent and elected members making regional assessment decisions.

The Development Act and Regulations enables the development assessment requirements of other Acts to be integrated into a single development assessment and decision making process. This integration is achieved through Schedule 8 of the Development Regulations which requires a referral of applications in specified circumstances to prescribed Referral Agencies. This referral is undertaken by the Council or DAC after the application is lodged.

This Bill enables applicants to work with such Referral Agencies during the preparation of applications. If in such circumstances the Referral Agency confirms that the proposed application satisfies the requirements of that agency, the Bill exempts the need for the referral to that Agency once the application is lodged. In this way greater efficiencies will be achieved through better applications being lodged and through the removal of referrals on matters that have formally been resolved prior to lodgement of the application.

The Bill also provides for notification to an adjoining owner or occupier when a building is to be constructed on the property boundary with a residence. To be consistent with the current provisions of the Act, such requirements are designated as Category 2A notification. This means that a neighbour directly affected by a development can have input into the development assessment process and be more informed about construction on the property boundary. This Category 2A notification only relates to uses expected in an area. When the use is not recognised for such zones, the Category 3 notification will remain.

Proposed amendments confirm that a variation to a consent or approval is a separate application and that only the issues subject to the variation application are to be considered. This will ensure timely decisions without the potential for retrospective requirements. Similarly, the Bill enables an appeal to be heard by the ERD Court on a particular condition without the time delays and expense of the full case being considered afresh.

The Bill also enables administrative disputes on development applications in specified cases to be heard by the Environment, Resources and Development Court rather than the current situation where such matters need to be heard before the Supreme Court. This amendment will save time and money. It also adds to the benefit of the State's planning and development system where all development related matters are considered by one specialist court.

This Bill introduces provisions that will require the swimming pool safety barriers for those pools approved or constructed prior to 1993 to conform to the same safety requirements as those constructed after 1993. It is acknowledged that many of these older pools have already been voluntarily upgraded by their owners over the years. The safety requirements also provide a range of options. It is considered for safety reasons that the upgrading of such pools should be phased in. It is envisaged that the regulations will require such pools to be of the post 1993 safety standard prior to the sale of the property.

The Mining Act enables a mining proposal to be assessed as a declared major development and the Development Act enables development associated with mining activity to be assessed as a declared major development. This could mean that a large mining proposal could be subject to two separate major development assessments, the mine under the Mining Act and the associated offsite works under the Development Act. This amendment enables a single major development assessment process for a combined mining and mine processing proposal. Thus this amendment streamlines the assessment process, enables the public to comment on a single integrated report and results in a single decision at the end of the process. This also reduces the red tape involved in two parallel processes.

The Development Act and recent amendments to that Act encourages councils to prepare strategic plans and enter into agreements on the staged development of areas. The Bill clarifies that the Council Development Assessment Panel or delegated officer is still responsible for the assessment of development applications if a council has undertaken such planning and entered into associated agreements on the development of that area. It is not considered that the Development Assessment Commission should be involved merely because the council has undertaken forward planning on the future for their area. This is a technical refinement to address alternate legal interpretation of existing provisions. This provision emphasises the role of council as a planning body and the Council Development Assessment Panel as a development assessment body.

The Bill enables certain forms of bonds or security to be prescribed to cover the cost of damage to infrastructure during construction. These provisions will assist councils to repair footpaths, curbing and roads as a result of construction and heavy vehicle access on a development site. This approach will enable Councils to recover costs for damages but ensure that the form of security used and the nature of the cover is such that is does not result in unreasonable costs to the building industry and home purchasers.

The technical amendment to section 50 implements a recommendation from the Ombudsman that councils should be able to hold open space funds in special funds without the statutory need for higher administrative costs associated with trust funds. This provides security without the higher costs.

The amendment to the Highways Act in Schedule 1 of the Bill clarifies provisions in the Heritage and Highways Acts. The Bill specifies that alterations or demolition of a State Heritage Place as a result of road works is subject to assessment under the Development Act.

The Government believe this Bill to be an important component in improving the State's planning and development system.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Development Act 1993*

4—Amendment of section 4—Interpretation

The use of the word "provisional" in relation to a development plan consent or building rules consent is to be discontinued as the relevant consents are indeed substantive consents (which have effect subject to the issue of development approval under the Act).

5—Amendment of section 33—Matters against which a development must be assessed

These amendments are consequential.

6—Amendment of section 34—Determination of relevant authority

This clause includes a provision that clarifies that a council is not disqualified from acting as a relevant authority even though it has been involved in preliminary or other work associated with the proposal for the particular development. An amendment to section 34(2) will allow a council that is acting as a relevant authority under that provision to act also as the relevant authority to make the final determination as to whether the relevant development should be approved. Subsection (3) of section 34 is to be recast so that a regulation constituting a regional development assessment panel can relate to an area or areas of the State comprising parts or all of the areas of two or more councils, and can incorporate a part or parts of the State that are not within the area of any council (and some or all of these parts need not be contiguous).

7—Amendment of section 35—Special provisions relating to assessment against a Development Plan

A regional development assessment panel will be able to concur in the granting of a consent in prescribed circumstance. It is also intended to make it clear that nothing in section 35 of the Act prevents a relevant authority refusing at any time to grant a development authorisation with respect to a *non-complying* development.

8—Amendment of section 36—Special provisions relating to assessment against the Building Rules

These amendments are largely consequential. It will be necessary to obtain the concurrence of the Building Rules Assessment Commission with respect to building work in prescribed cases.

9—Insertion of section 37AA

This clause sets out a scheme under which a person may seek to obtain the agreement of prescribed body in relation to a proposed development before lodging an application for development plan consent with respect to the development.

10—Amendment of section 38—Public notice and consultation

A key feature of these amendments is to introduce "Category 2A" developments under section 38 of the Act. This category will comprise development that would otherwise be Category 1 development but that involves building work along a boundary (or part of a boundary) adjoining an allotment used for residential purposes, a prescribe kind of use within a building within a prescribed distance from a boundary, or other prescribed classes of development. However, Category 2A will not include *complying* development, certain development wholly within a community scheme or a strata scheme, or any prescribed kind of development. A specific notice provision will then apply in relation to this category of development.

11—Amendment of section 39—Application and provision of information

This clause clarifies the provisions of section 39 relating to applications to vary a development authorisation in certain circumstances.

12—Amendment of section 44—General offences

13—Amendment of section 45—Offences relating specifically to building work
These amendments revise the maximum penalties for some of the key offences under the Act. However, they do not affect the "Additional penalty" or "Default Penalty" provisions under these sections.
14—Amendment of section 50—Open space contribution scheme
Money received by a council under section 50 of the Act is to be paid immediately into a special fund established for the purposes of this section. (This amendment will remove the need for a "trust" fund but will preserve the need for a separate account for open space contributions.)
15—Amendment of section 50A—Carparking fund
16—Amendment of section 53—Law governing proceedings under this Act
These are consequential amendments.
17—Amendment of section 53A—Requirement to upgrade building in certain cases
18—Amendment of section 54—Urgent building work
19—Amendment of section 54A—Urgent work in relation to trees
20—Amendment of section 55—Removal of work if development not substantially completed
These amendments revise the maximum penalties for some of the key offences under the Act. However, they do not affect the "Additional penalty" or "Default Penalty" provisions.
21—Amendment of section 56A—Councils to establish development assessment panels
A council will, unless exempted by the Minister, be required to ensure that at least 1 member of a council development assessment panel is a woman and at least 1 member is a man.
22—Amendment of section 57—Land management agreements
23—Amendment of section 57A—Land management agreements—development applications
24—Amendment of section 68A—Private certifiers
These are consequential amendments.
25—Insertion of section 71AA
The requirements relating to swimming pool safety will now all operate under and pursuant to the *Development Act 1993*, and the *Swimming Pools (Safety) Act 1972* is to be repealed. The owner of a ***prescribed swimming pool*** may be required, under a scheme established by the regulations, to ensure that swimming pool safety features are installed in accordance with the new regulatory requirements before, or on the occurrence, of a prescribed event. The regulations will be able to require a council to establish a swimming pool inspection policy that complies with any requirements prescribed by the regulations.
26—Amendment of section 75—Applications for mining tenements to be referred in certain cases to the Minister
This amendment will clarify the interaction between Part 8 of the Act and Part 4 Division 2 Subdivision 1 of the Act in relation to the preparation of an environmental impact statement or public environmental report with respect to a relevant mining proposal. New subsection (7) will allow an assessment of mining operations under an EIS or a PER to include associated development (and then for that development to be assessed by the Governor as if it were within the ambit of a declaration of the Minister under section 46).
27—Insertion of section 75A
This clause is also intended to clarify to interaction between Part 8 and Part 4 Division 2.
28—Amendment of section 84—Enforcement notices
This amendment will allow a prescribed body under section 37 to act as a relevant authority for the purposes of issuing enforcement notices in prescribed cases. The penalty provisions are also revised in a manner consistent with other amendments.
29—Amendment of section 86—General right to apply to Court
A person who can demonstrate an interest will be able to apply to the Court for a review of a particular matter in certain circumstances.
30—Amendment of section 88—Powers of Court in determining any matter
These amendments will make provision for various matters associated with the practice and procedure of the Court. New subsection (2)(a) will expressly provide that the Court should not deal with any matter that is not subject to challenge in the proceedings (unless the Court considers it to be necessary or appropriate to do so). New subsection (2)(b) will allow the Court to consider certain matters *de novo*. New Subsection (2)(c) will clarify the discretion of the Court on an application by certain persons to be joined in proceedings.
31—Amendment of section 89—Preliminary
This is a consequential amendment.
32—Amendment of section 97—Duties of private certifiers
These amendments revise penalty provisions.
33—Amendment of Schedule 1—Regulations
A key amendment under this clause is to facilitate the ability to establish a rating system with respect to building standards associated with the sustainability of buildings. It is also to be made clear that the regulations may require that a particular step under the Act must be taken within a period prescribed by the regulations. Another amendment will enable the regulations to require that delegations under the Act be reviewed from time to time. Another amendment will make express provision with respect to the issue of who may be authorised to issue expiation notices under the Act in a case where a prescribed body seeks to issue a notice (see section 6(3)(c) of the *Expiation of Offences Act 1996*).
Schedule 1—Related amendments, repeals and transitional provisions
An amendment is included to ensure that development within the operation of the *Highways Act 1926* that may affect a State heritage place will be assessed under the *Development Act 1993*.

An amendment to the *Local Government Act 1999* will allow a council to require a person who has approval to carry out development under the *Development Act 1993* to enter into a bond if the council has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road).

Mr GRIFFITHS (Goyder): On behalf of the opposition it is my pleasure to make a brief contribution on this bill, which was introduced to the parliament in the Legislative Council on 23 November last year and which seeks to amend the Development Act 1993. As I understand it, this is the third of a suite of amendment bills for the Development Act that the government has introduced in the past year, so as to ensure that the parliament has the opportunity to consider each bill in a manageable size. In reviewing the various contributions to the bill that members of the government, opposition and others of the Legislative Council made on 13 and 27 March, it is obvious to me that the debate on the bill has been quite detailed and reflective of the skills, knowledge and concerns of many in the other place.

This debate involved the consideration of quite a few amendments from the government, the Hon. Mr Parnell and the Hon. Mr Xenophon. The arguments in support of these various amendments were quite detailed and passionate, but I note that, other than the case of the additional government amendments and several from the Hon. Mr Xenophon in relation to penalties attached to the act, they were defeated.

I wish to put on the public record, though, that the opposition did not support the amendments relating to the penalty increases. I recognise that many of the defeated amendments are related to the extent to which the consultation with adjoining property owners and interested persons should be undertaken. Consulting with affected people is always a positive step, but it is impossible, I believe, to ensure that all persons who may have an interest in a development are actually made aware of it. By allowing comments to be made, local government is significantly assisted in making the best possible decision, but in many cases it also provides opportunities for appeals to be lodged.

The absolute majority of people who lodge comments with local government on development proposals do so from a position of real interest and a desire to ensure that the absolute best form of development actually occurs, but for some it is for only frivolous and vexatious reasons. These people then, on some occasions, pursue the appeal right options available through the Environment, Resources and Development Court. They do so in the knowledge that they can withdraw at any time and in the knowledge that costs will not be awarded against them. I am not saying that appeal rights through a court with the ability to make real decisions should not exist, as this is one of the basic rights that a society such as Australia guarantees to all its citizens. The fact is, however, that housing affordability will be an enormous issue for our younger people and for future generations of Australians to grapple with.

The great Australian dream of home ownership is under threat, with many people faced with the possibility of a life spent living in a home owned by someone else. Delays in the approval process of developments cost money, and these costs are always transferred to the end user, being the purchaser. Melbourne has now passed Adelaide in regard to housing affordability, as Melbourne is now a cheaper place to build a house than Adelaide. Having come to this place from a local government background and, as such, having worked with the Development Act in its various forms since it was introduced in 1993, I can appreciate more than most the need to ensure that development assessment procedures are constantly refined and improved.

Planning and consideration of development proposals is often an emotive issue. Local government attempts to develop a vision for the area it services through the creation and review of planned amendment reports and to ensure that appropriate development projects are supported. In the eyes of some, however, but occasionally many, the community does not actually believe that councils manage to achieve this. The opposition thanks those groups for the feedback provided when consulting on the bill. The opposition also recognises that the bill seeks to make a number of positive changes to improve planning and development procedures in South Australia and agrees that greater certainty for applicants and the community is a step in the right direction. The opposition confirms its support for the bill.

The Hon. J.W. WEATHERILL (Minister for Housing): I thank opposition members for their cooperation in relation to this bill. It certainly has been a compromise. While there might have been some who wished this bill to go further, we will obviously be watching very closely how councils cooperate with it. If, as some of us fear, they choose to take advantage of the government's generosity, then obviously we will again approach the parliament for further steps. But, we believe there is a vital need to improve the quality, consistency and speed of the development assessment processes, and we think these reforms will make a positive contribution to that end.

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

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (PENALTIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 December. Page 1543.)

Mr WILLIAMS (MacKillop): I indicate that I am the lead speaker on behalf of the opposition on the matter before the house. I also indicate that the minister and I have come to an arrangement. The minister, I understand, this week tabled a significant number of amendments that he will be moving in the committee stage. Since those amendments came to my notice only earlier in the week, I requested that we move only into the first clause in the committee stage and then adjourn until we come back. The minister has kindly acceded to that request, so we will not take up more time of the house than necessary. Having said that—

Mrs Geraghty: As is your want.

Mr WILLIAMS: As is my want. There are a few things that I do want to say—

The Hon. M.J. Wright: As is your right.

Mr WILLIAMS: As is my right, indeed, and my obligation on behalf of my colleagues on this side of the house and a number of people in the community who have contacted me and the opposition generally about this matter. The bill proposes a number of changes to the principal act. It raises the penalties, but only in certain circumstances. It proposes to separate the way a body corporate or employees and/or, indeed, officers of a body corporate would be treated under the act from either an employer or a worker who is involved in a business or a workplace governed by a different sort of business arrangement other than a body corporate, and it proposes to change section 59, the aggravated offence provision, and introduce new sections 59A, B, C and D.

It is rather complicated because I am aware of the minister's proposed amendments and I have not had time to fully canvass those with a number of people who have contacted me. Obviously, it will be impossible for me to talk sensibly about the act without acknowledging the minister's amendments, and I will do that as we go through the second reading.

In addition to what I have just said about the act, it provides for imputation of liability from an employee, agent, officer, etc., to the body corporate to which such a person is responsible, and then from the body corporate to an officer of the body corporate; that is, the bill proposes to establish vicarious liability. A cursory glance of the bill and, indeed, the minister's second reading speech suggests that this is quite a simple bill which would not raise too much anxiety. The reality is that nothing could be further from the truth. The bill, particularly as first proposed, proposes significant changes to the principal act. When I was contemplating what I might say, I was reminded that a number of political commentators in this state often say that there is little difference between the two major parties: Liberal and Labor. If political commentators read this piece of legislation and take note of the debate on legislation such as this—as in the case of a debate earlier in the day—they will understand that there is a significant difference between the way the Liberal Party approaches how businesses and workers should be able to get on with their function in society and the way that Labor approaches this matter. This bill, in fact, highlights the difference between Liberal and Labor as much as any matter that would come before the house.

It quite fascinates me that this government seems to wish to be seen publicly to be at odds with the legal fraternity. At every opportunity it seems to take a swipe at the legal fraternity and talks about them in a generally derogatory manner, yet the government continues to bring legislation to the house which is not based on legal precedent, which ignores established legal principles, and takes no notice of

interstate legal experience. This, in my opinion, merely provides for many, many hours of legal argument in our courts and, in fact, presents the veritable lawyers' picnic. As well as doing that, and providing lots of work for the lawyers whom the government would have us believe it does not particularly like, this sort of legislation creates massive uncertainty for business, and I think that is something we should try to avoid in this parliament at all costs.

Another claim that the government makes is its desire to cut ted tape. The Prime Minister claims to be pro-business; the Treasurer claims to be pro-business. Even at the opening of this session of the parliament, the government had the Governor state that it was an aim of this government to cut red tape by 25 per cent. Notwithstanding the nonsense of that claim—because I do not know how you measure red tape, so I do not know how you can say you can cut it by 25 per cent, other than in a very literal sense, which I am certain is not what the Governor was talking about—this bill, as well as bringing about legal uncertainty, will massively increase the red tape burden on business in South Australia. Indeed, the bill will oblige business to create a never-ending trail of documentation. I will elaborate on that when I get to the detail of the bill. The minister's second reading speech gives little indication as to the need for this bill. I want to turn now to the minister's second reading speech and some of the claims he has made therein. He claimed:

> This bill has been developed largely in response [to recommendations] contained in the 2002 Stanley report into workers compensation, occupational health, safety and welfare systems in South Australia.

In particular, he states that it is in response to recommendation 30—on my reading of it I think he means recommendation 31—of the Stanley report. That particular recommendation states:

> SafeWork SA Authority—

and bear in mind there was no such authority at the time of the Stanley report; it was created after that—

> review the current level of penalties having regard to the penalties in the Dangerous Substances Act 1979 and make recommendations to the minister on increases.

So the Stanley report did call for a review of penalties in this particular act. However, on reading the report and the discussion preceding that particular recommendation, one learns—and I will quote again from the review:

> The review also considered ideas presented by one leading stakeholder that a method of splitting corporation and individual penalties similar to the South Australian Dangerous Substances Act 1979 might be adopted.

The bill does take on board that particular idea that was in the Stanley report, but I was interested to see that the Stanley report referred to one leading stakeholder. There were something like 75 written submissions to the Stanley review, and apparently one submission suggested that we apply different penalties to corporate entities contravening the act from other administrative units or other business entities. Further, under the heading 'The Proposal', which preceded the recommendation I quoted a moment ago, the Stanley report states:

> In spite of the recent review and increase in penalties, the review believes the current penalties need to be increased. However, it is the review's opinion that an increase in fines should not be undertaken in isolation and needs to be considered when other penalty options and recommendations are determined. That is, it needs to be considered in light of the overall final penalty regime adopted and after the new options have stabilised. It is the review's opinion that further penalty changes need to be undertaken in partnership with principal stakeholders, that is, an increase (in dollar terms) of the current fines needs to occur as part of a sound consultative process.

A number of issues were raised in the Stanley report about how Stanley believed that we should go about this process if we were to go down that path. First, Stanley talks about partnerships and consultative processes. In his second reading contribution, the minister said:

> In June 2006 the SafeWork SA Advisory Committee . . . commenced a broader review of current penalties. The committee's recommendations are reflected in the bill.

I challenge the minister to table the SafeWork SA advisory committee's recommendations on this matter because my information is that the committee made no recommendations regarding the penalties which are proposed in this bill.

My information is that the minister, indeed, advised the committee of his intention, and the committee simply acknowledged that it had received his advice and acknowledged that the minister had already highlighted what he was going to do. Obviously, the minister and I are at odds on that point. The minister can quite easily clarify the matter, as I say, by tabling the advice that the advisory committee gave to the government on this matter. If I am proved wrong, I am more than happy to apologise to the minister in the house, but I believe that I am correct in my assertion. When the SafeWork legislation was before the parliament to create SafeWork SA, the government argued in the other place that the SafeWork SA advisory committee was a very important committee.

Again I do not want to hold up the house too long, but the point is that it was proposed that this advisory committee be called the 'SafeWork SA Authority', not 'advisory committee', and the Hon. Angus Redford at the time moved an amendment to change the name. The Hon. Carmel Zollo said:

> The assertion that the authority's only function is to advise the minister is simply not correct.

She went on to make a range of statements. She said, amongst other things, that it is to initiate, coordinate or support projects and activities that promote public discussion or comment in relation to the development or operation of legislation. A number of other statements were made by members in the other place. I would suggest that members might go back to the debate on that legislation to satisfy themselves of how important the minister at the time thought that this advisory committee should be, yet, instead of seeking advice and having the committee promote public discussion on this matter, I understand that the minister wrote to the committee and said, 'This is what we are doing. These are what the new penalties will be.' He did not formulate the bill on advice of the committee.

Furthermore, the house needs to consider the fact that Stanley noted that an increase in fines should not be undertaken in isolation and talked of other penalty options. We should not overlook the fact that the government in its 2005 amending bill to this principal act introduced non-pecuniary penalties. There are a range of non-pecuniary penalties in amended section 60A of the principal act. They give the court the power to impose a range of non-pecuniary penalties on offenders under the act, including to undertake a course of training or education; to carry out a specified activity or project for the general improvement of occupational health, safety and welfare in the state, or in a sector of activity within the state; to take specified action to publicise their offence; and to notify specified persons, or classes of persons, for

instance, shareholders, through the publication of an offence in the annual report.

A number of non-pecuniary penalties have been put into the act, but it is my understanding that, at this stage, none of the non-pecuniary penalties has been applied by the courts. That raises another issue, that is, why the minister is now proposing, in some instances, to treble the fines in the bill when a range of penalties have been put into the act and the Stanley report recommended that we not do things in isolation, that we make changes in an incremental way and see how they get bedded down and how they operate before we make other changes. That is exactly what this bill does not do.

Finally, with regard to this particular matter, the house needs to be aware in considering the matter of increasing penalties that the South Australian act is substantially different from similar legislation in other jurisdictions. One of the arguments made by both Stanley and the minister in his second reading contribution was that increasing the penalties will bring the South Australian act into line with other jurisdictions. However, the reality is that section 19 of the South Australian act uses the term 'in respect of each employee employed or engaged' when establishing the duty of an employer. In other jurisdictions the relevant legislation refers to specific incidents where employees may be endangered. Section 19 is headed 'Duties of employers' and subsection (1) states:

> An employer must, in respect of each employee employed or engaged by the employer, ensure so far as is reasonably practicable that the employee is, while at work, safe from injury and risks to health and, in particular. . .

It goes on to list a whole range of matters which should be addressed and taken into account.

The practical effect of this is that the penalty applied under the South Australian act will be applied in respect of each employee subjected to the endangerment, and consequently maybe the penalty is applied many times to the one incident, as opposed to other jurisdictions where the penalty is only applied to the incident. I will give an example—and I was told that this is a practical example—of a forklift operating at a warehouse. There may be 10 employees working in a warehouse where a forklift was faulty, say, it had a leak in the gas line, and that created an endangerment for the 10 employees.

In South Australia the penalty applied to the offence because of the creation of that endangerment could be applied by the court in respect of each of those 10 employees. So, the fine stipulated in the act could be applied 10 times for that incident. I am informed that in similar jurisdictions across Australia, in that same instance, the penalty could only be applied to the endangering incident, and thus could only be applied once. The reality is, we would be comparing apples with oranges to try to compare the penalty regime in South Australia to that in other states because of the way section 19 of our principal act is worded. Again, I think that is a solid argument why we should not necessarily blindly accept the argument of the minister that we should bring our penalties into line with other jurisdictions.

My argument so far is that the minister has failed to make the case with regard to increasing the penalties on the number of counts that I have already discussed. The other issue with regard to the increase in penalties is that the bill makes a distinction between the penalties applied in the case where the offence is committed by a body corporate and where the offence is committed by an individual or an organisation which is not governed by a corporatised body. It is my understanding that that is a sole trading operation or, indeed, a partnership.

The minister states that this will act as a deterrent for those employers who would disregard their duties under the act and it recognises the different economic capacity of corporations. This, I would argue, simply highlights the government's ignorance of the real world. First, why would the parliament seek to have a greater deterrent simply because a corporation was involved, if our concern was about ensuring safe workplaces? I ask the minister what evidence he has that suggests that corporations are less inclined to provide safe workplaces than employers using other operational entities?

I would ask the minister to provide the house with the evidence he has to suggest that bodies corporate have a lower level of compassion and empathy for their workers than that shown by other business entities. Surely, if the minister's statement that the principles underlying our legislation is the prevention of the exposure to risk rather than retribution after the event, the penalties for such exposure should reflect the level of exposure, or the risk of harm, not the form of business entity. Why would we accept that a worker should not have the same level of obligation apply to their employer to provide a safe working place just because the employer did not operate as a corporate body?

The minister's position also ignores the fact that corporations come in all shapes and sizes, and the fact of a business entity being incorporated bears no connection to the business entity's economic capacity. So, we have large corporations which have significant economic capacity and we also have very small corporations which have, quite often, a lower economic capacity than sole traders or partnerships. I reiterate that section 19 makes the South Australian legislation incomparable with regard to the imposition of penalties to that in other states.

Further, there is no connection between the type of business entity and the risk profile of a particular industry. For instance, the transport industry is recognised as being a relatively high risk industry, but many transport operators do not operate as corporate entities. Why would a particular transport operator who chose to operate as a corporate entity be subjected to a range of penalties three times as great as a sole trader or partnership operating exactly the same type of business?

That is the simple part of the bill, the penalty part. The more complicated clauses of the bill can be found where the government seeks to amend section 59 of the principal act. I will spare the minister and I will leave a fair bit of this to another stage because it is complicated. It is my understanding that section 59 has proved to be ineffectual because of the evidentiary hurdles required; principally, because the wording that the contravention requires that the offender was both knowing of the likely endangerment and been recklessly indifferent to that endangerment.

It should be noted that section 59 is an aggravated offence and was designed in the principal act to capture those offenders at the worst end of the scale—employers who might be referred to as OH&S cowboys. I am informed that the business community of South Australia does not have a problem with such an offence in the act, to curtail the behaviour of those who have little regard for their OH&S responsibilities. The proposed new section 59 unfortunately creates new uncertainty and, as I alluded to in my opening remarks, will provide for a legal nightmare.

I challenge the minister to table the recommendations of the SafeWork Advisory Committee with regard to its review of section 59. It is my understanding that the advisory committee did not recommend as per the proposals before the house and, indeed, recommended to the government that it adopt the provision which is currently in the Victorian act. That provision uses the terminology 'to recklessly endanger'. Section 32 of the Victorian Occupational Health and Safety Act provides:

> Duty not to recklessly endanger persons at workplaces.
>
> A person who, without lawful excuse, recklessly engages in conduct that places or may place another person who is at a workplace in danger of serious injury is guilty of an indictable offence and liable to. . .

Then it goes on through the penalties. I will not read those into *Hansard*. I am informed that the Victorian legislation works well and is founded on established legal precedent. Inserting that almost verbatim into our act in lieu of the proposed new section 59 would provide surety for both regulators who wish to lay charges in the appropriate courts and for employers who would be fully aware of their obligations, and the consequences of failing to meet those obligations.

The proposed term 'knowingly or recklessly' in new section 59 I am told introduces an untested legal position and, in fact, is at odds with Australian criminal law. I will not take up the time of the house at this juncture to debate the intricate details of advice I have on the problems of going down this path; I will leave that for the third reading. I simply reiterate that the SafeWork SA Advisory Committee—a committee which involves representatives, as the minister stated in his second reading, of employers, workers and the government—gave the minister clear direction. Notwithstanding the minister's statement that the committee's recommendations are reflected in the bill, the minister has chosen to ignore what I believe was the committee's sound advice.

To exacerbate matters, the bill also proposes to insert new sections 59A, 59B, 59C and 59D. At this point I note that the minister has filed, as I said earlier, a significant number of amendments to the bill, which was originally introduced last December, but it is my understanding that these amendments have been brought forward as a result of vigorous lobbying by the business community and, no doubt, due to some embarrassment on the minister's behalf. I say that because on 15 September 2004 in the second reading explanation for an earlier amendment to the Occupational Health Safety and Welfare Act, the minister said:

> The bill contains specific provisions to make sure that government departments can be prosecuted for occupational health and safety offences. This reinforces the message that the government is serious about improved occupational health and safety performance across all industry sectors. Government departments are no exception. The bill will ensure that the government is treated in the same way as all other industry sectors in terms of compliance with health and safety laws.

The bill introduced by the minister last December certainly made a mockery of that earlier statement because government agencies, unless they were corporatised—for example, SA Water, Forestry SA or SA Lotteries—would be treated quite differently from other industry sectors.

The really interesting thing to note in the minister's amendments is that, now that he has been forced to treat the public sector in like manner to the corporate sector, he has significantly softened new section 59C. I will come to this in a moment but first let me talk about new section 59A. This new section proposes that liability will flow from the actions of an officer, employee or agent to the employing body. New section 59B allows for the admission of evidence against a body corporate by an officer of such a body corporate. New section 59C is basically the reverse of new section 59A which provides that, where a body corporate is guilty of an offence under the act, that guilt flows automatically to an officer of the body corporate. New section 59D provides for a general defence if the defendant can prove that the alleged contravention did not result from the failure of the defendant to take all reasonable and practical measures to prevent the same.

The minister's amendments significantly change the tenor of the bill, and it is obvious that the government was not prepared to apply the same draconian measures (as set out in the original new sections 59A, 59B, 59C and 59D) to the public sector, measures which it was quite happy to impose upon the corporate sector. I am grateful that the minister has agreed to defer detailed debate on these amendments to give me a chance to go back to the people who have contacted me on these matters. However, after my cursory reading of the minister's amendments, I will briefly run through them.

The amendments delete new section 59D but insert as a subsection to 59A a very similar measure, which is the general defence. One of the problems I see from my initial reading of this is that I believe that reverses the onus of proof whereby the defendant is obliged to prove that the contravention did not result from any failure on the defendant's part to take all reasonable and practical measures to prevent the same. This is the section which caused me to state earlier that this bill will create a red tape nightmare. It will force every employer to document every action taken in case they need to use this as a defence. How does an employer start to understand what all reasonable and practical steps might be? What might seem both reasonable and practical after an event may well have been regarded as both unreasonable and impractical in the absence of such an event.

In hindsight, every adverse event might be seen as avoidable; in fact, it is hard to imagine an adverse workplace event which could not be avoided with the benefit of hindsight. Why has the minister not used wording which is accepted under the common law of negligence that the defence would be that the defendant had taken the steps which any reasonable employer or officer would have taken? By its very essence, this amendment suggests that every employer, in order to avoid liability, must take steps which would in the normal course of business be unreasonable.

A few minutes ago I alluded to new section 59C. The minister has been forced to gut new section 59C with his proposed amendments because this new section as proposed it would be totally unacceptable to the public sector. When he thought it was applied merely to the corporate sector, the minister was happy that the net to secure a prosecution was cast widely and was without any holes. Now the minister is proposing that an officer of a body corporate or an employee of an administrative unit of the public sector will have their role in the contravention taken into account. This appears to be a much more sensible approach than the initial proposal.

Notwithstanding the minister's proposed amendments, it has been suggested to me that the bill remains merely less bad than the original proposal. The minister has chosen to ignore the SafeWork SA Advisory Committee. As I have already indicated, the government claimed at the time of its establishment that this committee's importance warranted the title of SafeWork SA Advisory Committee. The minister has also ignored the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation. That committee is

a joint house committee, and one would have thought that the government would have referred its draft legislation to it.

The opposition believes that the minister has failed to make the case for the imposition of higher penalties for corporations and, in view of section 19, he has failed to justify any increase in penalties at all. The opposition believes that the government has seriously erred in not accepting the SafeWork SA Advisory Committee's advice on amending section 59 and the opposition is concerned at the imputation of guilt from an individual to a body corporate or, indeed, an administrative unit of the Public Service, and the reverse imputation of guilt from such a body to an officer of such a body.

Interestingly, the government proposes that the guilt of a body corporate should flow to the directors of the body corporate. If that was a reasonable position, surely it would be just as reasonable for the guilt of an administrative unit of the public sector to flow automatically to members of the state cabinet. After all, the relationship between the directors of the body corporate, the body corporate itself and the employees is surely no different to the relationship between the executive government, that is the cabinet, a public sector administrative unit and the employees of that unit, or the government.

To illustrate the nonsense implied by the imputation of liability to an officer of a corporation, I remind the house of a comment made by the Minister for Health on 8 March (only a few weeks ago) in answer to a question regarding the purchase of medical equipment at the Flinders Medical Centre. Amongst other things, the minister stated:

> With respect to the issue of equipment for hospitals, if the deputy leader seriously thinks that the minister and his personal staff sit around deciding which pieces of equipment go into which hospitals she is totally deluded.

The Minister for Health has got it right when he points out that the day-to-day minutiae is not the responsibility of ministers, just as it is not the responsibility of directors of bodies corporate. I can only agree with the health minister's sentiments. In proposing vicarious liability in such an instance, the government is delusional. If the government proposes that cabinet ministers be held accountable in the same way as it proposes company directors be held accountable, the opposition undertakes to review its position on this matter.

The opposition opposes the bill. The opposition believes that the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation should be tasked to review the bill prior to the third reading. The opposition also foreshadows that, in the other place, it will move an amendment to clause 5, which would have the effect of replacing clause 5 with the provision in section 32 from the Victorian legislation as per the recommendation of the SafeWork SA Advisory Committee.

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

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

Motion carried.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I will not speak for very long because the shadow minister has done that for me. We can obviously canvass a range of issues when we go through the committee stage. To conclude the second reading, I remind the house that this bill does three things: it triples penalties as apply to corporations; it includes the revised section 59 offence dealing with reckless endangerment, which the shadow minister spoke about—I think everybody agrees that the current section in the act is simply not working;and it inserts imputation provisions. It is correct that the government has come forward with amendments. Largely there are two major amendments and then consequential ones.

The intention has always been for public corporations to be treated like the private sector, so that is one of our amendments, and consequential ones, through the bill. The other one is in regard to imputation. It would be fair to say that there has been some representation by the business community in respect of imputation and how we can strengthen the bill. The imputation now makes it clearer that liability for officers of corporations and government administrative units only applies to the extent that they have the authority and the capacity to do something to avoid the offence.

I think the amendments brought forward by the government in regard to imputation largely resolve the concerns expressed to me, as minister, by various employer organisations. As the shadow minister said, we will only go into the first clause of this today. It will give us a further opportunity to have additional discussions—should they be necessary—with those who were concerned about that imputation clause. I look forward to doing that when we come back. With those few remarks, I thank the shadow minister for his contribution and I look forward to going into committee and working through some of these issues when we come back.

Bill read a second time.

In committee.

Clause 1.

Mr WILLIAMS: Madam Chair, in my second reading I suggested that the standing committee on occupational health and safety matters should look at this bill. The clerk has informed me that I am unable to move that the bill be referred to that committee because it is a joint committee of the two houses, and long-standing tradition suggests that a joint committee cannot look into a matter that involves one house. Notwithstanding that, when parliament is prorogued, I am informed that the bill will lapse and it will need to be restored when we return. I suggest to the minister that his legislation would have a much easier path through this place when we come back in a few weeks (in the new parliament) if that committee had the opportunity to look at the bill and make some recommendations. It is a suggestion that the minister might take on board in the interim.

The CHAIR: I ask you to note that the chair was extraordinarily indulgent in allowing you to make that speech. In case you try it again and are pulled up, just know that it was the last day of school. Minister, do you have any response?

The Hon. M.J. WRIGHT: No.

Clause passed.

Clause 2.

Progress reported; committee to sit again.

STATE LOTTERIES (MISCELLANEOUS) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

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

> That the Legislative Council's amendments be agreed to.

The government is pleased to accept the two amendments that have come back from the Legislative Council, which were both moved by the Hon. Mr Xenophon. We have no complaint about those amendments. I also acknowledge and thank the opposition for its support of this important bill. It has a number of elements to it, which I do not need to go through again, because we have already canvassed them. I believe that this is a good bill. I appreciate the support of the shadow minister and also the contributions that have been made by members in this house and the Legislative Council.

Motion carried.

OPTOMETRY PRACTICE BILL

The Legislative Council agreed to the bill without any amendment.

MOTOR VEHICLES (NATIONAL TRANSPORT COMMISSION) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

PUBLIC FINANCE AND AUDIT (REFUND OR RECOVERY OF SMALL AMOUNTS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

TOBACCO PRODUCTS REGULATION (MISCELLANEOUS OFFENCES) AMENDMENT BILL

The Legislative Council agreed to the amendment made by the House of Assembly without any amendment.

MOTOR VEHICLES (THIRD PARTY INSURANCE) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

CLIMATE CHANGE AND GREENHOUSE EMISSIONS REDUCTION BILL

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

No. 1. Clause 3, page 3, after line 10—
Insert:
(ia) by setting an interim target in connection with the SA target; and

No. 2. Clause 3, page 3, line 22—
After 'the development of' insert:
various

No. 3. Clause 5, page 5, after line 12—
Insert:
(1a) An interim target in connection with the SA target under subsection (1) is to reduce by 31 December 2020 greenhouse gas emissions within the State by at least 20% to an amount that is equal to or less then 80% of 1990 levels.

No. 4. Clause 5, page 5, line 27—
After 'targets and' insert:
additional

No. 5. Clause 5, page 6, after line 8—
Insert:
(6a) The Minister must, as soon as practicable after—
(a) making a determination or setting a target under subsection (3); or
(b) taking action under subsection (6),
prepare a report on the matter and cause a copy of the report to be laid before both Houses of Parliament.

No. 6. Clause 7, page 8, lines 32 to 35—
Delete subclause (5) and substitute:
(5) The first report under this section, and thereafter every alternate report, must incorporate a report from—
(a) the CSIRO; or
(b) if the CSIRO is unwilling or unable to provide a report—an independent entity designated by the Minister by notice in the Gazette,
that assesses the extent to which any determination or target made or set under section 5 is being achieved and, if it appears relevant, should be revised.
(6) In this section—
CSIRO means the Commonwealth Scientific and Industrial Research Organisation.

No. 7. Clause 9, page 9, line 8—
Delete '9' and substitute:
10

No. 8. Clause 9, page 9, after line 14—
Insert:
(ca) the environment and conservation sector;

No. 9. Clause 9, page 9, after line 21—
Insert:
(4a) The Minister should consult with the Conservation Council of South Australia before making an appointment for the purposes of subsection (2)(ca).

No. 10. Clause 11, page 10, after line 31—
Insert:
(va) the effectiveness of any determination or target under section 5, and the need to revise any such determination or target; and

No. 11. Clause 11, page 10, line 34—
After 'business' insert:
, the environment and conservation movement

No. 12. Clause 11, page 10, after line 38—
Insert:
(4) The following requirements apply in connection with the operation of paragraph (a) of subsection (3):
(a) any advice to the Minister under that paragraph must be provided or confirmed by the Council by instrument in writing;
(b) the Minister must, within 6 sitting days after the end of each quarter, cause a copy of any instrument received under paragraph (a) of this subsection during the quarter to be laid before both Houses of Parliament;
(c) the Minister must ensure that any instrument tabled under paragraph (b) is accompanied by a statement from the Minister in which the Minister sets out the extent to which the Minister has acted on the relevant advice, or intends to act on the relevant advice and, to the extent that it is not accepted, the reasons why not.

No. 13. Clause 14, page 12, line 4—
After 'this section' insert:
(including any policy as varied)

No. 14. Clause 14, page 12, after line 4—
Insert:
(5) The Minister must, in association with the operation of subsection (4)—
(a) give notice of the introduction or adoption of a policy under this section (and of any variation of a policy) by notice in the Gazette; and
(b) ensure that copies of any policy (including any policy as varied) are reasonably available for inspection at a place or places determined by the Minister.

No. 15. Clause 16, page 12, line 24—
After 'person' insert:
or entity

No. 16. Clause 16, page 13, after line 3—
Insert:
(3a) The Minister must take steps to achieve a sector agreement with key State government business enterprises and administrative units by 1 July 2008.
(3b) The Minister must prepare a report on the outcomes achieved for the purposes of subsection (3a) and cause

a copy of the report to be laid before both Houses of Parliament within 6 sitting days after the report is finalised.

No. 17. Clause 21, page 15, after line 16—

Insert:

(6) Subsection (1) operates subject to the qualification that the first review must be completed by the end of 2009.

The Hon. M.D. RANN (Premier): I would like to thank the upper house for its consideration. I would also like to particularly thank a number of people: Julia Grant, Tim O'Loughlin and his team in the Office of Sustainability and Climate Change, and the Minister for the Environment in the upper house, who, I am told, was much more splendid in committee than I was. We look forward to dealing with this on 17 April.

ADJOURNMENT

At 5.55 p.m. the house adjourned until Tuesday 17 April at 2 p.m.