

HOUSE OF ASSEMBLY**Thursday 10 April 2008**

The **SPEAKER (Hon. J.J. Snelling)** took the chair at 10:30 and read prayers.

LEGAL PROFESSION BILL

The **Hon. R.J. McEWEN (Mount Gambier—Minister for Agriculture, Food and Fisheries, Minister for Forests) (10:31)**: I move:

That the sitting of the house be continued during the conference with the Legislative Council on the bill.

Motion carried.

**BIRTHS, DEATHS AND MARRIAGES REGISTRATION (REGISTRATION OF DEATHS)
AMENDMENT BILL**

The **Hon. I.F. EVANS (Davenport) (10:31)**: Obtained leave and introduced a bill for an act to amend the Births, Deaths and Marriages Registration Act 1996. Read a first time.

The **Hon. I.F. EVANS (Davenport) (10:31)**: I move:

That this bill be now read a second time.

I bring this bill before the house as the result of contact from a constituent who, after living in a de facto relationship for 15 years, suffered the unfortunate death of her partner. On the death of her partner she approached the government department to have her name registered on the death certificate and was declined. The reason for that is the act does not provide for it. This bill seeks to amend the appropriate act so that, in future, those de facto partners who endure the unfortunate event of losing a partner will have the opportunity to have their name registered on the death certificate.

I will read some of the letter that I received from my constituent, because I think it encapsulates the problem very well. This is part of a letter that my constituent wrote to the registrar. It states:

I write seeking your indulgence after the sudden death of the above-named, my de facto spouse of some 15 years. My request is that I be included, along with my partner's first wife, in the marriage details. During those 15 years my partner and I resided at the above address. I was known to many by his last name and am the major beneficiary of my partner's estate. Documentary evidence of jointly purchased property, joint bank accounts and joint self-managed superannuation fund can be provided. These, along with longstanding lawful recognition of a de facto spouse, form the basis of my wish to be named.

The letter goes on. Then, in a separate letter to me, my constituent makes these points:

For me, the exclusion of my name came as a shock, and no doubt affects many people during their bereavement who feel additionally hurt when a longstanding, loving relationship is negated. One cannot sufficiently explain to others the added grief arising from the omission. While friends and relatives suggest that it really doesn't matter, the gesture of bringing this bill into the parliament helps raise the problem and its significance.

The death certificate also has a practical value. I have been asked on a surprising number of occasions, such as changing biller details and ownership to my name, to send a certified copy of the death certificate. Needless to say, an embarrassing explanation follows as to why my name is not recorded but the former wife's is.

I think that sets out the case for this sensible change. Parliaments have recognised de facto relationships in all sorts of ways. It seems to me that de facto partners should not go through the pain this particular person has endured. It is a simple measure and I hope the government can find the compassion and goodwill to support the bill.

Debate adjourned on motion of Mrs Geraghty.

**LANDLORD AND TENANT (DISTRESS FOR RENT—HEALTH RECORDS EXEMPTION)
AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from 3 April 2008. Page 2518.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (10:36): I indicate that the opposition will be supporting the bill. The bill is presented by the member for Hartley as a private member's bill, which she indicates aims to protect the privacy of patients where they have consulted with a medical practitioner, a doctor or other health provider, who dies or vacates

premises in which the practice was located or where, at the very least, medical records were stored or secured.

At present, when a dispute arises between a landlord and tenant—and the tenant may be locked out of the premises—any records kept inside the premises (and, indeed, a number of other items of property) are under the control of the landlord. As the honourable member has highlighted, this situation presents significant problems where medical records are concerned.

This is an amendment to the Landlord and Tenant Act 1936. It is important to appreciate that the provisions in part 2 of that act outline the circumstances in which the act of providing a distress for rent, its modes and exemptions, its processes and procedures, are set out. Essentially, there is a process by which a landlord, where the rent has not been paid, can (either themselves or by a person authorised by a warrant under their hand) take into their possession certain items of property.

The goods are defined under the act. I note that it specifically exempts cattle that are agisted. I am not sure what happens with other livestock, but we do not need to go into that aspect today. It does raise the fact that already under this legislation there are a number of examples whereby goods are exempt. This is not a new or exclusive domain that is being explored in the bill. There is already the protection of a number of assets. Cattle and vehicles of livery, with all saddles, bridles and other harness belonging or appertaining thereto, are already exempt from distress for rent. We also have exemptions for any sewing machine, typewriting machine or mangle, the property of or under hire to any female person, whether belonging to the tenant or otherwise, for any rent claimed. There is also provision for where there is more than one of each of those items.

There is also an exemption for the wearing apparel, tools and implements of trade and household requisites to the total value of \$20. These indicate the circumstances (which I think are probably self-evident) as to why they are exempt. We have similar rules in respect of bankruptcy, for example, which protect some personal chattels necessary for the purposes of a trade or occupation. So, that aspect is not new.

The circumstances in which this bill comes to the attention of the house, where some remedy and protection is sought, is as a result of a tenancy dispute in the member's electorate, as I understand the media on this matter, where some 10,000 medical records were the subject of concern, and the importance of ensuring that those records were not seized—or, in this case, retained—by the landlord claiming to have rent due and owing, and also the importance of protecting both the privacy of the records and the possession so that they may not be interfered with or replicated or published in some other manner that would be detrimental to the patients in question. That initiative in itself, and the desire on the part of the member to protect the interests of patients in those circumstances—and, indeed, to protect the interests of the medical practitioner in what action may be taken against him or her—is of some merit.

The bill seeks to determine that the record of a health practitioner is exempt, so we place it in the category of a number of other exemptions already provided for. I do not have any issue with that process. However, I note that the definition of 'health practitioner' is somewhat expanded, and I will ask questions of the member during the committee stage as to who will take possession of these records in the event that the distress action is determined to be within this exemption, therefore enabling those records to be released, and as to the reasonable steps to be taken in handing the documents over, and so on, under the direction of the Minister for Health. So, we will look at how that will be practically implemented. However, as I have indicated, there is merit in protecting both the practitioner and members of the public in this regard, and this measure is worthy of our support.

I note that the definition of 'medical practitioner' is taken from some other legislation and is somewhat expanded, and that has a question mark hanging over it. I note that the legislation relating to psychologists is also to be amended, including the definitions under that legislation. That is currently under review in this parliament, and it will have a much more extended definition provision. So, there are some aspects as to those to whom this measure should apply, and not just the general local GP who has closed their practice, for example, or failed to pay their rent or make payment on the security of records, and who then become exposed to abuse and, in particular, publication by others.

When the Hon. Lea Stevens was the minister for health in the Rann government this issue was raised at the time of her reign by the former member for Finniss (Hon. Dean Brown), who was the shadow minister for health.

He raised this issue because, again, there had been a threat to the privacy of records found on location—in that case, as I recall, it was an abandoned premises—and it was important to ensure that something was done about it. She indicated (to use her words) that she would fix it. That was in the early days of the Rann government but, regrettably, we did not see any documentation or proposed legislation during the term of the Hon. Lea Stevens, and so the matter was not resolved.

This issue again became relevant in 2006, when it was raised with the current Minister for Health (Hon. John Hill), who said on ABC Radio that he would absolutely do something to protect the rights of both patients and doctors. I do not know why it has taken two health ministers to promise doing something about this (albeit taking no action) or why the member for Hartley has to raise this matter—I would assume with the endorsement of the government members—in this parliament. Why, six years into this government, after there has been public alert and debate on this issue with two ministers, has this matter not been attended to? That is the concern we raise, and we would like some answers.

Time expired.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND (Heysen) (10:47): The Attorney-General is pre-empting me in some ways, because I do rise in support of the bill and, like the deputy leader (the member for Bragg), I have some puzzlement over why the member for Hartley is introducing this legislation. My suspicion is that it is because the government wants to build up the stocks of the member for Hartley so that, at the next election, she can say that she has been an effective member because she has managed, in her short time in this place, to solve a problem which the government has been aware of for the entire time that it has been governing but which it has chosen not to address, and now, suddenly this morning, there are certainly moves to get this matter not only debated but voted on so that it can progress to the upper house and be finalised within a very short time.

As I said, the Attorney-General was, to some extent, pre-empting me because I was interested to see the definition of a 'health practitioner'. When you think about it, the Landlord and Tenant Act (I think from 1936) is getting a little out of date. The member for Bragg pointed out that we do already have some exemptions for cattle and, interestingly, an exemption on distress for rent for sewing machines, but only if they are owned by females. That is a very unusual provision to still have in our legislation, given that the government has addressed issues about whether people are in de facto relationships or whether they are in domestic relationships, and there has been all sorts of tidying up done in order to be politically correct—so this, to me, seems to be a little odd.

However, the problem that arises here, of course, relates to the nature of medical records, which are really rather like legal records kept by legal practitioners in their files. The problem is that, in the Landlord and Tenant Act as we now have it, there is, for instance, this provision about the exempting of cattle. There is also a provision in section 19 of the act about the rights of an owner of agisted cattle, and that is where the problem arises which we are addressing with this bill.

A landlord who has not been paid his rent is allowed to, in certain circumstances, after going through certain procedures, take possession of the premises again and lock them up against the tenant and keep or distress the tenant's property. He is allowed to do certain things and, ultimately, to sell the tenant's property (in some circumstances) to make good the money that is owed by way of rent.

The difficulty which arises and which this parliament has previously addressed is what happens if you do that on a property where the cattle on that property are under the control of the tenant but are actually owned by someone else, perhaps someone who is agisting their cattle on the property. Parliament previously thought about that and put in a special provision for a situation where items taken by the landlord under these distress provisions do not belong to the landlord who has come in. They do not belong to the tenant, they do not belong to the landlord, and what is to be done about that? So, there is a special provision about the rights of the owner of agisted cattle or, indeed, an under-tenant or a lodger.

In the case of medical records, there is a person with a third party interest who is not necessarily the owner of the records. Traditionally the medical practitioner owns the records they make on a patient—the patient does not actually own them—just as a legal practitioner owns the record they make for their legal file. The client may have an interest in them, but they do not have a right to that legal file, and can normally only get it if they pay the fees that are due on the file.

So, there is this difficult question: the landlord has come in and taken possession of the premises and therefore taken possession of everything in them. The health practitioner may well be the owner of the files relating to the patient. The problem is that the person with the interest in them, who may have no legal right to them and no legal title to the record, does have a genuine interest in them and may need to get them so that they can go about their business of finding another doctor or health practitioner and get advice elsewhere. That person needs to be taken care of; we need to address that issue.

I will not use up my whole 10 minutes, but I suggest that, when you look at the bill, this is one that really deserves to be brought into the 21st century. As I said, it seems to be a little odd when you have provisions that say you have a power, for instance, to distrain corn and hay but there is no mention of barley, one of the big crops in this state. Does wheat come within that?

Mr Williams: Yes.

Mrs REDMOND: In any event, I am sure—

Mr Williams interjecting:

Mrs REDMOND: The Attorney-General; he is not the Auditor-General. I am sure we can come up with certain agricultural products that would not fall within the idea of corn and hay. Then, as the member for Bragg pointed out, section 43 provides for an exemption of cattle and vehicles, that is, cattle and vehicles at livery with all saddles, bridles and other harness appertaining thereto. There is also section 44, regarding the exemption of sewing machines: 'It shall not be lawful to distrain any sewing machine, typewriting machine, or mangle, the property of or under the hire to any female person, whether belonging to the tenant or otherwise...'

I want to make the point that there is a particular problem. It should have been corrected by the government before now but if, by any chance, there is consideration of doing anything else I suggest that this act is one that parliament would be justified in reviewing before we get to its centenary, so that we can bring it into the 21st century and remove some of the obsolete references therein.

The Hon. R.B. SUCH (Fisher) (10:54): I commend the member for Hartley for bringing in this measure. As I understand it, it arose from an issue in her electorate where someone wanted to access their medical records and was having difficulty doing so. I have experienced the same problem where someone wanted to access records. The surgery, or the clinic which the person had originally attended no longer existed. You needed Sherlock Holmes and a team of tracker dogs to find out where the records were. You then had to try to access those records and pay out quite a significant amount of money for doing so.

This is a worthwhile measure, and I think it is a bit churlish to criticise someone for trying to change the situation at this stage. I guess we could all have tried to change it earlier, so I think it is a pointless exercise to say that we should have done so.

One point I would make is that I note that my GP now uses a computer, and that is helping because, in the past, many medical records were unable to be read anyway. I do not want to be too critical of those in the medical profession, but it does help if you can actually read what they have written, and that is being assisted now because they are using computer facilities. I commend this bill. I think it is a good measure, and I trust we can get it through quickly.

Mr WILLIAMS (MacKillop) (10:56): As has already been pointed out by at least two of my colleagues, the opposition supports this bill. It is a sound measure. I could go on and talk about my personal feelings about who should own medical files, because the issue arises from time to time. It is a problem that we have endured for some years in country medical practice where, when we are trying to attract doctors to country practices, quite often—it does not happen nearly as much now as it did previously—they have had to pay substantial amounts of money to buy into the asset base of the practice, which of course includes the medical files and that, in some cases, historically, has been a disincentive. So, there is a whole range of issues, in my opinion, concerning the ownership of medical files, but that is a much bigger debate than the one we are having here today.

The small measure that has been brought forward today, I think, is a sensible measure, but I really want to talk about the way it has been brought forward because it is most interesting and most instructive about this government. This government is more about the politics than actually doing what is right. This matter, as has been pointed out, has been brought forward on a significant number of occasions; it is not something which has just come to light. This government has

deliberately, in my opinion, chosen not to do the right thing for a considerable period of time but now has seen a political opportunity.

I guarantee that a newsletter will go out across the member's electorate of Hartley, a newsletter of self praise for the member about getting this matter addressed. I have no doubt that this particular piece of legislation will be highlighted in the member's newsletter. The reality is that the previous member for Hartley, Joe Scalzi—

Ms Portolesi: Did nothing.

Mr WILLIAMS: The member says 'did nothing', but in her own second reading explanation she points out that back in 2005 this matter was raised by the previous member for Hartley. I can tell the house that the previous member for Hartley, Joe Scalzi, was not a member who ignored his constituents. In fact, he managed to keep winning that seat against all the odds.

Members interjecting:

The SPEAKER: Order! The member for MacKillop.

Mr WILLIAMS: Thank you, sir. They are a disorderly lot, and they do not like hearing the truth. I would ask any of those members opposite who will not accept that Joe Scalzi was a very hardworking local member to discuss the matter with Quentin Black and ask him how hard a worker Joe Scalzi was, because Quentin Black tried for eight years to convince the good people of Hartley that Joe Scalzi was lacking. Quentin Black knows better than anyone, so go and talk to him about it. Joe Scalzi was one of the hardest-working local members in this parliament, and that is why he managed to keep retaining the seat.

I am bringing this matter to the attention of the house, because I know Joe Scalzi brought this matter to the attention of the government, and the government chose not to do anything about it because it did not want Joe Scalzi, the then member, who was working for his constituents, to get any political gain.

That is one of the problems with this government. This government is not about good governance; it is not about making good law; and it is not about doing the things that should be done, as urgently as possible, for the citizens of this state: this government is about playing politics.

I commend what is finally happening in this matter and, as I have said, the opposition supports it. But what I do not commend is this government deliberately—and they do it on a regular basis—choosing to ignore any matter that an opposition member brings to the government that has been raised within the member's constituency, involving a suggestion as to what might be done by the government to fix a problem.

In this case, the government has sat on this matter for a number of years and, all of a sudden, when the government has a member in the seat—and it is a marginal seat—not only does the government not bring it forward as a piece of government business, which is what should happen, but the government, purely for political purposes, makes sure that it comes forward as a private member's bill. I commend the bill; I do not commend the process. That is the problem—

Mr Rau interjecting:

Mr WILLIAMS: It's all right, John. Steady up.

Mr Rau interjecting:

Mr WILLIAMS: The member for Enfield may well have just given himself another four minutes to think about it.

An honourable member interjecting:

Mr WILLIAMS: No, I won't do that to him, because I know he is anxious, and he obviously has some really smart thing he wants to say. The problem here is that the process we see before us today demonstrates a fundamental problem this government has. It is all about politics; it is not about doing the right thing for South Australia and South Australians.

Mr RAU (Enfield) (11:03): As always, it is a daunting prospect to speak after the member for MacKillop, particularly on his favourite topic, which is playing politics. I know that last night, when he voted in favour of giving trade union officials access to the workplace, without regard to the views of the employer, in order to inspect the workplace in terms of work safety, etc., he was not playing politics. What he was actually doing was demonstrating a heartfelt commitment to the rights of trade union officials to get into the workplace and to start giving a few tips to employers!

But that has really taken me off the main theme. In the situation where you have a landlord, a medical practitioner and a patient, the relationship between those three different individuals is actually a triangle: there is a relationship between the landlord and the practitioner, which has nothing to do with the patient; there is a relationship between the practitioner and the patient, which has nothing to do with the landlord; and, in all probability, there is no relationship at all between the landlord and the patient. It is undoubtedly the case, as a matter of law and as a matter of common sense, that the notes which are made—

Mrs Redmond interjecting:

Mr RAU: They do not necessarily coincide, but in this case I think they do. The notes made by a medical practitioner are the medical practitioner's own property, and that is a reasonable and sensible thing. It is also sensible that from time to time, for various good reasons, the patient might wish to have access to those notes, and that could be because the patient, for example, requires treatment some years down the track and an accurate record of their medical history may be a very important element in a subsequent decision to be made about their medical management. The real issue here is access by patients to records kept about them, but legitimately held as the property of another person. So, the issue is access.

I am not entirely sure how one could best go about achieving the very appropriate problem-solving exercise of granting patients access to their own records. Whether or not the appropriate way is to do as this amendment seeks to do, which is to prevent a landlord, who may well have a legitimate complaint against a tenant who is a doctor, from seizing their records, or whether it is to guarantee, in any event, access to those records by the patient, I am not sure.

I am sympathetic to the landlord who might be seeking to apply pressure on the doctor. After all, the landlord knows that by seizing those records they are actually applying pressure and, in a sense, making it harder for that doctor to go about their business, which should encourage the doctor, presumably, to cough up the rent, and that is not an unreasonable thing for a landlord to want them to do.

By the same token, for the landlord then to deny access by holding those records and saying, 'My right to those records denies you, the patient, the opportunity of having recourse to those,' is clearly unreasonable. So, whilst I am not sure that this is the perfect solution to the problem, it certainly is a solution. The way I see it, perhaps it should be that, whatever is done in terms of seizure of these records by a landlord, a legitimate claim by a patient for access would be given priority. Whatever way it is done, it is a triangle.

I would perhaps have picked another element of the triangle, which would be to let the commercial relationship between the landlord and the non-paying doctor continue to be dealt with in a normal commercial way, but to interpose rights against the distraining landlord in favour of a patient who has a legitimate interest in accessing those records because, after all, the one thing that is clear is that the landlord has no legitimate interest in accessing those records. They may have a legitimate interest in holding them—

Mrs Redmond interjecting:

Mr RAU: —indeed—but they have no legitimate interest in accessing those records. So, this is a very difficult tripartite situation where everybody has a legitimate interest: the doctor has the property right in the actual physical records, the patient has a legitimate interest in those records being accessible from the point of view of the ongoing health regime, and the landlord probably has a legitimate interest were it not for what we are now doing regarding the rights of the patient in seizing those records in order to apply pressure to a non-paying medical practitioner.

There are a number of ways that you could do it, and this is one of them. As I said, from my point of view, I would simply give the patient access as against anybody, including a distraining landlord. So, I think it is a worthwhile reform in that the end result of this reform means that patients are not going to be denied access to those important medical records simply because of a dispute between the landlord and the tenant doctor. I guess the outcome is okay: it is a good outcome, but we could argue about the methodology.

This does, however, raise another matter that members of parliament might want to consider; that is, in South Australia there is no doctor-patient privilege, nor is there any privilege between a priest and a confessor (if that is the right way of describing it). That means that, in South Australian courts, it is possible, for example, for an insurance company to subpoena the medical records of an individual who is engaged in litigation against their insured. They have the right of access to those whether or not the patient wishes them to have access.

It is interesting to note that in Victoria, Tasmania and the Northern Territory those records are privileged, as are the communications between a priest and a parishioner or a confessor. One might say that, if we extended that legal privilege to a patient to the effect that they could determine whether or not their medical records would be released on subpoena, we would be denying the courts the opportunity of getting to the truth in many matters. But the jurisdictions that have these solutions in place have solved that. It is a matter for comment in the course of the proceedings before the court for the parties before the court to say, 'Mr Smith has medical records with Dr Bloggs; Mr Smith has chosen to rely upon his privilege and not to release those records. We do not know what is in those records but we can infer, because of Mr Smith's refusal, that there would be nothing in those records that would help Mr Smith.'

To some extent it is a two-edged sword whether or not a litigant chooses to rely upon that privilege, but I do think that at some stage we should consider whether or not we extend some of these privacy provisions to enable individuals to protect their medical records from subpoena if they choose to do so. It does happen in Victoria; it does happen in Tasmania; it does happen in the Northern Territory; and the wheels have not fallen off the cart in any of those jurisdictions.

Another thing, of course, is that in South Australia we do not have direct access to insurers when the insured has disappeared off the radar screen. In places such as the Northern Territory, for example, if the insured has become insolvent and disappeared, you simply find out who they were insured by and you sue them directly. In South Australia that is not the case. It causes a great deal of delay, complication and expense in litigation. We could do a lot worse than copy the Northern Territory provisions, which provide direct access to the insurers so that you can just get on with it and resolve the issues rather than arguing about procedural nonsense.

Coming back to the main point, this is a useful reform, the outcome of which will be positive. I am just not sure whether in the scheme of things the methodology is perfect, but I guess in the end it does not really matter: the patients will be protected.

Ms PORTOLESI (Hartley) (11:13): I would like to thank all those who made, on the whole, a positive contribution to this bill, including the member for Heysen and the member for MacKillop, who were unnecessarily nasty, and I am disappointed, but let us move on. The member for Heysen asks why I am doing this. Thank you for that question. I am doing this because I care; because I am an active local member. An issue about Joe Scalzi was raised by, I think, the member for MacKillop. All I want to say about that is that the constituent who first brought this to my attention shortly after I was elected told me that she had first brought this to Joe's attention towards the end of 2005 and that he had been unable to do anything or, for one reason or another, had done nothing about it. She did not say that he tried and the government had done nothing: she said that he did not do anything about it. I am just being honest and clear about that.

The member for Bragg raises a valid point about the definition of 'health practitioner', which now includes chiropractors, dentists, optometrists, physiotherapists, podiatrists and psychologists. We did that because they are regulated by state legislation and we thought that would be a tidy thing to do. I think that Victoria perhaps also includes in its definition (in dealing with this kind of legislation) Asian medical practitioners or Asian medicine practitioners—I am not 100 per cent sure, but we thought this was a very tidy definition.

Can I just say on that point that I did distribute the bill to the AMA nationally and locally and I sent the bill to all those professional associations that I have just listed and we have had no comment or feedback. That was—

Ms Chapman: I have.

Ms PORTOLESI: The member for Bragg says that she has, and I look forward to her contribution about that. I would like to address the issue of why it has taken this long. I am not familiar with the case in relation to the member for Little Para, but quite frankly we had hoped that the warring parties would resolve the matter themselves without the need for legislative intervention. I am sure that members opposite would be the last to advocate a regulated or legislative solution, but it became pretty obvious to me that the situation was not getting any better, so the government was agreeable to my progressing this in such a form.

The Minister for Health, to his credit, has done exactly what he promised me that he would do after I brought this to his attention in the media. He convened, expeditiously, a working group comprising a representative of the AMA, an anaesthetist from Flinders University, and officers from health, the Crown Solicitor's Office and policy and legislation, and they looked into this matter.

The bill does not purport to address the broader issues that have been raised by, say, the member for Enfield on the storage, access and privacy of medical records. As I have said in my second reading speech, that is a much broader cross-jurisdictional issue. This is a very simple bill designed to address a very specific problem. I am doing this because it matters to my constituents, and I look forward to the support of members.

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

CONSTITUTION (LEGISLATIVE COUNCIL REFORM) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 March 2008. Page 2465.)

Mrs REDMOND (Heysen) (11:18): I rise to respond to this bill on behalf of the opposition. It is a bill that was, in fact, originally introduced by the member for Fisher back in May 2006. It comprises a package of four bills that the member for Fisher introduced at that time. This particular bill (the Constitution (Legislative Council Reform) Amendment Bill) is coupled with the Referendum (Legislative Council Reform) Bill, which is listed to follow it.

Essentially, what the bill seeks to do can be summarised in two parts. First, it seeks to reduce the term of members of the Legislative Council to four years, and the term would run consecutively with that of this house. Of course, at the moment what happens is that members of the Legislative Council are always up for re-election at the same time as members of this house. However, in their case, they have a half rollover, so only 11 members of the Legislative Council are expected to run for election. The effect, of course, is that the members of the Legislative Council—

The Hon. K.O. Foley interjecting:

Mrs REDMOND: On his way through the chamber, the Deputy Premier just commented that members of the Legislative Council are not very hardworking. I am sure that he said that in jest, because I am certain that he recognises how extremely hardworking they are. The Labor government has a firm policy of wanting to abolish the Legislative Council altogether because it considers the council to be an impediment to the government.

As I said, the member for Fisher introduced this bill, one part of which seeks to bring the term of elected members of the Legislative Council into line with that of members of the House of Assembly so that they serve only four years at a time and are then up for re-election. I can see some attraction in that proposition and, indeed, it was the proposition moved in a bill introduced by the member for Mitchell in a previous parliament. As the member for Fisher indicated, this bill goes somewhat further, and it is this aspect of the bill with which the Liberal Party has some difficulty.

In his second reading explanation, the member for Fisher talked about the idea that the Labor Party wants to get rid of the upper house because it says that it is obstructive and delays things. He seeks to introduce a mechanism he hopes will resolve the issue of delay. In essence, he states that the Legislative Council can delay a measure for 45 sitting days; if it does not deal with the matter, there is a mechanism whereby the bill can be transmitted back to the House of Assembly to be dealt with again.

I do not think that this resolves the problem. I understand that the member for Fisher is suggesting that 45 sitting days would be at least six months in a normal sitting calendar and that that is long enough for the council to consider a bill. However, when you look at the reality of the Legislative Council (and we wholeheartedly support its continued existence and think that it fulfils a very valuable role), when the original bill was introduced in May 2006 the then shadow treasurer (Rob Lucas) advised that, of the 200 bills introduced by the Rann government in the last four years, only three were defeated and one was held over due to significant amendment. So, 98 per cent of the government's bills were passed.

As I said, there is some attraction for me in the original proposition that perhaps we should consider moving to standard four-year terms for all members of parliament. I am certainly most happy that we now have a fixed four-year term; I think that that it is one of the few things out of the American voting system I was happy to see adopted here. However, with a pass rate of 98 per cent of government bills going through the upper house, I cannot go along with the idea of obstructionism by that house. It is not defeating the government. One of the things I think the upper house does is very thoroughly consider the legislation. Sometimes in this place I despair at the nature of the debate we have. I have a firm view that, when new members of parliament come into this place, we should provide a training course in the interpretation of bills. It is a standard subject

that is undertaken by all first-year law students. I remember when David Wotton was retiring as the member for Heysen, and I came in here following him, he said to me shortly after his retirement, 'I wish that, when I first went into the parliament, I had done some basic law subjects'.

I think too often our members come in without getting any real training on what is a bill, an act, an amendment bill—and how you read them—what is a clause, a section, and all of those sorts of things. As a consequence, I know of members who served in this place for many years without ever feeling confident that they knew how to deal with the detail of legislation and take the matter through the committee stage and so on. Indeed, members avoided participating in the debate or, if they did participate, they did so only in a very generic manner. They did not actually apply themselves to the detail of the legislation.

I believe that in earlier parliaments, probably 100 years ago, we were actually better at dealing with our legislation in this place than we are now, partly because some things have become so complex in our modern community and a lot of our legislation is complex. I really think it is our job as legislators to pay close attention to the bills that come before us and, too often, we fail to do that and we fail to pick over the detail of the bills and question exactly what the impact will be. It happens to be an area I love dealing with, so I enjoy that aspect of the legislation, but it is clear to me that a lot of members in here do not. The point I want to make is that members in the upper house largely spend a lot of time concentrating a lot of their efforts—

The Hon. R.B. Such: Some of them.

Mrs REDMOND: —on the detail of a bill. The member for Fisher interjects, and I am sure he is right. I do not sit up there often enough to observe how much all of the members participate, but my clear impression from what comes back from that place is that they consider a matter in considerable detail and, to me, that seems a lot more productive than the occasions in this chamber when I have seen 47 members get up, each to make a contribution on a particular bill without diagnosing what the bill is, what its relationship is to existing legislation and what the actual clauses will do in terms of how things will be managed under the new legislation.

In fact, I think that our upper house not only should stay but that it is not obstructive. It is simply doing what we, in this chamber, often fail to do: consider the detail of a bill and whether it could be improved by amendment. As I said, 98 per cent of the government's bills in the four years leading up to 2006 were passed by the upper house and, on that basis, it seems to me that, although I understand what the member for Fisher has said, it is a furphy to suggest that it is necessary because the government is making up an allegation about the Legislative Council which cannot be sustained in terms of it being obstructionist. For those reasons, unfortunately on this occasion, the Liberal Party will not be supporting the member for Fisher.

Mr HANNA (Mitchell) (11:29): I support the second reading of this move by the member for Fisher to amend the circumstances of the upper house members' tenure and the resolution of disputes between the two houses. Personally, I would suggest a different means of resolving disputes between the two houses. Members will be aware that I fully support the shortening of the term of the upper house to four years. I have brought in a bill to do just that, following the constitutional convention a few years ago, which was instigated by another Independent in this house, the Hon. Peter Lewis. The point is not who instigated the convention but the fact that several hundred people chosen at random from the South Australian community attended and decided that this was a good move.

Debate adjourned.

FEMALE FOETICIDE

The Hon. R.B. SUCH (Fisher) (11:30): I move:

That this house calls upon the federal government to be more active in helping to reduce the 500,000 deaths in developing countries due to inadequate care for women during pregnancy and childbirth, as well as the widespread and unacceptable practice of female foeticide.

The member for Torrens questions why this issue would be raised here. We happen to live in the world; we are part of the world; and it is the avenue in which state members can express a view on issues which are fundamental. I would have thought that the fact that more than 500,000 women are dying each year in developing countries as a result of inadequate medical care during pregnancy and childbirth is a very important issue. We know that 99 per cent of these deaths during pregnancy and childbirth occur in the so-called developing countries. In Australia, each year about 30 women die during childbirth. Still too many, and a tragic situation when it does happen. However, in the world at large, significantly more women die during pregnancy and childbirth.

There is a range of reasons for this, but we have to remember that, as far as I know, we are still in the year 2008, and to me it is appalling that this situation can occur and can continue to occur when countries such as Australia and the United States are able to spend millions of dollars killing people in Iraq and Afghanistan, yet quite happy apparently to allow this loss of life amongst women in the developing world to continue without making any real effort to deal with it. I think the amount of money spent in Iraq by the United States is getting up around the trillion dollar mark, and so far has resulted in the deaths of 4,000 young Americans and over 100,000 Iraqis.

Australia is part of that warmongering effort in Iraq, which I do not believe can be justified. It was never justified: it was based on false premise, false argument, deceptive activity. That is continuing. The federal government is going to reduce the troop numbers in Iraq, but it is increasing spending in Afghanistan. No-one has been able to demonstrate to me the justification for the efforts in Afghanistan, especially when the production of poppies and heroin has actually skyrocketed as a result of intervention during the time Australia, the United States and others have been there. On the one hand, we have plenty of money for killing people in parts of the world, but, on the other hand, we do not seem to be able to do much about this shocking statistic of more than half a million women dying each year during pregnancy and childbirth.

An estimated 70,000 adolescent mothers die each year because they have children before they are physically ready for parenthood. I think that this is part of this crime against women and often against their babies, as well. The youngest mothers, many of them under the age of 14, face the greatest risk. Research from Bangladesh shows that the risk of maternal mortality is five times higher for mothers aged 10 to 14 than for mothers aged 20 to 24. You have to ask: what are we doing to try to restrict and ensure that we do not have mothers in developing countries at the age of 10, 11, or 12? It is an appalling indictment not only on those countries but also on Australia because we are part of the world at large.

In the year 2007 the anniversary of the Safe Motherhood conference in Nairobi was celebrated. So, some things are happening and, in a general sense, Australia was supportive of that, but my point is that we are not doing enough. Progress in reducing maternal mortality in developing countries has been very slow. The gap between the developed world and the developing world with respect to mortality during maternity is one of the greatest indicators of public health status.

I will not go into all the detail of the various countries where this problem is most pronounced, but the 10 highest risk countries include Niger, Liberia, Mali, Afghanistan, Bangladesh, Guatemala, Haiti, Nepal, Nicaragua and Yemen. Here we are in Afghanistan to save the people, presumably (and maybe, supposedly, to help save us), yet it has one the highest risks of maternal death and infant mortality. In the 10 highest risk countries more than one in six teenage girls aged 15 to 19 gave birth each year, and nearly one in seven of the babies born died before the age of one year. In Niger, for example, the maternal mortality rate was one in seven compared to Sweden where it was one in 29,800, which gives an indication of the gap between the developing world and the developed world.

I raise a related issue, and this is part of my general concern about the way in which women are treated in the world. We have become a little more progressive in Australia, but in many parts of the world women are still treated very much as second-class citizens. That is reflected in the practice of female foeticide where female foetuses are selectively aborted after prenatal sex determination, thus avoiding the birth of girls. The estimate for India alone as a result of that selective abortion is that between 25 million and 40 million girls and women are classified in that context as 'missing'. In other words, they were aborted simply because they were female.

In some parts of India the sex ratio of girls to boys has dropped to fewer than 800 to 1,000, which has made the United Nations express concern. But concern is not enough; we need action. The trend of that female foeticide is much stronger in urban areas than rural and among literate rather than illiterate women, exploding the myth that growing affluence and the spread of basic education alone will result in the erosion of gender bias. That runs counter to what many people think, that is, if you educate people and they can read and write they will not go in for these practices. The birth of a son is regarded as essential in Hinduism, and many prayers and lavish offerings are made in the temple in the hope of having a male child.

Modern medical technology is used in the service of this religion-driven devaluing of women and girls. Unfortunately, religion works alongside other cultural and economic factors to lower the status of women. In fact, it has been reported, according to a study in the International Humanist and Ethical Union Report entitled 'Female Foeticide in India', that posters in Bombay say

that it is better to pay 500 rupees now to have a sex determination test than pay 50,000 rupees later in a dowry. That practice is pretty appalling.

In bringing this motion to the house, first of all, it is a question of awareness but, more importantly, it is seeking action by the federal government. We are a federation and people who live in South Australia have a right to express a view about what is happening to women in other parts of the world. Australia spends a lot of money overseas on military operations; some of it obviously is justified and some of it, in my view, is not, but I think as a wealthy nation we could do much more not only in terms of education but in providing better medical care for women during pregnancy and childbirth.

There are some wonderful organisations. There is an organisation run by an English doctor, a woman I think who is now in her 70s (she may even be in her 80s) and who has basically devoted her life to trying to help women in these situations in developing countries—women who are literally torn during childbirth and who are left to die, or who die through complications, involving blood loss, and so on. I think for us to sit back and just allow this to continue is unacceptable. If what happens in this place can spur the federal government to take more action—I am sure they are supportive of my intention—then that is something that I would very much applaud.

I commend this motion to the house and look forward to the day when women throughout the world can have a pregnancy and give birth without running the risk of becoming a statistic.

Debate adjourned on motion of Mrs Geraghty.

WORKCOVER CORPORATION: MEMBER FOR LIGHT

Mr VENNING (Schubert) (11:42): I move:

That this house condemns the member for Light for supporting the state government in cutting WorkCover entitlements, and for—

- (a) not taking any interest in the blow-out in WorkCover's unfunded liability since taking office;
- (b) not taking any interest in WorkCover's poor return-to-work results;
- (c) not informing the public until after the federal election that WorkCover entitlements to injured workers would be cut; and
- (d) not examining alternatives to cutting workers' benefits as part of WorkCover reform.

This motion condemns the member for Light for supporting the state government in cutting injured workers' entitlements and for not taking any interest in the worsening financial performance of the scheme, as WorkCover's unfunded liability continues to spiral out of control. It is a pity that the member is not currently present in the chamber to hear this. The member for Light has been an elected member for over two years now, having previously been mayor of Gawler.

An honourable member interjecting:

The SPEAKER: Order! The member for Schubert will take his seat. The member for Giles will withdraw the word 'hypocrite'.

Mrs Geraghty interjecting:

The SPEAKER: It was the member for Torrens, was it? I thank the member for Torrens for her honesty; she will withdraw the word 'hypocrite'.

Mrs GERAGHTY: On your instructions, sir, I will.

The SPEAKER: The member for Schubert.

Mr VENNING: Thank you, Mr Speaker. I am not offended by that word, but I do remember that the only time I was ever kicked out of the house was for using that word.

The member for Light has been an elected member for over two years now. He was previously the mayor of Gawler and always had plenty to say, especially in the local media. Since he has been here we have not heard much from him. In fact, as he often sits alone, I wonder whether the factions ignore him. Is he in a faction? Was he ever in one? I ask these questions because the member for Light has not risen to great heights and the government has not used his skills. What is the reason behind a very public person coming in here and then immediately becoming silent? It is because Labor does not allow their members individually to speak out. I believe I heard correctly the member for Schubert say that the member for Light has been silent in this place. That is clearly misleading the house and is untrue.

The SPEAKER: Order! There is no point of order. If the member for Torrens has a point to make she is welcome to do so in the course of debate. The member for Schubert.

Mr VENNING: Thank you, Mr Speaker. Members would know that I am not deliberately unkind to anyone, but there has been no debate from within the Labor Party or from the member for Light. What do they really stand for? Why hasn't the member for Light made any comment about the WorkCover scheme, either here or outside in his local media, or during the debate? There has been nothing, and there has been nothing in *The Bunyip*. He is in here and everywhere else.

Mrs Redmond: Sorry, what's *The Bunyip*?

Mr VENNING: *The Bunyip* is the local paper at Gawler. It is a good local paper, and it gives a very good opinion.

During the last federal election the member for Light was involved in the defeat of an excellent member of parliament (Hon. David Fawcett). One of the main areas in which he was continually attacked by the member for Light was the issue of WorkChoices. That is hypocritical, because he knew—all the government members knew and, if they did not know, that is worse—that they had a hip pocket policy to reduce all injured workers' entitlements. The successful candidate, Mr Nick Champion, now the member for Wakefield, got elected, and I wonder what he has to say about this. It is interesting, when looking back through *Hansard*, to see the comments made by the member for Light regarding WorkChoices. It is very ironic, really, given the government's current bill regarding WorkCover that passed here last night. On 29 June 2006, the member for Light said in this house:

I rise today to speak in support of the working men and women of South Australia who have seen their rights to earn a fair wage and associated conditions and to work in a safe environment stripped away by the Howard government through its WorkChoices legislation.

The member for Light continued:

At the outset, I state my opposition to the Howard government's industrial relations laws, as they do the very opposite of what they claim. They are draconian and reduce the rights of both workers and employers to negotiate on a level playing field.

Well, now it is his party and the government of which he is a member that is stripping away the rights and benefits of injured workers through Rann's WorkCover reforms. I find the member for Light's comments that WorkChoices laws do the very opposite of what they claim quite extraordinary. All I can say is: how hypocritical can you get? Here we have a state government that pretends it is here for the rights of workers and its members have a chance to stand up for workers—not just any workers but injured workers (some of society's most vulnerable people)—and what do they do? That is right, exactly the same as the member for Light put it, 'the very opposite of what they claim'. How can the member for Light just sit silent and let the bill go through, which he did—and he is not here—when he is supposedly in support of the working men and women of South Australia?

My motion today also condemns the member for Light for ignoring the issue of WorkCover's poor return-to-work rates.

Mrs GERAGHTY: I rise on a point of order, sir, and seek your ruling. The member opposite indicated that the member for Light is not here. That is not correct, of course, but is the member able to make statements such as that?

The SPEAKER: It is not strictly disorderly. It has, however, long been considered a grave discourtesy to point out the absence of members from the chamber.

Mr VENNING: Thank you, Mr Speaker. I will accept that ruling and withdraw. I do not wish any malice to the member by saying that. It appears that the member for Light did listen, somewhat, to the Liberal Party's concern regarding WorkCover's unfunded liability growing due to poor return-to-work rates because, in an estimates committee in 2006, he asked the minister:

Can the minister advise the committee about the details of the WorkCover return-to-work awareness campaign and its impact to date?

So, one can say he showed some form of interest. Part of the answer given by minister Hill is as follows:

Indeed, when one considers the current position of the WorkCover scheme, the key driver of increasing liability estimates is more people staying on the scheme for longer—

What did the member for Light do with this answer? Nothing. After asking the question and getting an answer which was less than favourable, the member did nothing, so he failed in his public duty to stand up for workers' rights.

Why did the member for Light, upon hearing the minister's response, not suggest that the government implement reforms in respect of the rehabilitation given to injured workers? This would improve the return-to-work rate and be a preferred course of action compared to cutting workers' benefits as part of WorkCover reform. They should have done this two years ago. It would take pressure off the scheme by returning workers to work earlier and decreasing their need for financial supplements. Surely, rehabilitation should be the first emphasis.

As a new member of the house, the member for Light has been given a great opportunity to stand up for injured workers, and he has failed to do so. I condemn the member for Light for his failure to act responsibly on behalf of his electors in relation to WorkCover. He has failed, since he was elected in 2006, to show any interest in the enormous and continually growing unfunded liability of WorkCover.

Heavens above! In the past two years, since he has been here, the growing cancer of the unfunded liability has been in the news regularly. He has chosen to say nothing, either here or in the local media, yet he has been very vocal on everything else. He has failed in his responsibility to show an interest in improving the state's poor return-to-work rate.

The member for Light has been deceptive to the public by not revealing prior to the 2007 federal election the government's plan to cut injured workers' entitlements. Also, he has been completely negligent in his duty as a member by failing to examine other alternatives for reform of the WorkCover scheme which would be preferable to cutting benefits to which injured workers are entitled.

I make no personal criticism of the member, but I have a responsibility as a member of the opposition to keep government members accountable. I do not wish Mr Piccolo's family hurt or pain, and I wish him all the best with his son's illness. I hope his son has a speedy and full recovery.

Mr PISONI (Unley) (11:51): I stand to support this motion. Labor members claim to represent workers. They arrived in this house on the backs of workers who paid union fees. Workers funded these unions—these Amway pyramids. One has to understand how they work. All the union members are working away and paying taxes, mortgages and union fees. Where does that money go? Some of it is syphoned off for Labor Party campaigns and the rest of it goes into the mixing barrel for the selected few who end up as political candidates.

It has not escaped me that two of the most prominent union members—Don Farrell and Mark Butler—prior to the last election have been silent on the WorkCover issue. Of course, Mark Butler said, 'I can't comment on WorkCover; I am no longer a union official.' The unions have done their job. They got him elected: 'They have done their job. I am no longer answerable to the trade union movement. No longer do I need to pretend to be there for the interests of the workers. I have got what I wanted out of the trade union movement. I have my seat in parliament. That is what I have been working for over the past 20 years.' That is the end result.

There is a complete lack of interest by members opposite who have got here on the backs of working South Australians through their union fees. They have had a perfect opportunity to stand up for them, but we have not heard a single word from them. The WorkCover situation has been getting worse under this government, under minister Wright in particular. There has not been a word from the member for Light about his concerns in relation to the unfunded liability and what impact it might have on South Australian workers, and what drastic legislation the government might need to introduce to deal with this out-of-control situation. A drastic decision has been made by the government because of the fact that it cannot manage the scheme, yet I have not heard a single word from the member for Light.

Members of the government are saying we are hypocrites on this side. Well, I say, 'Move a motion against the member for Unley.' They should condemn me as I have condemned them.

Mrs Geraghty interjecting:

Mr PISONI: I would love to hear what you have to say, Robyn; that is the beauty of private members' time.

Mrs Geraghty interjecting:

Mr PISONI: You could move a motion and speak to it.

Mrs Geraghty interjecting:

Mr PISONI: I would love to hear you do it, Robyn. Instead of just interjecting and turning away, let us have a proper debate. You could move a motion against any member of the Liberal Party; move a motion condemning us for our stance on WorkCover. The fact is that we will bring our own legislation to the next election and put it against your legislation. We have been speaking out for years against the mismanagement of WorkCover by this government. As a matter of fact, not a month goes by without a member of the Liberal Party raising concerns about WorkCover. I speak about it at every meeting, I speak about it in the parliament; and the members for Finnis, Schubert and Goyder speak about it. We have all raised concerns about it.

The only thing that Labor members (such as the member for Light) do is say, 'Okay, we will cut workers' benefits; that will fix it. I haven't been that interested. I have had an opportunity, through the grievance debate and private members' motions, to raise this in the parliament, I have had an opportunity to talk to the Premier and the Treasurer, but, of course, I haven't used any of those opportunities.'

At the first opportunity to cut workers' benefits they say, 'Yes, I'll take that. That will fix it. I've got where I want to be in state politics; I've got myself a seat here in the parliament; the trade unions have done their job for me.' It is about time that the member for Light did his job for the trade unions: that is what I say to the member for Light. I support the motion of the member for Schubert, I support the workers of South Australia and I support this motion.

Mrs GERAGHTY (Torrens) (11:56): To use the words of the member for Schubert: what a very hypocritical contribution from the member for Unley and the member for Schubert.

The Hon. R.J. McEWEN (Mount Gambier—Minister for Agriculture, Food and Fisheries, Minister for Forests) (11:56): Last week, I had the opportunity to speak briefly on South East Radio about the goings on in this house, and I made the point that we must not judge people by what they say but by how they vote. At the end of the day, we come in here to vote. It is how we vote; that is what we stand by.

So, all this rubbish is simply self-inflicted pain on people who choose to say one thing and vote another way. We have listened to the contributions of members for days and days, and how they voted is now on the record, in *Hansard*. We now need to take to the people of Unley, for example, not what the member said, but how he voted—and that stands for all of them.

Mr VENNING (Schubert) (11:57): I thank those who contributed to the debate. Certainly, the minister's comments are very interesting, and I thoroughly agree. One has to stand on one's record here. This problem—

The Hon. R.J. McEwen interjecting:

Mrs REDMOND: Sir, I rise on a point of order. The member for Mount Gambier just called the member for Schubert a hypocrite.

The SPEAKER: Yes, the Minister for Agriculture, Food and Fisheries must withdraw.

The Hon. R.J. McEWEN: As the previous speaker on this side, I should have been speaking in the broad. It is hypocritical to say one thing and vote another way—

The SPEAKER: I just ask the minister to withdraw.

The Hon. R.J. McEWEN: Yes, I withdraw it, in terms of the member for Schubert.

Mr VENNING: This whole thing is rather ironical, because I have only been thrown out of this house once in my 18-year career and it was for using that word—and you, sir, were the executioner at that time. So, I am very aware of the use of that word—and the alternative, using the words 'holy whited sepulchres', apparently has the same meaning.

I note that the member for Light is here. As I said, I wish him no personal malice in relation to this matter, and good wishes to his family. However, we have professional jobs to do and, as a member of the opposition, I am very critical of the member for Light. He would be the first to admit that he has been a very strong public person in relation to comment in his local media, but I have never heard him make any public comment at all in relation to this two-year problem that we have had of the burgeoning debt to the state as we near the \$1 billion mark in relation to the unfunded

liability. It is really another State Bank in the making. The member has been very silent on the matter.

I thank those who have contributed to the debate this morning. I think that all members of parliament put the people in their electorate first. I believe that the member for Light could have made comment in his own media—because I read everything that he says in the *Gawler Bunyip*.

I think the Labor Party rules even allow him to make public comment. I know that, as regards voting in this place, he is locked in, but I have heard other members of parliament (particularly the member for Ashford) comment on this matter, and I think members can do that, are able to. When it comes to a vote, I know that is a different matter. On this side we do allow that freedom, and that is where I think it is quite wrong—

Members interjecting:

Mr VENNING: For the record, I can declare my rights and vote individually, but members on the other side cannot do that side—and that is quite wrong. Some would say that we on this side of the house do battle with our hands behind our back.

An honourable member interjecting:

Mr VENNING: That is right. There has been every opportunity for members opposite to say their piece. Even during the debate they could have spoken but, no; not a sound from the member for Light. Again, I say that he needs to be condemned for not standing up for his workers.

Motion negatived.

WORKCOVER CORPORATION: MEMBER FOR MAWSON

Mrs REDMOND (Heysen) (12:01): I move:

That this house condemns the member for Mawson for supporting the state government in cutting WorkCover entitlements, and for—

- (a) not taking any interest in the blow-out in WorkCover's unfunded liability since taking office;
- (b) not taking any interest in WorkCover's poor return-to-work results;
- (c) not informing the public until after the federal election that WorkCover entitlements to injured workers would be cut; and
- (d) not examining alternatives to cutting workers' benefits as part of WorkCover reform.

The member for Mawson, I know, cannot be held totally accountable for all that has gone wrong with WorkCover because, after all, the problem has been some years in the making. When this government came to office in 2002, the WorkCover unfunded liability was, I believe, something in the order of \$67 million. Since that time, this side of the house has consistently asked questions as that figure continued to blow out, to the point where yesterday the minister, in closing the debate, indicated that, as at 31 December 2007, the unfunded liability was \$911 million. So, as the member for Schubert said, it is close to \$1 billion. Of course, it has only blown out further since that time.

The member for Mawson was elected only in 2006 and, as I said, he cannot be held entirely accountable. However, he represents an area generally encompassed by Woodcroft, McLaren Vale and Noarlunga Downs, areas which are outer suburban to peri-urban—certainly part of the mortgage belt and certainly with many working-class people. In the two years that he has been in here, I have not heard the member for Mawson make any contributions about the WorkCover issue.

I remember the Minister for Industrial Relations, for instance, getting up frequently and complaining about WorkChoices but ignoring the questions that we were consistently raising about WorkCover and, all the time, WorkCover was under his watch. The member for Mawson, as has any other member, I believe has an obligation to speak out on some of these issues.

There is always a lot of pooh-poohing from the other side of the house when we indicate that on this side we do have the freedom to disagree with the party room. I am astonished at that, because it must be clear to anyone who has observed me over the period that I have been in here that I have regularly, on a number of issues, been in a situation where I have said to the party room, 'I reserve my right.' Our constitution says that you need to inform your party room, and that is fine. Every week in our party room there will be people saying, 'I reserve my right.' That means 'I reserve my right guaranteed under the constitution to disagree with this decision and follow my conscience.'

On a number of occasions I have done that, and it certainly does not seem to have held me back (although I sometimes think that it might be the reason I get punished in terms of getting so much work in the place). Certainly, it is absolute—

Members interjecting:

Mrs REDMOND: I find it extraordinary that people on the other side are able to be in a party where they are bound, as part of their membership of that party and as a member of parliament, to stick absolutely to whatever the caucus decides.

I congratulate the member for Ashford who, at least, participated comprehensively in the debate and who asked some telling questions during the committee stage, in particular. I also congratulate the members for Giles and Florey, both of whom spoke last night on the third reading. Clearly, they have an interest in trying to persuade the unions. They have turned their back on the unions in this debate but, notwithstanding that, they are now hoping to persuade the unions that they should still be supported at the next election. I suggest to the member for Ashford—who, according to media reports at least, actually led the dissension within the ranks; although that has not broken out, they still supported the bill all the way through—that if a situation arises where she has a problem with preselection she need only look at the example of the member for Mitchell. I am confident that the member for Ashford is such a good member that, if she did have a problem with preselection, all she would have to do is stand as an Independent, and the workers in the Ashford electorate would put her back in.

It seems to me that there is a lot to be said in favour of those few people who have spoken out—albeit in a tiny way. The member for Mawson was, of course, not one of them; he said nothing. There was an article by Brad Crouch in the *Sunday Mail* of 2 March (it actually included a photo of the member for Mawson), the headline of which read 'Unions aim at Labor MP'. So I think the member for Mawson, with his 2.3 per cent margin, should be very worried. A lot of people down there in the areas of Woodcroft, Noarlunga Downs and so on could be adversely affected by the Mitsubishi closure, for instance, so I would have thought that now was the time to speak out about WorkCover.

The reality of this legislation is that it does not really address the key issue. Everyone has agreed that there is an unfunded liability that we cannot maintain. If Labor continues the way it has been going with this we will end up with another State Bank; we all know how brilliant Labor is at getting us into financial difficulty. Clearly, the unfunded liability needs to be addressed.

This unfunded liability has come about because of people who are on WorkCover payments long term. WorkCover payments become long term when people do not return to work. There are people who sustain injuries in the workplace that are so severe that it is evident quite early on that they will struggle to ever return to work or, if they can return to work, that their ability to work will be limited or that they will need to retrain in another field in order to return to work. So, it is pretty clear that we need to address the issue of how we rehabilitate people and how we get them back to work.

My proposition is that the legislation that passed through this chamber last night—a bit before midnight—will not achieve the outcomes the government thinks it will because it does not really address the issue of returning to work. I have long said that the occupation of rehabilitation provider became the goose that laid the golden egg. Virtually from the time this legislation was introduced we had people setting themselves up, putting up a little sign saying, 'We are rehabilitation providers,' but they did not really achieve anything. I dealt with hundreds of people who were on WorkCover, and my experience was always that those who wanted to be rehabilitated actually rehabilitated themselves to their maximum capacity and returned to work as promptly as they could. Those who did not want to be rehabilitated just found other ways to avoid going back to work, and no amount of rehabilitation by rehabilitation providers, who were paid a lot of money by WorkCover, would assist in getting them back to work.

My experience was that people with WorkCover injuries who had a genuine injury and a genuine desire to get back to work did not find the system too bad, until we got to the point where this government took over. The management of WorkCover has been, quite frankly, chaotic since it took over. The minister appointed the new board, they put in—

Ms BREUER: I rise on a point of order. It seems to me that the member opposite is debating the bill again. I do not see the relevance to this particular motion. We have been all through this this week; do we need to go through it again this morning?

The ACTING SPEAKER (Ms Simmons): I would ask that the member for Heysen confine her remarks to the motion.

Mrs REDMOND: Certainly. I was merely discussing the issue of the unfunded liability, because the first part of my motion is that we condemn the member for Mawson for not taking any interest in the blow-out in WorkCover's unfunded liability since taking office. I had covered the fact that he took office only in 2006 and, therefore, cannot be held fully accountable for what happened previously under this government. It seems to me directly relevant to then explain how the unfunded liability comes about, because if you do not understand that then how can we deal with how the member for Mawson has failed to take any action on it?

Paragraph (b) of my motion condemns the member for Mawson for not taking any interest in WorkCover's poor return-to-work results. I had got to the point of talking about these return-to-work results in a generic sense, which I think is directly relevant to the proposition that I am putting to the house this morning.

The ACTING SPEAKER: As long as you don't go into the bill that was passed last night. I think that is what is important, member for Heysen.

Mrs REDMOND: Thank you for your guidance, Madam Acting Speaker. These return-to-work results have been increasingly poor over a period of years. As I was saying, in my experience in dealing with workers, the vast majority of them do want to get back to work and they do rehabilitate themselves. The problem with this is that the member for Mawson has failed to direct his mind to how best to address the issue.

What he has done is simply go along with the government's proposal and the government's package of changes to the WorkCover legislation, and those things do not really address the issue of how best to improve the return-to-work ratio. The return-to-work ratio is directly proportional to the unfunded liability, or should that be inversely proportional? The worse the return-to-work ratio, the lower the ratio, then the higher the unfunded liability will be.

The member for Mawson has failed to speak, on any occasion that I can find on the *Hansard*, in this place about these issues, in spite of the fact that this side regularly raised with this government the fact that the unfunded liability was going further and further into the red.

Interestingly, subparagraph (c) of my motion concerns not informing the public until after the federal election that WorkCover entitlements to injured workers will be cut. We would all remember that the Labor government in this place consistently—and in particular the Minister for Industrial Relations—

Members interjecting:

The ACTING SPEAKER: Order! The member for Heysen has the call.

Mrs REDMOND: —spent a lot of the time and energy of this house, which should more properly have been directed by him to fixing up the problems with WorkCover but, instead of that, time and time again he got up and criticised the WorkChoices legislation for purely political motives. I am the first to concede that they were very adept at creating a great deal of fear and mistrust in the community about the WorkChoices legislation and that that had a dramatic impact on the federal election.

What I say, however, is that, instead of acquiescing in all of that, the member for Mawson should have been listening to what the opposition was raising time and again about what was happening to WorkCover, where the unfunded liability was headed and the disastrous financial implications that that liability would have for this state. He should have been speaking up. Even if he did not speak up here, he should have been speaking up in his caucus. Clearly, he has been a very quiet member in this place, and he has failed in his obligation—

Members interjecting:

The ACTING SPEAKER (Hon P.L. White): Order!

Mrs REDMOND: He has failed the people of his electorate because he failed to listen to what this side of the house was raising consistently, pointing out that, over a period of years, this unfunded liability stretching into the future was becoming increasingly problematic to the point where it was going to head us into another State Bank.

So, what does the state government do but introduce legislation that the government says is aimed at fixing it, but we have heard nothing from the member for Mawson about how it might be

fixed or how the workers' rights could have been protected. But they were not because he remained silent. For that reason, I believe that the motion should be supported. I have grave doubts about whether it will be supported by anyone on the other side. Nevertheless, I commend the motion to the house.

Mr KOUTSANTONIS (West Torrens) (12:16): I always find it amazing when members of the Liberal Party get up and attack us for voting the same way as them. This is a unique position. 'How dare you support us; how dare you vote the same way that we voted; how dare you fix WorkCover after we have been complaining about it.'

An honourable member: It's your problem.

Mr KOUTSANTONIS: It's our problem. We are all in this together, the last time I checked. We are all in the same parliament. I do not know how you get a 'get out of gaol free' card because you are in opposition. But perhaps the luxury of being in opposition is not having to worry or think for yourself.

Of course, there is this great notion that Liberal Party members have a free vote on all these matters. The luxury of being in opposition; how nice it is. But don't worry; we will never burden you with government. You will never have that burden. As I look across the chamber, I see that you are all getting on a bit. You are all getting a bit older with every year that goes by. So, I doubt that any of you will have to worry about the huge burdens of government.

But to get up in this place today and say, 'I condemn the member for Mawson for voting the same way as me.' Am I missing something here? Am I confused? 'How dare you vote the same principled way I did.'

An honourable member: We agree with you.

Mr KOUTSANTONIS: We agree with you; you agree with us. The member for Heysen, in her remarks, said that the member for Mawson was silent during the committee stage. Well, I did not exactly see the member for Heysen—who has now left the building because she is so interested in this debate—making any great contributions. Where is her third reading speech? She condemned the member for Mawson for not making a third reading speech when she did not make one herself. The member for Unley got up in this place and said the same thing, and he did not make a contribution in the committee stage or to the third reading.

Mr PISONI: On a point of order, Madam Acting Speaker, the member for West Torrens is misleading the house: I did make several contributions during the committee stage—and, if he had been in this chamber, he would know that.

Mr KOUTSANTONIS: I withdraw. The member for Unley made a contribution. Blockhead walks in, pulls something out and walks out again: that is his contribution. But he still has to move a motion; he still has to vote for a motion condemning someone for voting the same way as him.

An honourable member interjecting:

Mr KOUTSANTONIS: No, it doesn't. The other aspect of all this is that members opposite always attack us for being in the pocket of the unions. They always say, 'You do whatever your union mates want. You listen to your union mates. You are controlled by Trades Hall; you are controlled by the ACTU; you are controlled by the SA Unions; you are controlled by the STA, or the LMHU, or the AWU.' But when we came in here and exercised what the Premier has always said we should—that is, state before party—we are condemned for not doing what our union mates want.

So, I am not quite sure what they want us to do. On the one hand it is: 'Don't listen to your union mates; govern in the best interests of South Australia.' If we do that, we are condemned; if we are sympathetic to the union movement and do the right thing by workers, we are in the pocket of thugs. They cannot have it both ways, but then again, I would not expect anything less from the Liberal Party. It is party bereft of any ideas, tearing itself apart factionally—the moderates versus the dries; bringing forward preselections; tearing themselves to pieces, and attacking long-serving members like the member for Schubert by trying to take away his preselection but, in the end, not having the guts to do it. That is what we are dealing with. This motion says, 'for not taking an interest in the blow-out in WorkCover'. We dealt with that just last night. We voted on it just last night.

Mr Pisoni interjecting:

Mr KOUTSANTONIS: The member interjects that cutting workers' entitlements was a bad thing. He did the same thing!

Mr Pisoni interjecting:

Mr KOUTSANTONIS: That's right, and the member for Unley's excuse is, 'I don't care about workers; I'm not interested.'

Mr Pengilly interjecting:

Mr KOUTSANTONIS: The member for Finnis is going to move exactly the same motion. He has no independent thought process, so he copies someone else. He cannot even change a sentence or a comma on the motion; he just copies someone else's motion. He is acting in the same hypocritical manner as everyone else.

Mr Pengilly interjecting:

Mr KOUTSANTONIS: I know what you are going to say; you are a clone. The party of great individuals will get up and clone each other, and say exactly the same thing as everyone else. We are all individuals over here. If it looks like it, quacks like it and walks like it—call it what it is—

An honourable member: It's a duck.

Mr KOUTSANTONIS: It's a duck. Members opposite attack us for voting the same way as them. I could see the value in the stunt if they were to vote differently or if they were to move amendments that we did not agree with, but they did not move an amendment—not one. They did not say a thing. Now they condemn us for doing the very same things they did. This is just a blatant political act, wasting taxpayers' money, I might add. They are wasting the time of the parliament of South Australia on this political stunt, the same way they wasted it last night when one of their members walked across the chamber deliberately to vote with the member for Mitchell. It was just to delay the proceedings of the house.

Mr Rau: They did it so that union officials could go into workplaces.

Mr KOUTSANTONIS: Yes; the great conviction of the member for MacKillop to allow union right of entry into workplaces—the great worker conviction. Members opposite are wasting our time and they are wasting the people of South Australia's time, and their money, by making us debate these foolish political motions.

Mr Goldsworthy: Well, sit down.

Mr KOUTSANTONIS: Well, someone has to bring it to light, because you won't. You are a clone, just like your other mates. You are going to move exactly the same motion as everybody else, say the same things and condemn us for voting the same way as you—and you are nodding. He is nodding; he agrees.

Members interjecting:

Mr KOUTSANTONIS: Yes; that's right, we are all in this together. This is a political stunt. Members opposite are wasting everyone's time. They are bereft of any policy. If they had any policy on WorkCover or if they had any idea how to fix WorkCover and its ills, rather than raising questions they would have moved amendments, but they did not. They did not move one amendment. That is a massive vote of confidence in the government. It is a huge vote of confidence in the government.

Mr Pisoni interjecting:

Mr KOUTSANTONIS: On that point, we are all South Australians. Any member of parliament who says, 'It's your mess, not mine,' I think is abdicating their duty as a member of parliament. I think the people of Unley have a right to know that their member of parliament thinks: 'That's not my problem, that's someone else's problem. WorkCover is not my issue; it's someone else's.' If that is his view he should resign and let someone else in here who will do their job, take it seriously and think that it is their problem. Even though I did not agree with him, the member for Mitchell thinks it is his problem and is trying to fix it.

The members for Stuart, MacKillop and Fisher think that it is their problem. We in the government think that it is our problem, and we are trying to fix it. The only person in this chamber who thinks that it is not their problem is the member for Unley. Member for Schubert, have you ever seen a member of parliament get up in this house and say that something being deliberated in the

house is not their problem? In all your time in this house, have you ever heard a member of parliament abdicate their duty and say that it is not their problem? Only one: the member for Unley. You are a genius. Get out there and say it again: 'Not my problem; I just work here. I just get the car. No; not me; I just work here. I don't want to take on the responsibility for what I vote for it; it's someone else's problem.'

That is what we are dealing with. How can you take someone seriously when they say, 'It's not my problem'? Why are you here? Why be a member of parliament if it is not your problem? When I was in opposition, it was my problem. I did what I could. I voted against privatising ETSA, because I believed that was the right thing to do. I did not see any member of the Liberal Party exercising their 'individual' freedoms or reserve their rights—and I can see the member for Schubert grinning.

Do not come in here and lecture us, because this is pure hypocrisy. If you were worried about the workers, why vote for the bill? Move an amendment? Not one. Silence. To sin by silence is to be condemned.

Mr VENNING (Schubert) (12:26): I just cannot allow a speech like that to go unchallenged. It is very difficult in this place—and I have been here quite some years—to differentiate between what is said in the corridors and what is said in the house. I am not going to breach that, but some members opposite get pretty close to crossing over that line. We are in here to do a job. I take a dim view of the member for Unley being criticised, because we are in here to represent the people.

When this government came into power the previous government had the situation pretty well under control. WorkCover's unfunded liability was \$65 million at the time, and it was rising and falling constantly. It was always a concern, always a matter that the government of the day watched very carefully. It was not very long at all—only a few months after this government came to power—when we saw it rapidly escalate.

Mr Kenyon: After you dropped the levy.

Mr VENNING: Whatever matter you want to discuss here, whatever was done, you have the right to instantly put the levy back on. You knew. I think it was first raised in this house when the unfunded liability was \$150 million—that was the first time it was raised in here—about 12 months after you came into office, and look where it has gone now. For the member to say that we voted the same way on this matter, well, we could have come in here and spent a lot more time, but the most important thing we do right now is to get the unfunded liability reversed and the trend going the other way.

You can be assured that in the next two years we will be doing a lot of work outside of parliament, so that we have a policy at the next election which will solve the problem, and it will be quite different. It will solve the problem in relation to this situation. It is not our mess. When we were in government we were doing the right thing. You have been in government now for nearly six years, and look at what has happened. It is your fault. Don't look at us! We have been saying to you ad nauseam, 'Look at the speeches; look at *Hansard*.' As the unfunded liability climbed and climbed—and the member is leaving the house; I am disappointed that he cannot face the music—

Mr Koutsantonis: I am getting a glass of water.

Mr VENNING: He is having a glass of water. I will be very careful about what I say here, because corridor talk remains in the corridors, but members on the other side have raised their concerns with me. There is an inability for the front bench to hear. I have friends on the other side, and I do feel for people. Last night in the house, the member for Ashford and the member for Giles courageously said their bit. Well, good on them, is all I can say. It takes guts to do that. I know they are locked in and that the situation is difficult for them. All I can say is: all power to those on our side of the house. As the member for Heysen said, I am the whip, and members regularly come to me on this side of the house and reserve their right to differ from the position of our party. And they do that regularly. I write it in the minutes. The member for Heysen does it regularly, and some would say at a cost.

If we had 47 members like the member for Heysen, it would be a very interesting place. If they all worked like she does and if they all brought the capacity that she brings to the house, I am sure the house would be much, much wiser for it. Likewise, all my colleagues on this side are a mixed bunch, and we all bring to the house different capacities. For the member for West Torrens to say that all our speeches are the same, I take that as an affront. Me, of all people—

Mr Koutsantonis: All your motions are the same!

Mr VENNING: A similar theme, yes; but, as the member for Light would know, I mean him no personal criticism at all—in fact, I am a little bit tender right now to be speaking like this, knowing what he is going through personally.

Mr Koutsantonis interjecting:

Mr VENNING: And the member for West Torrens laughs!

Mr Koutsantonis interjecting:

Mr VENNING: It is business, but I do raise that. I put it on the record. I am aware of the problems the member for Light has with his family and we all wish him well and you well, sir. This has nothing to do with that. We just have to differentiate what is business—what we are doing here—from our own personal lives.

I do take the member for West Torrens to task. He gets up in this place and he staggers and waves his hands around. I just wonder why he has not been called to the front bench, because he is a much better performer than many of the people who sit in front of him. In fact, why are they not here now? Why is the minister not here now?

The Hon. R.J. McEwen: Where's all your front bench?

Mr VENNING: Well, hang on; we don't need to be here. I thought that the minister in relation to WorkCover would be here sitting in this spot protecting his members, because this is on the *Notice Paper*. He could have seen it coming. Why is the minister not here protecting the members?

The Hon. R.J. McEwen: Why aren't they here?

Mr VENNING: We've got the senior members here; we don't need them at the moment. We are circulating them.

Members interjecting:

The SPEAKER: Order!

Mr VENNING: I think that the members in this instance should take a leaf out of some of your senior members' books. Never forget who put you here. Do not forget your grassroots. When it comes to gutsy stuff, you can still say your bit in here. You can still say what you really mean. You do not have to vote that way. Well, you should, but you do not have to. At least have the guts and the courage to stand in your place—two of you have. I have friends on that side, and it is not an accident who they are. These are people with guts, with courage and with a lot of personal integrity. What they did last night was good, and I applaud that.

I know it is a difficult situation for them—very difficult indeed. Again, we have relationships across this chamber, and all I can say is, 'All power to them.' To the members we are criticising, I say that you have had the opportunity to stand in this place any time, and you could have made speeches in the last two or three years. It is on the record. We read the *Hansard*. You could have come to this problem as the member has—

The Hon. R.J. McEwen interjecting:

Mr VENNING: I have made several speeches highlighting this problem—

The Hon. R.J. McEwen: We know how you voted!

Mr VENNING: Sir, the minister is being totally out of order. To those new members I say (as the member for West Torrens would well know; he is a very good tactician in relation to this) we call it protecting one's backside by saying things on record that can be trotted out later on to say, 'Well, hang on, if the member for Light had done it or if the member for Bright had done it—' you could have trotted it out now and said, 'Look, I was aware of the problem and I did bring it up.' But it did not happen and that is why you are now earning this criticism which I think is fairly levelled at you. It is tough, but that is how it is. I say to the member for Giles and the member for Ashford, 'Good on you! Let the other members learn from you.' I certainly support the motion.

Mr RAU (Enfield) (12:34): I have been listening to this debate with great interest. I am particularly pleased to be following the member for Schubert because, as he was speaking, I was reminded of an article that appeared in a newspaper some time towards the end of last year where

the member for Schubert offered a very novel solution to the water issue that was bedevilling South Australia.

Members may recall that he suggested that getting out in the backyard and doing something good for the lemon tree was a way to assist our water problem, because by doing that we would obviously save pressing the button on a china implement somewhere in the house. The advice I would give to the member for Schubert (which he may not like) and to other members of his party is: those of you who choose to do the activity that the member for Schubert was urging people to do on the lemon tree should make very sure that there is not a fan in front of them when they do it. That is exactly what you have managed to achieve over this.

The fact of the matter is this: these resolutions, which, as the member for West Torrens quite rightly points out, do not appear to have a great deal of originality, raise two very important issues: first, responsibility; and, secondly, leadership. I will give a little anecdote on responsibility. My wife and I spend a lot of time around the house cleaning up. We have three children.

Mr Kenyon interjecting:

Mr RAU: We spend a lot of time cleaning up. In the lounge room, there are certain rules, such as, 'You don't take food in there because it inevitably winds up on the floor. You don't take texta colours in there because they wind up on the carpet. You don't do this, and you don't do that. If you make a mess, you clean it up.' So, one or other of us goes through the process of cleaning up the room until it is all nice and tidy.

We go away for an hour or so and, when we come back into the room, it is littered with paper, pencils, sticky tape and bits of food, and there are new stains on the carpet to add to the existing array of stains already there. We ask, 'Who did this?' Each one of them says, 'Not me; I didn't do it.' If you go to one of them individually and say, 'You go and clean that stuff up in there,' they say, 'I didn't do it. She did it. She can clean it up.'

What they normally do is pick on the youngest, who they know damn well cannot actually defend herself on the topic and who, I suspect, is incapable of cleaning up even if she wanted to. So, the level of responsibility in the lounge room is zero.

If you collectively in the opposition want to put yourselves in the position where your level of responsibility for issues of importance to the state is zero, and all you can do collectively is point your finger at the person with the trash can picking up the mess and say, 'We're not going to help you because we didn't make the mess,' my goodness—what integrity, what sophistication and what leadership!

For six years, I have sat here quietly in my corner and heard various complaints about WorkCover—but not many, I might add. About four years ago, I thought, 'Now, they're a bright mob over there, and there are some clever people, like the member for Schubert and others.' The member for Schubert has demonstrated this because he has actually been proactive on things like drug testing, motor vehicles and so on.

I thought that these people were smart and that what they would try to do was show leadership so that, in the run-up to the 2006 election, the electors of South Australia would say that this mob were on the ball. I thought they would come in here one day with a big reform bill for WorkCover and that would get the member for Schubert, or some other worthy member of the opposition, to whack it on the table in private members' time and say, 'Now, you hopeless government, you have had several years to deal with this. We pointed it out to you, and you've done nothing. Now we have done it: here is the solution. We are going to embarrass you. We are going to humiliate you because you have done nothing about it.'

I have been sitting here waiting, waiting, waiting and tapping my feet. In fact, in the time it has taken to get from where I am talking about to now, I have gone from not needing glasses to needing glasses—that is how many books I have read waiting for it. I have gone from having not all grey hair to completely grey hair. All of these things have happened to me while waiting, with my foot tapping away, rolling the pencil around (I have learnt a few tricks with pencils) and all this time, all these years, I have spent waiting, and what happens? Nothing. Then after the big build-up, the big drum roll, which was like the beginning of *Tusk* by Fleetwood Mac—'We are going to fix it up. You wait until you hear what we are going to do'—the Leader of the Opposition jumped up and said, 'Here we are, responsible leaders. We are going to do nothing. We are just going to nod. But while we are nodding, not accepting the fact that we have done absolutely nothing and taken no leadership role whatsoever, not even having drafted one single provision, let alone a complete review of the act—'

The Hon. S.W. Key: Or amendment.

Mr RAU: Or amendment—nothing, zip! The leader said, 'In spite of that, we are going to vote for this thing,' except for the member for MacKillop, who demonstrated incredible integrity last night. I just want to say how impressed I was, because I have often thought that trade union officials should have had access to the workplace—it has been a long-running thing—and I know that he is going to be carried around by members of the trade union movement in a sedan chair at next Labor Day. They will have him up there on their shoulders, and he will be sitting up there like some sort of nabob being carted around with people waving big fans, bits of palm trees, at him. Really, it is a shame that Easter has gone.

Mr Piccolo: Greek Easter is here.

Mr RAU: Yes, Greek Easter—there is still time for him. If he gets in the old calendar, he will be okay. I think that members over there need to consider that there is a man with integrity in the member for MacKillop. When he felt his conscience would not allow him to deny trade union officials access to the workplace to go around and speak to whomever they wanted to and look at whatever they wanted to, he voted. At least he tried to do something. I give the member for Stuart his dues. He did not agree with that one and he did not vote for it, although he voted for others. The member for Fisher voted for some, too.

If I can just examine the batting list of the 'Opposition All-stars' that we have on this *Notice Paper*, we have the member for Heysen (who has left the chamber); we are about to hear from the member for Finniss, and that will be another good one; the member for Kavel is coming up, and we look forward to that; and the member for Hammond is listed. They are all basically going to say the same thing. I did not notice one of those individuals sitting over there with the 'three wise men': the members for Fisher, Stuart and Mitchell. So, when they get up and start giving a spray over to this side of the house, they should look at their own record; at least the member for MacKillop can hold his head up high when he goes back to Naracoorte and tells them the good news. He is going to be really popular in Naracoorte. You can just imagine the chaps in the timber industry saying, 'Welcome home, Mitch,' and the meat workers are going to love him. He is going to be front-page stuff, and so he should be—a bloke who is prepared to do that sort of thing because he believed in something.

A bit of leadership would have gone down really well at any time up until a week or two ago when you completely gave the game away. If I were you, to stop embarrassment, I would just withdraw all of these motions.

Mr PISONI (Unley) (12:45): After the contribution from the member for Enfield, we are getting a clear idea as to how the Labor Party works. They have the big brothers. We heard that analogy about the big brothers coming in to protect the little brothers. I enjoy that. I can relate to that because I was a big brother when I was growing up. The big brothers are cleaning up the mess of the little brothers. In this whole debate, we have seen none of the little brothers getting up to defend themselves when they have had the opportunity to speak on these motions condemning them. We have had the big brothers come in.

Of course, that is how the Labor Party works: it is run by the big brothers. They are happy for them to be the bover boys. How long has the member for Enfield been on that seat—six years. The member for West Torrens, 10 years, and he is still not on the front bench. He is the big brother. Bring out the big brothers to protect the little ones.

One of the points that has been missed in this debate by the member for West Torrens and the member for Enfield is that, in a ministerial statement, the Premier told this parliament that this legislation will only work if it is unchanged. This legislation will only work if it is passed in its entirety. Time and again this Premier has said, 'Trust me' to the people of South Australia—'Trust me, trust me.' Now is the test, member for West Torrens. They did trust him and he has betrayed them. That is what this legislation is proving, that the trust—

The Hon. K.O. Foley interjecting:

Mr PISONI: The Treasurer calls me a goose and asks why did we support it. Because your boss, the Premier, said that it needs to be passed in its entirety for it to work, that is why. Of course, the member for Enfield knew it was not going to work without amendments. In his contribution to the WorkCover bill he said, 'Please, Liberal opposition make some amendments.' He knew that it was not going to work, yet he voted for it. He was begging us to make amendments. But what we will do at the next election is hold up our legislation against your record and your legislation and we will see which one works, Treasurer.

What members need to understand is how the Premier and this government operate. When it is a good idea, it is his idea: when it is a bad idea, it is everyone's fault. You can imagine that, if we put our name to any of this legislation, the Premier would be saying, 'It is not working because the Liberals mucked around with it.' This is your legislation. The Premier told the house that this will only work in its entirety. However, they have not explained why they brought in all those amendments this week. They have not explained how that happened.

I don't know, maybe he did not read it. Maybe he was hoping that we were going to do that to take the pressure off the backbench and take the pressure off his own party from their own funding base, the trade union movement. Maybe he was hoping that we would do that so that they could blame us for the cuts to workers. But, no, the cuts to workers' entitlements are the responsibility of the Minister for Transport and his colleagues in the Labor Party. They are the architects of this legislation. It is their legislation: it is their ownership.

The point of these motions is to point out to this parliament just what contribution these members have made as backbenchers on the WorkCover debate. What we are discovering is nothing, nothing at all. No contribution whatsoever; no concern. We have even done a search of the media: no concern in the parliament; no concern publicly about the unfunded liability of WorkCover. The financial mess that we have with minister Wright's board, minister Wright's CEO, minister Wright's changes to the management of claims and Mr Wright's changes to the outsourcing of the legal work done by WorkCover—all stamped by minister Wright and the Labor government.

What we are simply pointing out by this series of motions is that the Labor Party and its backbenchers, particularly those holding marginal seats, have been dead silent on this issue, and that is the culture of the Labor Party. We have heard the member for Enfield say, 'The big brothers will sort it out,' and that is what they have done. The big brothers have taken ownership of this and the little brothers have fallen into line, putting their political careers before their support base that got them their preselection and their seats in the parliament.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (12:51): It is so unfortunate—

Members interjecting:

The Hon. P.F. CONLON: It is not surprising that the opposition is laughing, because it has treated what is a serious issue for South Australia as nothing but a joke from day one.

An honourable member interjecting:

The Hon. P.F. CONLON: No; I will come to point that out in a moment, but let us just compare and contrast.

Mr Venning interjecting:

The Hon. P.F. CONLON: I would be more worried about my job from the bloke near you than be worried about me, Ivan. I would be more worried about that. Let us compare and contrast the Labor Party, faced with a very difficult issue—

Mr Williams: Of its own making.

The Hon. P.F. CONLON: I will deal with you blokes in a moment, especially the member for MacKillop, the great champion of union right of entry and the only Liberal to vote against the WorkCover change in toto; the only Liberal to cross the floor from his party and vote against all the changes in toto. I will deal with him in a moment. Let us compare and contrast. Faced with a difficult issue and faced with an issue of great meaning to members of the Labor Party—unlike those on the other side, who have never given a tinker's cuss about a worker in their lives—the Labor Party took an extraordinarily difficult decision as a group and supported it as a group. That is not to say that everyone liked what had to be done but, you know, one of the differences between being a child and being a grown up is that you learn that you cannot do just what you like: you have to do what is responsible and you have to do your duty.

Now, compare and contrast. The members of the Labor Party were faced with that problem, at significant personal cost to many, and many of them have worked for workers—unlike members opposite who would walk both sides of the road and the middle, and, hopefully, will get run down as a consequence. Now, compare and contrast. What do we have from the Liberal Party? We had about three weeks of dithering about what it would do with a proposal to do something about a very serious issue. And we do know that, in those last few days before the

matter came on on the Tuesday, these strategic geniuses were still telling the media on the Friday that they did not have to have a position because the Labor Party was in disarray and would not be proceeding because it would not be able to.

This is what they were telling the media. This is what the media rang up and asked me for a comment on. I said, 'I do not know what planet they are on,' and I have to say that I remain not knowing what planet they are on or where they are from. That was their position up until Friday. Then, finally, compare and contrast the man who calls himself the alternative premier—and I have breaking news for him: he is just head loser; he is just the most senior loser. That is what he is. It is a job that is very temporary, in my experience. The man who would be the alternative premier came in and said, 'This is no good what you are doing, but we'll support it.' Now, compare and contrast the maturity with which the Labor Party in unity takes a difficult decision and the childish immaturity of a man who wants to be premier, saying, 'This is no good, but I'll support it.' That is what he said. He said, 'It's absolutely no good, but I'll support it and I won't change it at all.'

Of course, we had the member for Morphett, saying, 'I will fight for them in the streets. I will fight for them on the beaches. I will fight for them everywhere except the parliament. There won't be any cuts to workers while I'm their champion; no.' What a load of rot and hypocrisy. For members opposite to walk into this place and criticise the Labor Party and its members who at considerable personal cost have had to do something difficult, just shows why they will never be in government, while you have this utterly irresponsible rabble. But one of the other reasons they will never be in government—

Members interjecting:

The Hon. P.F. CONLON: Yell all you like, and I hope it hurts, because it is going to hurt you in 2010. It is going to hurt you when this blithering fool drags you to the ultimate humiliation in 2010. Because let me tell you what you have done with your idiotic position, just so you all know what this genius has led you to.

On the one hand, he has gone out and told those who oppose the WorkCover legislation, 'I'm going to vote for it, I'm not going to save you.' On the other hand, he has told those who want it, 'I don't like it, I'm not going to do anything to help it get through.' What a bloody genius. The man is an unremitting genius. With alternative premiers like that, we don't need an opposition—we don't need friends.

There have been a few inescapable facts about this. One is that the WorkCover scheme in South Australia, despite the best of intentions, I remember came into operation in 1987. I worked as a WorkCover employee advocate for several months at WorkCover. I have seen this close up. I point out again that, with the utter absence of any credit or creditworthiness, it was suggested by the member for Morphett that I had been a WorkCover lawyer for no more than two weeks. I can assure him I actually had a case that ran a bit longer than that in Mount Gambier and in Adelaide, but it is just the way they approached it. I have seen it from the start and what we do know is we are faced with a scheme that lets workers down and lets employers down.

In my consideration, letting workers down, having so many failing to return to work by comparison to other schemes, the only responsible thing to do was to change it. It was changed as a result of an extensive investigation by people with expertise, that goes far beyond anything that can be offered from the opposition benches. Those changes were difficult; those changes certainly were not pleasant for many to make, but they had to be made. Those changes were the subject of further negotiation, as far as things could be negotiated, while attacking the central issues of the scheme. What that is about is what you do if you are responsible; what you do if you are the government.

We know, because we are told by a number of sources, what the approach of the current opposition is. It has been stated by the leader that what he is going to engage in is mayhem and chaos. That is the approach.

An honourable member interjecting:

The Hon. P.F. CONLON: No, that's what I'm told. Maybe it is not true, but I am told that he says what he is going to engage in is mayhem and chaos. What we are going to engage in is the government of South Australia, is governing South Australia.

If the opposition believes that what the people of South Australia want in dealing with a scheme that is vital to injured workers, with a scheme that needs improvement, is the shallow, opportunistic engaging in of chaos and mayhem, then they misapprehend the people of South

Australia. Can I say that they have profoundly misapprehended the view of what you would have thought was their natural constituency; the business community.

I would like to know, though, in all this absolute rot and nonsense we have in here just what is going to happen now from the Liberal Party. They came in and said, 'It's bad, but we're going to support it,' did not seek to amend it, and then took every opportunity to delay it they could, to the extent that the person who I assume is their third most senior frontbencher voted against a number of provisions. This was despite the fact that his leader said that they would support it, and voted against them in total.

What we would like to know is what will happen with this bill when it goes to the Legislative Council? Are they going to keep their word? Will they pass the bill? Will they support the bill? Will they change their mind? Will it be like the member for Morphett who says one thing and does another? There has been this shallow debate, attacking people who are backbenchers of the Labor Party, who have acted in unison with the party to do, at great pains, what is believed by the party has to be done. Instead of doing that, could you just indicate what really is going to happen?

It would be really good if they could simply indicate what it is they are going to do when it goes to the Legislative Council. Because what we heard from the member for Unley is yet another position—there will be changes. Is that what he said?

Mr Kenyon: The member for Unley, and the member for Schubert.

The Hon. P.F. CONLON: The member for Unley and the member for Schubert have told us there will be changes. This is an important issue for South Australia. Can we and the people of South Australia simply find out what it is the Liberal Party is going to do?

Debate adjourned.

[Sitting suspended from 13:00 to 14:00]

ANSWERS TO QUESTIONS

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

LOAN WRITE-OFF

362 Dr McFETRIDGE (Morphett) (26 February 2008). What is the reason for the \$101.3 million write-off from the balance of interest free loans in 2006-07?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): The Department of Trade and Economic Development (DTED) has provided the following information:

DTED did not write-off \$101.3 million from the balance interest of free loans in 2006-07.

The write-off occurred in 2004-05 and related to a change of accounting policy statement 17, 'interest free loans' which requires 99 year interest free loans to be written back to zero. It should be noted that this is an accounting entry only and the loans were still considered recoverable.

EXCESS FUNDS ACCOUNT

391 Dr McFETRIDGE (Morphett) (19 February 2008). What funds were expended from the Accrual Appropriation Excess Funds Account in 2006-07 and why?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): The Department of Trade and Economic Development has provided the following information:

No funds were expended from the Accrual Appropriation Excess funds Account in 2006-07.

PUBLIC SERVICE EMPLOYEES

392 Dr McFETRIDGE (Morphett) (19 February 2008). Why did 31 per cent of departmental employees not have a documented performance review in 2006-07?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): The Department of Trade and Economic Development (DTED) has provided the following information:

Of the 180 staff listed in the DTED headcount at 30 June 2007, 124 (or 69 per cent) of staff had a documented performance review.

Of the remaining 56 (or 31 per cent) staff

- 11 staff were recent appointments for whom performance plans had only just been or were yet to be developed, and review was not applicable;
- 6 staff were due to leave DTED;
- 3 staff were redeployees not working in the department but included in the headcount;
- 2 staff were on workers compensation absence during the May/June performance review period;
- 2 staff were listed on the departmental headcount but located in Ministerial offices; and
- 32 staff had not yet completed their performance reviews with their managers at the time of reporting.

DANGEROUS OFFENDERS

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:00): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: Today this government is taking the first step towards having the nonparole period revoked for Bevan Spencer von Einem. Following a comprehensive review of the case, and on advice, the Attorney-General intends to consider a formal application based on the state government's dangerous offenders laws which came into force in November last year. The dangerous offenders laws allow the Attorney-General to directly apply to the Supreme Court to have the nonparole period removed for a prisoner classified as a dangerous offender.

The court can classify an offender as dangerous based on the nature of the original crime, the lack of contrition, behaviour and rehabilitation in gaol—

The SPEAKER: Order! I apologise to the Premier for interrupting. The lady in the gallery who is taking photographs I presume is not an accredited press photographer. Only press photographers are allowed to take photographs. I apologise to the Premier.

The Hon. M.D. RANN: Thank you, sir. The court can classify an offender as dangerous based on the nature of the original crime, the lack of contrition, behaviour and rehabilitation in gaol, willingness to cooperate with inquiries, and the likelihood of committing a serious offence of a similar nature in the future.

The Attorney-General has reached the conclusion that, due to the circumstances of his case, Bevan Spencer von Einem could fit the prescribed criteria to enable an application under the dangerous offenders legislation. Prescribed criteria under the legislation include where, in the Attorney-General's opinion, there are reasonable grounds to believe the offender committed a serious sexual offence against the victim. The Attorney-General has instructed the Crown Solicitor to begin gathering evidence and intelligence on von Einem. I am confident that no stone will be left unturned in assembling a case to support this application. In preparing the application, the Crown Solicitor will have access to police files, court records and coronial findings. The Crown Solicitor will also seek access to the testimony given to the recently concluded Mullighan commission of inquiry and other documents. The Attorney-General will then act decisively on the evidence presented by the Crown Solicitor, and that may include taking the next step in this process which will require an application to the Supreme Court.

I need to point out to the house that this is the first occasion that such an application has been prepared. This is brand new law that came into force—

Members interjecting:

The Hon. M.D. RANN: It is interesting that people opposite do not seem to support this. I remember when a Liberal frontbencher believed that Bevan Spencer von Einem should not be

DNA tested. My view is that von Einem must never be allowed out of gaol, and that is exactly why we passed this kind of legislation—because it is vitally important that the public interest and community protection be placed as paramount. So we make absolutely no apologies for passing this law and we make no apologies that von Einem will be the first test case.

CHILDREN IN STATE CARE INQUIRY

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (14:05): I seek leave to make a ministerial statement.

The Hon. M.J. ATKINSON: On 8 April 2008 the Deputy Leader of the Opposition (the member for Bragg) made allegations that SAPOL had refused to investigate allegations referred to the Commissioner of Police by Commissioner Mullighan that a person known as Mother Goose had raped and indecently assaulted boys. The Commissioner of Police has provided the Minister for Police with information about the handling of Commissioner Mullighan's referral and Brad Shannon's allegations against the police.

The information provided by the Commissioner of Police establishes that Brad Shannon's complaints about the police handling of this matter are without foundation. The Deputy Leader of the Opposition has repeated Brad Shannon's allegation against the police in parliament without first inquiring whether there was any substance to it. The Deputy Leader of the Opposition has published claims of police mishandling of a serious criminal matter. The Deputy Leader of the Opposition has been indifferent to the harm to the reputation of the Commissioner of Police and his officers.

The information provided by the Commissioner of Police shows that the allegations made by Brad Shannon about historical child sexual offences were referred to SAPOL by the Children in State Care Commission of Inquiry (the commission) in March 2005. Brad Shannon was interviewed by investigators on 22 April 2005 about child sexual abuse allegations, including those involving a person known as Mother Goose. During this interview, Brad Shannon stated that he did not wish to provide police with a signed statement about these allegations.

On 4 May 2005 Brad Shannon attended the Whyalla Police Station and signed a report requesting that police take no further action about his allegations against the man known as Mother Goose. Mr Shannon stated in this report that he wished no further police action to be taken because 'that was the basis of me providing information to both the Mullighan inquiry and SAPOL'. So the member for Bragg knew that and, nevertheless, proceeded; and she confirms that she proceeded knowing that.

As a result of subsequent correspondence between the Mullighan commission and the acting police commissioner Mr John White, a review was conducted by SAPOL of the allegation that undue pressure was placed on Brad Shannon by investigators to request no police action. In a letter dated 23 August 2005 Mr White advised the Mullighan commission that the SAPOL review did not support the allegation that undue pressure was placed on Brad Shannon. During this review Brad Shannon was contacted by an investigator from the Paedophile Task Force and declined the offer of making a formal police complaint. Mr White also advised the Mullighan commission at this time that Brad Shannon 'again confirmed his position that he desired no further police action in respect of allegations surrounding the person known as Mother Goose'. In June 2007 an officer from the Paedophile Task Force contacted Brad Shannon by telephone.

Ms Chapman: That's why we need an ICAC.

The Hon. M.J. ATKINSON: During this telephone conversation Mr Shannon confirmed that he still did not wish to take action against the man known as Mother Goose. I interpolate, for the benefit of the house, that in respect of the officer from the Paedophile Task Force contacting Brad Shannon by telephone in June 2007, the member for Bragg remarked, 'That's why we need an independent commission against corruption.' I proceed.

The Hon. K.O. Foley: You don't believe the Police Commissioner.

The SPEAKER: Order!

The Hon. M.J. ATKINSON: The officer indicated that he was willing to attend in Whyalla to speak further about these issues. Brad Shannon responded that he would contact the officer in the future when he travelled to Adelaide. He did not make any further contact with the officer.

I am advised that investigators from the Paedophile Task Force will again contact Mr Shannon to ascertain if he is now willing to provide a statement to police regarding his

allegations. If he does provide a statement, his allegations will be fully investigated. As recently as this morning on ABC Radio, the Commissioner of Police invited Brad Shannon to give a statement, if he is willing to do so.

Day in, day out, the members of the state's police force work hard to keep the people of South Australia safe. They carry out their work with integrity and professionalism. This government has confidence in our police force and will expose the opposition's game of using this parliament to smear our police.

Members interjecting:

The SPEAKER: Order!

PAPERS

The following papers were laid on the table:

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

Environment, Resources and Development Committee—Coastal Development Inquiry—
Government Response
Metropolitan Domiciliary Care—Report 2006-07
Reproductive Technology, South Australian Council—Report 2007

By the Minister for Employment, Training and Further Education (Hon. P. Caica)—

Department of Further Education, Employment, Science and Technology—Report 2007

SPEAKER'S RULING

The Hon. I.F. EVANS: Sir, I rise on a point of order. Yesterday you undertook to provide to the house which page of Erskine May rules out questions to the minister for which the information is already publicly available.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

The Hon. I.F. EVANS: My question is to the Speaker, Michael. Sir, I am asking whether you have provided that page to the house, as promised yesterday.

The SPEAKER: Order! My recollection is that I did so yesterday, when I gave the explanation at the end of question time. From recollection, it was page 303. I think that, if the member for Davenport looks at *Hansard*, he will see that it is there.

VISITORS

The SPEAKER: I advise members of the presence in the gallery today of members of the West Beach Men's Probus Club, who are guests of the member for West Torrens, and students from Brighton Secondary School, who are guests of the member for Morphett.

CHAMBER, PHOTOGRAPHY

Mr WILLIAMS: Mr Speaker, I seek a point of clarification from you. Earlier this afternoon you informed someone in the gallery that it was not permissible to take photographs unless the person was an accredited journalist who had permission to do so.

The SPEAKER: That is correct.

Mr WILLIAMS: Is it disorderly, or out of order, for members to take photographs in the house? Last night, the Deputy Premier took photographs in the house, which I would have thought disorderly, and I also think it was designed to intimidate members voting in the chamber.

The SPEAKER: Order! Yes, it is disorderly for members to take photographs in the chamber. If the Deputy Premier, or any member, has taken photographs, I warn them not to do so, and any photographs that they have taken should be disposed of. The Deputy Premier.

The Hon. K.O. FOLEY: I apologise, sir. I confess I did, and I think also my colleague the Minister for Health. We took a photo—

Members interjecting:

The Hon. K.O. FOLEY: Yes. We photographed the member for MacKillop supporting union right of entry into the workplace and we thought his electorate would like to see that.

The SPEAKER: Order! The Deputy Premier has apologised; that is sufficient.

The Hon. J.D. HILL: I thank the Deputy Premier for advising the house that I, too, took a photograph last night. I also apologise, and will dispose of it appropriately.

The SPEAKER: Thank you.

QUESTION TIME

INDUSTRIAL RELATIONS LAWS

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:15): My question is to the Premier. Will the government rule out, under any circumstances, the referral of state industrial relations powers, including the responsibility for workers compensation, to the Rudd Labor government? State government employees and many other workers are covered by state industrial relations laws. The opposition is informed that the Treasurer and certain other ministers have been involved in discussions aimed at proposing a complete referral of the state industrial relations powers to the commonwealth, possibly including the powers and responsibilities for WorkCover and compensation.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:16): Dammit—caught out! If I understand the question, the member may like to know that COAG (the Council of Australian Governments) of which I am now a member, as the Treasurer, is making sure that our leaders are fully supported in their endeavour to spend our money wisely. There are a number of working groups and one of the working groups—and this was actually in the communiqué that was released three weeks ago—talked about harmonisation of occupational health and safety law around the nation, that is, that one of the microeconomic reforms that Wayne Swan and Kevin Rudd are pushing is a harmonisation of occupational health and safety law around the nation. There is no mention, as I can recall, of WorkCover (as tempting as it may be). I have always held the view that having a national scheme would be a sensible piece of public policy, but that has not been entered into, in terms of the discussion, at all.

However, Kevin Rudd has made no secret of his microeconomic agenda in terms of reforming microeconomic policy in this nation. In fact, he has seven working groups involving state and commonwealth bureaucrats and commonwealth ministers. It involves a series of meetings that are ongoing, looking at issues like education, the environment, business regulations—of which OH&S is but just one component. There is no secret about that. It is being looked at. It is being pushed by the national government, and this government will work cooperatively with that. However, there has been no discussion, that I can recall, about industrial law being handed over to the commonwealth, any more than it already has; and, secondly, about a national WorkCover scheme. It is occupational health and safety law.

EMPLOYMENT

Ms BREUER (Giles) (14:18): Will the Premier inform the house of today's good news on jobs in South Australia?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:18): I am very pleased to report to the house—

The Hon. M.D. RANN: I ask you to go back six years, and the closing days of a government in which the Leader of the Opposition was one of its most celebrated, if short-lived, ministers. There are now more than 87,000 more South Australians in work than when the Liberals were in power. In fact, if you look at the other set of figures, it is nearly 90,000 more people in jobs in South Australia than there were when the Liberals were in power. So let us just go through this in terms of what today's figures say.

Youth employment used to be around 40 per cent. These are the figures out of Canberra. Last month the South Australian economy broke records and set new highs for total jobs for the number of South Australians in full-time jobs, and delivered an all-time low in unemployment.

This is the lowest unemployment ever recorded in South Australia, the biggest number of people in jobs in South Australia ever recorded, and also the biggest number of people in full-time

jobs ever recorded. Full-time employment rose to a new high of 535,200, the thirteenth consecutive monthly rise. The state's trend unemployment rate dropped to 4.5 per cent, the lowest ever recorded.

This is a key point: we are outperforming the nation in the creation of jobs. Over the past year the rate of jobs growth has been 2.7 per cent nationwide, and here in South Australia it has been 3.2 per cent. So, the rate of jobs growth in South Australia has exceeded national jobs growth over the last year. That is a critically important part of what is aimed for in terms of the State Strategic Plan.

This means that we added an extra 24,000 jobs to the economy in this state in the past year. It also means that we are meeting our South Australian Strategic Plan target to better the national rate of jobs growth. The bottom line is—if the Leader of the Opposition wants to put his credentials against ours—we have 87,100 additional jobs now compared to when he was a minister in a Liberal government, nearly 90,000 more South Australians in work. That is because we have seen about \$45 billion worth of major projects on the horizon.

I want to compare this record to that of members opposite when they were in government for more than eight years: years of high unemployment, when new jobs were being created at less than half the present rate, and when there was almost no growth in full-time jobs at all. Your only policy then was privatisation; your only policy in the future is privatisation with a stadium attached.

DESALINATION PLANTS

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:22): My question is to the Premier. Why did he falsely claim, at a press conference yesterday, that only Labor—

The Hon. P.F. CONLON: I rise on a point of order, Mr Speaker. You can deal with some comment but 'falsely claim' is just beyond the pale.

Mr HAMILTON-SMITH: Well, listen to the explanation.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I uphold the point of order. To say 'falsely' is debate or comment, and the leader needs to rephrase it.

Mr HAMILTON-SMITH: I am happy to rephrase it, sir. I would not want to upset members opposite. Why did the Premier claim, at a press conference yesterday, that only Labor, and not the state Liberals, supported a desalination plant? The official record—

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: —of parliamentary debates and boundless media reports and official records attest that every journalist, every commentator, every observer of public affairs in this state knows that the state Liberals were the first to propose a desal plant, that the state Liberals championed the cause, and that the Premier and the state Labor Party resisted—

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: —the idea, but later conceded and agreed to construct this piece of water infrastructure proposed by us. Every commentator or observer who can read or listen knows that the state Liberals continue to call for the project to be fast-tracked as a matter of urgency—

The Hon. P.F. CONLON: I rise on a point of order, Mr Speaker.

Mr HAMILTON-SMITH: —so water can flow before 2011.

The SPEAKER: Order!

The Hon. P.F. CONLON: That means you have to sit down. The Leader of the Opposition was not given leave to make a speech.

The SPEAKER: I think the leader has concluded. The Premier.

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition has concluded, but I remind members about lengthy explanations that become speeches. I remind members that I will give greater scope to ministers in answering questions, taking into account the length of the explanation and what it contains. The Premier.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:24): I am delighted to answer this question because there could not be a clearer difference between the priorities of this government and the alternative government, if that is what it believes it is. His vision statement was, of course, highlighted with great fanfare by *The Advertiser* because his vision happened to reflect *The Advertiser's* belief that a stadium should be built in anticipation of possibly winning two games in a world cup to be held in 2018 or 2022 which will not be decided in 2011. So, people—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Do you want to listen?

Members interjecting:

The SPEAKER: Order! Members on my left will come to order.

The Hon. M.D. RANN: In addition to a giant stadium—uncosted but with no business case—the Leader of the Opposition, as I understand it, announced his vision for underground powerlines in South Australia. We did the costings: \$33 billion worth of work. I guess the point is that you cannot have it both ways. Here he is, saying what he is going to do. We are committed to a desalination plant, because that is part of our vision for water security in this state. We are also committed to building a state-of-the-art new hospital in the centre of our city. We are also spending about \$330 million, I am told, out at the Lyell McEwin Hospital; about \$150 million at Flinders Medical Centre; \$120 million, I am told, at the QEH; and further amounts on a range of other hospitals. But at the centrepiece of our health strategy is a brand new state-of-the-art hospital.

The media is here and I know that they will want to know exactly what the Leader of the Opposition has said. He pretends that he is a man of action and not words, so here we go. This is the Leader of the Opposition's six or seven flip-flops on the new hospital. On Friday 8 June 2007, his first position was that the opposition would not oppose the new hospital. Here is the quote: 'Look, we won't oppose the hospital being built.' That was Martin Hamilton-Smith on *Stateline* on the state budget debate. His second position: the Liberals would not build a new hospital but patch up the ageing RAH. The quote was as follows:

Building the new state-of-the-art RAH at its current site North Terrace, saving between \$300 million and \$700 million on the current proposal to shift the RAH to the other end of town.

That was Martin Hamilton-Smith on 19 June. His third position was a backflip to support the building of the hospital if the contracts were signed. He says:

If you have signed something before an election, it is locked in concrete and they have started work, we are going to get the Marjorie Jackson-Nelson hospital; there is no doubt about that.

That is what the Leader of the Opposition told the budget estimates committee on 28 June. Then there was the fourth position: building a new hospital on a completely different site at Bowden. I think it is the Clipsal site down there. I quote as follows:

Both Opposition Leader Martin Hamilton-Smith and Adelaide city councillor Ann Moran have told *The Advertiser* the Bowden land should be considered for the proposed new Marjorie Jackson-Nelson hospital.

So, it is no longer on the RAH site, and he is no longer staying with his commitment to carry on with where the new hospital would be built in the centre of the city. Now, it is over in Bowden, so it has moved a bit. Here we go; this is Martin Hamilton-Smith in *The Advertiser* on Wednesday, 18 June:

It is a prime piece of real estate which the government should put careful consideration into.

It gets much worse than this. Just wait for the seventh position. On the fifth position: a new hospital but not at Bowden any more, back to the RAH site. He says:

We want a new hospital but we want it at the RAH site. We think there is a better vision for City West, and I think the government has made a major mistake. The public don't want it there.

That is what he said in *The Advertiser* on Friday, 20 July. These constant backflips and changes are over just a few weeks. The sixth position is bread and circuses. Here we go—there is one more to go, and I want the media and the parliament to hear. The sixth position:

...use that City West area...for far more exciting purposes. We can extend the Convention Centre, we can have our own Federation Square, we can have a new museum there...we can have a Southbank, a Sidney Myer bowl...there is the possibility of sporting facilities there...

But I am afraid that yesterday, after a challenge from me, there is today a seventh position. It is interesting because before there was going to be a new stadium, a billion dollar stadium, to cater for the World Cup just in case we happen to win those two games—although we will not know that until 2011 and we are up against Peking—Beijing, because I do not speak Mandarin quite as well as Kevin Rudd—and we are also up against London.

He said he was a man of action, not words. Here we go. The question was from Matt Abraham: 'What happens to Footy Park and Adelaide Oval if you have a new stadium?' He said, 'I don't think we can sustain three.' Wait for it! He said:

I think this is a decision we probably need to make, not now, but probably in five to six years' time, possibly even further away...I don't think we can have three...if the AFL ultimately decides it wants to stay at West Lakes, then the decision might really become between Adelaide Oval and West Lakes.

The cricket association will be interested in that!

...people who might want to look at our master plan, it's on my website martin2010.com.au. Clearly spells out we are not locked in at all to the City West.

It was at the RAH. Then it was where the Marj is going to be. Then it was down at Bowden. Then it is back to the RAH and now, of course, it is 'We are not locked in at all to the City West.' But it gets worse, because he is a man of action. Here is the eighth position, but it is on timing. He said:

Mike Rann has no plan to do that ever and I just think sometime over the next 20 years we need to bite the bullet and decide which pathway we are gonna follow.

Action Man, if elected, is going to wait until he is 75 in order to decide where the new stadium is going to be.

Members interjecting:

The SPEAKER: Order! The member for Morialta.

The Hon. K.O. Foley: And that's your leader! Follow him!

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

ADELAIDE CABARET FESTIVAL

Ms SIMMONS (Morialta) (14:32): My question is also to the Premier.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Premier will come to order!

Ms SIMMONS: Will the Premier tell the chamber about the 2008 Cabaret Festival program launched last Wednesday 2 April, which is an integral part of Adelaide's year-long festival and events program?

The Hon. I.F. EVANS: Point of order!

The SPEAKER: I think I know what the member for Davenport's point of order might be.

The Hon. I.F. EVANS: The question asked of the Premier indicates that the Cabaret Festival program was launched last week. It is therefore publicly available. Erskine May, page 300, rules that out as you ruled yesterday, Mr Speaker.

Ms Chapman: Next question?

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I am happy to give a ruling when the chamber is silent. It may be that there is other information that is not readily available about which the Premier is going to inform the chamber.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:34): I am trying to be of assistance here because what I hope will happen out of today's *Hansard* is that there will be a direct link between the Cabaret Festival and the website martin2010.com.au.

Ms CHAPMAN: Point of order!

The SPEAKER: Order! The Premier will take his seat.

Ms CHAPMAN: Clearly, the information the Premier is giving us is nothing to do with the Cabaret Festival at all. He is back on the last question.

Members interjecting:

The SPEAKER: Order, members on my right! The Premier has only just started his answer. When—

Members interjecting:

The SPEAKER: Order! I am on my feet. The Premier has only started his answer. I will listen to what he has to say. I am sure he will answer the substance of the question.

The Hon. M.D. RANN: Thank you, sir—

An honourable member interjecting:

The Hon. M.D. RANN: It's a 20-year plan for a new stadium. The Adelaide Cabaret Festival has become a much loved part of our annual calendar of cultural events and attracts interstate and overseas visitors. I want to pay tribute to the Liberal minister for the arts, Diana Laidlaw, for conceiving this festival. It is great to be a minister for the arts because you can conceive a festival like the Adelaide Film Festival, or the regional arts initiative of the Minister for Health. But Di Laidlaw deserves great credit for inaugurating this festival.

Members interjecting:

The Hon. M.D. RANN: And that is the difference between us and them because we are prepared to give credit where credit is due. The full 2008 program, launched on 2 April, includes more than 200 Australian artists, 140 of those—

Ms CHAPMAN: Point of order, Mr Speaker: all that information is on the website, including all of the events and who is in them.

The SPEAKER: I do not uphold the point of order. The Premier has the call.

The Hon. M.D. RANN: I think the house and members have a right to be informed at the earliest opportunity—

Mr HAMILTON-SMITH: On a point of order: Mr Speaker, yesterday you gave a very clear ruling about questions for which the information is already available. Is there one rule for one side of the house and another rule for that side? That is all I ask.

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition needs to be careful. If you have a problem or think there is some inconsistency, there are two ways you can deal with it: you can move a substantive motion or you can come and talk to me privately. But getting up the way the Leader of the Opposition does, in order to have a shot at me—which is fair enough, by way of substantive motion, but getting up the way he does is unacceptable. If he does it again I will name him, without warning.

Members may recall that, at the end of question time, I clarified my ruling and I said that the member for MacKillop's question was not out of order on the grounds that the information he was seeking was readily available, because it wasn't. If members on my left recall, I in fact apologised to the house for erring in that regard. I ruled the question out of order because I held that the minister could not be held responsible for what the member for MacKillop was asking.

So, there is no inconsistency on my part. I am being completely consistent, and I uphold that. If any member feels that I am dealing with them overly harshly or that I am being inconsistent in rulings I invite any of them to come and speak to me. My door is always open. But getting up and making accusations against the chair by way of point of order is unacceptable. The Premier has the call.

Mr HAMILTON-SMITH: Point of order, Mr Speaker: if I hear you correctly you just threatened to name members for raising points of order—

The SPEAKER: Order!

Mr HAMILTON-SMITH: —and I ask—

The SPEAKER: Order! The Leader of the Opposition will take his seat. I have been quite clear. There cannot be any need for any further clarification. If the Leader of the Opposition has anything further to add he needs to do it by way of substantive motion. If he is unsure about anything he can approach the chair and speak to me. But I will not engage with him in this kind of way. The Premier.

The Hon. M.D. RANN: The full 2008 program, launched on 2 April, includes more than 200 Australian artists, 140 of those from South Australia. Overall, there will be 100 performances of 45 different shows, kicking off on the Queen's Birthday long weekend and running from 6 to 14 June. The high standard of programming that has secured an enviable international reputation for this festival, with local and international artists and audiences alike, will continue. As usual there will be music, dance, song, burlesque and comedy performances; late night dancing at the Piano Bar; an exhibition of cartoons; and conversation sessions and workshops with the artists.

I want to make a point of congratulating the honourable member for West Torrens on his engagement to the lovely Anthea.

Honourable members: Hear, hear!

The Hon. M.D. RANN: I think all members of this parliament would congratulate him, and I am sure that we will all be giving him a great deal of advice over the coming months. A small selection of the exciting shows in this year's Cabaret Festival includes:

- a concert of war and love songs by two luminaries of the Australian jazz scene, Vince Jones and Katie Noonan;
- an intriguing show of visual comedy, ventriloquism, shadow puppetry and magic by Australia's only 'unusualist', Raymond Crowe;
- a concert of Henry Mancini's memorable movie themes and hit songs (that is not George Mancini of the civil liberties council: it is Henry Mancini);
- a celebration of the songs of Frank Sinatra by Tom Burlinson; and
- a presentation of protest songs and poetic ballads by indigenous singer Kev Carmody.

The wide program of work by these and other talented Australian artists will be strengthened by:

- the gipsy virtuoso musicians Paprika Balkanicus, from the Balkans;
- the multiple award-winning show and sell-out success at last year's Edinburgh Fringe, *Between the Devil and the Deep Blue Sea*; and
- a history of tango through song and dance, featuring Argentinian Elena Roger (who, of course, has been starring in London's West End in the revival of *Evita*).

This concentration of impressive artists offering classical and contemporary takes on the cabaret genre will ensure that once again we have an exciting festival-long cabaret atmosphere. Ticket prices ranges from \$10 to \$70, at an average of around \$28.

I congratulate all of those involved, but on this day at this moment let us pay tribute to its genesis in the previous minister for the arts, Di Laidlaw, of the Liberal Party in the upper house, who is sadly and sorely missed.

Honourable members: Hear, hear!

MARJORIE JACKSON-NELSON HOSPITAL

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:42): My question is to the Premier. Why is he claiming that the decision that the people of South Australia will face at the next election is a choice between a new hospital or a new football stadium when he knows the real choice they will face is between a new hospital at City West or a new hospital at the RAH site and a new stadium? With your leave, sir, and in light of the Premier's earlier answer to a question, I will explain. The document titled A Liberal Vision and Master Plan for Adelaide, released in February, three months ago, says on page 5:

The RAH on its current site provides the centrepiece for our health and research precinct...The plan for the Marjorie Jackson-Nelson hospital must be put to an election.

The document continues:

The new state Liberals believe the people should decide in March 2010 whether they want the Royal Adelaide Hospital bulldozed—

The Hon. P.F. CONLON: Sir, I have a point of order. Once again, it is not explaining the question. The Leader of the Opposition is making a speech.

The SPEAKER: I do not uphold the point of order. I think the leader is trying to explain a party political position. I do not uphold the point of order, but I remind members that an explanation is not an excuse for a speech. They need to keep their explanations brief. The Leader of the Opposition.

Mr HAMILTON-SMITH: Thank you, sir. The document continues:

The new state Liberals believe the people should decide in March 2010 whether they want the Royal Adelaide Hospital bulldozed or rebuilt into a hospital which we can be proud of at a saving, according to the state Labor government's own figures, of \$500 million. Any complex and expensive PPP financing deal should not be signed before the next election. There are far more exciting uses for this precinct.

Importantly, on the separate issue of a stadium, the Liberal master plan on page 7 states—

The Hon. K.O. FOLEY: I have a point of order, sir. The Premier is not responsible for Liberal Party policy. The last three minutes have been all about what the Liberal Party will do. Clearly, the Leader of the Opposition is now debating.

The SPEAKER: Order! The question was about statements of the Premier regarding government policy in comparison with opposition policy. I have given the Leader of the Opposition a fair go but he does need to wind up his explanation.

Mr HAMILTON-SMITH: Thank you, sir. The document states:

Adelaide must have a world class stadium. It must either be—

The Hon. K.O. Foley interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: —a completely refurbished, expanded and rebuilt AAMI Stadium at West Lakes or a new stadium that meets the needs of the Australian Football League, soccer, rugby and other sports at an international level.

Adelaide Oval needs to be considered. You should have read the document!

The SPEAKER: Order!

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:46): The Leader of the Opposition seems to be confused. He wants me to stand by his policy. How can you stand by a policy when in relation to the hospital he starts out by saying that it has to be at the site at the railyards? Let us go back. He said that the new hospital has to be at the railyards, then it was shifted back to the present site of the RAH, then to the railyards, then down to Bowden—the very interesting site down there—then back to the RAH site. This man of action laid down his action plan (which was celebrated on the front page of the newspaper) and this morning he said, 'We have to bite the bullet within the next 20 years.' How can anyone take the Leader of the Opposition seriously? The Liberals' plan is a hospital on wheels, being towed around like a giant caravan, depending on the audience to whom he is speaking.

As for the stadium, he was going to bite the bullet with resolve. How could you have a brand new stadium for the World Cup if it is not to be built until after the World Cup? The World

Cup is scheduled for 2018. He said that is why we needed a new stadium, yet on Matt Abraham's show this morning he said, 'We have to bite the bullet within 20 years.' It is extraordinary.

So we have a mobile hospital and a stadium on the never, never. That is the difference. The Leader of the Opposition cannot read a balance sheet and he tries to cite policy to us. The fact is that the policy changes day by day. It reminds me of the Liberals' action plan on water. We must not forget the Liberals' water plan at the 2006 election. What was their action plan for water security for Adelaide? The Liberal Party said that it would develop a water plan by 2009. That is the difference. We are not waiting until the next election or 20 years. We are about action, not words. We are about a plan, not a pipedream.

MARJORIE JACKSON-NELSON HOSPITAL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:49): Why has the Premier abandoned his promise to South Australians made during the 2002 and 2006 election campaigns to rebuild and redevelop the Royal Adelaide Hospital? Why will he not take his new promise for the Marjorie Jackson-Nelson Hospital to the 2010 election?

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: Thank you, Mr Speaker. In the Premier's 2006 election policy on health, he confirmed, 'I committed Labor to the redevelopment of the Royal Adelaide Hospital,' and in his media release of 12 March 2006 he said: 'I promise to redevelop the Royal Adelaide Hospital.' Yesterday at the media conference he said that he had a mandate to bulldoze the Royal Adelaide Hospital and to commit the taxpayers to a multibillion dollar—

The Hon. P.F. CONLON: Sir—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I am on my feet.

The Hon. P.F. CONLON: Sir, my point of order is that I cannot hear the Deputy Leader of the Opposition, and I would like to, because she may have something worth while to say. It seems unlikely, but they are so rude to her.

The SPEAKER: Order! Members will take their seats. The house will become silent and will come to order. I do not think that the deputy leader's explanation is really offering much, in terms of an explanation of the question. However, I will let her continue. I do not want to upset the opposition.

Ms CHAPMAN: Thank you, Mr Speaker. I see that the Minister for Infrastructure is eager to hear the balance. I am now on the promise to bulldoze. The Premier said that he had a mandate to commit taxpayers to a multi-billion dollar new private hospital to be built by a private consortium under ongoing financial arrangements to be funded from the health budget through to 2046. However, that decision has never been put to an election of the people—

The Hon. J.D. HILL: Sir, I rise on a point of order. The deputy leader made a false statement when she referred to a private hospital. She is commenting most inaccurately about this matter.

Members interjecting:

The SPEAKER: Order! I am more than happy for the minister to state that in the course of his answer. It is for that reason that I caution members about their explanations, particularly when they insert argument and claims in their explanations. It is only fair for me to allow the minister who is answering the question to refute any claims or any arguments that are made in the course of a question.

The Hon. J.D. HILL (Kaurua—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:52): Thank you very much—and I thank the member for the opportunity once again to explain to her and to the house the government's commitment to rebuilding our health care system in South Australia. When we came to government six years ago, we inherited a health care system that was on its knees. The health infrastructure of our state was the oldest and the most dilapidated in the commonwealth of Australia.

We committed ourselves (and we are continuing to do so) to rebuilding the health care system of this state. We are rebuilding the Lyell McEwin Hospital: we are expanding it dramatically and doubling it in size. We are rebuilding the Queen Elizabeth Hospital and dramatically improving its capacity to deal with people in the western suburbs. We are massively expanding the capacity of the Flinders Medical Centre, and we are rebuilding the central hospital.

If the debate is that it is not called the RAH but it will be called the Marjorie Jackson-Nelson Hospital, you have that argument all you like out in the public. The public of South Australia wants a brand new state-of-the-art contemporary hospital to service them, their children and their grandchildren.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: The comparison between what you are arguing for, which is to refurbish a broken-down, dilapidated rabbit warren of a hospital, compared to the new hospital that we are proposing—

Members interjecting:

The SPEAKER: Order! Members on my left will come to order. There is a big difference between interjecting and trying to shout down a minister.

The Hon. J.D. HILL: Thank you, Mr Speaker. I will calm myself. I was, unfortunately, stimulated into passion. The comparison between the two options is really the essence of the point that the member for Bragg made. Should we as a community, should we as a society, rebuild the RAH—everyone agrees that that hospital is no longer adequate and will no longer be adequate for the future needs of our state—or should we start again on a new site?

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: The Health Department of South Australia gave me advice, and I took that advice to the cabinet and the cabinet endorsed it. That advice was that, absolutely and categorically, the better option by far is to start again. If we were to try and rebuild the RAH on the existing site, it would produce a very difficult set of circumstances for the people who use the hospital and the people who work there—not just for a few years, but for over 10 years. It would take an enormously long time to rebuild that hospital while it is still a working institution.

In addition to that, not only would it cause great inconvenience for those who are working there, but it would reduce the capacity of the hospital for all of the time that it was under construction, to the extent that we would have to seriously consider building a temporary hospital on some site to deal with up to 200 patients.

Ms Chapman interjecting:

The Hon. J.D. HILL: No, that is the advice I have. It is all right—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —for the opposition to come in here and make claims and go to the media and say, 'There is a simple way of doing this.' However, it has to be forced to look at the consequences of that simple way.

Ms Chapman interjecting:

The Hon. J.D. HILL: Listen, member for Bragg—

The SPEAKER: Order! I warn the Deputy Leader of the Opposition. The Minister for Health.

The Hon. J.D. HILL: Let me say to the Deputy Leader of the Opposition: it is all right for you to make claims in the public arena without any justification at all; what we in government have to do is to prove and demonstrate, to ourselves initially and then to the public, that it is the better way to go.

Mr Williams interjecting:

The SPEAKER: Order! I warn the member for MacKillop. The Minister for Health.

The Hon. J.D. HILL: A range of issues have been thrown about, which I will try to get to seriatim. The central point is: which is the preferred option? The advice to me and the advice to cabinet is that building a new hospital is by far the better option. Why is that so? Because it causes less inconvenience. For us to rebuild the RAH (or for them to rebuild the RAH) would seriously inconvenience everybody on that site for a very long time. The second point is that there would not be sufficient—

Members interjecting:

The Hon. J.D. HILL: I'm happy to bring further reports to this house. Members opposite keep saying that I refuse to give them information about the comparison between the two sites. That is a false claim. I have extensively explained to the house on a number of occasions why the comparison is such that the new hospital is the better option. I have given facts and figures that have been provided to me.

The SPEAKER: Order, the member for Finniss! The Minister for Health.

The Hon. J.D. HILL: The second point is that if we were to rebuild the hospital it would seriously reduce our hospital capacity during the course of that rebuilding. So, for about nine or 10 years we would be seriously short a number of beds—somewhere in the order of about 180 to 200 beds, as I recall it. In other words, we would have to create a temporary hospital (of about the same size as the Modbury Hospital) in which we could put the people whom the Royal Adelaide Hospital otherwise would look after.

The third reason why constructing a new hospital is superior to the rebuilding of the RAH is, of course, the cost. It will cost approximately \$1.7 billion to rebuild the new hospital. Members opposite like to say that it will be \$1.9 billion. What they are doing is adding in the clean-up costs and the removal of the railway track to another place. Of course, if they were to do any of the things that they would like to do on that site, they would still have to spend that \$200 million to get the railway tracks off the site, so that should be a neutral issue.

It will cost \$1.7 billion to build the hospital, compared to \$1.4 billion or thereabouts to refurbish the RAH. What we know, of course, is that once we have the new hospital constructed we will start making savings of around \$50 million a year and so, in the course of six years, it would be cost-neutral. Of course, that is about how much extra time would be taken to build the RAH. Of course, if you compare one option with the other, they come out at pretty well the same price. However, those savings of \$50 million a year are ongoing well into the future; so, as a long-term prospect, it is the cheaper, better option.

In addition to that, of course, it will be a state-of-the-art contemporary hospital built around the needs of the future community, not the community which existed in the 19th century. All those reasons convinced me and, as a result of that, I was able to convince my cabinet colleagues that this was the better way to go.

I am happy to fight any election over this issue. I think the thing that the opposition would be most nervous about was if we had not signed the contract by the next election, because they would be forced to fight an election over the options: stadium or brand new, state-of-the-art hospital for the future of South Australia.

MARJORIE JACKSON-NELSON HOSPITAL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:59): My question is again to the Premier. When does the government expect financial sign-off on the tender to build the Marjorie Jackson-Nelson Hospital, and will it occur before or after the 2010 election?

The Hon. J.D. Hill interjecting:

Ms CHAPMAN: It does not show it in there. It is not in there.

Members interjecting:

The SPEAKER: Order! The deputy leader has asked the question. The Treasurer has the call.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (15:00): The contract signing, we are hopeful, will be in 2010. We are not certain whether it will be prior to or after. It may well be after the election. What will have occurred is that substantial moneys will have been spent on the site

relocating the railyards. An enormous amount of money will have been spent on the due diligence—

An honourable member interjecting:

The Hon. K.O. FOLEY: Sorry?

Members interjecting:

The Hon. K.O. FOLEY: We will be doing all we can to have it signed prior to the 2010 election, but we will have to see what occurs. I want to take this opportunity to correct errors that the Leader of the Opposition is continually making about the financing of the Marjorie Jackson-Nelson Hospital. It indicates that the leader has no understanding of public-private partnerships. He talks about these being like car financing deals.

Mr Hamilton-Smith interjecting:

The Hon. K.O. FOLEY: That is what they are? Well, can I say to the leader that that is not true.

Mr Hamilton-Smith interjecting:

The Hon. K.O. FOLEY: Righto. At 3.30pm today the Deputy Leader of the Opposition and the member for MacKillop are being briefed, I understand, by the Under Treasurer on PPPs, because they want to learn and understand what PPPs are. I think that is a good thing, and the more information we can give the opposition the better.

When you make a decision to use a PPP you do a piece of work to decide what is the best financial option for procurement for taxpayers. You actually do a piece of work to decide whether to traditional build, that is by government borrowing off its own balance sheet the funds to build, or whether or not you engage a private sector consortia to build, design and maintain the facility, and to finance the facility. It is an approach that we have used with the prisons and the schools.

The business case has demonstrated that it is in the financial interests of the state to use a PPP model than direct procurement. This suggestion that we are going to be paying off the hospital for 40 years as being some sort of financial tidal wave of debt of moneys that are going to hit the state is just nonsense. If you build a \$1.7 billion hospital, you borrow \$1.7 billion. The Leader of the Opposition has this weird notion that your surpluses are strong enough that you can actually pay for all this out of your current expenditure.

Mr Williams: With good management you probably could.

The Hon. K.O. FOLEY: Good management you probably could.

The Hon. P.F. Conlon: Which they could never do.

The Hon. K.O. FOLEY: They could never balance a budget and they are trying to tell me that good management could.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: It is a financial impossibility to fund the \$1.7 billion build of a hospital from recurrent expenditure—a financial impossibility.

Mr Williams interjecting:

The SPEAKER: Order! The member for MacKillop will come to order.

The Hon. K.O. FOLEY: A financial impossibility. You either borrow the money through public borrowing or you use a financial model that has the private sector providing the capital (the finance). There are only two ways to do it. For the leader to be running around saying that PPPs are akin to car financing is a further embarrassment, demonstrating his lack of understanding of public financing.

I urge the leader to come along with his deputy and the member for MacKillop and have the Under Treasurer explain this to him. Why don't you go along? Or, as I suspect, the leader likes to be ignorant of these things so he can keep making false statements. He does not actually have to fall back on the fact that he has been provided with advice.

I will reinforce what the Minister for Health has said. We did a piece of work, because why would the government want to spend more money on a new Royal Adelaide called the Marjorie Jackson than build on the existing site? We have not done that on a whim; we have not done that because we think it is a good idea. We undertook a detailed piece of analysis by independent advisers, asking: what is the best business case, the best case for government—to build on the existing site or to build a greenfield site? Anyone who knows anything about public construction—

Members interjecting:

The Hon. K.O. FOLEY: I actually worked in the industry for 11 years.

An honourable member interjecting:

The Hon. K.O. FOLEY: Sorry?

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Look at my CV.

Mr Hamilton-Smith interjecting:

The Hon. K.O. FOLEY: A lot more than you did.

The Hon. P.F. Conlon: Of course, it doesn't compare to a childcare centre.

The Hon. K.O. FOLEY: No, it doesn't. All I did was provide steel for some of the most substantial construction projects ever seen in this state. That was my role in a previous career. Anyone can tell you that a greenfield site is a much better proposition than an existing brownfield site.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: What that advice showed the government was that there was roughly a \$300 million difference in the Marjorie Jackson-Nelson compared to the Royal Adelaide, but the critical factor was the time it would take to build on the greenfield site compared to the brownfield site. It would take many, many more years to build on the existing site, and we would be condemning—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Well, it is true, Vickie. This is not us: this is independent experts. Independent experts have said that the Royal Adelaide would be a construction site for 15 years and it would be reprehensible of a government to commit workers, doctors and patients to having to survive and sustain their occupation in basically a construction site for 15 years. We were given the advice and we have accepted that advice.

Mr Hamilton-Smith: Let's see the advice.

The Hon. K.O. FOLEY: Let's see the advice! Mr Speaker, what I will now gladly make available to the opposition is the senior public servants involved in the decision-making: the Under Treasurer, the head of the Health Department, and their appropriate advisers—

Mr Pisoni interjecting:

The SPEAKER: Order! The member for Unley will come to order.

The Hon. K.O. FOLEY: —to brief the Leader of the Opposition—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I am prepared to have the opposition briefed on the rationale behind our decision. I will make available to them, whenever they like, the most senior public servants in the state to explain to them exactly what they explained to us.

Members interjecting:

The Hon. K.O. FOLEY: You've heard it? They've had the briefing. Fair dinkum, I give up. They've had the briefing and they are still asking the questions!

Members interjecting:

The SPEAKER: Order!

PUBLIC-PRIVATE PARTNERSHIPS

Mr WILLIAMS (MacKillop) (15:08): Unfortunately, sir, my question is to the Treasurer.

An honourable member interjecting:

Mr WILLIAMS: It is an important question, and I would like the answer. Why has the government chosen to have a different PPP model for the—

An honourable member interjecting:

Mr WILLIAMS: I said 'chosen'. If you were listening you might have picked it up. The purpose is not to pick on people's speech: it is to actually ask questions. Why has the government chosen different PPP models for the desalination plant proposed at Port Stanvac and the proposed Marjorie Jackson-Nelson Hospital, and why is it no longer important for the government to own hospitals, while it is important to the government to own a desalination plant?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (15:09): I am really glad that you are getting a briefing in 20 minutes' time. This just shows why you need it. The question was: why has the government chosen a different PPP model for the desal plant as to the Marjorie Jackson-Nelson? We have not chosen a PPP model for the desalination plant. It is not a PPP; it is not a different PPP.

An honourable member: Rubbish!

The Hon. K.O. FOLEY: Rubbish!

The Hon. P.F. Conlon: You're a dill!

The SPEAKER: Order!

The Hon. K.O. FOLEY: My head is bursting. I cannot believe the lack of understanding of these people. The desalination plant is not a PPP. It is not a public-private partnership.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I will attempt to explain again, as I did the other day, why we chose the model of procurement, but I will not yell above these people. If they want to listen, I am happy to give them the answer, but I will not compete with interjections. First, as I said, I am glad that the member for MacKillop is getting a briefing on what is a PPP and what is not a PPP. We chose, again on advice—

Members interjecting:

The Hon. K.O. FOLEY: I know it is a remarkable thing that we take advice, but we considered four procurement approaches and they were reviewed and compared. They were: an alliance contract, a managing contractor, a DBOM which we chose—that is design, build, operate and manage, not own, that is why it is not a PPP because if it was a PPP the private sector would own it—get the difference?

Mr Williams: Yes.

The Hon. K.O. FOLEY: Then good, you have learned something—and a PPP. The comparison was placed on a weighted score of key project objectives: delivery time; cost; optimal risk transfer; expansion capability; and complexity of procurement.

Mr Williams: So, you did the same for the hospitals.

The SPEAKER: Order!

The Hon. K.O. FOLEY: I am not going to compete.

The SPEAKER: Order!

The Hon. K.O. FOLEY: KPMG, which we contracted to give us this advice, recommended the DBOM (design, build, operate and management) as the preferred option. The alliance and managing contractor options ranked behind the DBOM and the PPP options on all three of the

main criteria listed above. Alliance and managing contracting are best suited to projects with high degrees of uncertainty in project cost and delivery program. There are potential benefits in creating a risk-sharing alliance with the contractor.

In the case of the desalination plant, whereby they can essentially be bought 'off the shelf', the risk factors are more readily identifiable.

Members interjecting:

The Hon. P.F. Conlon: No, he doesn't want to know.

The Hon. K.O. FOLEY: They are laughing at KPMG's advice.

Mr Williams: No, we are laughing at you.

The SPEAKER: Order! The member for MacKillop.

The Hon. K.O. FOLEY: The level of uncertainty is therefore not sufficient to justify the cost, risks and complexities of alliance and managing contracting approaches. The DBOM narrowly outranked the PPP option. Importantly, the PPP ranked behind the DBOM in terms of project delivery time. Remember that we said the other day that, under a design, build, operate and management contract, we can finish six months earlier, because you do not have a lot of the time that is taken up with the financial tendering.

The Hon. P.F. Conlon: That will be like the car lease documents.

The Hon. K.O. FOLEY: Yes, that'll be drawing up the car-leasing documents. Other supporting arguments for the DBOM delivery against a PPP were the following: the Adelaide plant will be able to operate as a peaking plant. It may be shut down for periods of time. That would not suit itself to a PPP where the owners would expect a consistent income stream. KPMG believe that the private sector would have difficulty pricing the risks associated with the PPP operating model that was operating as a peaking plant, resulting in the private sector pricing into their tendering an excessive risk premium.

In contrast, the Victorian desalination plant, which is to be delivered as a PPP, is a base-load plant that does not face the uncertainties of periodic shutdown. KPMG believes that this operating model is more supportive of a PPP. That is why we made the decision because, on balance, the advice from KPMG was that a DBOM (design, build, operate, and manage and maintain) procurement process would be better than a PPP.

Under the DBOM approach we provide the capital; it is on our balance sheet. It is not a PPP; there is not a variation of PPP. A project is either a PPP or not, or it is a DBOM. I hope I have given you some information that you will have taken from today's question time from which you may learn.

MURRAY-DARLING BASIN

Mr WILLIAMS (MacKillop) (15:15): My question is the Premier. Given that clause 45 of the memorandum of understanding on the Murray-Darling rules out the referral of state powers to the commonwealth, is it not fact that the states will, therefore, retain their existing veto powers?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:15): Can I once again explain this to the honourable member. He just cannot read the MOU. What we have done is basically reach agreement, which, by the way, the Leader of the Opposition called on me to sign and to get Brumby in a headlock—

The Hon. K.O. Foley: It's like groundhog day.

The Hon. M.D. RANN: It is; it is like groundhog day in here, just constant repetition. What it means is that what we wanted to stop was a ministerial council where every state could veto each other, which has effectively ruined any chance of reform over the last 50 or 60 years. We are replacing that with an independent commission that has the ability to set caps, that has the ability to determine and implement and develop a basin-wide plan, and also reports directly to a federal minister.

What we have said, of course, is that if that federal minister acts against the advice of the independent experts, then he or she has to go into the parliament and explain why. What happens in terms of the ministerial council is that it becomes an advisory council. If the federal minister, on advice, makes a decision and the states are unhappy about that, they can then appeal for

reconsideration. But ultimately the buck stops with the federal minister, advised by the independent commission.

MURRAY-DARLING BASIN

Mr WILLIAMS (MacKillop) (15:17): Again my question is to the Premier. Is the Premier concerned, or not concerned, that the Victorian government's decision, to which he has agreed, to take water from the Murray-Darling Basin to supply Melbourne sets a new precedent of supplying a second capital city with water from the basin, and therefore changing the status of a significant volume of water, currently subject to allocation variation as irrigation supply, to becoming critical for human needs water, not subject to variation in time of low flows?

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security, Minister for Regional Development, Minister for Small Business, Minister Assisting the Minister for Industry and Trade) (15:17): Once again this question has been answered before—on groundhog day. Stage 1 is the pipeline, and it is not being funded through this program. Stage 2 is funded through the program which does not include that pipeline.

SCHOOL COMPUTERS

Mr PISONI (Unley) (15:18): My question is to the Treasurer. Can the Treasurer rule out school councils paying for the shortfall in funding from the federal government for its education revolution? Yesterday, the Treasurer when questioned by the opposition said, 'Yes, I rule out parents paying for it,' but he did not rule out school councils paying for it.

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education and Children's Services, Minister for Tourism, Minister for the City of Adelaide) (15:18): You know, you have to say that this is extraordinary. The federal government is giving funding to schools, and all the opposition can talk about is blame and complaints.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: We heard last week that there would be a \$17 million bill for electricity; he said that there would be a \$17 million bill for electricity if we bought new computers. It is nonsense. He plucks numbers from the air. Almost a billion dollars is being given to schools for computer equipment.

Mr Pisoni interjecting:

The SPEAKER: Order! The member for Unley will come to order. The Minister for Education has the call.

The Hon. J.D. LOMAX-SMITH: Almost a billion dollars is going to schools to buy infrastructure, and they were claiming yesterday that \$3 billion would be the cost of that investment. It never stops.

Mr Pisoni interjecting:

The SPEAKER: Order! I warn the member for Unley. I point out to him that it is not necessary to interject. I am more than happy to give any member the call. All they have to do is hop up on their legs, and, if there is something the minister has said which is not clear, I am more than happy to give them the call. Interjecting and trying to shout over the minister is just not necessary. The Minister for Education.

The Hon. J.D. LOMAX-SMITH: The member for Unley has to understand that we are getting a massive investment in schools in South Australia—

Mr WILLIAMS: I have a point of order, Mr Speaker. The question was specific. Will the minister rule it out, or not? That was all we asked. Will she rule it out, or not?

The SPEAKER: The Minister for Education and Children's Services.

The Hon. J.D. LOMAX-SMITH: And I reiterate: only the Liberals would complain about money being invested in schools.

CHILDREN IN STATE CARE INQUIRY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:20): My question is to the Attorney-General, and I thank him for his statement today. Is the Attorney-General aware that

the person known as Mother Goose provided evidence for the prosecution in a 1996 case of paedophilia resulting in the conviction of another party, and was this information disclosed in the report received by the Minister for Police which he referred to today?

Members interjecting:

The SPEAKER: Order! The Attorney has the call.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (15:21): The clear innuendo of the question is that, because this identity gave evidence for the prosecution in 1996, he is immune from investigation or prosecution. Of course, if that were true, it would be highly improper. Mr Speaker, I will get a report on the matter.

EPODE PROGRAM

Mr PISONI (Unley) (15:21): My question is to the Minister for Education and Children's Services. Before deciding to implement the French EPODE program in South Australian schools, was the minister aware that the program was developed using funding from sugar promotion organisations, multinational processed food groups and even pharmaceutical companies which produce drugs to combat health problems which can be avoided by good diet? I will explain.

The SPEAKER: Order! The member for Unley must seek leave to explain.

Mr PISONI: I seek leave to explain, sir.

The SPEAKER: Leave is granted.

Mr PISONI: Thank you, sir. Opposition research has revealed that the French EPODE program was developed with funding from private companies, which include CEDUS (which represents the French sugar industry), Fournier Pharmaceuticals, candy bar maker Nestle group, and Lesieur (which controls over 50 per cent of France's edible oil market). Many of the companies funding the development of the program are themselves involved in producing and marketing junk food which contributes greatly to obesity, cholesterol problems and high blood pressure.

The Hon. J.D. HILL (Kairua—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:23): Mr Speaker, I know all about this. Let me explain to the house from where the member for Unley is coming. I am aware of all this, and I know the member is aware of all this also because he attended a briefing I conducted only last week with the promoter of EPODE, who was in Adelaide to talk to a conference, and he was quite open about the very fact that they get sponsorship from a whole range of other companies.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley has already been warned once.

The Hon. J.D. HILL: The member for Unley should be very careful. I have been very open about what EPODE is about. Let me explain to the house about EPODE. It is about working together against obesity in children. I have looked at programs that are available across the planet that are helping communities reduce the amount of obesity in children. There are not very many places in the world where there has been success in doing this. There are two places that I am aware of. One is Singapore, where children who are overweight or obese are singled out, put into a separate classroom at lunchtime and made to eat special food. They are kept in after school and made to undertake special exercise. It does not seem to me that that would be a program that would work in South Australia.

Also, I have looked at another program in France, where EPODE, a non-government organisation which has had to get its funding from non-government sources, has worked with communities such as schools, doctors, restaurants, local councils, industry and academics to try to change the social norms in the community in which they are working. It is now operating in 100 or so communities in France. It is also operating in Spain, Belgium and Canada. In the 100 or so communities in which it is operating within France, over the last few years of this program it has been able to demonstrate a reduction of something like 10 to 15 per cent on average in the rate of obesity in children from those communities.

It is a profoundly successful program. It has very strict ethical guidelines about how those who are sponsoring the program are involved. They cannot promote their products to the schoolchildren. They cannot use the fact that they are sponsoring this program to promote themselves. There is a range of ethical standards. The member for Unley knows this because he attended the meeting where all this information was explained. His interest is not in helping children

reduce weight: his interest is in trying to play politics—something I have to say he does not do very well. He has not even bothered to stay in the chamber to listen to the answer to the question which he asked. He is a reprehensible person and he should be ashamed of himself for reducing this very fine program.

BLOOD LEAD LEVELS

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:27): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Today I am pleased to release the 2007 Port Pirie blood lead level annual results. These results demonstrate that there has been in excess of a 10 per cent reduction in the number of children with a blood lead level greater than or equal to 10 micrograms per decilitre when compared with the 2006 calendar year result. This comes on top of a significant reduction between 2005 and 2006. In short, there is a downward trend in the number of children aged under five with blood lead levels greater than or equal to 10 micrograms per decilitre. In fact, the number of children aged under five with lead levels over 10 micrograms per decilitre is now at its lowest since we started recording this data in the early 1980s.

This is good news for the people of Port Pirie and the future of Nyrstar (formerly Zinifex), the lead smelter. The reduction in blood lead levels can be attributed, largely, to the tenby10 program, which is a joint initiative between Nyrstar, the operator of the Port Pirie lead smelter, Port Pirie Regional Council and the state government. The tenby10 project has set a goal to ensure that at least 95 per cent of children aged under five have a blood lead level of less than or equal to 10 micrograms per decilitre by the end of 2010. This will be a very difficult target to meet but we are currently on track. If the current rate of reduction between 2006 and 2007 is maintained through to 2010, the target will be met.

The tenby10 program has involved a highly successful education program to inform Port Pirie residents about how to minimise their contact with lead, especially how to shield their children from possible exposure.

Members interjecting:

The SPEAKER: Order! The member for Unley and the Deputy Premier will come to order.

The Hon. M.J. Atkinson interjecting:

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

The Hon. J.D. HILL: Thank you, Mr Speaker. In addition, capital works undertaken to enclose the new blast furnace and install new equipment at the slag fumer were completed in August 2007. This will significantly reduce emissions from the smelter, and it is anticipated that it will lead to a further reduction in the blood lead levels of children in Port Pirie.

These projects are part of Nyrstar's commitment of \$56 million aimed at reducing emissions. The future of Port Pirie and the Nyrstar lead smelter are intrinsically linked. The smelter and the community must be able to cohabit. The figures released today demonstrate that by working collaboratively with local government and Nyrstar we are heading in the right direction to solve a problem that has plagued the people of Port Pirie for decades.

RING CYCLE

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:29): I seek leave to make another ministerial statement.

Leave granted.

The Hon. J.D. HILL: I know that this matter will cause great grief to the Treasurer. I wish to update the house on the current status of a possible remount of the State Opera of South Australia's production of Wagner's *Ring Cycle*. The 2004 production of the *Ring Cycle* was a major artistic and cultural tourism event of national significance, which attracted a large national and international audience. It did, however, require a significant funding investment through a joint South Australian and Australian government partnership.

In September 2005, following the success of the 2004 Adelaide production, I announced that the South Australian government, through Arts SA and the South Australian Tourism Commission, would commission a study into the feasibility of remounting the *Ring Cycle* and its possible longer term future as a major event on South Australia's and Australia's cultural tourism calendar. At that time, I stated that the future of the *Ring Cycle* in South Australia would depend on a shared financial commitment between the Australian and the South Australian governments.

Following consideration of the findings of the *Ring Cycle* feasibility study undertaken by Ernst & Young and discussion with my cabinet colleagues, the Minister for Tourism and I wrote to the Australian government in December last year to determine its interest in contributing to a remount. The Hon. Peter Garrett AM, Minister for the Environment, Heritage and the Arts, has now replied to our letter, advising that the Australian government is declining to support a remount. Without a shared financial commitment, the South Australian government will not be able to proceed with a remount of the *Ring Cycle* in 2011. I must say, it gives me great sadness to have to announce that.

Whilst this is disappointing, it does not detract from the success of the 2004 production and its enduring legacy, namely, the enhancement of Adelaide's reputation for artistic excellence and the significant flow-on benefits for the arts in this state. In addition to attracting critical accolades at the time, including an unprecedented 10 Helpmann Awards in 2005, the production continues to be acclaimed around the world, as the Melba recordings of the *Ring Cycle* operas are successively released. In particular, the Adelaide Symphony Orchestra acknowledges that the *Ring Cycle* significantly improved the quality of its playing and enhanced its reputation, giving it access to conductors and agents it was previously unable to approach, and leading directly to a special concert performance in Malaysia.

The State Opera of South Australia, which produced the 2004 *Ring Cycle* (a great achievement for a small dynamic team) continues to go from strength to strength not only presenting outstanding mainstage operas, but also contributing to the development of new works and emerging artists through its innovative Studio program.

ALEXANDER, MR P.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (15:32): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: Can I say from the outset that I have seen a ring cycle: Cold Chisel in the ring at the Entertainment Centre about three years ago. It was terrific.

An honourable member interjecting:

The Hon. K.O. FOLEY: No, in the ring.

Mr Pisoni: That's it? That was a good ministerial statement.

The Hon. K.O. FOLEY: No, but I just thought you would enjoy me sharing it.

Mr Pisoni interjecting:

The Hon. K.O. FOLEY: You don't like Cold Chisel?

Mr Pisoni: Get on with your statement.

The Hon. K.O. FOLEY: Yes, sir.

The SPEAKER: Order!

Mr Pisoni interjecting:

The Hon. K.O. FOLEY: Have you always been like this, or is this arrogance just something you developed when you came into this place?

The SPEAKER: Order!

Mr Pisoni: I'm learning from the masters over here.

The Hon. K.O. FOLEY: Fair enough.

An honourable member interjecting:

The Hon. K.O. FOLEY: Yes. I would normally table this ministerial statement, because it has been read in another place but, because of the substance of the statement and because the person in question is someone with whom I have worked for many years, I would like to read it and perhaps add a few comments of my own, if I can be so indulged.

Today we see the end of an era with the retirement of the President of the Police Association, Mr Peter Alexander. Peter Alexander's career started back in 1967, when he joined the South Australian police force as a 20 year old. He served the majority of his 24-year police career in the CIB. After stints in the old general squad, the Elizabeth CIB and the Drug Squad, he was posted to the Major Crime Investigation Branch, in which he worked as a detective-sergeant on many high profile murder cases.

Peter's service to the Police Association began with two terms as a delegate in the 1980s and continued with his election as a committee member in 1987. He became vice-president in 1989 and the first full-time president in 1991. For 10 of his 17 years as head of the Police Association of South Australia he also served as president of the Police Federation of Australia. Peter retires not only as the longest serving president in the 97-year history of the Police Association but also as the longest serving president of the Police Federation of Australia. During his 17 years at the helm of the association, Peter has worked with five premiers, nine police ministers (of which I was one) and two commissioners of police. This is what the current Minister for Police is saying:

What stands out for me the most about Peter has been his ability to foster good relations with all political parties, and how he has created a positive public image for the policing profession and police unionism. His dedication, professionalism and engaging manner have gained him enormous respect not only from both sides of politics but, I believe, the wider community.

During his career, Peter has been an outstanding operational police officer, a skilled investigator, and someone who has tirelessly served the police, his members and the people of South Australia. We have one of the best, if not the best police services in the country and it is the integrity and reliability of people like Peter Alexander that has helped set the high standards of professionalism that exist in the police service in our state.

Peter has given his valuable expertise to police unionism at not only local and interstate levels, but also on the global scene through his participation on the International Law Enforcement Council. He was also the unifying force that rallied other police union leaders to form the Police Federation of Australia.

Honourable members: Hear, hear!

The Hon. K.O. FOLEY: The statement continues:

He has fought and won significant improvements in police wages [I can attest to that] and conditions over the period of his tenure. This includes last year's EB agreement which delivered an average wage increase of 16 per cent during the three-year life of the enterprise agreement, backdated to 1 July 2007. He helped influence many new laws, including tougher laws for those who assault our police, changes to DNA law, and the list goes on.

These improvements are testament to the hard work of Peter Alexander. His departure will take place at the declaration of the poll to elect his successor, occurring later on today, that will bring about the first change to the association's presidency in more than 17 years.

On behalf of the state government, I [the police minister Mr Holloway] extend my gratitude to Peter Alexander for his 41 years of dedication to public service and police unionism.

Mr Holloway wished him, and also his wife, Joan and their family, all the very best for the future and a long and happy retirement.

I would like to say a few words, in addition to Mr Holloway's statement: I proudly served as police minister for three years and, in that time, developed a very constructive working relationship with Mr Alexander. We certainly did not always agree (and often we did not). The very first meeting was, I think, a bit of a shake-down meeting when Mr Alexander wanted to see whether I had the mettle, the ability or toughness to handle negotiations with him and, from memory, we asked all advisers to leave the room. As you can imagine, a few expletives were exchanged from either side but, following that short exchange, we developed a very close relationship on a professional basis. Indeed, I became, I think, a good friend (I would hope) of Peter Alexander and always enjoyed a robust relationship with him.

I witnessed a very good relationship between him and the police commissioner. There were always very serious points of difference between them, but both Mr Mal Hyde and Mr Alexander are very strong individuals, men of principle, men of good intent, and it was an enjoyable and somewhat enlightening experience to watch the interchange between the two.

Peter Alexander has served this state well, and I think it can be summed up in this way: when I was police minister (and to this day) one wakes up and reads the paper or sees the TV

news and one hears about and reads about issues that have been occurring in other states, in terms of the politics of police associations (as we see in Victoria) or matters of corruption that we may have seen elsewhere, but in this state the quality of our police administration, the quality of our police unionism and, indeed, the quality of our police force is such that we can be proud of the best police force in this nation, and a police force that serves the people of this state extremely well.

I have no intention of canvassing the issues that were discussed earlier today in question time, because this is a moment to reflect upon the career of one very important and very significant contributor to policing in this state in the post-Second World War period. He probably will not like me saying that. However, over the last 41 years Peter Alexander has, in my view, demonstrated the very best in South Australians when it comes to dedication to public service, and I will miss working with him.

I wish him, Joan and his family all the best. Peter can be very proud of his outstanding service to his state and to his police force.

Honourable members: Hear, hear!

GRIEVANCE DEBATE

HEALTHY EATING PROGRAM

Mr PISONI (Unley) (15:40): Today I rise to speak as the shadow minister for education, but also as a parent who very proudly sends his children to government schools, both a primary school and a high school in my own district of Unley, like so many others who choose to send their children to government schools. It is all about choice on this side of politics, and I have chosen to send my children to government schools. I am very pleased to boast that so far my 14 year old daughter has been a straight A student. So, as a proud father I stand here making these comments about my disappointment with the government's attempt to remove junk food from our schools.

I refer to the instructions that have been on the website for teachers since Tuesday night. In the question and answer section of the website, the question is asked:

Do the healthy eating guidelines apply to out of school care, homework centres, vending machines, sporting events and school camps?

In response, the guidelines clearly state:

The guidelines apply for all food-related activities in a school and preschool site. This includes curriculum, canteens, food services, outsourced canteens, sporting activities, camps, excursions, homework centres, fundraising, out of school hours care, student rewards and behaviour management and vending machines.

On 27 February, the department, through Jan Andrews, the Deputy Chief Executive of Schools and Children's Services, distributed a circular that seeks to clarify the ban of junk foods. It states:

I am writing to clarify aspects of the Right Bite strategy now being implemented by our schools and preschools. The ban on junk food under the Right Bite strategy only—

and 'only' is underlined, so there is less chance of confusion here—

applies to food and drinks sold in canteens and vending machines. The ban does not include special events such as fundraisers and school celebrations.

But that is not what the website states. The website, which displayed the questions and answers a full month after this circular, states that those activities are not allowed to have junk food.

Then we have a situation of cakes being banned in schools at Gawler, and a month later the circular from Jan Andrews goes on to state:

Birthdays cakes and food or drinks provided to children from home are not covered by the ban.

So, there is total confusion in the schools. So much confusion, in fact, that we are seeing an abundance of schools selling amber food and not green food. You might find the odd fruit salad but everything else comes from the freezer. As a matter of fact, I am aware of schools that have gone out and purchased extra freezers for this new healthy food line. One has got to ask oneself: if the object of this is to have additional healthy green food then why on earth are schools buying more freezers?

You can understand why people are confused because in the government guidelines—again, available on the website today—you have cakes in the amber category and cakes are also listed in the red category. How are parents, students and teachers supposed to decipher this? We have already seen Morphett Vale High School and Parkside Primary School having to close their canteen because there is no government support for this program.

When they introduced a similar program to this in Queensland there was government funding to offset any loss of profits by school canteens on which schools have become reliant—but not in South Australia. In South Australia the minister has just pulled the rug and, as a matter of fact, she told this house, through a question on notice, that there would be no financial impact on school canteens due to the new healthy guidelines.

That is wishful thinking and it displays a lack of understanding of what is going on in our public schools. It is a disgrace that it has got this far and that the minister still denies that there is a problem with the canteen program. So much so that she accuses any criticism as being an attack on the public school system. I am a strong supporter of the public school system and that is why I send my children to public schools. This minister is so out of touch that she has no idea of what is going on with her own program in South Australian schools.

JOHNSON, MR M.R.

Mr PICCOLO (Light) (15:45): I would like to take the opportunity today to pay tribute to the work of one of my constituents. On previous occasions in this place, I have acknowledged the valuable contribution made to the wellbeing of my community by numerous volunteers and other community-minded people. Today, I would like to acknowledge the work of Martin Johnson, a local writer and poet.

Martin has made a valuable contribution to the cultural life of Gawler through his work as a writer and poet. His work has reflected the lives of the people of Gawler and the surrounding areas. Martin spent his first 12 years of life growing up in the married workers' camp during the building of the South Para reservoir. Here he became acutely aware of the working-class lifestyle: the daily struggles, the lack of opportunity and the hopes and dreams of the men who worked there, and their families.

After a stint in the Royal Australian Navy and at a brick-making factory, he began writing poetry while working as a piece-work timber feller at the Mount Crawford forest back in 1981. Martin's first book *A Kind of Madness*, an anecdotal history of timber felling at Mount Crawford between 1926 and 1986, was published in 1990. This was followed, in 1992, by *20 Houses*, an anecdotal history of the building of the South Para reservoir. Both publications provided not only a voice for working-class people but set the stage for his commitment to represent ordinary people in his further writing.

Martin's first book of poetry, *After the Axe-Men* (poems from Mount Crawford forest), was published by Penguin Books in 1996. This was followed by three more commercially produced books of poetry. *The Clothes-prop Man* (poems from the South Para reservoir), was launched as part of the 2002 Adelaide Festival of Arts Writers' Week. Then followed *Hometown Burial*, which was launched as part of the 2002 Tasmanian Poetry Festival. Mike Ladd from ABC Radio National said:

Martin Johnson writes poetry of direct experience but rounded with a...viewpoint, a belief in his own and others' humanity.

This book was also made into a production for ABC Radio National, *The Other side of the Tracks*. This 40-minute program was broadcast in July 2002. His next book, *The Earth Tree*, was published in 2004. This book was actually described by a poetry critic as follows:

South Australian Martin R. Johnson's new collection, *The Earth Tree*, is a celebration of work that is wholesome in poems that alert us to the rhythms of country town life, low-income standards of living and a simple lifestyle with its positive attunement to nature.

Disappointed by the lack of opportunities and support by Australian book publishers, Martin started his own small press called Brand New Lino in 2005. He has since published three collections: *The Hermit Crab's New Home*, which attempts to portray something of the lives of ordinary people disadvantaged by a lack of opportunity and low incomes; *Living with Ghosts* (2006), which brought to life the history of the town of Gawler between 1839 and 2000; and his more recent work, *City of Now*, which is a poetic and photographic interpretation of the character of a country town (Gawler) at the beginning of the 21st century (and I am actually in that one).

On Sunday, 25 June 1995, Martin, along with his partner, poet Cathy Young, began the first Gawler Poetry Reading and, since that date, there have been 78 more. During this time, the couple has published (under the name of Gawler Poets) six anthologies of poetry aimed at encouraging new voices and, in particular, to provide an opportunity for regional writers. This is the reasoning behind Gawler Poets inviting their Broken Hill colleagues, the Silver-tongued Ferals, to perform in the town on Sunday 31 August this year.

Aware that artists in the Gawler community needed a voice and means by which they could promote themselves, and through his own experiences to be published for the first time, Martin established *The Arts Page* in the Gawler *Bunyip*, and has published about 70 articles based on people living around Gawler. Martin says, 'More than anything else I believe in the value of ordinary people to the community in which they live.' He is committed to recording his life and his talent in poetry. The cultural life of Gawler and the surrounding districts is enriched by the passion and commitment of Martin Johnson.

SOUTHERN OCEAN LODGE

Mr PENGILLY (Finniss) (15:50): Some three to four years ago I was approached by James and Hayley Baillie in my previous life as mayor on Kangaroo Island to have some discussions about a development they proposed over there which ultimately became the Southern Ocean Lodge. At that time I worked with the Hon. Paul Holloway, the planning minister, to get this thing off the ground and I was very pleased when the government declared it a major project because I thought that that was the only way that we would actually get it running in the best interests of Kangaroo Island and, more to the point, South Australia.

I am very pleased to report that, last Saturday, the Southern Ocean Lodge opened to visitors for the first time. It is a very expensive destination and I would have to say that it is not designed for normal family holidays. It is at the top end of the market, and it attracts wealthy visitors from overseas who desire that sort of accommodation and location. Personally speaking, I am quite happy camping under a gum tree or something similar and I cope with that quite well.

However, it is a great credit to Hayley and James at Baillie Lodges that they have got this project up and running. I think, off the top of my head, that it was around some \$14 million to \$14.5 million. It provided a considerable amount of employment but it was not without controversy in the development stage. I think that the unfair criticism that was thrown at it was inappropriate; however, the fact of the matter is that this is a democracy and people can put their views one way or the other, and long may it remain so.

As it turns out, this is an absolutely stunning development. I see in the local paper today that there is criticism that it will turn Kangaroo Island into Majorca. What a lot of nonsense! There are 500 kilometres of coastline for a start and, if you get in a boat and go along the coast, you see very little development. It is an absolutely stunning location down on the south coast two kilometres west of Hanson Bay. It is built on the cliffs on the side of a hill and you can hardly even see it from Hanson Bay. It is of absolutely outstanding quality.

That is what is required for this sector of the overseas visitor market. I think, off the top of my head also, that some 38 per cent of visitors to Kangaroo Island are international visitors from all over the world, many from Europe, increasing numbers from India and China, a lot of Singaporeans, and a lot of North Americans and some South Americans, just to name a few. They are fascinating visitors. They come to Australia for the wildlife. They come to Kangaroo Island, particularly, for the wildlife. That is what they come to see, and they love it.

I am still concerned that there is some quite unjust and unfair criticism levelled by people who are perpetrating all sorts of myths and stories. I congratulate the Department for Environment and Heritage and the National Parks and Wildlife Service on coming out today and dismissing some of the erroneous nonsense about special deals being done with wealthy companies which choose to invest in South Australia and about visitation to places like Seal Bay. It is absolute balderdash, and it has been perpetrated by people who cannot get over the fact that this lodge will be successful. It is in the right place and it is a good development. I am very pleased that it is now up and running.

The Baillie family are absolute experts in this sort of thing. They do it up in North Queensland and they do it on Lord Howe Island. I think that I am right in saying that they plan, if they have not done it already, to do it in Tasmania. This is the sort of quality development we need for that category of the market. We need more of it and we need it appropriately located in the right places, where it is going to work. It is fine to have multi-storey hotels in the city, that is fine, but there are locations where you need carefully built, carefully thought out and good accommodation for international visitors and those people who want to go into it. So I am very pleased that it has been most successful.

CLEANING INDUSTRY

The Hon. S.W. KEY (Ashford) (15:55): I am very pleased today to be able to report on a great initiative by a union that I am a member of, the Miscellaneous Workers Union. It is called the

It's Time campaign, but in this case it is time to fix the cleaning industry. Having worked as a cleaner myself, certainly when I was a student, I have some idea of the trials and tribulations of being a cleaner, but certainly I have not had the opportunity to work for some of the big cleaning firms, which is where this particular campaign is directed.

What the Miscellaneous Workers Union has found out is that cleaners are saying that their workloads have increased so much that it is impossible for cleaners to do their job in paid time, and this increases cleaners' risk of injury, and that in many cases cleaning shifts are so short that cleaners have to take on a second and even a third job to earn enough to live on. In many buildings some shifts are just two hours long. I think certainly there have been some issues raised with the government with regard to the cleaning of our electorate offices. So I think this is something that we should put on notice for them as well.

In many cases the pay is too low. On average, it is less than a third of the average weekly earnings. Job security is low and precarious, and when contracts finish many workers in those contracts lose their jobs. So cleaners find it very difficult having to then join up with a new contract, and a new firm in many cases.

Cleaners have got together with the Miscellaneous Workers Union and looked at ways in which they can change the industry. One of the programs that they have employed is The Clean Start 7 Fair Solutions campaign, where they are looking at fair hours, fair workloads, fair pay, fair job security, fair treatment, fair leave and fair rights.

I am very pleased to say that a number of employers that I have spoken to, both within the electorate and outside, have supported this campaign and are looking at making sure that cleaners get a fair deal, and also that the contracts that they are awarded actually do include these particular points. First of all, a minimum four-hour shift; a commitment to safe and reasonable workloads; improved job security; and looking at increasing the actual wage level for the work that is performed.

The contractors, and, as I said, there are many of them, I am pleased to say have been prepared to sign up to the Clean Start collective agreement, and there have been a number of areas of support from the community for this particular program.

At the end of last year I had the opportunity to visit my relatives in England, on a private trip, and one of the places that we were going to meet was in front of the new Tate Gallery and then have dinner in the restaurant upstairs. We had trouble getting into the gallery because there was a picket line, and the picket line was made up of workers who were part of the UK Clean Start campaign, and also local people who were very concerned about the fact that many workers who worked within the area of London itself are on minimum wages, particularly cleaners. So, I am pleased to say that my relatives were not prepared to cross the picket line either, and we had to find somewhere else to dine. This is after we joined in on the picket line.

It is interesting that across the world—I know particularly in the US and in some parts of Europe—cleaners have been asserting themselves because, while we tend to take this job for granted, it is really important that we recognise all workers, particularly workers in industries that are quite often precarious and where job security is low.

INSTITUTE OF PHYSICAL ACTIVITY

The Hon. I.F. EVANS (Davenport) (16:00): I rise today to advocate for the establishment of an institute of physical activity within South Australia based on a centre of excellence model that we have known in this state as the South Australian Sports Institute, which tends to focus on the elite level of athlete. I declare that I have had nephews, nieces and sons go through the institute of sport and, therefore, I have an understanding of how that organisation works. I am not criticising that organisation. It seems to me that Australia, and western society in general, has an epidemic of diabetes and obesity, for a thousand different reasons—some social and some dietary—but, whatever the reason, the next generation, we are told, could be the generation that does not live as long as their parents. As legislators, I think we have to deal with that; so I advocate for an institute of physical activity.

I do so because I do not accept, and have never accepted, the argument that elite athletes and elite athletic competition promotes physical activity. Those who advocate that—the elite sport lobbyists—will say, 'If you get the world cup, more kids will play rugby,' or soccer or cricket. The statistics show that holds for a very few months after a world championship event. Look at Australia over the last 20 years. We have hosted what is known as the best Olympics ever in Sydney. We have had the Thorpe, Hackett, Lenton and O'Neill sensations in swimming. We have had the Cathy

Freeman sensation in athletics. We have had the Stuart O'Grady performance on the world stage in cycling, which has led to the Tour Down Under here. We have had Lleyton Hewitt, a local, do very well on the world stage in tennis.

Look at our sporting teams. Our cricket team has won the world cup in every form of the game over the last 20 years on a consistent basis. We have hosted the world cup in rugby and are world cup champions. We have won the world netball championship. Australia has hosted and won the Davis Cup. We have had our best performance in soccer in the last 20 years, our best performance in basketball in the last 20 years, and we have seen the development of the Australian Football League increase substantially over the last 20 years.

Regardless of all that sporting activity at the elite level, our kids are getting fatter and, ultimately, sicker through diabetes. So it seems to me that we need a centre of excellence to design policies and programs that get our kids active—and not just our kids but adults also. I see no reason why a centre for physical activity could not run programs in our schools, programs for public servants and programs even for private enterprise to get people physically active, because we have a health problem that is going to hit our community very hard in a budgetary sense and in a health sense over the next 20 years. So I argue that we should invest more in community sport so that when people attend community sport and recreation groups (and it does not have to be competitive) they get a good experience, because it is the first experience with those events that will gauge whether the child or parent continues in that activity.

Some people will argue for a ban on food advertising. I argue that that will do little in the long term because I do not think it is necessarily just what people are watching that is the problem. I think it is the fact that they are sitting and watching that is actually the problem. They are sitting down and watching elite sport on TV. They are sitting down and watching a lot more sport on TV and sitting in front of their computers for longer than we ever did. So, I argue that, with the health issues that we face, it is time for South Australia to set up an institute of physical activity as a centre of excellence. I think that would be a positive move for the state.

Time expired.

PLAYFORD CITY COUNCIL DISTRICT

Mr O'BRIEN (Napier) (16:05): I wish to inform the house of a significant report that has just been released by Professor Richard Blandy entitled 'A Quantitative Assessment of the Playford Economy', which highlights the booming nature of the local economy within the Playford council area. My electorate of Napier is the only state electorate wholly contained within the Playford council area and sits near its geographic centre. Besides the strong economic positives highlighted in Professor Blandy's report, there are also highlighted some serious difficulties in the integration of the local community with this economic success, mainly due to the proportionally low number of people with post-school qualifications.

Given my interest in championing a significant improvement in the quality and accessibility of the education system in my electorate, I want to bring to the attention of the house the essence of the report. Professor Blandy's report gives reasons for further optimism on the economic front, with Playford's gross regional product now reaching \$2.1 billion, which represents 3.4 per cent of the South Australian economy. Significantly, Playford's economy grew by a very healthy 4.9 per cent per annum between the years 2001 and 2006. This is significantly higher than the healthy overall growth rate of the South Australian economy, which stands at 2.5 per cent per annum for this period.

This economic growth is providing a much needed boost to the employment opportunities in Playford. Specifically, the number of jobs in Playford grew by a solid 3.9 per cent between 2001 and 2006, again significantly higher than the South Australian jobs growth rate of 1.9 per cent per annum. It effectively doubled the rate.

However, 60 per cent of jobs in Playford are filled by people who live in the wider Adelaide metropolitan area. This figure could potentially rise further, given that the manufacturing industry's share in the local economy is falling in favour of property and business services, government administration, defence-related activities, health and community services, and the retail trade. With the shifting economic focus of the area, the workforce is in the process of upskilling rapidly. In relation to the extra local jobs that were filled in Playford between 1991 and 2001, 87 per cent were filled by people with some form of post-school qualification, but only 36 per cent of jobs requiring a university degree were filled by locals. These figures demonstrate the importance of providing the youth in the northern suburbs with educational opportunities necessary to equip them with post-school qualifications necessary for employment in their community.

The government's building of the new superschools in the Smithfield Plains/Davoren Park/Playford North area is vital in order to rejuvenate the education system of the region. I have maintained a strong interest in their development. My three-week study tour of English specialist high schools in July 2006 convinced me of the success that school specialisation can achieve. The new birth-to-year-12 super school at Playford North is planning to adopt a health and health science specialism, which will allow its students to explore pathways into the many health-related opportunities in the area. Craigmore High School is teaming with Parafield Gardens High School as a trades school for the future, with an advanced manufacturing high-tech speciality.

With the northern suburbs on the cusp of a significant acceleration of the economic boom already under way, it is imperative that local youth, in particular, are given every educational opportunity to attain the level of training and education to allow them to enjoy the fruits of this prosperity. I am sure the embracing of specialism by high schools across the entire northern suburbs will continue, and Professor Blandy's timely report will supply extra encouragement to this process.

CRIMINAL LAW (SENTENCING) (VICTIMS OF CRIME) AMENDMENT BILL

The Legislative Council insisted on its amendments to which the House of Assembly had disagreed.

WORKCOVER CORPORATION (GOVERNANCE REVIEW) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 February 2008. Page 2312.)

Dr McFETRIDGE (Morphett) (16:11): I will not keep the house 3½ hours on my second reading contribution. This bill is a concise and precise piece of legislation which the opposition will be supporting. I will be raising some issues and I have some questions for the minister during the committee stage. I understand there are some government amendments and, also, some amendments to be moved by the erstwhile member for Mitchell.

This bill is designed to clarify and open up the relationship between the government and WorkCover. One would think this relationship would be very close because of WorkCover's responsibilities and the potential for the unfunded liability to impact on not only the AAA rating of the state but also the entire finances and financial mindset of this state. Certainly, we all know that the unfunded liability is getting up towards \$1 billion. It is a significant figure in anyone's mind and it is affecting a number of people's mindset, so getting that unfunded liability under control will be a job for anyone. It is vital that WorkCover Corporation's relationship with the government is somehow tightened up through this legislation and that it is more open and transparent and subject to audit, as well, by the Auditor-General.

During his second reading explanation, the minister said that the committee needs to be confident that the government and WorkCover are working together on delivering these reforms. We spoke about the reforms during the past five sitting days, and we all should be aware of them now; certainly, the unions and the employers are more than aware of what is happening. We just hope that it has some effect on the way in which WorkCover is being managed in this state. This bill contains three specific proposals to allow the government and WorkCover to work together to deliver these reforms. During his second reading contribution, the minister said:

First, the bill replicates the power of ministerial direction used in the Public Corporations Act...

Because I have been responsible for this portfolio for only six weeks, I was not sure of the relationship between the government and WorkCover under the Public Corporations Act. I was surprised to see that WorkCover is not part of that act, although I understand it was recommendation No. 6 of the 2005 Statutory Authorities Review Committee. Why that has not happened, I do not know. Perhaps the minister can take that on board and answer it later.

The second aim of this bill is to prepare a charter and performance agreement between the minister and WorkCover. I will be looking to see how effective the charter is because it is vital to the economy of the state, to WorkCover and, in particular, to injured workers and employers—that whole group of people—that the performance of WorkCover is improved significantly.

When I say 'WorkCover', I am using the generic term: that includes the WorkCover Board, the managers of WorkCover Corporation and the case manager, EML, and, I suppose, further down the food chain to the case managers, the rehabilitation providers and all the other people involved in getting workers back to work. I remind the house that the other bill's title includes the

words 'workers rehabilitation and compensation'. It is 'rehabilitation' first and 'compensation' next. So, it is about getting injured workers back to work in a fair, just and decent fashion.

Thirdly, the bill proposes that WorkCover have its accounts audited by the Auditor-General. I have no problems with that at all because, if there is any extra imperative that we can put on to the board (and so WorkCover generally) to make sure that it performs as we all hope it should, and as it said it would perform back in 2006 (and I will talk about that in a moment), that will be a bonus for everyone in this state, particularly injured workers and employers.

I am surprised about the need for this sort of legislation because I understand that the minister can give ministerial directives (and I will talk about that a little later). However, let us have a quick look at the way in which WorkCover has been travelling in South Australia. I know that we spoke about this during debate on the previous bill, but it is important to see why we need this piece of legislation, which provides for performance agreements and ministerial direction to be enhanced and also provides for audit by the Auditor-General. On 19 January 2006 (over two years ago now), Julia Davison, the CEO of WorkCover, issued a press release which stated:

WorkCover Chief Executive Officer Julia Davison said Employers Mutual had been appointed as WorkCover's sole claims agent following a rigorous and highly competitive tender process for new agent contracts, effective 1 July 2006.

Ms Davison said as follows:

Injured workers and employers will benefit from more claims managers delivering consistent service from an agent that has an outstanding track record and an excellent model for achieving improved recovery and return to work outcomes.

She went on to say:

Contract terms include a cap on the number of more serious cases an individual case manager is allocated. That will mean a 25 per cent increase in dedicated case managers for injured workers.

The anecdotal evidence that I am hearing differs from that, and I am told that the turnover at EML is extremely high and that the experience and training of those case managers is minimal. That is the anecdotal evidence I have heard, and I would like to see evidence that that is not the case. The press release of January 2006, over two years ago, continues as follows:

In a clear win for the South Australian businesses that pay for the scheme—

and it is businesses paying for the scheme, as they should, because it is their workers who are being injured, but we want to make sure that cost will not be a disincentive to stay in South Australia—

Employers Mutual expects to cut the claims liability by up to \$100 million a year after only two years under the new contract.

EML has been there for nearly two years, and we are not seeing the results that were predicted two years ago, in January 2006.

Interestingly, a little over two years later, there was another press release from the WorkCover Board dated 28 February 2008. I will read again what was said in January 2006 by Julia Davison, the CEO of WorkCover. She stated:

Injured workers and employers will benefit from more claims managers delivering consistent service from an agent that has an outstanding track record and an excellent model for achieving improved recovery and return to work outcomes.

That was two years ago. On 28 February this year, with reference to the legislation that we have just passed through this place, WorkCover chairman Bruce Carter said in a press release:

Failure to adopt this legislation would be a failure to address the Scheme's inadequacies in returning injured workers to work, and would result in a further deterioration of the Scheme's funding position.

So, there is an acknowledgment that the predictions that were made back in January 2006 about improved recovery and return outcomes that were promised or predicted by EML just have not come to fruition, so one would have to ask about EML's performance. I just hope that the performance agreement that is being inserted in this new bill with respect to the relationship between the minister and WorkCover overflows into the relationship between the WorkCover Board and EML, because a number of people both within the union bodies and the employer groups are very scathing of the performance of the WorkCover Board and EML.

I do not want to use this place to criticise them, but that anecdotal evidence is there, the criticism is there, and I put that on the record in this place if for no other reason than to make sure

that the minister, the WorkCover Board and EML are aware of the information that is being fed to the opposition. I have good friends who have worked as investigators in the WorkCover area for many years, and I have no reason to disbelieve them, and the stories they have told me about their interaction with WorkCover Corporation and EML leave a lot to be desired. There are many people, both in the unions and the employer groups, who believe that an improved case management model, which was promised back in 2006, has not been delivered, and that is why we are in the dire straits that we are in today.

On page 182 of the Clayton report, which was prepared to help fix up the WorkCover scheme, Alan Clayton has a section headed 'Increasing the capability and capacity of scheme partners'. That is pretty obvious, but I wish to read it into *Hansard*. Mr Clayton states:

The path forward involves a highly dedicated commitment to quality injury management and return-to-work practice. This requires highly competent and professional practitioners across all the various disciplines that are involved in injury, claims and return-to-work management. This is not easy. Quality claims injury and return-to-work management requires a high level of skill and competency, since work injury and illness is best understood in terms of biopsychosocial models of health which involves a complex set of interactions involving the individual, their psychological makeup, the nature of their employment and their work, their family, and their social environment.

Superimposed upon this, in terms of the achievement of return to work, are a series of constraints and possible barriers, including the nature of the workplace culture and the employer's ability to offer alternative duties. Within this environment, the nature, quality and timing of interventions aimed at securing an injured or ill worker's return to work are crucial to the achievement of a successful and durable outcome. In the vast majority of cases, the return-to-work process is relatively unproblematic. However, unless careful attention is paid to the complete dynamics of the process, many cases which should have achieved a similarly unproblematic outcome, become complex, long duration claims.

That is the issue with the unfunded liability—those long duration claims. Unfortunately, we have not seen come to fruition the promises which were so eagerly looked forward to back in January 2006. Alan Clayton continues:

Acquiring a professional understanding of this environment, and the technical competencies to achieve quality outcomes with it, requires both training and experience.

You cannot argue with that. This is what we all want to see, and let us hope that this bill does something about it. Referring to claims managers, on page 143 Alan Clayton makes the following comment:

If there is to be a move to a scheme that entrenches sustained, durable and quality return-to-work outcomes, then clearly there needs to be a further effort directed towards the nature of staff engagement, induction and ongoing training.

As I said before, anecdotal evidence has been given to me and many of my colleagues (and I am sure other people in this place) relating horror stories about the way some cases are managed under the WorkCover scheme. That relates not to the self-insured scheme but to registered employers under the WorkCover Corporation and EML. The self-insured scheme seems to be in a parallel universe of success, and I think the epitome of that is the LGA. Even some government departments (which are required by law to self-insure) manage under the same legislation, the same range of injuries, high-risk workplaces sometimes, and they are able to do this really well. Let us hope that WorkCover, and its new relationship (after this legislation is passed) with this government will be significantly changed and the outcome very significantly improved. Alan Clayton makes a comment about the scheme regulator on page 185, as follows:

...the WorkCover Corporation needs to establish an organisational skills and competency base that gives it the capacity to effectively oversee and regulate the operations of the workers' compensation scheme.

If the WorkCover Board is not taking this sort of advice, it needs to take a long, hard look at itself. The impression I get, from some of the presentations and information put out by WorkCover, is—I will not be so harsh as to say delusional but—certainly not something that gives South Australians the opportunity to have great confidence in its future.

I am looking forward to hearing what the minister has to say about the ministerial directives that are being enhanced in this bill. In 2005 the Statutory Authorities Review Committee received evidence from Mr Bruce Carter about the number of ministerial directives. In 2003 there were only four ministerial directives. It will be interesting to learn how many more ministerial directives have been issued since then, and I would ask the minister to provide that information to the house.

Those few comments raise the concerns members on this side have about some of the ways WorkCover has been travelling in the past few years. I look forward to this bill doing what it

purports to do, and that is to improve the relationship between WorkCover and the government, and also enhance the performance of WorkCover generally.

Mr HANNA (Mitchell) (16:27): I am going to make some brief comments about the governance review bill brought forward by the government in relation to WorkCover. For a long time I have thought that having greater ministerial control and direction over WorkCover is a good thing. Obviously, there need to be safeguards to ensure that any sort of direction is not exercised capriciously and that there is no interference with an individual worker's claims. However, I do not have any objection to the proposal that the government brings to us. I hope that, when the minister has a small degree of additional power in relation to WorkCover, he uses it diligently.

One of the things that I did not mention in the debate over the past couple of days, about poor management practices, is one interesting illustration. I refer to the turnover of staff that has plagued WorkCover initially, then successive insurance companies that handled claims, and now EML. I hear from workers who go through about a claims manager a month. Over an 18-month period I think there was one worker who counted 16 different claims managers who handled the file. Is it any wonder that we are not getting effective return to work? I know that turnover of staff is not always an indicator of poor performance, but there are a lot of other indicators to suggest that it is an illustration of poor management practice.

Because I have made a few points about WorkCover over the past couple of weeks, I have had a lot of calls and emails to my electorate office from all over the state. People have been telling me their different WorkCover stories—lots of stories about shoddy, reckless, carefree behaviour of claims managers who allow expenses of all kinds to build up, even arbitrarily sending workers to medical appointments.

One email from a worker that I read just this morning—a bit too late for yesterday's debate—was in relation to the rehab provider that they had been assigned. Even though their injuries absolutely ruled out their return to work in the short term, the rehab provider would come and visit them, first at home and then even in hospital, just to have a chat about their return to work. Each time the corporation ends up going another \$300 into the red for an onsite visit by a rehab provider when, in fact, it was pointless at the very early stage of a serious injury.

There are probably thousands of examples that one could give if those sorts of management practices were properly examined. I know the minister cannot change that overnight, but I am glad to see that the minister will have a little more power to direct and reign in those sorts of management practices. My amendment is quite simple, and I will speak more about it in committee.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:31): I rise to speak on the WorkCover Corporation (Governance Review) Amendment Bill. I foreshadowed when we were dealing with the previous bill that I had some concerns arising out of the provision in the bill to replicate the power of ministerial directions. At present there is a power for ministerial directions to be issued, but this amendment was intended to replicate the power that is in the corporations act.

This is not so much about why we would move under this new structure. I am sure the lead speaker for the opposition has already indicated that we will be supporting the government in relation to that. In this area I am not certain that it is necessary for the purpose of directions, but I think there are some other benefits overall in our being subject to the Public Corporations Act, so I will not raise this discrepancy.

However, I have raised the question of what ministerial directions have been issued in the lifetime of this government. I understand (as I am quickly advised) that, although there has not been any indication from the minister yet as to directions that he or his predecessors have issued under this government, four directions were issued, as outlined in the evidence of Mr Carter, in the inquiry into the WorkCover Corporation in November 2005.

I will summarise them. The first one was to require prior approval by the minister for all overseas travel by board members—I briefly referred to that when I foreshadowed my question on this issue. The second one was that there be the appointment of a board observer and authorisation of disclosure under section 112(2)(g) of the Workers Rehabilitation and Compensation Act.

The third direction was an amendment to the criteria for exempt employer status to commence so that those employers remaining in the compensation fund are protected under transfer of liabilities, and the corporation was not to accept applications until the criteria had been amended. The fourth was an amendment of the criteria for exempt employer status to be

commenced, the exempt status not to be granted until the corporation is satisfied that the transfer to exempt status will not adversely affect the scheme's finances or unfairly affect employers who have no prospect of being granted exempt status.

Those directions were issued in 2002 and 2003, and there may well have been some since that time. The minister may recall that I inquired as to whether there had been any other directions. I mean this respectfully, but I just cannot remember exactly the date upon which the minister took office in his current portfolio, and he may not actually have been in that position at the time to which I have referred, that is, from March 2002 to April 2003, and there may well have been a number since that time. I seek clarification from the minister on that matter when we move into the committee stage. If he is able to provide that information I would appreciate it.

The minister may recall that, in dealing with the substantive bill on workers compensation reform, I requested information about the number of occasions on which there had been redemptions. This is particularly relevant if, in fact, there have been any directions by the minister in respect of redemptions—these certainly do not cover that—and, if so, I would appreciate that information.

I note that subsequent to my request there has been the disclosure of the unfunded liability of I think \$911 million, which as I understand it—and I stand to be corrected if this is not the case—is as at 31 December 2007. Regarding the figure for the third quarter of this financial year, I expect that the minister would not have the audited figures at this point, because the board would not have considered them as they still operate on a quarterly in arrears arrangement for the assessment of that. However, I would expect that the minister would have some idea or could give us some estimate of what that would be at present.

I suppose it would be reasonable for the opposition to assume that the unfunded liability is continuing to grow. I say that not as a criticism but because we are here being asked to pass this legislation—this governance and the previous bill that is on its way to the other place—for the very reason that the expansion of this liability will be unable to be arrested unless we have this legislative reform.

So, I assume that has continued to grow and there has not been a period of reduction by some other intervening factor, one of which, of course, could be if the WorkCover Corporation had exercised its redemption powers in the last six months or so to actually minimise that liability. If that were the case, there would be a reassessment of what the unfunded liability would be at this point, had perhaps a concerted effort been made to rid the books of the difficult cases—I do not know. That is why I seek clarification on those matters.

I can only hope that this change of governance will make a difference in both tightening up—that is as best as I can describe it—the ministerial direction power, if that needed to be done at all, and, in particular, being able to require a charter and then a performance agreement with WorkCover. I will put on the record that I thought it already had the power to ensure that in certain circumstances members would no longer remain on the board. Those circumstances would include non-performance or failure by the board to engage suitable agents for the purpose of carrying out its work, whether it involve the management of the claims or the return-to-work program with EML, or any other agent (at the moment, EML seems to have the exclusive contract, although Minter Ellison also seems to have a monopoly in that regard).

The minister already has power to deal with that and, in fact, his predecessor in the same government had also dealt with that. The board went; we had a new board and, although it took a bit of time to get one, we had a new CEO and a new regime; but we still have a serious problem. The minister already has these powers, so I do not think any excuse can be made by saying, 'We need to have this legislative change to remedy what has been an incapacity or a limitation on the existing governance.' The government has stated that this is necessary, so we hope that it is part of the overall remedy and that there will be some improvement, if it is needed. On that basis, I indicate my support for the bill.

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing) (16:40): I thank members for their contribution. The shadow minister and the member for Mitchell are both correct: this will modernise the act and it will give the minister stronger power and control of direction of WorkCover, which will be a step in the right direction.

The member for Bragg was right in the examples she gave. I have given four ministerial directions and I also wrote a letter to the WorkCover Board chair on 9 May 2003 about

rehabilitation and return to work. As I understand it, that was not a ministerial direction. Also, as I understand it, there have been no directions about redemptions. The member referred to four ministerial directions. The first one was on 12 March 2002. It was about overseas travel, requiring 'approval to be sought from the minister'. On 9 May 2002, in regard to board observer: 'Appointing an observer to the WorkCover Board'; on 10 April 2003: 'Criteria for exempt employer review and no applications for exempt status to be accepted pending the review of the criteria'; and on 9 December 2004: 'Direction issues to recommence consideration of application for self-insurance'. I do recall the member for Bragg asking me this question when we debated the other bill. That is the advice I have received. I have no reason to think that it is not the correct advice. It matches up with what the member for Bragg put on the public record.

Regarding the other aspect about which the member generally asked me a question, I do not have any estimate of the unfunded liability. The member is right: it was \$911 million as at 31 December 2007. To the best of my knowledge—and I am pretty confident that this is correct, although we have a lot of meetings and obviously lots of issues and discussions occur—I do not recall any estimation being put to me by the chair or the chief executive officer or, for that matter, anyone else. It was announced only about a week ago, I think, that the unfunded liability was \$911 million. I do not know whether there is any estimation within WorkCover and, to the best of my knowledge, that has not been communicated to me. I am not even sure that it exists.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

New clause 4A.

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

Page 2, after line 12—Insert:

4A—Amendment of section 13—Functions

Section 13(1)(c)—after 'employment' insert:

and to facilitate their early return to work

This clause will emphasise that two of the main functions of WorkCover are to assist injured workers in their rehabilitation and also return to work. It is important that we have that return to work in there, and that is what we are doing.

New clause inserted.

New clause 4B.

Mr HANNA: I move my amendment in an amended form:

Page 2, after line 12—Insert:

4B—Insertion of Part 2 Division 3

After section 11 insert:

Division 3—Register of interests

11A—Lodging of returns

- (1) A person who is appointed as a member of the board must, within 30 days after appointment, submit to the CEO a primary return in accordance with Schedule 1.
- (2) Every member of the board must, on or within 60 days after 30 June in each year, submit to the CEO an ordinary return in accordance with Schedule 1.
- (3) If a member fails to submit a return to the CEO within the time allowed under this section, the CEO must as soon as practicable notify the member of that fact.
- (4) It will be taken to be a condition of a member's appointment to the board that the member comply with the requirements of this Division and Schedule 1.
- (5) A member who submits a return under this section and Schedule 1 that is to the knowledge of the member false or misleading in a

material particular (whether by reason of information included in or omitted from the return) is guilty of an offence.

Maximum penalty: \$10,000.

11B—Creation and inspection of Register

- (1) The CEO must maintain a Register of Interests and must cause to be entered in the Register all information furnished pursuant to this Division and Schedule 1.
- (2) A member of the board who has submitted a return under this Division may at any time notify the CEO of a change or variation in the information appearing on the Register in respect of the member or a person related to the member within the meaning of Schedule 1.
- (3) A person is entitled to inspect (without charge) the Register at the principal office of the Corporation during ordinary office hours.
- (4) A person is entitled, on payment of a fee fixed by the Minister, to a copy of any part of the Register.
- (5) A person must not publish—
 - (a) information derived from the Register unless the information constitutes a fair and accurate summary of the information contained in the Register and is published in the public interest; or
 - (b) comment on the facts set forth in the Register unless the comment is fair and published in the public interest and without malice.
- (6) If information or comment is published by a person in contravention of subsection (5), the person, and any person who authorised the publication of the information or comment, is guilty of an offence.

Maximum penalty: \$10,000.

The concept behind this amendment is very simple. The minister will see that there are two amendments on file; the second one is consequential. In relation to this amendment it is simply to legislate for a register of interests for WorkCover Board members the same as that which parliamentarians must attend to. The suggestion has been that some WorkCover Board members will actually stand to profit from the way the scheme is administered and from their own proposals for changes to entitlements. If that is the case then, as a matter of public accountability, we ought to know what commercial interests board members have so that we can work out the extent to which they will benefit from cuts to entitlements which will eventually lead to cuts in levies. It is a measure of additional public accountability and I commend it to the committee.

The Hon. M.J. WRIGHT: The government opposes this amendment. I hear what the member for Mitchell is saying, but the requirement for the WorkCover Board to publish and maintain a register of interests is excessive and not consistent with the requirements of similar bodies. All other statutory authorities of similar status to WorkCover have almost identical or similar provisions to the current WorkCover Corporation Act regarding conflict of interest. The member is proposing a register of interests similar to those of elected members of parliament and probably councils for that matter as well. I do not personally see the need for it. It might even result in a loss of interest of some people to serve on the board.

There has been some conjecture about the role of one of the board members, maybe more. I have heard of one in particular and, as I have said in this place before, the chair has advised me on the numerous occasions where that person announces her perceived conflict of interest and removes herself from the room. I do not know whether it is broader than that, if it is more widespread. It may or may not be, but I think that to put the WorkCover Board into a class that other boards are not in is not the way to go.

Dr McFETRIDGE: Would your concerns about this conflict of interest and potential corrupt activity be taken care of if there were an ICAC in this state?

Mr HANNA: I certainly support the concept of an independent commission against corruption. That would certainly be taking an even stronger approach than simply passing this amendment of mine today. The minister has acknowledged in his response that there is a conflict of interest and sometimes it is inevitable that board members on statutory authorities will have a conflict of interest. The question is how that conflict of interest is managed.

I am glad to hear that that particular board member absents herself from meetings. I am glad to hear that the chairman, Mr Carter, informs the minister of that fact, but how does the public know this? How do the other stakeholders in the WorkCover scheme know what is going on? I think that there needs to be more transparency. If there were a full register of interest, like that of members of parliament, for example, everyone would be in a better position to know when there is a potential conflict of interest. In answer to the question of the member from Morphett, yes, it would help to have an independent commission against corruption, but I do not expect that such a commission would be spending time on simple conflict of interest situations. It would take a little bit more than that to render it corruption.

New clause negatived.

Clauses 5 and 6 passed.

Clause 7.

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

Page 4, after line 12—Insert:

- (ab) without limiting paragraph (a)—the steps to be undertaken or the initiatives to be established to ensure that the corporation has and maintains systems to provide for the effective rehabilitation of disabled workers and their return to work on a successful basis, including through the administration and enforcement of sections 58B and 58C of the Workers Rehabilitation and Compensation Act 1986;

This amendment adds another direction about the nature and scope of the corporation's charter that must be created by the minister. It requires the charter to deal with steps and initiatives around maintaining effective rehabilitation and return-to-work systems for injured workers, including the administration and enforcement of sections 58B and 58C of the Workers Rehabilitation and Compensation Act, which set out an employer's duty to provide work and notice of termination of employment to be given in certain cases respectively. We think this is a good amendment. The charter is how I expect WorkCover to go about doing things. The performance agreement sets out what I expect WorkCover to achieve.

Amendment carried; clause as amended passed.

Remaining clauses (8 and 9) and title passed.

Bill reported with amendment.

Bill read a third time and passed.

[Sitting extended beyond 5pm on motion of Hon. M.J. Wright]

SUMMARY OFFENCES (DRUG PARAPHERNALIA) AMENDMENT BILL

In committee.

(Continued from 5 March 2008. Page 2452.)

Clause 4.

The Hon. M.J. ATKINSON: When we were last deliberating on clause 4, the member for Mitchell asked me for an adjournment so that the members of the committee could consider their position on his amendment. The member for Heysen, on behalf of the parliamentary Liberal Party, backed the member for Mitchell on that and said that she pledged the Liberal opposition to support the member for Mitchell's amendment, which was to take hookahs and narghiles out of the scope of the bill. Any pleasant surprise that the members for Mitchell and Heysen may have had about my adjourning the bill at their request was soon dissipated when the member for Heysen realised that she had pledged the parliamentary Liberal Party to smashing a huge hole in the ban the bong bill.

The member for Heysen recanted on the Leon Byner program later that day saying, if this was the biggest mistake she made in the course of being a member of parliament, she could retire happy. I would have loved to be a fly on the wall of the parliamentary Liberal Party meeting when the member for Heysen came into that meeting and told them what she had done. I take it that the member for Heysen has now recanted her support for the member for Mitchell's amendment, and I think she has done it for much the same reason that I oppose it.

The member for Mitchell does not want narghiles or hookahs to be prohibited because they are used to smoke macerated fruit pulp by Turks, Egyptians, Persians, a range of people from the Middle East. I know that is true because I and, indeed, the Leader of the Opposition have smoked with them. I am the owner of a narghile, which is on display in my ministerial office.

So, the member for Mitchell's amendment is a worthy ideal but it is unworkable. The definition of 'water pipe' in the bill speaks to the design or the specification of the implement to be prohibited from sale, that is, a device capable of being used for smoking by means of the drawing of smoke or fumes through water or another liquid. The phrase that is the subject of the member for Mitchell's amendment is an evidentiary tool. It does not really matter what one calls the device. If it is a device capable of being used for smoking by means of the drawing of smoke or fumes through water or another liquid, then its sale will be prohibited by my bill. What the phrase in question does is allow evidence to be adduced about what the device is commonly known as to bolster the case for the prosecution. Presumably, that would be by way of expert evidence. Where one finds a legitimate expert in bongs is another question altogether—an anthropologist, perhaps.

Mr Hanna: A Lebanese bakery.

The Hon. M.J. ATKINSON: Well, that is one suggestion. What this amendment means is that retailers will market variations of bongs and call them hookahs and narghiles and encourage the use of illicit drugs in that way. The government believes that for this law to be workable all of these implements must be banned from sale.

Mr HANNA: When the matter was adjourned, it was just after I suggested that the Attorney might like to postpone further consideration of the bill 'to enable further consultation with the groups that might be affected'. It looks to me as if the Attorney-General has not consulted with anyone from those communities to which he has referred in the time since we last debated this bill, and that really exposes his political motivations behind this in absolute nakedness. It is not a pleasant thought, but he is exposed once again in playing politics with a serious issue. I would have expected more from the Minister for Multicultural Affairs.

The Hon. M.J. ATKINSON: The member for Heysen, last time this was debated, pledged the Parliamentary Liberal Party to support this amendment, so the member for Heysen has some explaining to do to the chamber about her position. I have known the member for Heysen for a long time and I think, if she was willing to front up on the Leon Byner program in front of tens of thousands of listeners and say that she made a mistake, she could at least share that with the committee. I find it extraordinary that she is going to let this go to a vote on the voices without saying a thing. That is not the member for Heysen that I know. So I will give the member for Heysen this last opportunity to make a clean breast of it with the committee.

Amendment negatived; clause passed.

Schedule 1 and title passed.

Bill reported without amendment.

Bill read a third time and passed.

At 17:07 the house adjourned until Tuesday 29 April 2008 at 11:00.