

HOUSE OF ASSEMBLY

Tuesday 13 March 2012

The SPEAKER (Hon. L.R. Breuer) took the chair at 11:00 and read prayers.

The SPEAKER: Honourable members, I respectfully acknowledge the traditional owners of this land upon which this parliament is assembled and the custodians of the sacred lands of our state.

STATUTES AMENDMENT (SHOP TRADING AND HOLIDAYS) BILL

Adjourned debate on second reading.

(Continued from 1 March 2012.)

The Hon. I.F. EVANS (Davenport) (11:00): I indicate that I am the lead speaker for the opposition on this matter. This debate is about the introduction of two half-day public holidays and other less significant reforms to the shop trading hours legislation in South Australia, as set out in the Statutes Amendment (Shop Trading and Holidays) Bill 2012. Let's just remember why we are here: we are here because this Premier is the puppet of the shop trading union—the shoppies union.

Members interjecting:

The SPEAKER: Order!

The Hon. I.F. EVANS: We all know that it was the shoppies union that caused—

The Hon. J.W. Weatherill: Is this an important debate or isn't it?

The Hon. I.F. EVANS: Sorry?

The Hon. J.W. Weatherill: As lead speaker.

The Hon. I.F. EVANS: We all know that the Premier was put in his place by the shoppies union. We remember the scenes: Peter Malinauskas and Treasurer Snelling knocking on the door of premier Rann saying the shoppies union had decided that he was no longer to be premier and the current Premier was going to be Premier. So the reason we are here is that the Premier, who holds his position because of a deal with the shoppies union, has now done another deal with the shoppies union about the extension of shop trading hours in the city. The bizarre thing about this particular bill is that it imposes public holiday costs on businesses right across the state so that people can shop in Adelaide.

The Hon. J.W. Weatherill: What about the workers?

The Hon. I.F. EVANS: The Premier asks, 'What about the workers?' We will come to them in a second. The reality is that under this bill a cafe in Port Pirie will have to pay penalty rates so that people can shop in Rundle Mall; a hotel in Mount Gambler will have to pay penalty rates so that people can shop in Rundle Mall; and a plumber operating in the electorates in the suburbs on those new public holidays will have to pay penalty rates so that people can shop in Rundle Mall.

This Premier went out after the election, criticised the then leadership of the Labor Party saying they needed a new style. None of this 'announce and defend'; we need to consult and decide. Then this Premier, on a significant issue like shop trading hours, did a deal behind closed doors with the shoppies union and Business SA, but all the other business associations were not consulted (the motor traders, the Hotels Association, the restaurant and catering association, the Aged Care Association, the Printing Industries Association). All of the other industry associations were snubbed by a premier who said that the government needed a change of style. Well, the change of style should not be about just talking more quietly. It should be about an honest attempt to consult the business community on their costs.

The Liberal Party will not be supporting the provisions that bring in extra half-day public holidays because of the cost impost it will put onto those businesses without consultation by the government. There is no argument from our point of view why cafes in Port Pirie should have to pay penalty rates so that people can shop in Adelaide, so that people can shop in Rundle Mall. There is no reason why a hotel in Mount Gambier should have to pay penalty rates so that people

can shop in Rundle Mall. There is no reason why electricians, plumbers and other businesses should have to pay penalty rates so that people can shop in Rundle Mall.

The Premier interjected earlier, 'What about the workers?' Let's talk about the workers for a second. I have been a police minister, and the Premier made great play at the Police Association's 100th dinner saying that he is a former legal representative of their association, so the Premier knows this intimately as well. The police, nurses and other professions that have shiftwork and work on Christmas Eve and New Year's Eve have done so for hundreds of years in Western democracies. That is part of those particular professions.

During the industrial relations negotiations with each of those professions, the hours they work and when they work are taken into consideration and, if people go to those particular awards that cover those particular professions, they will see that they have different leave entitlements. There are different employment entitlements to other professions to take into consideration the fact that they are working shiftwork, at unusual hours, for the benefit of society. They have different award conditions. Therefore, the issue about whether they work on Christmas Eve or New Year's Eve has been debated many times over the years through the industrial relations system and the appropriate decisions made.

The Hon. A. Koutsantonis: Other people aren't working; that's why they get the penalty rates.

The Hon. I.F. EVANS: The Minister for Manufacturing interjects saying that they are working when other people are not. That argument is put to the industrial commission (or its equivalent body) every time there is a wage dispute, and that has been considered many times over decades. Their award, which they work under—the provisions they work under have been adjusted on the merits of the argument.

Of course, if the government so believes this (that the public holiday rates should apply to those professions), there is nothing to have stopped them over the past 10 years during the time of this government bringing in higher salaries for the police and nurses, if they wish, without imposing public holiday rates on manufacturers, other retailers, cafes, hotels, aged care or catering. The government could have done that any day of the week in any wage negotiations with the nurses or the police. They have chosen not to, so let's have none of this fake argument from the ministers that somehow suddenly now this issue changes. It changes because the government has done a deal with the union that controls the government. There is no argument.

The Hon. J.W. Weatherill: What about Business SA?

The Hon. I.F. EVANS: The Premier yelled out, 'What about Business SA?' They have done a deal without consulting a large section of the business constituency themselves. That is what the business community is saying to us, so go and speak to the motor traders or the Hotels Association or the restaurant and catering association or the Aged Care Association or the printing association. They cannot all have not been consulted. They cannot all have been consulted and turn around and say that they have not been consulted, Premier. The reality is that this is a deal with the shoppies union with a Premier who was put there on behalf of the shoppies union.

Let us go back a few steps. This government's history on shop trading hours is pretty ordinary. I still have letters in my office of the then opposition leader, Mike Rann, writing to small business saying, 'There will be no extension to Sunday trading under a Rann government,' and of course the Rann government did extend Sunday trading.

We had postcards sent to us only last year. All the MPs had postcards sent to us by the shoppies union saying, 'Don't let shopping occur on ANZAC Day. It would be outrageous to let shopping occur on ANZAC Day.' The very same shoppies union is now writing to us saying, 'Come on, get in the 21st century! Allow shopping on ANZAC Day,' and the reason they are doing that is that the Premier needs a policy.

The Premier needs a policy and the policy is: they are going to enliven the city. For 10 years, the Liberal Party has said that you can liven up the city if you liberalise shop trading hours, and for 10 years this government sat there and said, 'No, no, no, no, no, no, no.'

Here we are: now they are going to start to liberalise shop trading hours, but the way they are doing it is to try to cut a deal with the union that is going to impose a very heavy cost on lots of small businesses right throughout the state when they do not need to do that. What they have not made out to the South Australian public is why cafes in Port Pirie and hotels in Mount Gambier have to pay 250 per cent or whatever the loading is.

The Hon. A. Koutsantonis interjecting:

The Hon. I.F. EVANS: It is 250 per cent. Well, if you go to other awards like plumbers and electricians, they will be different rates.

The Hon. A. Koutsantonis: Are you sure about that?

The Hon. I.F. EVANS: As the Minister for Small Business, go and have a look! Why should cafes and hotels in Mount Gambier, Port Lincoln and Ceduna—all of those regional areas—have to pay penalty rates so people can shop in Adelaide, and indeed not in Adelaide but in just the CBD of Adelaide? It is an unusual policy response and one that is going to cost small business dearly. The Liberal Party has listened to small business on this.

The Hon. A. Koutsantonis: No, you haven't.

The Hon. I.F. EVANS: We have listened to small business on this and the Minister for Small Business keeps on interjecting. He keeps on interjecting because he is forced by his party discipline to vote against the small business block here. The Minister for Small Business interjected and I will respond.

The Minister for Small Business is going to vote with the government to force onto small businesses all around the state penalty rates so that people can shop in Rundle Mall. So, the small businesses in Gawler and the small businesses in Willunga are going to be paying a penalty rate so people can shop in Rundle Mall. That is the reality of it.

After 10 years of saying that somehow liberalising shop trading hours was going to hurt the state, all of a sudden with a new Premier, liberalising shop trading hours is somehow now good for the state. We welcome the Premier's coming to the Liberal Party principle at least of liberalising shop trading hours. We do not support the method by which you choose to get there.

In the economic climate that we have at the moment, with economic growth going backwards, with the worst economic performance of any state in mainland Australia, with housing sales at the worst since 1985—even worse than the State Bank—with housing starts at the bottom of the pack, with economic growth going backwards for two consecutive quarters and economic commentators saying that South Australia is in a recession, the last thing small business needs is extra cost imposed for no productivity gain, and that is exactly what you are imposing on them through these two half-day public holidays.

The reality is that we will now have, under this system, three types of shop trading in South Australia: the CBD, which will be open—if the government gets its way—for all but about 2½ days a year; the suburbs, which are open most days of the year except on the public holidays which the government is opening up under this legislation; and the country areas, which are already fully deregulated, so while you cannot shop at Marion you can shop at Mount Gambier or Whyalla because the country areas of South Australia are already deregulated.

The country areas have been deregulated for many decades, and when those wage rates have been set by the Industrial Relations Commission—the various retail awards, etc.—the fact that those areas are deregulated has not been taken into consideration by the Industrial Relations Commission. This idea that you suddenly need to introduce two half-day public holidays to take into consideration the extension of shop trading hours is a fallacy; the country areas have been deregulated for decades. When shops in Adelaide are closed, you can go to Mount Barker, which has totally deregulated shopping. We have this bizarre position where people from Adelaide can drive to Mount Barker and shop, but they cannot shop in Stirling, for instance, or in Marion, which is just down the road.

Shop trading hours legislation has had an interesting history over time in the South Australian parliament. The opposition is not opposing the extension to trading on Easter Sunday or after 12 o'clock on ANZAC Day—we have advocated that for at least seven, eight or nine years. The shopping union, of course, was totally opposed to trading on ANZAC Day; we now note they support it. We are not opposed to the Easter Sunday trading proposed by the government, or indeed ANZAC Day trading after midday.

The opposition supports those principles, but we are opposed to the issue of bringing in the two half-day public holidays, and the reason we are opposed to that is because that matter will impose a significant cost to the business community, and we think it is an unfair cost. There is nothing fair about saying to a business in Peterborough, Jamestown, Berri, Renmark or any of the other regional areas, 'You have to pay a penalty rate of 250 per cent on Christmas Eve and New

Year's Eve so that people can shop in Adelaide.' It makes no sense; there is absolutely no policy connect between those two.

I will just reinforce the point: if the government wants to pay police, nurses, and others in those industries that provide 24-hour care, at any time in the last 10 years, the government could have said to those employees of the government, 'We want to up your rate to pay you public holiday rates on Christmas Eve and New Year's Eve.' This government has not done that, and it has nothing to do with shopping in the city. The fact that a police officer has to work at Stirling, Blackwood, Gawler or Mount Gambier on Christmas Eve and New Year's Eve has absolutely nothing to do with whether people can shop in the CBD; there is a total disconnect.

Everyone knows—the Police Association, the police officers themselves, and the government—that when police wages are negotiated, those issues (when they work, the hours they work, the shifts they work, and the days they work) are taken into consideration as part of the enterprise bargaining negotiations, and there have been adjustments to their enterprise bargaining agreements over the years to take into consideration those particular issues. Just as teachers get more holidays than some other professions, each award reflects that industry's conditions that have been built up over many periods.

We do not believe that the business community has been properly consulted on this matter. We think that the impact is far broader than the government expects. I am not going to stand up and read out every letter from every industry association, but it is crystal clear that the Hotels Association opposes this, the Aged Care Association opposes this, the restaurant and catering association opposes this, the printing industry opposes this and the Motor Trade Association opposes this, and they all oppose it on the basis that there is no connection between imposing extra costs onto their business and the holiday and the shopping in Rundle Mall.

You can have shopping in Rundle Mall without imposing those costs on the business; and the matter of retail wages, etc., as we all know, is dealt with through the appropriate act at the time. Just an example of an industry you would not think would be concerned about shop trading in the city is the printing industry, but it writes to the opposition, saying:

I write to you on behalf of our membership to express our grave concerns regarding the announcement of the Government's intention to introduce two half-day public holidays on Christmas and New Year's Eve.

Primarily, our concerns relate to the view that certain decisions of the Australian Industrial Relations Commission, as it was then known, may result in unintended consequences to all South Australian businesses should the proposal be gazetted.

If our interpretation of these decisions is correct, it can be seen that employees, who would not ordinarily work during the hours 5:00pm [to midnight] on the abovementioned days, may be considered disadvantaged by the proposed public holidays.

Therefore, this would potentially result in South Australian businesses, including those of our membership, being required to make additional payments or credit additional hours to annual leave in lieu of those public holidays so as to fill their obligations under the various federal industrial instruments.

I have written to the Premier to seek clarification as to the intention of the government regarding the impact these public holidays may have and specifically the economic costs to business, including our members.

He then wanted an opportunity to meet, which we did. That was from Peter Mansfield, the State Manager of the Printing Industries Association. What he is concerned about is the fact that, if the holiday falls on a Saturday or a Sunday, and then, because the printing industry was not working that particular day, the entitlement then falls due on the Monday—and the Minister for Small Business nods—and so the business community (in this case the printers, who might have a job to do from 5pm on; printers often work odd hours because of deadlines and time lines) then incurs public holiday costs because of the public holiday, that is, the Christmas Eve/New Year's Eve falling on the Saturday or the Sunday.

Now, we all know that is how public holidays work. If the public holiday falls on the weekend, then the wage structure flows over to the Monday. Then we get another letter from just a small printer, a one-off printer, who is no doubt a member of the association, but this explains his circumstance. He says:

If this Bill becomes law it appears that all of my staff, whether they usually work these hours or not—that is, usually work their five to midnight shift—will be entitled to paid time off in lieu for these additional public holidays, consistent with every other public holiday.

And this is the example—and there are many of them—where the consequence of making them half public holidays flows onto so many other areas. In a time when our state economy is struggling on so many fronts, why would the government want to be putting in extra costs onto small business? To the Liberal Party it simply makes no sense to impose more costs on the small business sector just so that people can shop in the CBD of Adelaide. It simply makes no sense.

We will be opposing the issue of public holidays. There are amendments on the way, Premier, to delete the public holiday provisions. We are quite happy with shop trading hours reform in regard to hours, but we are not going to accept the imposition of the public holiday rates onto businesses from 5pm to midnight on Christmas Eve and New Year's Eve.

The government has not made out an argument as to why a small business anywhere else in the state outside of Rundle Mall or the central business district to which this act is going to apply—in simple terms, Rundle Mall—should have to pay penalty rates for extra public holidays so people can shop in the mall. The government will try to say that it is all about the workers and that the workers deserve it. The Liberal Party believes the workers are entitled to fair compensation for their work, and there is a system in place to do that. It is called the industrial relations system, and you guys nationalised it.

The Hon. J.W. Weatherill: No, I think John Howard did actually.

The Hon. I.F. EVANS: No, he didn't actually. Your government moved the legislation to transfer it over, Jay. Premier, you should know that.

Mr Marshall: The library can do you a paper on it.

The Hon. I.F. EVANS: Yes, that's right. The library can do you a paper on it, Jay. We all know that there is a system to deal with industrial relations matters: it is called the industrial relations system. So, if the government wants to go through the process of changing it, they can use that system, and people's wages are ultimately dictated by that system. The police go and argue their case that they work shiftwork, odd hours and that there is a high level of danger. There is a whole range of things they argue, and the Industrial Relations Commission makes a judgement. The education system took the government to the commission to resolve a whole range of issues, and the system decided what the terms and conditions of employment would be. There is nothing new in that.

However, what is happening here is that the small business community is getting belted with an increased cost, and there is not one productivity gain. If you read the national media, it is saying that Australia's productivity has declined for a decade. In a national sense, this is minor, but it is an example of a lazy government. There is no productivity gain for the two extra public holidays.

The Hon. J.W. Weatherill interjecting:

The Hon. I.F. EVANS: Yes, lazy. No productivity gain at all. The opposition welcomes the government's move—the principle at least—to further liberalising shop trading hours. We have argued for it for 10 years. The government has sat there bald faced telling us that it would be the end of the world if shop trading hours were somehow changed. For 10 years you essentially opposed reform. The only way you are prepared to get reform through is to whack—

The Hon. M.J. Wright: That's not true.

The Hon. I.F. EVANS: It is true.

The Hon. M.J. Wright: No, it's not. Who introduced Sunday trading?

The Hon. I.F. EVANS: Thank you.

The Hon. M.J. Wright: And who opposed it? You did.

The Hon. I.F. EVANS: The former minister for police interjects. As the former minister for police, he knows how the police EB system works, because the former minister for police, like me as a former minister for police, went through a wage negotiation with the police, and we all know how the system works. So, I am glad the former minister for police interjects. However, I do give the government credit and I will correct the record.

If the former minister for police had been here earlier he would have heard me say that this government has reformed Sunday trading, after Mike Rann, as opposition leader, wrote to small business saying that under no circumstances would it change Sunday trading. So, it did break that

promise to small business. I still have the letters. It did break that promise to small business, and Sunday trading changed. I accept that. From that point on the government has said, 'No trading on public holidays; that will be the end of the world,' and here they are changing it significantly. The Liberal Party supports the principle of liberalising shop trading hours and enlivening the city.

Even on the issue of enlivening the city, just as you have come to the party on liberalising shop trading hours, you have come to the party on enlivening the city. John Olsen and Rob Lucas put out a policy before the 2002 election about the Riverbank precinct: your government then did nothing on it for many years. My colleague the member for Waite put out a policy about football in the city. You were giving \$100 million to the SANFL to stay at West Lakes because that was the future of football but, suddenly, you thought, 'Crikey, they are going to liven up the city so we had better change our policy.'

So, on every single aspect of enlivening the city, you have followed the Liberal Party, in principle, to that position. There is not one proposal you can point to to say that was actually a new idea by the Labor Party. Extending the Convention Centre was a fantastic Liberal initiative. Football in the city was a Liberal initiative. Liberalising trading hours was a Liberal initiative. The Riverbank precinct was a Liberal initiative. On all these issues, the Labor Party has sat there and been dragged kicking and screaming.

But the Liberal Party is not going to support increased costs on small businesses that get absolutely nothing out of this. If you were running a business in Port Pirie, Port Lincoln, Renmark, or any of those areas—even in the suburbs, if you were running a cafe at Stirling, Blackwood, Marion or Gawler—why should you have to pay penalty rates so people can shop in Rundle Mall? It just has no connection. It makes no sense. What you are doing is imposing costs on small business, and if you have not got the message yet that small business is hurting out there then you are more out of touch than we think.

Pick up any set of economic figures—the housing starts, real estate sales, wages growth (which is the lowest in the nation), economic growth (which has gone backwards for two straight quarters), export figures (which have gone backwards for two straight quarters)—and there is a message in there for the government, and that is that small business is hurting. All you are going to do with the two public holidays is impose a greater cost on small businesses. They are the great employers of the state. There are 110,000 small businesses and only 6,000 of them trade interstate: 104,000 of them are single state businesses, so they are butchers, bakers candlestick makers. They are mums and dads trying to make a living.

The Hon. A. Koutsantonis: You wouldn't give them 24-hour trading.

The Hon. I.F. EVANS: What they are going to do—

The Hon. A. Koutsantonis: You won't give them 24-hour trading.

The Hon. I.F. EVANS: Sorry?

The Hon. A. Koutsantonis: Be honest. Go out and tell them you wouldn't give those mums and dads 24-hour trading.

The SPEAKER: Order! Members will not shout at each other across the floor.

The Hon. I.F. EVANS: Madam Speaker, the poor old Minister for Small Business doesn't understand his government's own policy.

The Hon. A. Koutsantonis interjecting:

The Hon. I.F. EVANS: It might go off one day, Tom.

The SPEAKER: Order!

The Hon. I.F. EVANS: So that the Minister for Small Business is clear, under his government, all of regional South Australia is totally deregulated.

The Hon. A. Koutsantonis: It is metropolitan Adelaide.

The Hon. I.F. EVANS: Do you care about the regions? It is true to say that in metropolitan Adelaide, Monday to Friday, the government's policy is they can trade from 12.01am to 9pm. You can trade 21 hours a day in Adelaide.

The Hon. A. Koutsantonis interjecting:

The Hon. I.F. EVANS: The Minister for Small Business rants and raves about trading hours. Already they can trade 21 hours. The reality is they do not, because there is no money. The fact that they can trade 21 hours on Monday to Friday means we do not need a public holiday on any of those days. Just as you are home in bed, probably, at 11 o'clock on a Wednesday or Thursday night, people are out working, but they did not bring in a public holiday for that. The Liberal Party has faith in the industrial relations system to deliver fair outcomes for wages for those who work—

The Hon. A. Koutsantonis: That's why you supported WorkChoices. You had such faith in the system you supported WorkChoices.

The Hon. I.F. EVANS: No, not at all. The poor old minister is upset because he realises he is held here by his own government's policy. Small business is in trouble in the state and all you have delivered is a bureaucrat.

The Hon. A. Koutsantonis: You're on the wrong side of this argument.

The Hon. I.F. EVANS: Oh, really? We'll see.

The Hon. A. Koutsantonis: We'll see.

The Hon. I.F. EVANS: We'll see. The reality is we have made our decision. The Liberal Party is going to stand firmly in support of the small business community. We do not see any need for two half-day public holidays to achieve the extra trading in Rundle Mall. We think the extra trading in Rundle Mall can be achieved without the increase in cost on small business throughout the state.

I just want to reinforce one final point. I think it is interesting—and it says something about the SDA—that they all sent us these ANZAC Day cards last year saying, 'Whatever you do, don't touch ANZAC Day trading.' I remember writing letters back to various people suggesting why the SDA might be doing that. And here we are, 12 months later, and the SDA has changed its position. It has changed its position because the Premier needs a policy to sell. The Premier needs a policy.

I agree with the business groups that are opposed to this. I think it is a deal that does not need to be done to get trading in the city. They describe it as a 'pig of a deal'. I think many small businesses think it is a terrible deal. Maybe we are here because, as Michael O'Brien, the Minister for Finance, said on radio he was the only one who had run a business on that side of the house, which was an interesting observation by one of their own ministers. There is not any business group outside of the Rundle Mall precinct—the precinct that is going to get the extra shopping—that I have seen that supports this, because they—

The Hon. A. Koutsantonis: Business SA.

The Hon. I.F. EVANS: They are not a business; they are a lobby group.

The Hon. A. Koutsantonis: They are the largest business organisation in Australia.

The Hon. I.F. EVANS: I meant a trading business—I am sorry—a for-profit business. The reality is that Business SA has made their view known. I understand that they have made their decision. All the industry groups separate to Business SA have essentially opposed it. We have listened the argument from both sides.

The Hon. J.W. Weatherill interjecting:

The Hon. I.F. EVANS: In fairness to the Premier, he mentions—

Mr Hamilton-Smith interjecting:

The Hon. I.F. EVANS: No, no; he mentions the food retailing group—the Independent Grocers group. It is fair to say they support the government's position. I understand that, but my view (certainly from the feedback to the opposition) is that the majority of small business groups totally oppose it. This is an example, in our view, of a government that is out of touch with small business. The reality is this will hurt small business, this will hurt jobs, and there is simply no justification for it—not one productivity reform out of the public holiday cost. So, the reality—

The Hon. A. Koutsantonis: They get to trade.

The Hon. I.F. EVANS: Well, they get to trade. It may have escaped the small business minister's—

Mr Hamilton-Smith interjecting:

The Hon. I.F. EVANS: They get to trade. The cafes in Port Lincoln, the cafes in Port Pirie and the hotels in the regional areas are already trading. Come out with me New Year's Eve, and I will take you to all the pubs and clubs that are already trading. What you have done is said that, 'Even though you are already trading, we are just going to increase your costs with a loading of 250 per cent.' 'Thanks for nothing. How lucky are we? We can do what we have always done—trade on Christmas Eve and New Year's Eve—and for absolutely no reason you are going to clobber us with a 250 per cent penalty rate.' Where is the benefit to them?

The Hon. A. Koutsantonis: What do they get for your deregulated trading hours?

The Hon. I.F. EVANS: They don't get 250 per cent loading. They get choices as to whether they open, just as they do under your policy. Minister, I do not think you understand your policy. When the shops are already open in the city from 12.01am to nine at night, those shops have a choice whether they open. A lot of them do not because it is simply not profitable, and we understand that. Do not criticise the opposition for saying that a shopkeeper should get choice; under your policy they do get choice. Of course they get choice; you have them open 21 hours a day. They can open 21 hours a day.

The Hon. A. Koutsantonis interjecting:

The Hon. I.F. EVANS: Twenty-one hours a day and they do not open. You are all over the place. The reality is simply this: the Liberal Party will not support the two half-day public holidays. We will not support them. We are not going to impose those extra costs on the South Australian community. To the argument about the police, the nurses, etc., we say that those matters are properly dealt with, as they have been for 100 years, through the industrial relations system and the wage negotiations. We all know that those industries that work odd hours have different leave entitlements and different conditions from the nine to five workers for that very reason. We all know that in this place.

The Hon. R.B. Such: They get extra holidays.

The Hon. I.F. EVANS: The member for Fisher says they get extra holidays. That is the case; that would be an example of exactly what I am talking about. The proper place for wage setting is through the industrial relations system, not through an act of parliament. If the government wants to pay police and nurses more, it can do that any time it wants. It could have done it any time it wanted over the last 10 years. The police minister could have gone to the Treasury in bilaterals and said, 'Treasurer, I think the police deserve an increase in pay to penalty rates on Christmas Eve and New Year's Eve.'

The government could have agreed to that if it wanted to and written to the police saying, 'Congratulations. We have given you that money.' It has not done it; not in 10 years. Why is that? Because we all know that it is dealt with through enterprise bargaining and wage negotiations. Why has the government not signed up with the nurses in the last 10 years and said, 'Here you are: we will give you more money.' The reason it has not done it is it knows, we know, and everyone in South Australia knows, that that is dealt with through the wage negotiations and the industrial relations system.

Now that the government wants to open up Rundle Mall for trading, all of a sudden they are brought into the argument for political reasons. For political reasons that argument is brought in. We believe that the appropriate place for those negotiations is through the wage setting arrangements of government and ultimately through the Industrial Relations Commission if there is a dispute. For 10 years this government could have done it and has not done it. I think we can all see what is happening in this particular bill.

We will be moving amendments to delete the provisions that bring in the extra half-day public holidays. We will support the issue of trading on the afternoon of ANZAC Day from midday on. It is something we have advocated for eight or nine years, so we are pleased that the Labor Party has come to our position on that particular issue, in principle at least. We will support the issue of Easter Sunday trading.

There are a couple of other minor issues in the bill. We have debated shop trading hours three or four times in the last 10 years, if I recall, and the government has never moved to tidy up the red tape that is in the bill, but it has decided to do that in relation to exemptions. We welcome its finally dealing with the red tape that is in the legislation and we will certainly support the issues dealing with red tape reduction in regard to exemptions. We will also support the deletion of some

obsolete provisions to tidy up the act. The main issue that we are opposing is the introduction of the two public holidays.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (11:44):

I suppose the real question that comes to mind with the Liberal Party's opposition is: why not pay workers for working Christmas Eve and New Year's Eve; why not? What is the objection to paying people who are taken away from their families on the most important days of the year socially, when they are forced to work? The idea is that when you give your labour you are giving up your time, the most valuable asset that you have. You give your labour in return for a pay, for a salary, for what you are worth. The Liberal Party is telling the people of South Australia that those who work on Christmas Eve and New Year's Eve are not worth penalty rates, they are not worth public holiday pay, that time away from their family is not important.

Well, I wonder if on Christmas Eve and New Year's Eve the member for Norwood will be at his electorate office waiting for the phone to ring, working. I wonder if he will be there. I bet he won't. I bet the shadow minister for small business will be out at some party or will be spending time with his family; I bet he will. I wonder what he would say to all those traders on The Parade about why their employees should not receive penalty rates while they are away from their families.

An honourable member: They don't have to work.

The Hon. A. KOUTSANTONIS: They don't have to work. I represented retail workers in the Shop, Distributive and Allied Employees' Association before I entered parliament and I can tell members that it is very difficult for young, casual employees to turn down work when they are offered it. The nature of the work means that they will find someone else, so unless you work extended trading hours you do not get a job.

The Liberal Party has a policy of total deregulation of trading hours. I grew up in a small business. My parents owned three small businesses in their lives and our house was mortgaged to pay for the business, so I know what it is like to live in a household that was mortgaged to make a business run. If the business did not make money we lost our home. I know the stress, I know the feeling of anxiety, I know what it is like to be in a business, and I know what it is like to have a family-run business that lives and dies on its own retail figures. I know what it is like.

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: I didn't work for the guy who risked the money; I lived in it. I didn't get hired to work for it and I didn't inherit it from my daddy, either. The truth is that small businesses are now facing the prospect of the party that used to represent them giving them 24-hour deregulated trading hours. How is that going to make newsagents feel? How is that going to make drycleaners feel? How is that going to make motor traders feel? How is that going to make them feel?

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: That's right; don't talk about your policies because it will expose you for what you are—frauds. The member for Davenport is a very articulate and good salesman. He is one of the few people who always gets up and makes an argument; whether he believes in it or not he makes an argument. I remember in 1994, when I was an organiser with the SDA, being very surprised at how admirable it was to see the member for Davenport stand up against trading hours expansion, stand up against deregulation of trading hours. He came out and stood on the steps of Parliament House with Steve Condous and presented a petition of 50,000 South Australians who were opposed to the then Brown-Olsen government's plan—

The Hon. I.F. Evans interjecting:

The Hon. A. KOUTSANTONIS: You didn't stand on the steps of Parliament House? I withdraw that. However, he supported—

The Hon. I.F. Evans: Steve Condous voted for it too, you know.

The Hon. A. KOUTSANTONIS: He ratted on us, but there was always a risk with Steve Condous. The member for Davenport once had a view—because he comes from a small business background, he knows what deregulated trading hours do to small businesses—and back then, just in his first few years of parliament when he got elected in 1993, he still remembered his base, and did not want totally deregulated trading hours. The Liberal Party has worn him down. After, I think, 16 or 17 or 20 years of membership, the dark forces at work within the Liberal Party—that is, the

big business interests, the landlords, the ones who want totally deregulated trading hours—have worn him down. Why do they want totally deregulated trading hours? Why do they want 24-hour trading? Because they want market share for their mates. They want to destroy small businesses, they want to destroy the mum-and-dad investors who are out there trying to carve a niche for themselves on days when the big boys are closed.

I remember just after the last election hearing the member for Adelaide on radio, talking about the inconvenience of having shops closed on public holidays in the city. She said there was traffic congestion near an IGA, where the car park was full, because people were choosing to shop there because Woolworths and Coles were closed.

Ms Sanderson: That is rubbish! I didn't say that.

The Hon. A. KOUTSANTONIS: I have the transcripts.

Ms Sanderson interjecting:

The Hon. A. KOUTSANTONIS: Okay; that's interesting. The member for Adelaide says she didn't say that. Well, I will provide the transcripts later on. I was surprised that a member of the Liberal Party would be upset that an IGA was doing well on a public holiday when Coles and Woolworths were closed. Why would she be upset?

The cost pressures on South Australians are increasing. We need diversity in our small businesses. We need independent retailers to survive. If we allow multinational companies to get a market share, once they achieve that market share they will increase their prices, because there will be no competition.

It is important to preserve and protect those small retailers—to protect the small boutiques, to protect those small news agencies, to protect those chicken shops, snack bars and delis that are open when the big boys are closed. But there is only one side of parliament that stands up for those small mum-and-dad businesses, and that is the Australian Labor Party.

The Liberal Party is the party of totally deregulated trading hours. What comes with total deregulation under the system the member for Davenport talked about? What comes next is no penalty rates—normal hours of trade. Total deregulation means normal hours of trade. What he wants is Coles and Woolworths to be open 24 hours a day, if they choose, and not pay their employees penalty rates.

They are fundamentally opposed to paying employees penalty rates. Why? Why are they opposed to employees getting penalty rates when they give up their labour at hours that are socially difficult: New Year's Eve, Easter, ANZAC Day, Christmas? Why are they so opposed to it? The truth is that the Liberal Party have always been on the side of the employers, never the employees. I was recently in Bunnings.

The Hon. I.F. Evans interjecting:

The Hon. A. KOUTSANTONIS: Sorry? I was in Bunnings.

The Hon. I.F. Evans: Their hours are deregulated.

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Not as far as you want them to be deregulated. You want them to have 24-hour trading. I was in a line-up—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Bunnings are open at three in the morning.

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: No, you want total deregulation. The world the Liberal Party wants is 24-hour trading. It is in the policy. It is your policy: total deregulation of trading hours. Don't pretend it is not: it is. You want to be able to see anyone who chooses to open at any time to be open. You want stores on The Parade to be open 24 hours a day.

Members interjecting:

The SPEAKER: Order! Members on my left, you will have an opportunity to speak.

The Hon. A. KOUTSANTONIS: The member for Morphett wants the shops on Jetty Road to be open 24 hours a day. Go to those small mum-and-dad shops and tell them what your policy is. You won't. I was in the line.

An honourable member: What were you doing there?

The Hon. A. KOUTSANTONIS: I was buying paint, actually. There was a gentleman who owned a restaurant and he was talking to me about the public holiday for Christmas Eve and New Year's Eve. He was giving me his reasoning about why he thought it would be a bad thing, and I turned to him and said, 'Look, the truth is we are the Labor Party. If we are going to ask someone to give up their time and labour when they would be spending it with their family, we want them to be compensated accordingly.' That is who we are. It is in our DNA. To ask us to change that is improbable, because we will not do it. We are the party of working South Australians.

There is a price for doing business, and the Liberal Party wants to decrease that price, not on the businesses but on the employees. So, there is a fundamental choice here between the employees and the owners. What we are saying is we want a vibrant city. We want a city that is open on Christmas Eve, New Year's Eve and public holidays, but we say there is a price for that, and the price of giving up your time on those days should be well compensated.

We are not going to change our DNA. The Liberal Party has, because the member for Davenport argued quite passionately in this house against Sunday trading, and now he is advocating total deregulation of the market—complete deregulation. With that comes—

Mr Marshall: What's that got to do with the bill in the house?

The Hon. A. KOUTSANTONIS: It has everything to do with the bill in the house, because right now there is a choice in our community, and the choice is this: 24-hour deregulated trading hours—that is, every small business in this state exposed to your deregulated market—versus our compensating employees for working on those days and just confining it to the CBD, because all South Australians know and accept that the CBD should be open. That is the difference. You would expose every mum-and-dad small business to the horrors of the free market—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: It fascinates me that the shadow—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order, member for Davenport!

The Hon. A. KOUTSANTONIS: —minister for small business is prepared to go and argue 24-hour deregulated trading hours to newsagents. How do they feel about it? It surprises me that he is prepared to go and argue to those small delis and snack bars—

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: It won't increase their costs—24-hour deregulated trading will not increase their costs? So shops opening longer for the same amount of turnover will not have increased costs. That is the argument from the member for Norwood: open longer, same turnover; it will not increase costs. He shakes his head.

An honourable member: Speak to motor traders about that.

The Hon. A. KOUTSANTONIS: Motor traders—what the hell is all this about having car yards open 24 hours a day in the brave new world of the member for Davenport? I wonder whether his passion for 24-hour deregulated trading hours extends to pokie machines. I wonder whether this arrangement between the AHA and the Liberal Party does not have further consequences on the successful election of a Redmond, Marshall, Hamilton Smith or—take your pick—

Mr Hamilton-Smith: Koutsantonis.

The Hon. A. KOUTSANTONIS: No, mate, they will not elect me. I wonder whether their passion for deregulated trading hours extends to pokie machines. Perhaps this is something that has not been canvassed in the public arena just yet, but I wonder whether it will be now. This party makes no apologies for wanting a vibrant city. A vibrant city is important to the future prosperity of this state.

I also wonder about all those regional people that the member for Davenport was talking about who are already working on public holidays in a totally deregulated market. I wonder how they feel about trading hours in the CBD. I suspect that he is perhaps not as accurate in his views, and I wonder whether it is really not them who are disconnected from their base compared to us.

I have spoken to people in small businesses, and I freely make the admission that there are very powerful forces working against this bill on the basis of employees' pay, not on the principle of extended trading. So, what we are really arguing about here is how we pay employees. However, I really wonder whether the Liberal Party has actually spoken to small businesses, really small businesses. I wonder whether they have walked into any boutique on The Parade and asked, 'How do you feel about completely deregulating trading hours?'

Mr Marshall: That's not what the bill is about. The bill is about legal issues and costs.

The Hon. A. KOUTSANTONIS: Right, okay, don't bring up the alternative to this bill. If you bring up the alternative to this bill, it may embarrass the Liberal Party. The people of South Australia should be fully aware that the Liberal Party will extend trading hours to 24 hours, with no penalty rates. That is what they want: no penalty rates; but, of course, members opposite will not be working those hours: they will be quite comfortably at home. I wonder whether your electorate offices will be open 24 hours a day. You want 24-hour trading for Coles and Woolworths—

Mr Pisoni: Will you fund them to be open 24 hours a day? I'll be there.

The Hon. A. KOUTSANTONIS: You will be there, will you?

Mr Pisoni: Will you fund them for more staff?

The Hon. A. KOUTSANTONIS: I wonder then—if we are talking about funding—why they are opposed to penalty rates for those hours. Why would you be opposed? Why shouldn't a plumber who is called out on New Year's Eve get a penalty added to their wages for having to work on that night? The Liberal Party talks about productivity: it wants to extend trading hours to the same amount of turnover and put people into competition with businesses that have greater purchasing power than themselves; it wants to decrease the cost on larger corporations, like Woolworths and Coles, by abolishing penalty rates. It is in the Liberal Party's DNA to pay workers less; it is in our DNA to protect them. This is good for the city of Adelaide and I urge members to support it.

Mr HAMILTON-SMITH (Waite) (12:00): It is always a great pleasure to follow the eloquent member for West Torrens. I always find his debates highly intellectual. He bounces from point to point with great sophistication and never repeats himself. He is always moving with grace and acuity from one grand idea to the next, inspiring all in the chamber with his ability to develop his case. That is why I always find it a pleasure to follow on from him when he is speaking.

There are some things about this bill that I really like: great freedom to shop and to open your shop in the CBD, I think, along with all of my colleagues on this side, is a fine goal. There are some things in this bill that I really love and there are some things that are absolutely horrid. My honourable friend the member for Davenport has thoroughly examined those issues point by point.

There are some core principles in this bill. One, is a desire by this house to liven up the city of Adelaide, to create new opportunities, to bring new life to the city, to bring shoppers in, to enable shops to open and to enable businesses to thrive. There are some very good principles in this bill, principles that all members of this house would support. There are also some very challenging principles involved in this bill, which strike to the issues addressed in the bill under part 3: the penalty rate regime and the introduction of new public holidays, which we simply do not need and cannot afford.

It was interesting to see this policy announced by the government, the union movement and Business SA together. It was interesting to see the Labor government so fulsomely embraced, not only by the union movement but by Business SA. It had all the hallmarks of the joint announcement that it was. It sent a signal that many in the business community did not want to hear. I will come back to that point later.

The main focus of opposition to this measure has to do with the declaration of two new public holidays on Christmas Eve and New Year's Eve—public holidays we do not need—and the confluent penalty rate implications. There are businesses in my electorate of Waite for whom this, if it was to become law, would result in many thousands of dollars of additional impost through the wage packet. These are small businesses that, frankly, cannot afford it. Some of them have said to

me that they will not open on New Year's Eve anymore, it will not be viable. Some of them have said that they will struggle to break even. This has serious implications for hotels and restaurants, for a lot of venues on New Year's Eve, let alone aged care centres and other places of employment where they cannot escape having to have employees on duty on Christmas Eve and New Year's Eve. It is a rotten proposition to create these two new public holidays, they will cost business a fortune.

Quite apart from that—Labor likes to throw the term 'modernisation' around when it talks about industrial relations—I think there is a case for the Labor Party to modernise its thinking about penalty rates and regimes. There seems to be this feeling in the Labor Party that no-one wants to work other than from nine to five—that mum and dad are home with the kids and the dog and that the only employees in the world nowadays are mums and dads who want to rush home to their children, etc., and be gone by five, and therefore we need penalty rate regimes in the evenings, on weekends and any time which does not comply with this sort of 1930s thinking which is evident from the state Labor Party.

It may startle the state Labor Party to know that young employees today tend to work a pretty well 24-hours, seven-days-a-week lifestyle. It might startle the Labor Party to know that a lot of them like to work or stay out late and sleep in the morning. They quite like a roster that might have them starting mid-afternoon and working into the evenings—that that is the lifestyle they want to live.

The Hon. J.W. Weatherill interjecting:

Mr HAMILTON-SMITH: The Premier chips in. Obviously, the Premier has a big night on Christmas Eve, but it might startle him to know that some young people might not mind working on Christmas Eve or New Year's Eve. In fact, they might actually find working on New Year's Eve to be quite a good party. Go and talk to some of them, particularly the ones working in restaurants and hotels; for a lot of them, it is their opportunity to be involved in the big night out. It is not an impost on everybody; this is the point I am making.

Employers are not silly when they work out their rosters. When they work out their rosters, I am sure that what they do is they ask people who would like to work on New Year's Eve or Christmas Eve. Quite often, you find that, as an employer (there a couple of us over this side who have been employers. I do not know whether there are too many at all over on the other side who have ever paid a wage packet in their life), you will sit down and talk to your employees and ask them when they would like to work and, it is funny the answer that you get: a lot of them like working a variety of shifts at a variety of times.

The problem you are trying to fix probably does not need fixing, by and large, because you would probably find that most people working on New Year's Eve and Christmas Eve, in my estimation, are probably happy to do so and, if they really have a personal family reason not to be working on Christmas Eve or New Year's Eve, I am sure they would make that point to their employer, and most sensible employers would find a way to bring on another employee to meet that occasion. Employers are not silly; they depend on their relationship with their employees or they would not have a business.

So, you are sort of solving a problem, in my view, that does not exist. This whole concept that employees are being dragged in ball and chains, with whips, to work on Christmas Eve and New Year's Eve against their will and that we need to solve it by creating two new public holidays is something that you have just dreamt up. You are solving a problem that does not exist.

What you are doing is putting an impost on businesses from the West Coast to the South-East, from the north of the state to the south, right across the CBD, costing small businesses, whether they be a hotel, pub, aged-care centre or mechanic's shop, you name it, whatever you like. It is simply a problem that does not need solving. It demonstrates in large helpings Labor's inability to get it in regard to the way in which small business works and, in particular, it demonstrates Labor's absolute failure to understand that all employers are not evil spirits, that employers actually understand one fundamental thing, that is, without a happy workforce and happy employees, they do not have a business—and they tend to work these things out.

You ask most employees—and I have because I used to have 127 of them—whether they would rather have penalty rates or an overall increase in their wage for the week. A lot of them will tell you that they would rather have an overall increase so that they get more per hour whenever they work and so that favourites are not played with who gets the overtime and who gets the extra

hours, because a lot of people are quite happy to queue up, which is another issue. You will always find people prepared to work out of hours if there is extra money involved, particularly—

An honourable member interjecting:

Mr HAMILTON-SMITH: Yes, particularly the single people, which makes the point that there will always be volunteers. There is already extra money involved for working out of hours in most cases in most awards. You want to take what is already a gold-plated system and platinum plate it, and you want the taxpayers and employers to pay the millions that it will involve. It is just utter nonsense. That is why we will not be supporting that section of part 3; that is, because we do not need it. But I have to say, getting back to this issue of Business SA, the union movement and the Labor Party announcing this together—

The Hon. J.W. Weatherill interjecting:

Mr HAMILTON-SMITH: 'Well, who's left?' the Premier says. Well, clearly the Premier's choice: he wants to deal with Business SA. I think one of the fundamental issues arising from this entire debate has been the gap it has opened up in the business community in this state. What you have done is divide, not unite. What you have done is driven a stake between the business community in this state. I attended an AHA lunch where the AHA made its views on Business SA very, very clear to a very large gathering in terms of, 'They've never represented us, they never will represent us and what they have done is wrong on a number of counts.' That has been echoed by other industry associations to the point that a new alliance has formed—a new business grouping has formed—that is in complete dispute with Business SA on this issue.

You have divided; you have not united. I have to give you credit because that is what you wanted to do. You have got the people you prefer to negotiate with to agree with you. For others in the business community who saw that on TV they felt that the business group, Business SA, was part of the Labor-union team. That is what they perceived it to be and they have said that publicly.

I think there is an issue there for Business SA to address, and it is a very significant issue arising from this entire debate. I have difficulty saying this because I used to be a member of that body and I have great respect for it. I used to be on the congress of the chamber. Members of Business SA (who are paying a lot of money to be members of Business SA) must be wondering whether they should focus on the MTA, the AHA or their industry association as their first and principal membership and leave it to that industry association to argue their case, because they feel deserted by Business SA. That is a very significant outcome of this entire matter and there is a message there for the board of Business SA. Clearly, they are in conflict with a significant number of business associations who do not agree with them.

I find this very, very distressing because I have friends in all these organisations. Business SA and the industry associations all do a fantastic job but they have been driven apart by you, by the Labor Party—very good for your political objectives. The union will get what it wants if this bill passes: two public holidays we don't need, at extraordinary cost to small business, and Business SA will have its stamp all over it, and they will wear that for years to come. They will wear that for years to come.

There is a real question now—for small business and even for medium enterprises—where do you want to place your business membership? Do you want to place it with Business SA or do you want to put your money, your effort and your support behind your industry association? That is an outcome of this debate which I think is very sad, because you have put those businesses in this position.

I now move to the point of Easter Sunday. I want to express my personal view on this. As you have heard, we will not be opposing the government's initiative on this particular bill, but I find it very interesting that a Labor government has for the first time brought forward a piece of legislation that enables trading on the holiest day in the Christian calendar: Easter Sunday.

I wonder whether the member for West Torrens has run that past Archbishop Nikandros of Dorylaion and the Greek Orthodox community. I wonder if the government has consulted with the primates and leaders of our churches about that decision, because I find it a very interesting decision. It will not be lost in the seat of Newland, it will not be lost in the seat of Mawson, and it will not be lost in a number of marginal seats that a Labor government has brought into this chamber the entire concept of allowing trading on Easter Sunday, so it is going to be very, very interesting as that unfolds.

I hope that you have consulted with the churches. For a lot of you it may not matter a hoot, but for a lot of the workers you claim to represent it will matter, and I am simply expressing my personal view.

The Hon. J.W. Weatherill interjecting:

Mr HAMILTON-SMITH: Well, I know, Premier, you wouldn't care, but I do, and I am expressing my personal point of view. I am making that point, and it is a point worth noting. I want to get back to the issue of the future.

The Hon. A. Koutsantonis interjecting:

The DEPUTY SPEAKER: Member for West Torrens!

Mr HAMILTON-SMITH: I will get back to the issue of the future. As the member for Davenport outlined, the government has done a very good job of copying Liberal initiatives in regard to City West, the expansion of the Convention Centre, the sudden change of heart about moving football into the city, and the new focus we heard from the Governor during the recent opening of parliament about the city and re-enlivening the city. All of that is good. It was great that they finally realised that we were on the right ticket and they joined it, because previously they were talking a different language.

For that reason the part of the bill I do like about enabling the CBD shops to open on these public holidays so mentioned will be very good as part of that overall strategy. That part of the vision is good, but there is another part of the vision that needs to be embraced. The government needs to get its costs under control, and it needs to free up the business community to create jobs for the future. The only way government will be able to do that is to do what most businesses do, and that is review its own spending arrangements.

This bill proposes to add millions of dollars to the government's already bloated wages bill by the declaration of two new public holidays, which will have to be funded by the taxpayers. That is money that will come away from schools, hospitals, disability services and all those things, and it will have to go into paying extra wages for our hardworking public servants for these two new public holidays. I am saddened to see that money drawn away from hospitals and schools.

We need less spending from government so we can deliver the sort of tax reforms and cost savings to business they need to create new jobs, which should be your prime focus. So, along with my colleagues, I will oppose that section of the bill, which is terrible for small business and which seeks to impose two new holidays and the penalty rates that go with it, but I look forward to supporting those parts of the bill which enable the CBD to trade freely and for vibrancy and new life to be brought back into the parliament. With that I conclude my remarks.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (12:18): I wanted to say a few words in relation to this and, in particular, to make reference to some areas that are of particular significance to me, namely, areas relating to planning and to consumer affairs, both of which I think have a contribution to make in this debate. We are really here dealing with two settlements contending a problem that has been sitting around the place for a very long time, and that is the issue of shop trading hours and the liberalisation or otherwise of those shop trading hours.

What we are left with at present is this: the government has, as a result of conversations that have occurred between business, the union and the government, come to a settlement of an issue which has been a running sore for years and years and something that has been the subject of almost endless debate. I cannot remember a time in the time I have been in this parliament when this has not been a subject of debate or discussion.

The government settlement is something embodied in the legislation the Premier has brought into parliament, and that settlement I am confident will bring to an end once and for all further debate about this issue of deregulation of trading hours. The alternative position, which is the position that has been contended by the opposition, basically would see total deregulation of trading hours.

We need to look at both those positions and analyse them from the point of view of what, on balance, delivers the best outcome for South Australia. I would like to make a few remarks—again from the perspective of planning and consumer affairs—regarding the superior outcome delivered by the Premier's proposal.

First of all, in relation to planning can I say that the government and the Premier have made it very clear that we regard the revitalisation of the City of Adelaide as being the number one priority for the government. There is no doubt that changing the regime in the City of Adelaide for shopping is an important element in creating a vibrant city. That is not just from the point of view of the people who might live in or visit the city but also from the point of view of people visiting from interstate or overseas who might want to be able to have a place where they can go and shop and do the things they would expect to do in a major capital city anywhere in the world.

The 'vibrant city' policy that this government has and has embraced enthusiastically, and is continuing to push forward—and we will be in a position to say more about that in due course—is greatly complemented by these reforms, and so from that point of view it is something that I think needs to be endorsed and supported.

The second area that I do not really think has received enough attention in this debate is looking at it from the point of view of consumers. I am asking that we think not just about consumers in the more narrow sense that has been referred to by many of the contributions from the other side but about the consumers of South Australia generally. Let's make no mistake about what the issue here really is if you dig down.

Section 4(1)(d)(ii) and section 4(2) of the Shop Trading Hours Act are two provisions which, when taken together, are the Chinese wall that stands between Coles and Woolworths taking over the whole of South Australia as they virtually have done in New South Wales and elsewhere. People may not realise this, but I think in New South Wales the percentage of retail grocers which are independent of Coles and Woolies is 10 per cent or less because they do not have that Chinese wall.

Beneath that wall, protected by that wall, South Australia has a flourishing independent retail sector. Guess what that means? It means that consumers in South Australia have a choice—and not just consumers in South Australia but also small producers in South Australia. So, all those people who produce fruit and vegetables in South Australia do not have to deal with Coles and Woolies because 30 per cent of our market is not Coles and Woolies. They get the chance to deal with the IGAs, the Foodlands and all these other people of the world who are very important. As I said, they have about 30 per cent of the market in South Australia.

If we reduce that percentage, we not only deny our consumers in South Australia an independent choice—a South Australian owned and controlled choice, a choice that supports local growers, local farmers, local producers of fruit, vegetables, meat and every other product—but we hand control of the market in South Australia to Coles and Woolies. It is demonstrable that in South Australia there is more competition in this sector than there is anywhere else in Australia. Why? Because Coles and Woolies do not control it—not yet.

I am speaking here on behalf of South Australian consumers; I am speaking here on behalf of the independent retailers in South Australia who employ a lot of South Australians; I am speaking here on behalf of all South Australian consumers who enjoy the choice they get from being able to go to independent retailers to buy their groceries; and I am speaking on behalf of all the small producers out there, the small farmers—many of whom I know live in and around your electorate, Mr Deputy Speaker. All those people have a choice as to where they sell their products. They do not have to accept the dictates of the person with the cheque book from Coles or Woolies.

People in this room might be a little bit surprised to know that recent figures suggest, I am reliably informed, that 42¢ in every dollar spent in Australia today is spent in Coles and Woolies—42¢ in every dollar—and South Australia is a standout for being the place where there is the lowest market penetration of Coles and Woolies. That is in spite of the fact that they are out there with all of these ancillary deals where you go to their liquor shops or petrol stations and that is all part of the quid pro quo they get to bring people into their stores. Do not misunderstand me: Coles and Woolies do a good job, but in any marketplace that sort of market dominance is dangerous. It is dangerous for consumers, dangerous for producers, and it is not good for business in the long term.

In South Australia we have a healthy independent retail sector. As I said, the Chinese wall that protects those people from oblivion, all of their employees from oblivion and all of the producers that they buy their products from in South Australia from a complete dictate in terms of what prices they can get for their goods, that Chinese wall is in this act. We want to keep that there, we want to defend the independent retail sector in South Australia. We are not in favour of wholesale deregulation.

I add one other point here as a matter of interest. If you doubt what I am saying is the case, I invite people to consider, in spite of Coles and Woolies having their own petrol stations here in South Australia, why is it that the retail price of fuel in South Australia (in the metropolitan area, in particular) is generally lower than it is in Melbourne and Sydney? Why is that? It is not because we have a refinery here and you do not have to transport it. I wonder what it might be. Could it be that we have a single very large third-party independent player in the retail fuel market here? Could that be the reason? I think that is the reason, so there you have another market sector where South Australia again, because of good fortune in that case probably, has a third force in the market—not just Coles, not just Woolies but a third force in the market—and that has exerted competitive pressure in the market and—

Mr Marshall: Fuel's completely deregulated. Look at the trading hours—24 hours a day, seven days a week.

The Hon. J.R. RAU: I am attempting to help the honourable member understand a concept called competition and the implications of having competition in the marketplace. So, I return to my original two points. Number one, from the point of view of the vitality of the city, I say this is an important part of a mosaic of measures this government is taking to add to the vitality of the city of Adelaide, and it should be endorsed and supported as such, particularly by the member for Adelaide whose constituents are major beneficiaries of this. Secondly, from the point of view of consumers in South Australia, we are not talking about what the government offers or nothing.

Let's understand exactly what the alternative is. The alternative is a destruction of the independent retail sector in South Australia which presently, as I have said before, is sheltered by very important provisions in this legislation which protect it from the predations of dominant market players around the country. That is the choice: one package which has the consent of the government, business and the trade union predominantly involved in this area, and another one which will put people out of work, damage consumer choice and make it more difficult for local producers to get a fair price for their product. The obvious answer to how one should proceed with this one is clear, and I hope that all members in both chambers will support the proposals as put forward by the Premier.

Mr PISONI (Unley) (12:29): Eleven minutes from the Deputy Premier and there was not one attempt to defend the imposition of two new public holidays as part of this bill. That is the issue that the Liberal Party has with this bill: it is the fact that we have a Labor Party being driven by the shoppies union (the most powerful union in this state) to implement an industrial relations change by using the shop trading act and the public holidays act, not going through the Industrial Relations Commission—obviously the federal Industrial Relations Commission in private employee situations and the state Industrial Relations Commission for public servants.

The fact is that employees, whether they work for big companies or small companies, whether they work for the private sector or the public sector, periodically have gone to the Industrial Relations Commission for changes to their award provisions of employment. In South Australia, businesses—whether they be large businesses or small businesses—have complied with the outcomes of the Industrial Relations Commission when it comes to terms and conditions of employment, salaries, bonuses, penalties and so forth.

Do not forget that many of the people who work shiftwork are compensated through additional holidays, annual leave, loadings to shiftwork. Those types of compensations are taken into account by the Industrial Relations commissioner when those submissions are put forward. I ask this house to consider how many times the many unions that have signed the government's pledge card in this legislation have, in their ambit claims or otherwise, put to the Industrial Relations Commission that they want to see double time and a half on New Year's Eve and on Christmas Eve.

If there are union representatives out there listening to this debate, I say to them: show us the submissions you have taken to the Industrial Relations Commission that have demanded double time and a half for your members for working on New Year's Eve and Christmas Eve. I will be very interested in the answer. Let us talk about how disingenuous this whole trading hours debate is in the unions' push to squeeze more money from the small business sector in South Australia.

I will take you back to about this time last year when the shoppies union was circulating cards to members of parliament saying, 'Remember ANZAC Day and Easter are about courage, sacrifice and family—not shopping.' They were using the religious aspects of Easter and using the

sacrifice of our fallen men for their own political purposes. Peter Malinauskas was even on radio saying that he had approval for this campaign from the RSL.

I happened to write to the RSL and asked them to clarify whether this was the case, and this is the response I got back from the RSL:

Hi David, I have spoken to Jock Statton, the State President, and he actually spoke to this guy—

Peter Malinauskas, I imagine they are talking about—

beforehand saying that the RSL is only interested in the fact that the ANZAC Commemoration Act is upheld and ANZAC Day is about respect not politics and should stay as such.

Not politics, but of course the shoppies union was very happy to get involved in the politics of Easter and ANZAC Day on that occasion. The response continues:

We have always had the opinion that any shops should not open their doors until after the ANZAC Day March has completed, to allow due respect to be paid to those who served, any stance outside of ANZAC Day is not the bailiwick of the RSL.

In other words, it is not within their jurisdiction and they are not interested in what happens outside of the ANZAC Day march, yet the secretary of the shoppies union, Peter Malinauskas, was on radio telling people that he had endorsement for this campaign to stop shopping on ANZAC Day from the RSL—an outrageous disgrace. That is how the shoppies union operates.

We know that this stance, all of a sudden, has changed. They received their thirty pieces of silver, and the shoppies union has decided that it is now alright to shop on ANZAC Day, because they worked out this deal with Business SA, which we have since learned is not representative of the small business community. I can vouch for that; I was a member of Business SA for a short time as a small business person, but then went on to join my association—the Furnishing Industry Association—where I got good representation on industrial and industry issues.

I think it is important to understand what we are seeing happening in the community at the moment; that is, we have a government that has handed over its industrial relations system for the private sector to the federal sphere and is trying, through an act of state parliament, to force an increased cost of business through introducing two additional public holidays in South Australia. As far as I am aware, no other state or jurisdiction in comparable countries has this on New Year's Eve and Christmas Eve.

I was interested to hear the Premier on radio just last week saying that those people who are working on those days when we all like to have a nice time off should be rewarded for doing so. What about people who have lunch between 12 and two? Maybe restaurants should pay penalty rates during that time as well, because people are having a nice time during lunch and people have to work during lunch. So, with that ideology, perhaps we need to have restaurants paying penalty rates for those who work during lunch breaks.

It reminds me of some towns in Italy, where some local restaurants have signs up which say, 'Closed for lunch.' I think that is where this state is heading under Labor; this state is heading for a series of 'Closed for lunch' and 'Closed for business' signs happening all around the state because of the insistence that this government has to placate the shop assistants union.

We know that the Premier is here with the nod of Peter Malinauskas. The former premier Rann assured us that he would be here until 2014, but it was Peter Malinauskas who said, 'No, we want Jay Weatherill,' and so, of course, Mr Rann had to go. I think the problem that Mr Rann had, of course, was that he was in a position for so long that he actually forgot he did not run the show, that it was actually the shoppies union that ran the show.

To look at how grubby this deal is, you need to look at the way the shoppies union operates. I know this for a fact; I have had a personal first-hand experience of the access that they have to 15 and 16 year olds who start stacking shelves at Big W or Woolworths, with half an hour of compulsory access in front of a union representative from the shoppies union telling them that as a single stick they can be broken, but if they clamp together as a bunch of sticks, they will be saved from the evil employers who are trying to screw them for every cent they have.

Then, of course, they hand out the union cards to 15 and 16 year olds to sign before they have had a chance take it home and discuss it with their parents. There is so much intimidation for those kids who turn up to those induction nights at Coles and Woolworths. After they sit through this induction by the shoppies union, many of them feel that they have no choice but to sign up to join the shoppies union.

It gets even more interesting than that—and if I was a member of the left wing of the Labor Party, I would be very concerned about the way they count their membership. We know how important membership is, of course, for preselection and control of the State Governing Council of the Labor Party. The shoppies union will tell you it represents 20,000 or more members, but I just wonder how many of those members have paid union fees in recent times. How many of those casual members who work for a three-month block and have not worked for six months are still counted as members of the shoppies union, even though their fees are deducted when they are paid?

The casualised manner of the retail industry, particularly for part-time workers, is that you could very well be working for a week or two and then not work for several months; that has happened—I have had experiences through my children's friends where that has happened—and then you are called back again. You may very well decide that it is not for you, and that you are not going to work at Coles or Woolworths anymore and are going to do something else, but you are still getting your membership material in the mail one, two, or three years later. You are still counted as a member of the shoppies union so that the shoppies union can use you as a stick against the left wing of the Labor Party controlling the floor of the Labor Party congress whenever they meet. I am not sure how they describe their 'come-togethers', but, certainly, that is the experience that I have seen.

What is even more ironic is that we saw a Labor candidate at the last federal election whose family owned a junk-food company. I happen to know because people have approached me saying that the young kids who work at that fast-food company are told that they must clock off before they finish the till. I thought that was against the industrial law—

Members interjecting:

Mr PISONI: 'He' was a woman.

The DEPUTY SPEAKER: Member for Unley, can you please get back to the subject.

Mr PISONI: This is all about industrial relations law—

The DEPUTY SPEAKER: No, you are straying from the actual subject. Also, I would appreciate it if you could address the chair, as you quite often remind other members to do.

Mr PISONI: Of course the Labor Party is all about what works for the Labor Party. The union movement is all about what works for the union movement. The union movement has seen an opportunity here to improve their profile in the public (because we do know, of course, that, in the private sector, union membership is down to about 17 per cent), but here they are dictating to our opponents—the government, the Labor Party—how it should be running its legislation.

It was Peter Malinauskas who said that this deal was a total deal: you lose the two extra public holidays in this deal and it is not going to happen. Well, there is a challenge for the leadership of Jay Weatherill, the Premier of South Australia. Is he going to take the direction of the parliament or is he going to take the direction of the shoppies union? It will be an interesting test as this is played out in the next week or so.

I think it is also interesting that we hear about Labor members continually popping up talking about conflicts of interest with anyone on our side of politics. We are seeing this happening in the Queensland election—conflicts of interest. Someone has got a business interest—conflict of interest. You cannot talk about a particular industry because you have a conflict of interest, yet the Labor Party is full of conflicts of interest. Every single member is a member of the unions that are backing this campaign. That is a conflict of interest.

Why is the union membership important? The union membership is important because it is related directly to their income, their preselections; that is why it is important to them, and what the Labor Party has put first and foremost in this bill is their loyalty to their union and their concern for their preselection. That is what this is all about; that is why they are doing what their unions are telling them to do. That is why they are doing what Peter Malinauskas is telling them to do. The Premier is doing what Peter Malinauskas is telling him to do, because the Premier owes him one. He has got to the top job in the state because Peter Malinauskas tapped Mike Rann on the shoulder.

That is exactly why we are here today, and that is why we are discussing the government's intention of including two more public holidays as part of this deal. Remember how concerned the shoppies union was for diggers last ANZAC Day. This ANZAC Day it is more than happy to have

shopping on ANZAC Day because it has sold out, hoping to get additional penalty rates for its members. What is ironic about this whole situation is that the beneficiaries of this legislation will be city traders, but try to go shopping at 5 o'clock on New Year's Eve and on Christmas Eve. Rundle Mall is closed. Rundle Mall traders will not be paying the penalty rates, yet every other small business operating in its core business time on Christmas Eve and New Year's Eve will be forced to pay the price of the shoppies union deal.

I think that we need to remind South Australians that this state has in fact been run by the shoppies union for 10 years; that is why we have not had public holiday trading in the city until now. I bet that Peter Malinauskas could not believe his luck with the generous deal he got out of Business SA, because I tell you what: it is an extraordinary cost to pay. Everybody else has to pay except those who are benefiting from it. Everybody else is paying for Rundle Mall being open on the public holidays that this bill covers.

We support the need to increase trading in the city. We support those aspects of the bill. What we do not support is the grubby deal that has been attached to this bill. You cannot attach what is, in effect, an industrial relations consequence to a bill to deal with public holidays and trading hours. They are two completely different issues. When the industrial relations commissioner considers a claim in the Industrial Relations Commission, they look at the big picture—the whole industry, the profession, the working hours and the nature of that business. Over the years, we have seen those industrial relations agreements evolve to take into account the fact that these employees do work unsociable hours and that they are rewarded for it.

My father, when he was at GMH for 35 years, always worked the afternoon shift because he got a loading. He wanted to work the afternoon shift because he got a loading, and he was happy to do that. That was part of his EBA, the negotiated agreement that Holdens had at the time.

Mr Marshall interjecting:

Mr PISONI: Or the award, as the member for Norwood reminds me. My father has been retired for a while now, so I think it would have been an award. That was fair enough. It was argued in the Industrial Relations Commission, and arguments were put forward as to why that should be the case. However, there were no arguments put forward by this government as to why small businesses, which are not getting any benefit whatsoever from the changes to shopping hours in the mall, should be paying heavy penalties on New Year's Eve and on Christmas Eve. We are still yet to be convinced as to how that is linked, other than the fact that Peter Malinauskas thought it was a good idea.

Ms BETTISON (Ramsay) (12:47): These new shop trading hours are set to reinvigorate the city centre under these major reforms. We heard the South Australian Governor talk in his opening of parliament that this is one of the seven priorities of the Labor government. A vibrant city is what we are aiming to create. We have heard, however, the member for Waite claim that a vibrant city has been Liberal ideas left, right and centre. It must be very frustrating for them not to be in government with these great ideas.

What I want to talk about is the fact that this is a way forward, and what we have seen here is real leadership in South Australia. This legislation is a package, and it is a package because it will settle once and for all this issue of shop trading deregulation. Let's talk about the people who support this bill: Drakes; Romeos; Adelaide City Council; United Voice; the Police Association; Business SA; the Australian Nursing and Midwifery Federation; the Transport Workers Union; Rundle Mall Management Authority; the Rail, Tram and Bus Industry Union; the Shop, Distributive and Allied Employees Association; the Australian Services Union; SA Unions; the Chapley Group; Globalize; Adelaide Central Plaza; and the Maras Group.

This is a package that has the broad support of a genuine coalition—not one of a narrow group of self-interested employer associations but one of employer groups, business organisations and businesses, local government, unions and people who share the same vision for the future of our city. When you are looking for leadership you have to make some difficult decisions. You have to be bold and you have to listen to people. Sometimes you have to compromise and sometimes you have to negotiate. I am pretty sure we will stand here at another time when Business SA does not agree with what the Labor government is doing.

Let us talk about some of the outcomes of this. These part public holidays will compensate workers who are working when others are enjoying themselves. The reforms are part of a package, and it is about fairness. One of the things I have not heard people on the other side talk about is

some of the negotiations that came from this and some of the compromises that had to be done, and that is why we were able to go forward with the decision we have here.

The two additional part-day public holidays are legislated for. There will be no increase in the amount paid to casual bartenders on Christmas Eve and New Year's Eve until 2015. From the start of 2015, the amount payable to casual bartenders will decrease by 25 per cent on Monday to Friday—that is a decrease of 25 per cent.

I see in the gallery Ian Horne from the Australian Hotels Association. I have not heard anyone from the other side of the house talk about there being a compromise here, and this takes leadership. You can't just accept that this is a deal where we all walk hand in hand and are happy and everyone has a win-win situation on every side. We win-win because we discussed it, debated it and found a way forward, as South Australians asked us to find a way forward.

Mr Griffiths interjecting:

The DEPUTY SPEAKER: Order! Member for Goyder, it is very unusual for you to be so belligerent.

Ms BETTISON: Of course, what this bill puts forward is that from the start of 2015 the amount payable to casual bartenders will increase to 175 per cent on Sundays and 275 per cent on public holidays. I understand that there is a compromise here. What I want people to recognise is that there is compromise on both sides.

Often, when we go through these processes, we have a lot of employer organisations running scare campaigns with outrageous claims such as it will not be worth opening on New Year's Eve or Christmas Eve and it will cause businesses to close. Employers have used these arguments to complain about reforms such as minimum wage increases, universal superannuation, the GST, the Fair Work Act, the CPRS and OH&S harmonisation. The truth is that these reforms are needed and they were asked for by South Australians.

One of the key things we have seen from this is a support for South Australians about the fairness of this, and it is about listening to people and their need to spend time with family and their need to be recognised and compensated if that is not possible. A recent Newspoll survey showed that an overwhelming majority of South Australians support higher pay for workers on Christmas Eve and New Year's Eve. A massive 80.6 per cent of South Australians support higher rates of pay for people who work after 5pm on Christmas Eve and New Year's Eve. That means massive public support for these part-day holidays.

When you are in government you have to make some tough decisions, and this is one of those decisions that is made with support from those areas that perhaps predominantly would not support Labor Party policy or Labor government bills. I think this is a positive way forward for us to look to benefit the workers of South Australia, to the demands of a vibrant city and a way forward for the future.

Mr VAN HOLST PELLEKAAN (Stuart) (12:54): I will not take too long to get to the heart of this issue. We have heard a lot of talk here and, certainly, the Minister for Small Business alarmed me with the nonsense that he was spruiking. This is actually a pretty straightforward thing from our perspective. There is no demon, there is no-one running around trying to stop payment of penalty rates, and there is nobody trying to force people to get out of bed at midnight and go to jobs that they do not want to do.

We are just opposed to the two new half-day public holidays. That is the bottom line. I hear people in the media or here talking about all the dreadful things that the Liberal Party would like to do to workers throughout the state: it is absolute nonsense. We just support opening up the CBD so that the shop trading can be deregulated as proposed by this bill. We just oppose two additional public holidays because they would put an unfair burden on small business.

I am an ardent supporter of small business. I have run my own small businesses, I have worked exceptionally hard, and I have had a lot of staff. Do you know why I support small business? Because small business creates employment. There is nobody here who wants to support small business so that it can strangle workers. Small business needs support so that it can create opportunities for workers.

This whole issue with regard to the idea of deregulating and freeing up shop trading hours in the Adelaide CBD started with our member for Adelaide, who put forward a very sensible package here in parliament. She has worked with an enormous number of people to do it. She has

been very flexible in her approach, and she has made adjustments, working with people from the government, employer groups and different industry groups. This is something that started over here. This is a very, very positive thing, but the point is that we do not need to progress this positive suggestion and take the two proposed half-day public holidays. That is a suggestion from the unions.

People trying to say that we cannot have one without the other are just trying to frame an argument. As I have heard a few of my colleagues say, they are trying to frame an argument that frames the Premier in the grip of the shoppies union. The reality is that we are perfectly capable of freeing up trading in Adelaide without the extra public holidays, and anybody who says that it is impossible to do one without the other is obstructing the main goal. Nobody on this side of parliament is opposed to paying penalty rates on public holidays. We just do not think we should have any more public holidays. It is as simple as that.

In the country areas, as you might know, Mr Deputy Speaker, we are very fortunate. We are very progressive in country areas, and we do have largely deregulated shop trading and it works very well. In fact, I will cite an example of the local Port Augusta traders association encouraging Big W to come into Port Augusta. It concerned a lot of people, it concerned a lot of traders, but the theory was that, if we could get another large department-type store that would trade seven days a week, it would bring business into Port Augusta, and that is exactly what it did.

I will not say that it was not without some stress and strain and some cost to some small businesses, but overall it has been a resounding success. What happens is that more people now come into Port Augusta. Whether they be Port Augusta residents doing their own shopping in Port Augusta instead of going further afield, whether they be people from the further afield country areas, or whether they be from Port Pirie, Whyalla or outback residents, they come into Port Augusta now because there is also this other very large seven-day a week trader that provides services that the other businesses cannot. All the other businesses benefit accordingly. They all benefit from this, and I am sure the same sort of thing can happen in Adelaide.

Everybody here knows that I have a rural and outback focus, but the city of Adelaide deserves exactly the same sort of flexibility that Port Augusta and other country areas have right now. I come back to my main point: we could support the city of Adelaide without adding these two half-day holidays. I seek leave to continue my remarks.

Leave granted; debate adjourned.

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

ARKAROO LA PROTECTION BILL

His Excellency the Governor assented to the bill.

VOCATIONAL EDUCATION AND TRAINING (COMMONWEALTH POWERS) BILL

His Excellency the Governor assented to the bill.

VISITORS

The SPEAKER: I advise members of the presence in the gallery today of students from Magill school, who are guests of the member for Morialta. There is a group now and there will be a group a little later. I understand one of your teachers, Mrs Lutz, is ex-Whyalla, which is good to see. Welcome to you young people. I hope you enjoy your time here today.

ANSWERS TO QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

LEARNING TECHNOLOGIES PROGRAM

In reply to **Mr PISONI (Unley)** (7 October 2010) (Estimates Committee B).

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development): The 3 year term of the Learning Technologies Program concluded in 2010. ICT Coaches and Masterclasses were initiatives with an after hours component. From the success of these initiatives

and others, schools will now build further upon the achieved outcomes with respect to the use of ICT in the delivery of teaching and learning.

As at 29 March 2011, one officer from the former Learning Technologies Program is eligible to receive a formal Targeted Voluntary Separation Package offer.

SCHOOL FUNDING

In reply to **Mr PISONI (Unley)** (7 October 2010) (Estimates Committee B).

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development):

The \$13,547 average funding per student figure as announced as part of the 2010-11 State Budget is a broad based calculation which takes into account the 2010-11 budget operating expenditure of the Department of Education and Children's Services (including corporate costs). It excludes preschool education and school sector expenditure not funded by government and compares this with the approved enrolment projection for 2010-11.

The Index of Educational Disadvantage is used in determining a range of targeted allocations to schools. Additional Junior Primary and Year 3 teacher time is allocated on a per student basis depending on the schools Index category. For example additional Junior Primary teaching time is allocated on a scale such that Category 1 (most disadvantaged) schools receive 5 times the allocation of Category 7 (least disadvantaged) schools. Primary School Counsellor allocations are based on primary enrolments numbers which are weighted based on the school's Index category. The Index is used in calculating other school grants such as Disadvantaged School Program grants (allocated differentially to Category 1 to Category 4 schools) and Socio-Economic Resource grants (allocated differentially to Category 1 to 3 Schools). The Index is also used in the calculation of other allocations such as Early Years Literacy funding and Training and Development grants.

A number of factors influence funding per capita in schools. These include the size of the school, whether the school is located in a metropolitan or country area and the number of special needs students. Category 5 secondary schools receive on average slightly more than category 4 schools because there are a small number of category 5 schools and these tend to be located in country areas.

The following table provides the relative percentages of the average Resource Entitlement Statement (RES) funding for students according to the Index of Disadvantage.

Percentage of average funding by Index of Disadvantage 2009-10:

Index of Disadvantage	Primary School Students	Secondary Schools Students
1	138%	111%
2	126%	111%
3	112%	109%
4	107%	99%
5	95%	100%
6	90%	95%
7	85%	90%

PAPERS

The following papers were laid on the table:

By the Attorney-General (Hon. J.R. Rau)—

Rules made under the following Act—

Magistrates Court—Civil—Amendment No 41

By the Minister for Business Services and Consumers (Hon. J.R. Rau)—

Regulations made under the following Act—

Liquor Licensing—

Dry Areas—Long Term—

Ceduna and Thevenard Area 4

Clare

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

Death of—

Michael David Rex Report of actions taken following Coronial Inquest
Yan Yi Xu Report of actions taken following Coronial Inquest

By the Minister for Finance (Hon. M.F. O'Brien)—

Procurement Working Group—Purchase of Printer Cartridges at Inflated Prices Report

By the Minister for Education and Child Development (Hon. G. Portolesi)—

Regulations made under the following Act—

Education and Early Childhood Services (Registration and Standards)—
Education and Care Services National Law Regulations
Variation Regulations

By the Minister for Transport Services (Hon. C.C. Fox)—

Local Council By-Laws—

City of Holdfast Bay—

- No. 1—Permits and Penalties
- No. 2—Moveable Signs
- No. 3—Local Government Land
- No. 4—Roads
- No. 5—Dogs
- No. 6—Cats
- No. 7—Foreshores

PARLIAMENTARY REMUNERATION

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:05): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: I rise to make a ministerial statement on proposed amendments to the Parliamentary Remuneration Act. Late last year I introduced amendments to the act that froze the pay of state parliamentarians until 30 June 2012, temporarily pausing the link between the basic salary rate of a federal parliamentarian to that of a state parliamentarian. That link currently sees the basic salary of a state parliamentarian being \$2,000 less per year than that of their federal counterparts.

Other entitlements that are payable to state parliamentarians—for instance, electoral allowances—are currently determined by the Remuneration Tribunal of South Australia. Late last year, the commonwealth Remuneration Tribunal determined the allowances of federal MPs, including their base pay, which then determines the pay of state parliamentarians. In December 2011, legislation was passed suspending the linkage between the state and commonwealth salaries. This prevents any significant increase in the salary of federal parliamentarians from automatically flowing through to state parliamentarians.

The commonwealth Remuneration Tribunal has since recommended a 31.29 per cent increase in the base salary of federal parliamentarians from \$140,910 to \$185,000. This increase was partially offset by changes to some parliamentary allowances. If there are no amendments to the Parliamentary Remuneration Act 1990, the base salary of state parliamentarians will automatically increase to \$183,000 on 1 July 2012.

This is not acceptable in the view of the South Australian government. In the current economic climate, the increase in base salaries should not see a large automatic increase in the salary of state parliamentarians. The changes to federal parliamentarians' basic pay could have seen a benefit in excess of \$40,000 flowing to state MPs. Under our proposal, this will now not happen.

Cabinet has approved continuing to maintain the link to the basic salary of federal parliamentarians but increased the difference between the base salary of state and federal parliamentarians to \$42,000. I will soon introduce legislation to increase the base salary of South

Australian parliamentarians to \$143,000 per annum from 1 July 2012, an effective increase of 2.9 per cent.

ZOOS SA

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:08): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: Last week, cabinet approved a further \$1.2 million, to be met from the Department of Environment and Natural Resources, to ensure that Zoos SA could continue to operate in the 2011-12 financial year. In November last year, the government reached an agreement with Zoos SA to increase its annual operating grant, from \$3.1 million to \$4.5 million, and for that grant to be indexed. As part of that settlement, the government also provided a \$2.6 million loan to Zoos SA, while Westpac significantly reduced its loan from \$25 million to \$7.5 million.

Throughout 2011, the government had brought forward \$2.3 million in future years' funding to Zoos SA to allow it to continue operating and to pay overdue creditors. When conducting its financial plans for the future, and in particular for the 2011-12 financial year, Zoos SA believed that \$1.2 million of that \$2.3 million was a one-off grant and had made its financial plans accordingly.

Following the settlement last November, Zoos SA wrote to the government of its understanding that the \$1.2 million was a one-off grant. In September last year, as part of the provision of the \$1.2 million, the Department of Environment and Natural Resources wrote to Zoos SA, and I quote from part of the letter, 'The Government will provide to the Society a one-off special purpose grant in the amount of \$1.2 million.'

All the public statements I made at that time and since then had clearly expressed that all money that had been given to Zoos SA, up to the November settlement, were drawdowns from future years. Nonetheless, I can understand why Zoos SA, based on the letter from the department, would reasonably understand it was a one-off grant and base its planning for the 2011-12 financial year accordingly.

Following this misunderstanding, the government was left with a choice. We could do what the opposition would do and allow the Adelaide Zoo—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —allow the Adelaide Zoo—an iconic South Australian institution—to be unable to meet its financial obligations and potentially close or we could act quickly to continue to keep the zoo open. That is why cabinet approved \$1.2 million to be met from the environment department's resources to allow the zoo to keep operating in the 2011-12 financial year.

There has been speculation about the management style of Zoos SA and its internal staff structures. As Treasurer of South Australia, my first concern is the financial future of Zoos SA and I would like to put on the record in this house that I have full confidence—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —in the chairman of the board of Zoos SA, Kevin McGuinness, who has worked—

Members interjecting:

The SPEAKER: Order! Members on my left, I cannot hear the Treasurer. Order!

The Hon. J.J. SNELLING: —tirelessly to ensure the organisation has a sustainable future. Zoos SA is working with the government on a business plan which we expect to receive in coming weeks. The member for Davenport suggested in the media over the weekend that we should not have provided further funding to Zoos SA without that business plan. Unfortunately, animals being fed, staff being paid and the zoo remaining open cannot wait for a business plan.

I make no apology for doing what we have done to keep the zoo open. I have full confidence that, with the reduction of Zoos SA's debt from Westpac and the increase in its annual operating grant, together with the indexation of that grant, Zoos SA has a sustainable financial future.

Members interjecting:

The SPEAKER: Order!

PROCUREMENT WORKING GROUP

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for the Public Sector)
(14:13): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.F. O'BRIEN: I rise to update the house on the findings of the investigation led by the Procurement Working Group. The Procurement Working Group's role has been to coordinate the investigation that is being undertaken within agencies and resolve any impediments to the gathering of information. The working group is also ensuring that cases have been referred to the appropriate authority and recommending whole of government actions that can be taken to enhance government procurement processes.

To ensure a rigorous investigation, Ernst & Young was engaged to independently review the process conducted by the Procurement Working Group. A final report was endorsed at the Procurement Working Group meeting on 8 March 2012 which I have tabled today. The report indicated that 11 public authorities purchased printer cartridges at significantly inflated prices from suspect suppliers to the value of approximately \$1,205,000 and that eight public authorities have found evidence of gifts or prepaid purchases of printer cartridges.

The report also indicates that approximately \$5,500 worth of gift cards were distributed to purchasers, in addition to physical goods such as plasma screens and iPods. Another notable finding by the Procurement Working Group was that approximately \$227,000 worth of printer cartridges were paid for in advance of receiving the product, in contravention of Treasurer's Instruction No. 11.

In response to the investigation carried out by the Procurement Working Group, the government has taken action to strengthen procurement and financial management processes across the public sector. These measures include: the establishment of an across-government stationery contract from 1 September 2012, which has been mandated for use by all public authorities; the State Procurement Board taking a leading role in coordinating responses to future issues that negatively impact on the government's achieving the objectives of the State Procurement Act 2004; reminding all public authority chief executives of their responsibilities in complying with government financial management policies, including Treasurer's Instructions; the Commissioner, Public Sector Employment, writing to public authority chief executives in relation to the importance of the government's Code of Ethics for the South Australian Public Sector; and including a statement on all government purchase orders and standard contract documents seeking a commitment to ethical practices by the supplier, and allowing for possible terminations of the contract, without notice, for any breaches.

The Procurement Working Group investigations provided the across-government mechanism to allow public authorities and the Crown Solicitor's Office to deal with any matters relating to ongoing investigations and possible breaches. To date, one employee from SA Health has been terminated, and two have been suspended. Another employee from the Department of the Premier and Cabinet has also been suspended. The Department of the Premier and Cabinet has referred eight invoices, totalling \$79,263, to the Crown Solicitor's Office and SAPOL. SA Health has referred two cases from SA Pathology and the Aboriginal Family Clinic to the Government Investigations Unit and the Anti-Corruption Branch, with invoices totalling \$43,888.

The Department of Planning, Transport and Infrastructure has referred an invoice of \$127,200 to the Crown Solicitor's Office. PIRSA is to refer findings of its external independent investigator's report to the Crown Solicitor's Office when complete. The State Procurement Board will monitor outstanding responses and spending on suspect suppliers by public authorities, as well as coordinating responses to any future procurement related issues that may arise. The Auditor-General has been kept informed of the Procurement Working Group's findings during the investigation.

Members interjecting:

The SPEAKER: Order!

QUESTION TIME

STATE ECONOMY

Mrs REDMOND (Heysen—Leader of the Opposition) (14:19): My question is to the Premier. Why, after 10 years of Labor government, does South Australia now have the worst economic growth of all states, and why has it just experienced two consecutive quarters of negative growth, which economists define as a recession?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:19): I thank the honourable leader for her question because she has just misled the house and the community, and it's important to—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: Point of order, Madam Speaker.

The SPEAKER: Point of order, Leader of the Opposition.

Mrs REDMOND: The Premier just accused me of misleading the house. My understanding of the rules is that he can't do that without moving it as a substantive motion.

The SPEAKER: Thank you. Premier, you need to be careful of that. I uphold that.

The Hon. J.W. WEATHERILL: Madam Speaker, I am sure it was inadvertent but—

Mr WILLIAMS: Point of order, Madam Speaker.

The SPEAKER: Point of order, member for—

Members interjecting:

The SPEAKER: I can't hear you.

Mr WILLIAMS: Thank you, Madam Speaker. I think it's a convention of the house that, when members do err in such a manner as the Premier just has, they are asked by the Chair to withdraw and apologise.

The SPEAKER: I did say to the Premier that I did uphold that point of order, but I think he apologised anyway, but perhaps if you just retract your words, Premier.

The Hon. J.W. WEATHERILL: Madam Speaker, let me be clear. What the Leader of the Opposition—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Point of order, Madam Speaker. The convention of the house is that you can only accuse somebody of misleading by substantive motion, and otherwise the Premier must withdraw.

The SPEAKER: Thank you. Premier, can you move to withdraw the word 'misleading' and—

The Hon. J.W. WEATHERILL: I withdraw the word 'mislead', Madam Speaker, but can I point out to the house—

The SPEAKER: You may clarify the answer.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —that the information that I am about to put before the house will lead to no other conclusion than that those opposite have over the last few weeks been perpetrating mistruths into the public debate in a way which can only be said to have misled the community. Can I say this: that it's obviously part of—

Mrs Redmond interjecting:

The SPEAKER: Order, Leader of the Opposition!

The Hon. J.W. WEATHERILL: —a fairly desperate attempt to rob South Australians of the confidence that they have in their future. I notice today that the shadow minister also has perpetrated the same remark, where just a few hours ago he mentioned economic growth going backwards for two consecutive quarters. Well, that just happens to be false; it happens to be false. It just happens to be false. State final—

Members interjecting:

The Hon. J.W. WEATHERILL: Well, it's—

Ms Chapman: Poor old Kevin!

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: Exactly—now we're getting to the truth. You didn't use your words very carefully earlier on. The truth of the matter is this: they have chosen one component of our economic growth, which is state final demand, and sought to pass that off as economic growth. They have done that deliberately to create an impression in the minds of the community that this state is in recession. That is simply unsustainable.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: No, you're slipping and sliding here. What comes from across the chamber is that now that they are actually confronted with the reality of their own words and the fact that the technical recession—the so-called technical recession—that they say we're in the middle of isn't in fact a technical recession at all: it actually involves a definitional problem with those opposite. They are now sliding into other things. I would just ask—

Members interjecting:

The SPEAKER: Order, member for Unley and Leader of the Opposition!

The Hon. J.W. WEATHERILL: 'Just ask some of our mates and they'll tell you things aren't going so well,' that's what it now slides back to. The reality is economists generally believe that two consecutive quarters of decline in production amount to a recession, and that is not what we are looking at here. The fact is that we don't have a quarterly measure of production here in our economic statistics. We in fact don't have a measure of that sort. The Australian Bureau of Statistics only produces estimates of gross state product or GSP at the state level on an annual basis, and so those opposite who were seeking to grab a few statistics to try to make their points have now been embarrassed.

Members interjecting:

The SPEAKER: Order! Members will listen to the Premier in silence.

The Hon. J.W. WEATHERILL: This is an important point, I think, for those opposite to be educated about and generally those in the community who are relying upon their remarks about the state of our economy. State final demand measures spending in the local economy—so measures such as South Australian household spending on the construction of new houses, spending by governments and investment spending by businesses. Much of this spending is on goods and services that are not made in South Australia; they come from interstate and overseas. Our spending—and this is a very important point—does not include the goods and services that we produce for export interstate and overseas. For those opposite to grasp—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: They can shout as much as they like at this point, because they do not want to hear what will amount to a complete demolition of the arguments they have been running in the last couple of weeks.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: They have been running around and passing off one discrete component of state economic growth as economic growth. It is false. It is creating a false impression in the minds of the community—

Mr GARDNER: Point of order, Madam Speaker. We've had six minutes of obfuscation which is clearly against the new standing orders.

The SPEAKER: Thank you, member for Morialta. Premier, have you finished your answer?

The Hon. P.F. CONLON: Point of order, Madam. I'd like to know what 'obfu-oscation' is.

The SPEAKER: Yes, I would, too. I did not uphold the point of order because I did not understand the word.

Members interjecting:

The SPEAKER: Order! Premier, your time has actually expired, if you could wind up.

The Hon. J.W. WEATHERILL: Madam Speaker—

Ms Chapman: His time is finished; sit him down.

The SPEAKER: Order!

Mrs REDMOND: I understood that the new rules required the answer to be no longer than four minutes.

The SPEAKER: Thank you, yes. Because it is the first question of this week, I have given him a little bit of leniency and it was an answer to your question. Premier, I would ask you to wind up.

The Hon. J.W. WEATHERILL: I will wind up soon, Madam Speaker, but we've been interrupted consistently through the whole of this answer.

Mr Williams interjecting:

The SPEAKER: Order! Deputy leader, if you want to ask a question, you can.

The Hon. J.W. WEATHERILL: We have many strong points in this economy. Our overall new business investment rose by 4.3 per cent in the December quarter of 2011. The state's unemployment rate is at 5.2 per cent, currently down from 5.5 per cent a year ago. Spending on mineral and petroleum exploration increased by 57 per cent for the year through to September 2011. South Australian crop production 2011-12 looks likely to be the third highest on record following the record crop of 2010-11, and \$109 billion of investment spending is in the pipeline.

Ms Chapman: Seven minutes!

The SPEAKER: Thank you, member for Bragg. I can count.

Mrs Redmond interjecting:

The SPEAKER: Order! As I said, I gave some leniency on that question because it was the first question for the week and it was an opposition question. However, we will be very careful about answers, please, ministers.

INTERNATIONAL WOMEN'S DAY

The Hon. S.W. KEY (Ashford) (14:27): My question is directed to the Premier. Can the Premier inform the house about International Women's Day and how this year's theme of economic empowerment relates to women in leadership positions in South Australia?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:27): I thank the honourable member for her question. Of course, each year on 8 March, International Women's Day is celebrated around the world, and it is a day of recognition of the extraordinary economic, social and political achievements of women. The 2012 theme was supporting women's economic empowerment. The International Women's Day breakfast, held in Adelaide for UN Women Australia, is the biggest in the country with over 2,000 women attending this very popular event.

This year we heard an inspirational story from young Asian-Australian writer Alice Pung. She told a story about economic empowerment which actually focused on her mother. It was the story of her complete lack of power but the way she took that to inspire both her daughter and other women. Economic empowerment is a theme that is central to the advancement of women globally, just as it is here in South Australia.

The government is addressing this in a range of ways by encouraging the number of women participating in public life and, in particular, leadership positions to grow. The Strategic Plan targets a number of areas to increase and obviously we have set the natural target of 50 per cent of these positions by 2014 and we have made some very substantial progress towards these targets.

As at 1 February 2012, women held nearly 46 per cent of positions on state government boards and committees. This represents an increase of over 12 points since April 2004. In this same time frame, there has been an increase of over 12 percentage points to 36 per cent in women holding chair positions on state government boards and committees. There has also been a notable increase in women in executive positions in South Australia—a change from 29.4 per cent in 2003 to 43.1 per cent as of June 2011. This is an increase of around one-third.

Improvement in women candidates in representation in local government is also an element. A record of 362 women, or 28.4 per cent of candidates, nominated as candidates in the 2010 local government elections.

In terms of the South Australian parliament, with the recent addition of the members for Port Adelaide and Ramsay, the Labor Party now has a total of 13 women in the South Australian parliament—that is 39 per cent of government members. There is still room for improvement.

Mr Pisoni: We've got a woman leader.

The Hon. J.W. WEATHERILL: We have a leader in the upper house. International Women's Day is an important reminder of the vast potential and contribution of women across the world and here in South Australia. It is all of our responsibility to help ensure that this potential is recognised and that women are supported in achieving leadership positions as well as advancing their careers.

CARBON TAX

Mrs REDMOND (Heysen—Leader of the Opposition) (14:30): My question is to the Minister for Employment, Higher Education and Skills. Has the government undertaken any modelling on the jobs impact of the federal carbon tax in South Australia and, if so, what are the results?

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (14:31): I am not aware of any—

Members interjecting:

The SPEAKER: Order!

The Hon. T.R. KENYON: —but I am happy to check and find out.

BUS CONTRACTS

Ms BEDFORD (Floreay) (14:31): My question is to the Minister for Transport Services. Can the minister update the house about the results of the performance assessment and management of bus contracts?

The Hon. C.C. FOX (Bright—Minister for Transport Services) (14:31): Thank you, and I would like to acknowledge the member for Florey's outstanding advocacy for her constituents on this particular matter. New contracts for the provision of bus transport services were put into effect late last year. These contracts required operators to meet seven specific performance criteria. These criteria are: on-time running, trips run, cleanliness and connections, driver quality, vehicle condition, process compliance and reporting compliance.

Unfortunately, some contractors have materially underperformed in this area. The data has been collected over a period of some weeks and, because this is the first occasion to my knowledge that a minister has had to apply these fee reductions, I have been extremely cautious about going through all of this and have exercised due diligence in relation to this matter. However,

I have to say that I am left with no choice in this matter. Fee adjustments will be made and I believe that the contractors should have received these letters today.

This decision has not been taken lightly. I should say that each company received a letter from me informing them of what I was about to do, and they in turn had a certain period of time in which to respond. All three contractors were aware, as part of their contracts, that fee adjustments would apply if the standards were not met.

I do want to point out that some of these fee adjustments are minor. It is important to recognise that certain companies have coped moderately well with the handover. However, some have not. What I want to send and what the government wants to send is a very clear message to certain contractors: get your house in order; give us the service we deserve; and we have a right as commuters to get on a bus—

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: —which will get us to a certain place within a certain time. This government makes no apology for demanding the very best service we can get. We are dealing with a very tricky legacy here—

Members interjecting:

The SPEAKER: Order!

Ms Chapman: Tricky legacy! You wrote the contracts.

The SPEAKER: Member for Bragg, order!

The Hon. C.C. FOX: We are dealing with a very tricky legacy here, the legacy of privatisation imposed upon this state by—

Members interjecting:

The SPEAKER: Order! I do not like to see that finger pointing across the floor. If people ever get bored with the zoo, or if the zoo closes, they could just come down here for a while.

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: As I was saying, the legacy of privatisation imposed upon this state by a—

Dr McFetridge interjecting:

The SPEAKER: Order, the member for Morphett!

The Hon. C.C. FOX: —former Liberal government. Madam Speaker, I—

Mr WILLIAMS: Point of order, Madam Speaker.

The SPEAKER: Order!

Mr WILLIAMS: I think that the minister should be aware that the government which she is a part of, or the party which she is a part of, voted in this house—

The SPEAKER: Thank you.

Mr WILLIAMS: —to continue that particular contract. You had the opportunity to vote against it, and every one of you voted for it.

The SPEAKER: Order! That was not a point of order: that was a statement.

Members interjecting:

The SPEAKER: Order! If you wish to do a grievance speech afterwards, you can, if you have a problem.

Members interjecting:

The SPEAKER: Order! Minister.

Mr Pisoni interjecting:

The SPEAKER: Member for Unley!

The Hon. C.C. FOX: Madam Speaker, I do not expect these companies to be happy about the fee adjustments, but, as a government, we are not here to make multimillion dollar companies happy: we are here to get value for the taxpayer dollar and to get people to where they want to go on time. I would like to acknowledge—which, I guess, is slightly unusual in this particular instance—the role of the media in this, particularly in talkback radio. Now, it is very rare you hear that said by a politician in this place, but there has been so much anecdotal evidence which has added weight to the data that we had already collected—

Ms Chapman interjecting:

The SPEAKER: The member for Bragg will leave the chamber until the end of question time.

The honourable member for Bragg having withdrawn from the chamber:

Mr Venning interjecting:

The SPEAKER: Order! Member for Schubert, you will follow if you are not careful. You are very vocal today. Minister, finally.

The Hon. C.C. FOX: Yes, sorry, I was a bit taken aback by the departure of the member for Bragg.

Ms Bedford interjecting:

The Hon. C.C. FOX: Well, indeed.

Mr Pengilly interjecting:

The SPEAKER: The member for Finniss! Minister.

The Hon. C.C. FOX: Finally, the last point I would make is that the next quarter of reporting ends on 31 March; so, I send a very clear signal to all those bus companies which says that we will be looking at the next quarter with great, great interest.

CARBON TAX

Mrs REDMOND (Heysen—Leader of the Opposition) (14:37): My question is to the Premier, and maybe the previous minister—that is, the Minister for Employment, Higher Education and Skills—might listen. A question to the Premier: why did the Premier support the carbon tax given that state Treasury modelling obtained under FOI indicates that the carbon tax will cost South Australia about 1,500 jobs once implemented, negating 75 per cent of the jobs created by the proposed Olympic Dam expansion next year?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:37): The reason why I and people on this side of the parliament supported putting a price on carbon is because we want a future for our children. We have decided that this is—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: We are also persuaded by the report that was prepared into the whole question of the original carbon pollution reduction scheme that the costs of adjustment that will occur for our community economically, socially and, of course, environmentally will just rise exponentially the longer we leave it, and that is why we are prepared to support the commonwealth. The short-term costs associated with the implementation of a price on carbon will be nothing like the burden of adjustment that will fall upon this state and this community.

And can I say this for those opposite who pretend to be close to business: if they only understood that the thing that is the most damaging for business is the lack of certainty about the future of a price on carbon. Everyone knows that we are going to have to put a price on carbon in the future—everyone knows that. What kills business is uncertainty; so, when a commonwealth government accepts its responsibilities and actually faces up to one of the great challenges that faces our generation and does something—which is to put a price on carbon, which means that this generation begins to bear the costs associated with saving future generations—that is a massive political challenge. We do not resile from that, but it is a moral challenge that we are prepared to accept—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —and that is why we support the commonwealth's position.

COMPULSORY THIRD-PARTY INSURANCE

Mr SIBBONS (Mitchell) (14:39): Can the Treasurer inform the house about what the government is doing to improve the compulsory third-party insurance scheme for South Australian motorists?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:39): I thank the member for Mitchell for his question. The government is committed to ensuring that injured South Australians are supported in their time of need. Despite our best road safety efforts, thousands of South Australians are injured in road crashes every year. The injuries can cause financial losses, such as time off work and treatment expenses, and they sometimes leave the person permanently disabled. In severe cases, the person may need long-term care, such as home nursing or having to live in supported accommodation. Altogether, these losses are very costly, costly to the individual, of course, but also costly to their family and to the state.

In most cases, the driver who causes the crash cannot afford to pay for the damage done. This is why South Australia has had a compulsory third-party insurance scheme since 1936. When one registers their motor vehicle, most of the cost of registration is the annual CTP premium, covering against the risk that you might cause a crash that injures someone.

The scheme is not well known and many people only find out about it if they are involved in a crash. Some are surprised to find that the scheme does not cover all crashes. It only applies where the injured person can show that the crash was another driver's fault. For instance, if you are injured because another driver runs a red light or overtakes on a blind corner, you can claim on the scheme. If you are injured because you fall asleep at the wheel and hit a tree, you cannot.

All Australian states have CTP schemes of some sort, but not all of them are like ours. With some, you can claim even if the crash is your fault. Comparing the premiums around Australia, these no-fault schemes do not necessarily cost more. The South Australian CTP premium is currently among the more expensive in Australia; this is because the cost depends as much on the benefits provided as it does on the type of scheme.

The government believes that it is time to look at our scheme again. On 4 March I launched a green paper outlining some of the options the government could take to improve the scheme. A reformed scheme has the potential to deliver improved fairness while at the same time easing the financial burden on South Australian motorists and taxpayers.

The Council of Australian Governments is currently looking into a national disability insurance scheme to provide long-term care and support for people who suffer catastrophic injuries. Based on the current proposals, the impost on the South Australian CTP scheme, without any other reforms, could see a significant increase to the premium costs for South Australian motorists.

I would encourage anyone with an interest on this topic to visit www.treasury.sa.gov.au/ctpgreenpaper, look at the green paper and provide comment by 27 April. Achieving better recovery, rehabilitation and ongoing care and support outcomes for injured motorists is a key focus for this review.

EMPLOYMENT FIGURES

Mr PISONI (Unley) (14:42): Will the Minister for Employment, Higher Education and Skills explain why, after Labor promised to create 100,000 new jobs at the 2010 election, there are now fewer South Australians working full time than when this promise was made two years ago?

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (14:43): It is no secret that the economy has not been at full speed. It is somewhat struggling—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. T.R. KENYON: —so it is no surprise that employers are making some adjustments to the way they employ people. I have to say that it is to their great credit that it appears that they are doing that by reducing hours, not employees. That explains why we are able to maintain an unemployment rate of 5.2 per cent. It is the 90th month in a row that the unemployment rate has been below 6 per cent.

When the former government left office in 2002, the unemployment rate was 7 per cent. Their worst rate was 11.2 per cent. At no point in the last—

Mr Pisoni: You promised 100,000 new jobs—not a single full-time job.

The SPEAKER: Order, member for Unley!

The Hon. T.R. KENYON: —90 months—that is 7½ years off the top of my head—has it been above 6 per cent. It is a very flexible economy that we are seeing at the moment. We are seeing employers do the right thing, and they are to be commended for it.

NOARLUNGA GP PLUS HEALTH CARE CENTRE

Mr BIGNELL (Mawson) (14:44): My question is to the Minister for Health and Ageing. How will the new Noarlunga GP Plus Super Clinic improve access to healthcare services for people living in outer southern Adelaide?

The Hon. J.D. HILL (Kaurana—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:44): I thank the member for Mawson for this question. This is about a new institution in his electorate which will serve all the residents of the southern suburbs. I am pleased to let him and the house know that the new GP Plus Super Clinic at Noarlunga has today opened for business.

For members who have not seen it—and many probably have not gone down—this impressive three-storey facility is a very striking iconic building in the Noarlunga Centre. Situated right next to the Noarlunga Hospital, it comprises 50 consultation rooms, five procedure rooms, five group rooms and two education and training rooms. It is estimated that the clinic will provide about 170,000 individual services each year; that is 48,000 dental services, at least 22,000 GP services and 100,000 other primary healthcare services.

We expect that the clinic's general practitioners will see even more patients once the after hours services are introduced over the next 12 months. We will build up the services as patients become aware that the doctors are there. Importantly, the general practitioner service will provide an alternative to hospital emergency departments for people with less serious conditions and for chronic health problem management.

The vast range of services, under the one roof, includes general practice, allied health, counselling, social support, health information and education, mental health, early childhood and family support, pathology collection, sexual health, and drug and alcohol counselling. These services also have the ability to work in tandem to ensure people get the very best support to help them stay healthy and out of hospital.

In the last week we were sitting I gave some examples of how a patient went to Elizabeth, had one particular issue and was able to be dealt with by a range of other service providers under the one roof. We expect the same thing to happen here. We expect that having services located together in the one family-friendly facility will help to improve access for people living in the outer southern suburbs, just as it has in the Elizabeth GP Plus Health Care Centre for the northern suburbs.

For example, a mother with two young children went to see the GP. While there she was able to see a child, adolescent and family health services nurse, who provides a baby clinic in the centre two days a week. She was then able to have her baby immunised by the immunisation clinic provided at GP Plus on the same day. The mother commented that it was great to be able to get everything done at the same time and then go to the shops for lunch with the kids.

The Noarlunga GP Plus Super Clinic joins GP Plus Health Care Centres now operating in Elizabeth, Marion, Woodville, Aldinga and Ceduna. The new two-campus Modbury GP Plus Super Clinic will open in full later this month, and work will start on a new centre at Port Pirie later this year as well. The centre is a key part of our state's GP Plus strategy to help South Australians stay out of hospital and keep them healthier. We are doing this one, of course, in collaboration with the commonwealth government and we thank them for their support.

REAL ESTATE SALES

The Hon. I.F. EVANS (Davenport) (14:47): My question is to the Treasurer. Why does South Australia have the lowest number of real estate sales since 1985, the worst performance in 27 years?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:48): I can speculate. There are probably a couple of reasons. One is that, with the state economy, not only with regard to real estate but with regard to consumption, and not just in South Australia but across the country—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —we are seeing consumers being incredibly cautious. There is a number of probable reasons for that, one of which is no doubt that they see what is going on in Europe, potential uncertainty with regard to the world economy and talk of there being world recession. All these factors are no doubt driving consumers to show an extreme level of caution. We also have the highest savings ratios as well since the early 1980s. Consumers are putting away a larger proportion of their income into their savings than they have since the early 1980s.

Part of it as well might be an adjustment. There is no doubt that over the last eight to 10 years we saw Australian consumers have the lowest savings ratios that they had had in a very long time. In fact, for a lot of the time during the last decade we actually had negative savings ratios. Australian consumers were in fact spending more than they were receiving in income.

The Hon. I.F. Evans interjecting:

The Hon. J.J. SNELLING: It is wonderful to see the member for Davenport finally come out of hibernation. He has been in hibernation for a long time. It is wonderful to see—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —him out of hibernation, wonderful to see.

Mrs REDMOND: Point of order. Surely the comments of the Treasurer are debate?

The SPEAKER: I thought it sounded fairly topical for today; we've been talking about this all day. Be careful with your wording please, Treasurer; and get back to the substance of the question.

The Hon. J.J. SNELLING: Indeed, I very happily return to the substance of the question, Madam Speaker. There is no doubt that the same sentiment that is driving high savings ratios amongst consumers is also having an effect on our property market. I suspect—

Members interjecting:

The Hon. J.J. SNELLING: This is not a phenomenon that is unique to South Australia; this is something that we see across the country. I have lost my train of thought now, because I was so rudely interrupted.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: My simple point is—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: I think one of the other things that has happened in the real estate market is that there is an expectation that prices will go down in the market. People are holding off buying because they think there will be a reduction in prices, and people are not willing to sell because—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —they do not think they will get the price they want. All those things are having an effect on our state economy. They are certainly having a rather profound effect on our state revenues, with both stamp duty and GST intrinsically linked to both property turnover and consumption spending by households.

POLICE SERVICES

Dr CLOSE (Port Adelaide) (14:51): My question is to the Minister for Police. Can the minister inform the house about South Australia's continued national leadership in the delivery of police services?

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (14:52): Thank you, Madam Speaker. I—

Mr WILLIAMS: Point of order, Madam Speaker. I think that question contained comment, and therefore should be ruled out of order.

Members interjecting:

The SPEAKER: Order! As I have not heard the answer to the question I cannot comment on the question.

Mr WILLIAMS: The question assumed that South Australia was the leader, and I think that was comment.

The SPEAKER: I do not think it was comment; it was a statement. We will wait to see what the minister answers; if she answers it and satisfies me, there will be no point of order.

The Hon. J.M. RANKINE: Thank you, Madam Speaker. I thank the member for Port Adelaide for the question—I know she has a significant interest in community safety—and I will happily put the Deputy Leader of the Opposition's mind at rest that we are a national leader.

Providing safe communities has been an important priority of this government and the recently released 2012 Report on Government Services shows that we are on track, and have made a significant difference in the level of resourcing, crime levels, and people's sense of safety. The 2012 ROGS confirmed, for the fifth year in a row, that South Australia has the highest level of operational police per capita of any state with 312 operational police officers per 100,000 residents. We did this with the second most efficient system in the country, taking into account also that we have more than doubled the police budget over the last decade.

Of particular note, the ROGS reported that South Australia had the lowest rate in the nation for sexual assault and the second lowest rate for robbery. Over the past decade we have also achieved the best record in Australia for public confidence in the police—seven first places, one second place, and two thirds. On five of the six measures of perception of personal safety we are doing better than we were 10 years ago. In a report issued by the Australian Bureau of Statistics on 21 February, people are now reporting that they are half as likely to be victims of assault, robbery, break-in and attempted break-in compared to the year 2000.

The last SAPOL annual report showed that victim-reported crime is down almost 37 per cent over the decade. That is 200 fewer offences per day, 200 South Australian families every day who are not the victims of theft, assault or worse. These results are driven by our government's commitment to make our community safer. The evidence is there. The Productivity Commission, the ABS and SAPOL all seem to support the Leader of the Opposition's view that South Australia is probably the safest place to live in the world.

TREASURY AND FINANCE DEPARTMENT

The Hon. I.F. EVANS (Davenport) (14:54): My question is to the Minister for Finance. Following the minister's statement last week that he was 'shocked at the dysfunction in the government's finance department', did his department become dysfunctional under him or was it dysfunctional when handed over from the Treasurer?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for the Public Sector) (14:55): I could make reference to standing order No. 1 and then make reference to the House of Commons direction that says that media reports cannot be used as the basis for a question because there is no guarantee that what is reported in the media is accurate. In this case, it is not and, effectively—

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: —previous Speakers have ruled questions based on statements removed from media reports as being out of order. The media report is inaccurate. I did not make that statement.

Members interjecting:

The SPEAKER: Order! The member for Davenport.

ZOOS SA

The Hon. I.F. EVANS (Davenport) (14:56): My question is to the Treasurer. When the government announced its zoo bailout package on 14 November last year, why did the Treasurer say, 'Zoos SA will not have to repay \$2.3 million already brought forward from 2012-13,' when, last Friday, he said, 'I did emphatically make clear in all my public statements that the money that we'd been giving them...were drawdowns from later financial years?' Which is it, Treasurer?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:56): Up to the moment of the financial settlement in November, the government's position was that any payments made to the zoo were drawdowns from future financial years.

The Hon. I.F. Evans: At what stage?

The Hon. J.J. SNELLING: At every stage up to the announcement of the financial settlement, whenever it was. It was in November, but I can't remember the particular day. Every payment that had been made to the zoo up to that point was a drawdown from a future financial year. As a—

The Hon. I.F. Evans interjecting:

The Hon. J.J. SNELLING: Hang on, listen to me. Then, when we made the financial settlement in November, one of the conditions of the settlement was the money that they had been paid up to that point for that financial year didn't have to be repaid.

ZOOS SA

The Hon. I.F. EVANS (Davenport) (14:57): My question again is to the Treasurer. When the government announced the zoo bailout package on 14 November, did the government representatives who were on the zoo board at the time immediately advise the government that the bailout was \$1.2 million short and, if not, why not?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:58): I would point out that the government at that stage didn't have members of the board. We had observers on the board, one of whom was an official from Treasury.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: No, they did not advise me: I found out. The zoo first contacted the government, from memory, earlier this year.

Mr Marshall: That is hopeless. What sort of governance is that?

The SPEAKER: Order!

TIGER AIRWAYS

Mr MARSHALL (Norwood) (14:58): My question is to the Minister for Manufacturing, Innovation and Trade. Given that the minister told parliament that the government would recoup 'every last cent' of the \$2.25 million granted to Tiger Airways, can the minister inform the house how much the government has recouped to date now that Tiger has relocated to Sydney?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:58): It is my view that Tiger Airways have breached their agreement. The government, through the South Australian Government Financing Authority (SAFA), has taken steps to commence the

recovery process in accordance with the deed between the government and Tiger Airways. The Treasurer and I have instructed SAFA to continue to pursue Tiger for the money that was owed for breaching its contract with the state. The government intends to hunt Tiger Airways relentlessly until they repay what is owed.

Members interjecting:

The SPEAKER: Order!

MURRAY-DARLING BASIN

Mr WHETSTONE (Chaffey) (14:59): My question is to the Premier. Will the Premier explain why neither he nor the Minister for the River Murray attended the Murray-Darling Basin Authority's consultation meeting in Renmark last week or the meeting in Murray Bridge in December?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:59): First thing, I am not entirely sure I was invited, but the second thing is that—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Well, I was quite surprised I wasn't invited, actually, but I will check that, I don't think either of us were. But, in any event that would not have mattered. If I thought it was appropriate to attend, I would have gone there. It was, in fact, the Murray-Darling Authority that was conducting its consultations in relation to the Murray-Darling Basin Plan, and I will remind the member that one of the first things that I did when assuming this position was to—

Mr Marshall: Call a press conference.

The SPEAKER: Order! Member for Norwood, you will leave the chamber for the rest of question time. I have been very patient with you. Premier.

The honourable member for Norwood having withdrawn from the chamber:

The Hon. J.W. WEATHERILL: Thank you, Madam Speaker. I remind the member for Chaffey that one of the first things that I did was to travel to the Riverland and listen very carefully, and I stood alongside the member for Chaffey when I put very clearly the South Australian position, that is, that we would not compromise the health of the river based on independent science, and he was there cheering me along. Now, since that time, he has been reeled in a bit, but can I say—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —the downstream interests of—I have spent an enormous amount of time together with the Minister for Water, travelling up and down the river, listening to the views of those who are affected by the river and they have consistently said to us that they want a strong voice in relation to the river, and what we get from those opposite, in particular the deputy leader, is that we should settle for second best. Well, that is not the policy of this government.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: Mr Mazda over there. While they are driving Rolls Royces upstream, he wants us to settle for a Mazda.

Members interjecting:

The SPEAKER: Order!

APY LANDS, SUICIDE

Dr McFETRIDGE (Morphett) (15:02): My question is for the Minister for Aboriginal Affairs and Reconciliation. Can the minister explain why, despite calls from the federal minister, Jenny Macklin, to address the problem of suicide at Indulkana in the APY lands, he failed to visit the town last week when he was travelling to nearby Fregon?

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:02): I did travel to the APY lands last week and visited several communities,

and Indulkana wasn't one of them. However, as you would know, and I thought maybe you might have been up there—

Members interjecting:

The Hon. P. CAICA: I've been to Indulkana before as well and, quite simply, I met with representatives of the Indulkana community whilst at the funeral of Mr Peter. I also met with representatives of the Indulkana community at the meeting that I had with the APY executive.

Dr McFetridge: One.

The Hon. P. CAICA: Well, you are such a smart person that you know that there is only one person within the Indulkana region on the APY executive, do you? Anyway, let it go at that. I met with many people whilst I was up there last week, and what I thought was a very beneficial trip from my perspective, and I hope subsequently a beneficial trip for the people of the APY lands.

CREDIT RATING

The Hon. I.F. EVANS (Davenport) (15:03): My question is to the Treasurer. Why has the government abandoned the budget target to 'maintain a AAA credit rating', a target that had been in place for seven years, including Treasurer Snelling's first budget?

The SPEAKER: The Treasurer. I hope you heard that. I didn't quite hear it.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (15:03): Simply because with the changes—particularly to superannuation—and the effect of the change in the discount rate, the net financial liabilities to revenue ratio, and the effect on the budget of declining revenues, simply meant that the targets which S&P have in place, or what we need to be to be consistent with the AAA credit rating, was only going to be achievable with a massive cutback in our infrastructure program—something that we weren't willing to do.

We've established new fiscal targets which will ensure that we have a sustainable budget and that we are in the box seat when revenues improve, should we be downgraded. We haven't been downgraded yet but, should we be downgraded, the budget will be in such a position as it can be upgraded back to AAA when things improve again.

CREDIT RATING

The Hon. I.F. EVANS (Davenport) (15:04): My question is again to the Treasurer. Why has the Treasurer abandoned the budget target to 'ensure the state has an effective tax regime', a target that has been in place for 10 years, including Treasurer Snelling's first budget?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (15:05): The new fiscal targets were outlined in the Mid-Year Budget Review in December of last year. It's nice that the member for Davenport, who has been in hibernation since December last year, now, three months later, comes out to ask some questions on the MYBR.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: It's nice to have him back with us. The simple fact is that we had to establish new fiscal targets to reflect the current realities, and the current realities are that we have a very difficult budget to manage because of declining revenues. We wanted to ensure that, in light of that, we had a budget which was in a sustainable position and that would put us in the box seat for a return to AAA in the event that we were downgraded. As it happens, so far we haven't been downgraded, but we do acknowledge that the current revenues—particularly the net financial liabilities to revenue ratio—is not what S&P would say is consistent with the AAA credit rating.

CREDIT RATING

The Hon. I.F. EVANS (Davenport) (15:06): My question is again to the Treasurer. Why has the government abandoned the budget target to 'achieve at least a net operating balance in every year', a target that has been in place for seven years, including the Treasurer's first budget?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (15:06): I have been asked the

same question three times. Again, because the decline in the revenues has meant that it was not going to be possible to achieve surplus in each financial year; that it would not be possible to achieve a surplus to the net operating balance until 2014-15. That is what we have got in the MYBR. The new target is that we achieve return to surplus by the end of the forward estimates period.

EASLING, MR T.

The Hon. I.F. EVANS (Davenport) (15:06): My question is to the Attorney-General. When will the government conclude its investigation, promised three years ago, into the allegations raised by Audrey Stratton in regard to the Easling matter?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:07): I am personally not aware of what the honourable member is asking about but I will make some inquiries and try to find out.

ROYAL ADELAIDE HOSPITAL

Mr HAMILTON-SMITH (Waite) (15:07): My question is to the Minister for Health. Has he now promised to move the Women's and Children's Hospital to the rail yards RAH site? Exactly where will it be located? When will it move? What will be the cost and when will the amount be budgeted? On 5 March the minister told FIVEaa radio, 'There's five hectares that can be used for expansion, including the Women's and Children's Hospital.'

The Hon. J.D. HILL (Kaurua—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:08): I thank the member for his question. It was an interesting way of putting a question—have I now done something—which is fine, but there is no basis for that question other than his own opinions. The government has not—and, in fact, I was criticised in the media the other day for not doing this—I said it would be incredibly popular to go to the Women's and Children's Hospital and say, 'Yes, we're going to move your hospital down to the Royal Adelaide Hospital site at some stage in the future,' which is what the AMA has asked me to do. I said I have resisted that. I said it would be something for a future government to contemplate.

The existing capital at the Women's and Children's Hospital still has a lot of life in it. At some stage it could move. I personally think it would be a good idea if it were to be merged with the Royal Adelaide Hospital in the future. But that's not a position of the government; that's just an individual position. Certainly, when we looked at building the new RAH some years ago, we looked at whether or not the Women's and Children's Hospital should be part of that development. It made sense from a clinical point of view but not from a cost-benefit point of view. There was still a lot of capital tied up in that site.

So, that is essentially where we are at. There is capacity at the new RAH site—as the member said, five hectares or thereabouts—to increase the size of the RAH by about 30 per cent. That could, if a government of the future chose to do it, include the Women's and Children's Hospital or at least the services which are currently provided at the Women's and Children's Hospital.

The point would be of course that, if a future government were to consider it, they would probably merge the hospitals rather than build a stand-alone hospital adjacent to the RAH, because you get benefits of scale from doing that. There are certain sorts of equipment you would not need to have in both hospitals and the like, but the government has not made a promise about it. Interestingly, when I was interviewed by *Today Tonight* the other night, they said to me that the Liberal Party had in fact promised to do that. I said, 'Well, that's interesting.'

An honourable member: That's not correct.

The Hon. J.D. HILL: I'm glad you said that, because the journalist—not that journalists ever make mistakes; they rarely make mistakes—put to me that the Liberal Party had said that it was their policy to move the hospital to that site, and I said, of course, 'Well, that's strange, because last week they thought it was too polluted to put an adult hospital there; now they want to put a children's hospital.' Now I know it's not correct; I know you wouldn't have said that.

ROYAL ADELAIDE HOSPITAL

Mr HAMILTON-SMITH (Waite) (15:10): As a supplementary question, can the minister then advise the house as to whether the five hectares he has mentioned has been set aside for

that purpose and will not be used for any purpose other than for either a Women's and Children's relocation or an extension of the RAH?

The SPEAKER: That wasn't a supplementary: that was a question.

The Hon. J.D. HILL (Kaurua—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:10): I am happy to answer the question. There are five hectares at the site. Some of that land will be used as water retention and the like, but there is capacity there on that land to increase the size of the RAH by about 30 per cent. It is zoned as a hospital site for health purposes so, unless the zoning was changed at some future stage, it would have to be used for that purpose.

One government can attempt to bind a future government, but it is impossible to do it, and I am not quite sure how you would do it. If we said there will be a women's and children's hospital, then it might be 20 years before it is done. I don't think it would be reasonable to try to bind a future government in that way. All I can say is that it is currently zoned for hospital purposes. If some government in the future wanted to change the zoning of it, I suppose they could do that and put a mini sportsfield there on that site and play some boutique sports—

An honourable member: Petanque.

The Hon. J.D. HILL: —petanque or something—on that site, or some other thing. But currently—and it would certainly be the policy of this government—we would leave it zoned for hospital purposes. If your side were to come into government, it would be in your hands, so if you commit yourselves to leaving it for hospital purposes then the whole world knows that whichever side is in government it will be reserved for hospital services.

It may well be that the RAH at some future time—in 10 or 20 years—may need to expand. It may not need to expand and you could put a women's and children's there, or you could do some other health-related activity. That is the best I information I can provide to the house.

WATER CONSERVATION

Mrs VLAHOS (Taylor) (15:12): My question is to the Minister for Water and the River Murray. How is the government engaging the community about the importance of water and water conservation in South Australia?

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:12): I thank the member for Taylor for her question. As a government, we recognise that improved education and community involvement is an important part of ensuring that our community understands how precious water is in South Australia. Water is vital for our health, our lifestyle, environment and economy, and much of our water comes from the River Murray, so it is imperative that we protect this vital water resource.

It is the government's view that today's young people are a key in ensuring the wise use of our water into the future. Most of the young people I encounter are influences in their schoolyards, in their social settings and in their homes. They are passionate, positive and willing to get involved, and what they learn now will play a huge part in their future actions.

That is why the WaterWise Communities initiative connects with young people through a partnership between the Department for Water, SA Water and the Local Government Association. This important initiative provides advice and tools for South Australians to learn more about water and what can be done to help conserve it.

The WaterWise Communities initiative has been expanded to include schools, and I am pleased to report that, since the expansion, schools from metropolitan and regional areas have enthusiastically embraced the program. Each registered school receives a WaterWise Kit that includes flow cups to measure water efficiency in school grounds. The kit assists students in developing strategies to improve water use efficiency and provides checklists to help teachers incorporate water-saving initiatives into their education programs.

Households, businesses, community groups and councils can also join WaterWise Communities and receive the kit that contains a range of products that provide easily accessible water-saving tips. To date, those involved in the WaterWise Communities program include 47 councils, more than 3,500 householders, 42 businesses, 82 community groups and 96 schools, preschools and education groups.

South Australia's population is characterised by a diversity of languages, systems of beliefs, cultures and family structures. While products are now available in 17 languages, Multicultural SA and the Migrant Resource Centre have been engaged to determine specific communities who would benefit from translated products. This is a terrific community initiative and I encourage all members to learn more about the WaterWise Communities program, perhaps in the first instance by visiting the Water for Good website.

ROYAL ADELAIDE HOSPITAL

Mr HAMILTON-SMITH (Waite) (15:15): My question is again to the Minister for Health. Has he developed a plan to relocate the University of Adelaide's Medical School, the Robinson Institute, the School of Dentistry, the Department of Public Health and the School of Nursing from the university's City East precinct to the City West rail yards site, when will this occur, how much land has been set aside, is it part of the four hectares he mentioned in his answer to the previous question, and what will be the cost to the taxpayer?

The Hon. J.D. HILL (Karna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:15): I think there is about 18 parts to that question, Madam Speaker. I may need more than the four minutes that I have at my disposal.

The SPEAKER: Yes, I think there were about 18 questions there.

The Hon. J.D. HILL: First of all, let me say that the universities of Adelaide and South Australia are developing their own plans to be co-located on the new RAH site, and obviously my department and I have had conversations with them. There is a parcel of land—which is not part of the five hectares that we referred to—which is available for the consortium to develop for a health-related purpose. One of the options would be to put a combined Adelaide University and USA teaching facility there, which would effectively move the medical school from Adelaide and some of the teaching facilities in relation to nursing and allied health, I think, from the USA. So, they are exploring that. I think it would be a great outcome, but it does not affect the issue of the five hectares.

The other issue is the Robinson Institute. The Robinson Institute, which is an outstanding reproduction research institute, is interested in actually moving to the Women's and Children's Hospital site. If we move some of the research capacity at the Women's and Children's, which wants to go to the new SAHMRI, that will create capacity there. So, we are exploring those ideas. What was the other bit? The dental school, was it?

An honourable member interjecting:

The Hon. J.D. HILL: The dental school. We are having discussions with the dental school about its old capital, and it does need to move. Modern thinking is that it would be best to have the teaching chairs out at GP Plus centres. We will still need a central hospital, but we are building extra teaching capacity in places like Noarlunga, which I mentioned today, and other places, as I understand it. So, that is being addressed, but the dental school could easily move from that site. I think that covers all of the issues you were referring to. None of the land—the five hectares, which I said is adjacent to where the new RAH will be—will be taken up by any of those elements, at least under the planning that I have discussed; it is there for extra capacity and for wetlands and so on.

GATEWAY BUSINESS PROGRAM

Ms BETTISON (Ramsay) (15:18): My question is to the Minister for Small Business. Can the minister update the house on how the Gateway Business Program is helping to expand South Australia's overseas exports?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (15:18): I thank the member for her question and her keen interest in small to medium-sized enterprises who are looking to export. The Gateway Business Program was designed to enable South Australian businesses to prepare for export markets. Successful applicants may receive up to \$20,000 over two years for eligible projects. Applicants to the program must meet the following criteria:

- be an Australian registered business based in South Australia;
- be registered for GST;
- turn over at least \$150,000 a year and have been in business for at least two years;

- own the product or service being promoted;
- have tradeable goods or services;
- be export capable for the intended market;
- intend to trade goods or services made in South Australia or be able to demonstrate that the sale of your goods or services overseas will benefit the South Australian economy; and
- have attended a relevant South Australian export workshop or demonstrate prior export capability.

I encourage all members to make their business constituents who are looking for an export market aware of this very good program. I recently approved round 4 of Gateway, in which \$110,175 was distributed to seven companies. Recipients of the fourth round of the Gateway are very diverse, from the seafood industry to software for the health sector.

The successful businesses are Australian Diamond Seafood Marketing, Business and Risk Solutions, Clintel, Hastwell and Lightfoot, Mihell & Lycos, Pharmaceutical Packaging Professionals, Wellness and Lifestyle Australia. These companies are but a few that are increasing the volume of South Australia's overseas exports and pushing our economy forward.

Overseas exports from South Australia in the 12 months to January totalled \$11.9 billion. This was an increase of \$2.3 billion compared to the last calendar year. South Australia is outstripping overseas exports by the national average by 13 per cent. The Gateway Program is just one example of how the state government is supporting small to medium-sized businesses.

I take this opportunity to congratulate and thank those worthy businesses for playing their part in advancing our state's economy to the world, and wish them every success now and in the future.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT DRAFT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:20): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.R. RAU: I table the draft Legal Practitioners (Miscellaneous) Amendment Bill 2012, which would make substantial amendments to the Legal Practitioners Act 1981. The purpose of tabling this draft bill is to present it for public examination before it is finalised and formally introduced into parliament. The form of the bill tabled today is not necessarily final; rather I present the government's plans for comment. It may be that they can be improved. I hope those with suggestions for improvement will take this opportunity to express their views.

The bill does not attempt to reintroduce the whole of the 2007 Legal Profession Bill, which became deadlocked and lapsed. Events have moved on since then and a new national law is under development and supersedes the former national model. Although South Australia at this stage has no plans to introduce that national law, the government understands that the profession does not pursue the adoption of the 2007 model. Instead, this bill incorporates some aspects of the 2007 bill that are judged to still be relevant and helpful and also makes other novel amendments, notably to the system for discipline of legal practitioners.

Members will see that the bill is lengthy. I will outline some of its chief features. First, as to corporate structures for the practice of law, the bill would permit non-lawyers to become directors of a company legal practitioner provided they cannot make up a majority of the directors. I have not been persuaded to adopt for South Australia the provisions and use in other states that permit any company to sell legal services to the public together with any other services as long as at least one lawyer is on the board. I remain to be convinced that legal professional independence can be sufficiently protected and the associated client protections can be properly delivered in that model. However, views differ on this and I am open to receive and consider submissions.

Second, there are extensive reforms to the disciplinary system. Using provisions that were proposed in the 2007 bill, this draft bill provides a new procedure for the court to deal with practitioners who pose an immediate risk to the public. The bill would repeal the present definitions of 'unsatisfactory conduct' and 'unprofessional conduct' and replace them with the nationally-agreed definitions of 'unsatisfactory professional conduct' and 'professional misconduct' in use in

the other states. A key difference would be that conduct outside the lawyer's practise of the law and not amounting to an offence of a dishonest or infamous nature could amount to misconduct.

The bill would abolish the present Legal Practitioners Conduct Board and replace the board and its director with a new legal conduct commissioner. The commissioner will investigate and conciliate complaints as the board now does but will also have wider powers to impose lesser disciplinary sanctions directly without reference to the tribunal or the Supreme Court, and will be able to impose stronger sanctions with the consent of the practitioner. There may well be situations where, either because the matter is minor or because the practitioner consents, involvement of the tribunal or the court is not justified. Unreasonable refusal by a practitioner to consent to a proposed sanction is a matter that can be considered by the tribunal in ordering costs of the tribunal proceedings. The commissioner is also given the power to make binding determinations of disputed costs in some circumstances.

The bill would also create a new mentoring system whereby struggling practitioners could seek help confidentially through the society from a more senior practitioner before serious problems develop in the practice. Mentoring could also be used as disciplinary action, that is, a practitioner could be ordered to work with a mentor to overcome problems in the practice. Non-compliance with a mentoring agreement would itself be a disciplinary breach.

The bill proposes a new and detailed regime of mandatory cost disclosure by lawyers to their clients. This is a substantial consumer protective measure. The bill would rename the Guarantee Fund as a fidelity fund and would permit payments to be made on an interim basis in case of hardship where there is a reasonable prospect that the claim will ultimately be paid, but subject to a right of recovery if the claim in fact fails. The bill will also permit the fund to be applied to the management expenses of the board of examiners and the tribunal.

The 2007 bill foundered on a difference of views about access to the fund in the case where trust money goes missing from a legal practice. The present bill proposes a compromise that the government hopes may resolve this question. It proposes that a claimant need not pursue other recourse where a reasonably prudent self-funding litigant would not do so. That is based on the merits test used in the allocation of legal aid.

No change is proposed in the bill to the definition or the regulation of trust moneys. There may, however, be merit in a broader definition of trust money either for the purpose of disciplinary action or for the purpose of ensuring that all money that comes under a firm's control is properly accounted for. At the same time, there is no intention to make the fidelity fund the guarantor of a poor investment, nor to overlap the regime of this act with the regime regulating financial services licensees. I am open to receive comment on whether the present definition of trust money is the right one or how it should be amended.

Overall, this bill is intended to deliver increased protection for legal consumers and more effective sanctions against practitioners who act improperly. The bill will lie on the table for the next four weeks to enable interested parties to offer comment.

WINGFIELD WASTE DEPOT

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (15:27): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.M. RANKINE: The Metropolitan Fire Service is currently combating a fourth alarm fire at a waste fuel depot in Wingfield. This is a significant and dangerous incident with approximately 100 firefighters, 22 MFS appliances and two CFS appliances in attendance.

Arriving crews have had to combat a series of explosions within the bulk waste fuel factory and a running fuel fire of flammable liquids from a bulk fuel semitrailer engulfed within the premises. These running fuel fires have ignited the road and parked vehicles. To date, there are no reported fatalities or injuries to the public. One MFS firefighter has been injured, but no further information is available as this has only just occurred.

The CFS Skycrane helicopter has been deployed to control the spread of the fire adjacent to premises at the site as the conditions are too dangerous in some parts of the fire for ground firefighters to enter. Approximately three adjoining premises have been damaged so far. Public information is currently being disseminated by a media team that is on site. I would also like to

make mention that the CFS is currently providing backup to the MFS as they respond to this significant fire event.

GRIEVANCE DEBATE

REGIONAL BUSINESS

Mr VAN HOLST PELLEKAAN (Stuart) (15:28): I rise today to speak about the growing impost on rural and regional businesses with increased licence fees and to try to explain to the government exactly what this is doing to many regional businesses.

I understand very well the government's proposition that these fees go up under the guise—the excuse, or whatever the government likes to call it—of cost recovery but, as we all know, cost recovery is a way of trying to explain under a sort of veil of economic rationalism the fact that you have to get your money back from somewhere when the Public Service is ballooning out.

What really happens is that, instead of it being a cost recovery model, it becomes a 'charge whatever you like' model because whatever they decide to do is what they are going to charge you. I have a few examples of where this is really hurting small businesses in country South Australia. These are all examples from my electorate, but there is no doubt that it would be equally true of many other electorates throughout regional South Australia.

Turning for the moment to hotel licences, the government's decision to increase hotel licence fees across the board is causing an enormous problem for the hotel industry in regional South Australia. In a very small section of the electorate of Stuart alone, I am told that very recently the Yongala Hotel closed, as have the Petina Hotel, the Appila Hotel, the Tarcowie Hotel, the Belalie Hotel, and the Georgetown Hotel. I think the Terowie Hotel has also closed, and I am told by the owners of the Caltowie Hotel that soon they may well have to shut their doors as well.

These are seven or eight hotels that have closed very quickly in a very small area, and they are all telling me that it is an increase in costs that has actually caused them to close. These are small businesses; they are not enormously profitable businesses. Their business has not declined; their gross margins have not declined. They are battling away and doing the very best they can, but they are saying that it is actually the government fees and charges that are causing them to have to shut their doors. They are very concerned that these small hotels, and many others, are paying the same sorts of fees as other hotels that have pokies. The hotels I have mentioned do not have pokies, but they have to pay the same fees as those that do and consequently have a higher and more sustainable income.

Another example is in regard to commercial tourism operators operating in national parks and conservation areas. In 2010, the fee for a commercial tourism operator in a national park was \$165 a year; in 2011, it was \$250 a year; and for 2012, it will be \$350 a year. In three years, it has gone from \$165 to \$350 a year. There is no reason for these fees to go up in excess of CPI, but they can all accept that it might be sensible for their fees to have to go up a little.

We all know that there is inflation and that costs rise as every year goes by, but to have that sort of an increase is absolutely ridiculous for what are essentially very small businesses trying to make a go of it. These types of businesses are not alone: it is equally true for the motor trades. For example, service stations, convenience stores, tyre repair outlets, and mechanical workshops are under exactly the same sort of pressure.

These businesses all contribute to tourism. They all provide local employment, and for me that is one of the most important and most devastating parts of this. When these businesses close, not only do the people who have slaved away to try to make these businesses successful suffer but also, more importantly probably, so do those they employ who now cannot find employment in regional areas. Of course, there are also very important social benefits for local people who use these businesses, whether it is going to your local pub or being able to change your tyres at a local business instead of having to travel to a regional centre further away or to Adelaide.

This is really cutting the guts out of small towns throughout regional and remote South Australia. This cost recovery model is just an excuse. It is not a cost recovery model: it is an 'operate as you choose' and then charge whatever you like by calling it cost recovery model. I would like to highlight the devastating impact it is having on regional South Australia.

INTERNATIONAL WOMEN'S DAY

The Hon. S.W. KEY (Ashford) (15:33): On Thursday 8 March, South Australian women of all walks of life celebrated our 101st International Women's Day. These celebrations, such as breakfasts, lunches, and morning and afternoon teas, culminated in a rally in the city to mark the event. This is, of course, in keeping with the contribution that women have made, especially in South Australia, where the list of women path-breakers is very long and impressive, as is the record of achievements of women right here in South Australia.

South Australia was the first place in Australia to have a female politician, in Susan Grace Benny; the first to have a female balloonist, in Muriel Matters; and the first to promote a woman to the Supreme Court bench, Dame Roma Mitchell; plus later, Dame Roma became the first woman Governor. South Australia was also the first place to give women the right to stand for parliament and the right to vote, so it was in keeping that the first Women in Defence morning tea was held here too.

On this particular Thursday the first Women in Defence morning tea was held in the Sergeants' Mess at the Keswick Barracks, which is in the electorate of Ashford. I was invited by the Commander of the 9th Brigade, Brigadier Craig McCarthy, along with members of the Defence Reserves Support Council of South Australia, their Chairperson, Dr Pamela Schulz, and Deputy Chair, Mr George Belperio.

It was here that we met and enjoyed a morning tea with women in uniform or women who work in the Department of Defence as specialist support staff. Among those attending were several men and uniformed officers, all supporting the initiative. During the morning a special commendation for Sergeant Nicole Pawelski was read depicting her excellence in the Army Catering Corps, and she was warmly congratulated by those attending.

At the morning tea Brigadier McCarthy outlined the new and emerging change of culture for female reservists and full-time Australian Defence Force (ADF) personnel and the ability in the near future for them to move easily into and out of the ADF or the Reserves to take up the challenge of parenting and special family leave. In addition, a new parenting arrangement was outlined which would allow a new parent to continue with her career in the ADF while her partner was supported at home as the main caregiver. Such changes are most welcome and will ensure the importance of maintaining our security and national strength with a flexible and modern ADF. Brigadier McCarthy also commended the contribution of female personnel throughout the ADF and, in particular, their role in the Reserves, where their skills and training are highly sought after.

I am a very proud member of the South Australian Defence Reserves Support Council, along with my colleague on the other side the member for Bragg, Ms Vickie Chapman. Along with other people of high profile are dedicated members from the employer community, drawn from health (where South Australia punches well above its weight in supply of medical and nursing personnel), police, defence industries and other areas, and we aim to advocate Reserve service and support engagements with employers of reservists in South Australia.

From time to time, as a council we invite senior executives to participate in aspects of reservist training, which has included sea rides on war ships and destroyers, trips to the Solomon Islands to see employee reservists in action as peacekeepers, or spending time on parade nights in a typical weekly session. All members of parliament would be warmly welcomed and I know that the member for Bragg and I would willingly put your names forward to see reservist training and indeed participate for a short time to see the benefits these personnel bring to the workplace and to our community.

MURRAY-DARLING BASIN

Mr WHETSTONE (Chaffey) (15:38): I rise to today to speak about a meeting I attended in Renmark on Friday last week. I very proudly attended the Murray-Darling Basin Authority's community forum, and the turnout was absolutely outstanding. Earlier in the day it was touted that there was some concern the meeting may not be well attended, but as the morning progressed it was very evident that the fire was still in the belly of the community and the irrigators. These people were not just from the Riverland region; they were from all over the state. I guess it was an opportunity for anyone from anywhere in the state because it has an impact on people all over South Australia.

The commonwealth water minister Tony Burke was there with his team, and there were four presentations given to the minister and the authority. They were outstanding presentations that

really gave a very balanced view. We had irrigators present, environmentalists present, and NRM committee or board members present, and it gave an overwhelming view that South Australia is in dire need of reform. South Australia is prepared to accept a plan that will embrace reform—something that has not been able to be achieved in more than 100 years.

The group that was the representative group for all of the South Australian communities and irrigators was made up of quite a wide spectrum of people. I would like to mention their names and their roles because they have given up a huge amount of time and energy to get the logistics of this meeting up and running. First of all is the local media—obviously, the print, the radio and the TV. They all did their job. They all gave free advertising to the group, and I just think it was worthy of mention.

The members of the South Australian River Communities included Gavin McMahon, who was the chairman of that group. Ben Haslett, a young irrigator from Murtho, was the spokesman. Other members were Chris Byrne from the Riverland Winegrape Growers Association and Tim Greger, Fresh Fruit of South Australia. We had Peter Duggan from the Renmark Irrigation Trust, Graham McGuinness from Qualco Irrigation Trust and Caren Martin from the South Australian Murray Irrigators, who put up a very good presentation as well.

Richard Reedy from the Lower Murray was there representing irrigators and their communities from below Lock 1. We had Mark Chown from Citrus Growers; Brendon Sidu, Almond Board of Australia; Tony Loffler, Dried Fruit; Mark Doecke from Sunlands Irrigation Trust; Rob Smyth, the chair of the CIT; and Chris Bennett who put in a lot of work there late in the scene as the organiser who had to put up with the logistical nightmare.

As the day progressed, a lot of questions were asked but, more so, people had seen the Premier of South Australia out there touting that we needed to have a particular number of gegalitres that needed to be achieved in order to get a healthy river, otherwise we are going to have a High Court challenge. The Premier was nowhere to be seen—very disappointing.

Through question time today, I asked both the Premier and the water minister why they were not in attendance, because this is possibly one of the decisions that will go down in the history making of South Australia, to get reform into the Murray-Darling. It really was very, very disappointing for them not to be there.

I would also like to make mention of Simon Birmingham, the Parliamentary Secretary of the Murray-Darling Basin. He had made the trip up. He did not need an invitation. He knew the importance of the meeting and what it meant to the communities and the food producers of South Australia.

Patrick Secker, the Opposition Whip, MP for Barker, was there, as was Mitch Williams, shadow spokesman for water and the River Murray and, of course, good friend and MP Steven Marshall was there as shadow for environment and conservation. He had good input and entertained the ladies from Loxton no end throughout the course of the day. Again, I just acknowledge those people on a job well done.

Again, this plan must be adopted. There must be a plan put in place so that we can have reform in the Murray-Darling Basin. We do not want to look at numbers. We do not need to be looking at High Court challenges. What we have to look at is the outcome. We have got to look at how we can reform the basin and how we are going to make savings. I think it is a matter of urgency that every South Australian get on board.

RETURN-TO-WORK PROJECT

Ms THOMPSON (Reynell) (15:43): I rise today to draw to the attention of the house a report recently released by SA Unions entitled 'Retraining injured workers for employment project.' This was a project funded by the WorkCover return-to-work scheme and is an important development in finding effective ways to enable workers who have been absent from work for a long time after workplace injury to return to work and, indeed, to develop a new career in which they can succeed and also have access to sustainable employment.

There were 50 participants in this project and they had an average of 578 days from their injury to starting with the project. I think we all know that people who have been away from work for that period of time find it very difficult to successfully re-enter the workplace. In fact, once people have been away from work for as little as three months, they only have a 50 per cent chance of returning to work. The fact that all these people, who came from community services and the manufacturing industry, have been able to gain the skills that will enable them to return to work

satisfactorily is very important. I am sure you will be pleased to know, sir, that many of them have already gained sustainable employment.

An important part of the project was to look at ways the system has to change to support injured workers to engage in effective retraining opportunities. As with people on social welfare, the approach in the past has often been to look at any job that a worker can get and put them in there. In the case of injured workers, this often leads to a re-injury. They can become very dispirited if they are not able to return to their original job, and there does not seem to have been enough emphasis on looking at what skills the workers have and the sorts of alternatives there might be for them to find satisfactory employment.

It was a fairly intensive project. Three project workers worked with these 50 people for 18 months, and they had to engage in extensive consultation with their rehab providers, their case managers, and sometimes their medical people, as well as their claims managers, and a lot of effort had to go into supporting the workers to develop their confidence so that they could engage in other work.

Many of them had been severely affected by mental health problems during the period of their absence and needed a lot of support to take on a new challenge; in fact, mental health was a compounding issue for at least 80 per cent of the participants. They felt that they had been stigmatised, they were bored and confused, and medication and pain were often barriers, and all this had to be taken into account in developing a training program for the workers.

Some of them faced homelessness, and the majority of them faced financial hardship from the length of time that they had been away from their full wage earning work. The project also found that access to technology proved a major barrier for most participants, particularly once they started thinking about training and applying for jobs. It was very important that they had wrap-around services to support them with all their training needs, as well as all their human needs, to reclaim their identity as effective members of their community.

I have great admiration for Rebecca Ballantyne of Morphett Vale who spoke at the launch of the report. She completed a Certificate IV in Community Services (Community Work) and has now achieved a placement she really enjoys. Rebecca said that one of the problems she was experiencing was that her previous work was her dream job and that she felt quite bereft when the career she had always wanted seemed to have been taken away from her as a result of the injury. However, with the help of the project workers and TAFE lecturers, she has now found a new and very satisfying role and is a new person.

FINNISS ELECTORATE

Mr PENGILLY (Finniss) (15:48): I would like to take a few minutes today to talk about the tourism industry, particularly in relation to my electorate. March is an interesting month. Much is made of what happens in the city and the metropolitan area with various events, whether it be WOMAD, Clipsal or whatever. However, outside the metropolitan area, tourism is the vital hub that keeps many communities going, and it is most important, particularly in my electorate.

The weekend just gone was an interesting time and, given the wonderful March weather we have been experiencing, we had significant numbers of visitors right across my electorate. It was good to go out and about, and on Saturday I attended the AFL NAB Cup game at Encounter Bay. Let me pay full credit to the Encounter Bay Football Club and the Great Southern Football League for the outstanding way in which they presented everything, particularly the wonderful way the oval came up, and for the hard work of Richard Littley, President of Encounter Bay Football Club; Sharon Crispin, the secretary; and Alan Swain, who just about slept at the oval to make sure that it was in good condition. It was a resounding success. It is just a pity it was not a Port v Crows game instead of a Port v Fremantle game. Nevertheless, over 5,000 people attended and everyone had a wonderful time. It certainly was a magnet to, in this case, Victor Harbor.

The number of people at the country market in the morning was incredible, as was the number of people just around the town. Not only that but they were gearing up for the triathlon the next day, which is run by a unique character by the name of Sid James. He has been quadriplegic for 18 years and he is an amazing fellow. He is the race director for the triathlon and he does it all the very hard way, from his wheelchair. He is an amazing chap. This year the triathlon was oversubscribed. They had more people than they knew what to do with.

On top of that, the Victor Harbor trots club held a trotting meeting on Sunday afternoon, and that was just in the Victor Harbor area. Right across the broader Fleurieu we were inundated

with people having a long weekend off and coming down to enjoy the weather. Across the water, on the island, that was also the case. They put additional ferries on and the domestic visitation over the weekend was terrific. It is just a pity that we seem to do everything in March, including turn on the good weather.

One thing I do point out to the house is the magnificent tuna fishing season we are having. The tuna have been around since mid-January. They have been a sight to behold along the west end, the south-west coast, the north coast of the island, off the southern Fleurieu Peninsula and out around the Pages. Multitudes of people are going out and getting their quota of six tuna in pretty short time and there are some good stories, some good pictures and some even better eating taking place. Fishing for tuna has certainly been a wonderful success this year and it will probably go through to the middle of May, which is about when they start to run out.

I mention all these things because the tourism industry is critical. One of the things that a lot of the people who deal with the international visitors who come to our country and our state are particularly concerned about at the moment are the deteriorating economy in Europe and the pressure on the economy in the United States which, combined with the high dollar, are making it more and more difficult for the very good operators we have to entice visitors here. There is some growth in the Chinese market and that will bring issues to bear on operators that they have not had before. They are used to dealing with Americans, British, Germans, French, Swiss and Italians, but the Chinese market will be different again, as is the Indian market.

They are extremely important to our state, particularly the self-drive visitors who come through from Victoria, down the Great Ocean Road and the Fleurieu on their way to the island. They are particularly important to my neck of the woods and we need to work particularly hard to keep them coming.

LADDER ST VINCENT STREET

Dr CLOSE (Port Adelaide) (15:53): I rise today to inform the chamber about the Ladder St Vincent Street project in the heart of Port Adelaide. I recently had the privilege of visiting the centre with the Minister for Social Housing (Hon. Ian Hunter MLC).

The Ladder project, as it is locally known, is located in a refurbished central building on Black Diamond Corner, on the intersection of St Vincent Street and Commercial Road, Port Adelaide. The building has been beautifully restored and upgraded to allow over 20 young people who were either homeless or at risk of homelessness to live for at least a year in an environment that will encourage their steps towards a self-sufficient life.

The project is an informal partnership between Housing SA, St John's Youth Services and the Ladder organisation. Housing SA is responsible for managing the partnership as a whole, and also the residential tenancies. St John's Youth Services provides case management and 24/7 on-site support for the residents. Ladder itself is a not-for-profit organisation that is supported in large part by the Australian Football League funds and provides mentoring and living skills training to the residents through volunteer AFL players and also elite female athletes acting as volunteer mentors.

I met several residents when I visited the centre and heard from them what a difference the project is making to their lives. What they told me was that the overriding factor improving their lives was having secure accommodation—security of tenure—but right alongside that was the range of support for them which, for a variety of reasons, they have not had from their families.

They have adults in their lives now, through the Ladder project, who are able to open up a range of ambitions for these young people to reach for in their lives. They are offered training in life management skills and are encouraged to address the needs and issues that contributed to their homelessness. Building the residents' confidence and resilience is an essential element of the training and support provided to the residents.

Homelessness is a result of a breakdown in a number of support structures in individual lives that most people are able to take for granted. When someone, particularly a young person, finds themselves without anywhere secure to live, so much else has gone wrong in their lives that the path out of that situation is not easily found without assistance.

Treating people in this situation as individuals and spending time addressing their needs and their ambitions is hard and long work but is ultimately highly successful. I was delighted to have gone around the Ladder project in Port Adelaide and I am honoured to have met some of the residents and to see how they are taking control of their futures.

ZERO WASTE SA (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 February 2012.)

Mr MARSHALL (Norwood) (15:57): I indicate to the house that I will be the lead speaker for the opposition on this bill. This bill, of course, was introduced by the government in September last year, and I would like to thank the minister and his office for the briefing that they provided to the opposition on this bill. It seeks to amend the Zero Waste SA Act 2004 not with massive amendments but with two relatively minor, but nevertheless important, amendments that will aid the efficient operation of this statutory authority.

The Office of Zero Waste SA was established in 2003 and the act was put in place in 2004. It is an agency of government that is supported by the opposition and its aspiration of course is to eliminate waste in South Australia. It has a range of programs in place which help it to achieve those goals and aspirations.

The bill that is before us at the moment provides for two amendments. I will deal with the insertion of section 13A first. This seeks to provide delegation authority to the board, the CEO or a committee of the board to make decisions. We support this amendment wholeheartedly. It is a section that exists in a lot of other legislation and it will aid Zero Waste in the timely execution of its activities.

The other amendment, of course, is the insertion of section 7A which seeks to apply the Public Finance and Audit Act 1987 to this agency. I am assured by the minister that this will not affect the operation, and in fact they have been operating not so much technically under the act but under the auspices or the intent of the act since it was established. This is an opportunity to tidy up the Zero Waste SA Act. Of course, they are already audited, so it will not affect the auditing, but it will address the onus of the agency to obey Treasurer's Instructions.

In particular, this insertion refers to the Waste to Resources Fund, and on that I would like to make a couple of short comments. For those of you who do not know, the Waste to Resources Fund is also incorporated into the Zero Waste SA Act. In fact, the money that goes into the Waste to Resources Fund is derived from the solid waste levy here in South Australia. The solid waste levy this year is \$35 a tonne, and it was \$26 a tonne last year; 50 per cent of the solid waste levy goes into the Zero Waste SA Waste to Resources Fund each year. At the moment I think it is delivering something like \$17 million into that fund and, of course, that fund seems to be accumulating each and every year.

This year, the budget for Zero Waste SA is \$8.9 million. I see in the forward estimates that the budget for Zero Waste SA will be going down to \$8.5 million next year so, despite the continual accumulation of money in the Waste to Resources Fund, we have a diminishing budget being spent to achieve those objectives of this Zero Waste SA Act. In fact, if we look at the 'Business Plan: 2011-12 and Future Directions: 2013-14' published by Zero Waste SA, we can see on page 30, under the heading Budget, that the Waste to Resources Fund at the end of this year will sit at \$37 million; next year, \$44 million; and, in 2013-14, at almost \$52 million. As I said, that is despite the expenditure authority of Zero Waste SA still diminishing from \$8.9 million this year down to \$8.4 million in the 2012-13 year.

This is, of course, a concern to the opposition because we believe that the original intent of the Waste to Resources Fund was to accumulate a fund and to put that money into operation to drive our aspirations to decrease resources going to landfill each year. It is quite clear to us at the moment that it is simply a massive accumulation of funds by the government. We certainly need to be very careful when we provide the government with the ability for the agency to follow the Treasurer's Instructions that the Treasurer does not instruct the agency to spend this money on things other than on what they are required to under this act. We will be watching that very carefully.

I also raise the concern that the opposition raised in the last three or four months, that is, the plan for the government to further increase the solid waste levy in South Australia. As I said, at the moment it sits at \$35 a tonne. The government has received reports now from independent contractors looking at the likelihood of increasing the solid waste levy up to \$50 a tonne. This is not something that the opposition is necessarily saying is a bad thing, but if there is no actual use for these funds that are being accumulated then we would certainly be opposing it at this stage.

The real issue is that this significantly drives up the costs of the local government sector, which ultimately pays the solid waste levy. It also increases the cost to ratepayers and businesses in South Australia. Again, I say that if it was going to be used in terms of meeting the objectives of the agency then we could discuss that, but when it is just being used to accumulate in a government fund we would certainly be opposing that. In regard to the proposed amendments, I indicate that the opposition will be supporting both these amendments. With that, I conclude my remarks.

Mr VENNING (Schubert) (16:04): I rise to speak on this subject because it has been a bit of a favourite of mine ever since the ERD Committee did a report on this subject way back on 7 December 2004. In fact, it was probably the forerunner of legislation such as this, because it became a very topical issue. Even reading the report after all these years, it certainly was a very, very good report by a very, very good committee and chaired by a very, very good chairman.

I know that it is a so-called 'sexy' subject in more ways than one, but one has to be careful with sexy subjects because they can come back and haunt you, particularly in relation to this subject, because zero waste has to be sustainable and, if it is not, we have to know what it is costing the taxpayer. A lot of people believed that it was not possible to ever have a zero waste policy. I do not think we can ever quite achieve it, but I think that we can get pretty close. I think that a lot of us are prepared to say, 'Okay, it might be cheaper to just dump it,' but I think that in the long term the cost to society, to the community and, indeed, to the environment would be a lot more expensive than that.

I think that we are all quite used to the idea of doing our bit, but back then, in 2004, it was not quite the subject on everyone's lips. Today things have certainly changed. I think that 95 per cent of the population does the right thing. We have known of some cases where recycling projects have not been revenue neutral—in fact, they have been a pretty big drain on some of our local governments. I think that in relation to these amendments to the legislation, as the shadow minister (the member for Norwood) has just said, we are supporting both of them purely because it is common sense to do so.

I just wonder why initially we did not put this in the original act, particularly because Zero Waste SA is currently not captured by the Public Finance and Audit Act 1987 and, as a result, is not answerable to the Treasury department for its financial decisions. One would question why. Did it just escape? I just wonder why that was not put in the original act because most legislation comes under that. Why was this legislation left out, because of all things the cost of recycling and the cost of operating this zero waste area is an unknown.

As the member for Norwood just said, who is keeping an eye on the people who work in this department? Who are they accountable to? Well, they were not accountable. In this instance, in these straitened financial times, it is good that we are saying, 'Hey, you guys are going to be subject to the Public Finance and Audit Act 1987.'

The second amendment which we also agree with is that Zero Waste SA currently has no power for the delegation of funds to carry out functions legislated for in the act. Each time a decision is made, the department must defer to the board for confirmation regardless of the size. I think that is a common-sense move as well, because if you are going to make these people accountable you have to give them the flexibility to be able to make decisions and make them quickly and without any of the bureaucratic nonsense that can go with it.

Even though it is a small bill it is an important one. I hope that we always try to achieve zero waste. I do not think that we have achieved it yet, but it is certainly a good goal. As technology improves bit by bit I think that we are winning this battle. I think that the most important thing is that we do not create the waste in the first place, and we have come a long way there, particularly with container legislation.

I am very sad that I am no longer a member of the ERD Committee because one of my favourite subjects when I attended a conference interstate was the CDL legislation from South Australia. It is still the only one in the country, and I cannot believe that is the case. The container deposit legislation in South Australia has stood the test time. In fact, the last increase was supported by both sides of this house, and when you go to the interstate conferences they are all saying, 'Yes, yes, yes'—they all support the concept but they never, ever achieve it. I do not know why because they have only to look at South Australia and see that it has been a big success here. You know where the state borders are. Just look on the side of the road, because you will see that the South Australian side is clean and the Victorian and New South Wales' sides are dirty. There is,

of course, the complication where a lot of people pick up the cans in New South Wales and squish them up and then cash them in in South Australia. That is why you cannot see what tag is on them. I think we have led the way on issues like that. I will miss not going to the ERD conference and making my normal speech on the matter; it always brings a few chuckles.

Ms Thompson: You will get a special invitation.

Mr VENNING: Am I getting a special invitation? Well, that is on the record. Thank you very much; I shall accept. It is a serious matter. I have always been very keen. I would love to quote from the report but, in view of the time, I will not. A lot of those issues were brought up so long ago—eight or nine years ago—and we can see what has happened in time. The committee certainly did a great job on that report and I encourage members to read it. Our committees do a great job. This is just one which is committed to the history of this place for people to read.

I certainly support this legislation. I commend the shadow minister for leading the charge for us and putting the case to our party room, and also the minister, who is a bit of a mate of mine, I suppose you would say. We get on reasonably well; we have not had an argument yet. I commend this legislation to the house and support the shadow minister.

Ms CHAPMAN (Bragg) (16:11): I rise to indicate that I, too, support the Zero Waste SA (Miscellaneous) Amendment Bill 2012. As our lead speaker, the shadow minister for the environment has ably outlined the opposition's position and the reasons for it, and I will not repeat those. However, I wish to make a number of comments.

First, I do not think there is any question that South Australians understand that the zero waste levy is a tax and, like a lot of other levies, it is introduced with a very good objective: in this case to protect the environment against landfill. The application of those funds is therefore important to achieve that.

Under our current model in the legislation, 50 per cent of the levy that is imposed is placed in the fund to facilitate projects on application. Some people would say that there could be some limitations on that because of the amount that is able to be currently approved for the purpose of projects and whether that would inhibit the effective use of some of that money. Perhaps that is some explanation as to why there is a continued accumulation of this fund without it being applied.

Whether people have levies or taxes—obviously introduced with good intention—it is important that they are effective and that the funds are actually able to be applied. So, I am a little disappointed that the government has not used the opportunity in reviewing this act to look at that aspect as well and give some explanation as to why we have a situation where millions of dollars have accumulated in a fund which have not been applied. I think that is in direct contradiction to the promises that were made and the expectation of the public that it would be applied for environmental good.

The other aspect I raise is that it seems that local councils—like so many other instrumentalities of the government, such as SA Water—are facing this massive question of how much the federal government's carbon tax will add to their budget line. That is a matter with which the government seems to be struggling. It seems that it cannot even tell us what modelling it might have done on it; I certainly hope that it has done something because it seems as though everyone else has.

It did not fill me with confidence during question time today to hear from the Minister for Sport and the Premier. They did not seem to have a clue about what was actually happening in this regard. Hopefully they are doing something—even if they are not telling their ministers here—because everyone else is. It is a serious situation. Local governments, for example, through the LGA and recent announcements, have expressed their concern about what cost increases their councils will have to impose in relation to the carbon emissions respective to landfill sites. They are also worried about transport, energy and construction costs—not surprisingly, because they are in the business of providing services that rely heavily on these expenses and to which the carbon tax will apply.

In Queensland, as we know, an election is due on the 23rd of this month. We are hoping, of course, for a great victory for the LNP—

An honourable member: It will be the 24th.

Ms CHAPMAN: —the 24th—and that Campbell Newman wins his seat and the election. What I wanted to mention about Queensland was that as we are here debating this bill, policy

presentation has been made by the Liberal National Party to actually abolish their waste tax. They are a bit more open; they say that it is a levy up there, but generally they talk about it being a tax. It is important for it not only to be effective but also to not drive up other costs. Certainly, the Liberal National Party in Queensland has proposed an abolition of the tax, not because the merit of having one is not a good idea, but because as it has turned out it has driven up the cost for local councils and added to living costs for, in their case, all Queenslanders.

What they say is that there is a responsibility to drive policy and regulation reform in relation to waste management and they will not support attacks in the form of a business destroying, anti-recycling, cost-shifting, cost of living tax. They have actually gone through the full circle up there in Queensland, it seems to me: meritorious application of a good idea, raising the money and then realising that there are some very serious consequences to these costs. To now find that there has been an accumulation in the fund of which there has not been the studious application of these moneys, I think is very disappointing and needs some attention. Here, the Adelaide City Council have made public statements—

The Hon. M.J. Atkinson: Has; singular.

Ms CHAPMAN: —has made a public statement (thank you for the correction, member for Croydon) for the increased expenses that they will have to meet in dealing with the carbon emissions from landfill sites. Remember that the Adelaide City Council was a very major landowner of rubbish tips in this state; and now, of course, we have moved on from it. It will not, of course, be exempt. It will have a major extra cost and it is looking at its budgets. It has already flagged publicly that it may need to increase the rates of Rundle Mall traders and parking costs to boost the income to overcome this—which is rather ironic as it seems to be strongly supportive of another bill before the house for Rundle Mall traders. It seems it is going to give with one hand and rip them off with the other.

Nevertheless, it is faced with the same as any other council in all these extra costs. We clearly need to look at it. The state government has already foreshadowed, and we are already experiencing, a major increase in costs of living and an increase in the solid waste levy, which I think is currently \$35 a tonne, and to go to some \$50 a tonne, as proposed, to recover the income stream that it wants to make from this tax.

It is also asking the people of South Australia to face a future of increased fuel, water, electricity and gas costs, which are already steeply increasing, and once we have desal plants and all sorts of other things that are going to increase these costs, together with carbon tax, we need to be able to be clear about what the government intends in that regard.

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Member for Croydon!

Ms CHAPMAN: The member for Croydon keeps interrupting. One does not want to actually respond to some of the inane comments that are coming from the other side, but sometimes they are quite useful—not from the member for Croydon.

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Member for Croydon!

Ms CHAPMAN: I think the general revenue of this fund is about \$8 million or \$9 million a year.

Mr Marshall: The revenue is \$15 million a year.

Ms CHAPMAN: It is \$15 million a year; clearly we need to have some answers from the government about when and where that will be applied. With those few comments, I indicate I will support the bill, but we want some answers.

Mr PEDERICK (Hammond) (16:20): I rise today to speak to the Zero Waste SA (Miscellaneous) Amendment Bill 2011 and acknowledge the work of the shadow minister for the environment, the member for Norwood (Steven Marshall), in taking on his first bill in the house. I congratulate him on the way he is doing that.

This bill was introduced in the lower house by minister Caica on 15 February 2012. The amendments seek to rectify some problems with the original bill because Zero Waste SA is currently not captured by the Public Finance and Audit Act 1987 and is therefore not answerable to Treasury for its financial decisions. Also, Zero Waste SA has no power for delegation of funds to

carry out functions legislated in the act. Every time a decision is to be made, the department must defer to the board for confirmation, regardless of the size of the decision or the amount of money to be spent.

The first change, involving Zero Waste to be answerable under the Public Finance and Audit Act 1987, would provide more transparent information about its finances. As we have learnt with many other issues brought before this house, transparency is the key so that everyone knows what is going on. The second amendment allows the board to delegate functions and powers that already exist in the act, excluding any functions which are at the minister's discretion. This will allow the board more flexibility to conduct its business by delegating more menial administrative tasks to junior employees.

The reasoning behind the amendment from the Department of Environment and Natural Resources was that executives would no longer be bothered by trivial things like stationery orders—although when we look at 'cartridgegate' perhaps they should be involved in them. However, I suspect the prevalence of this practice has been greatly overstated, in regard to not being able to do the stationery orders, for the purpose of promoting the bill.

I note that there could be this delegation which may dilute the overall accountability of the minister—and, as we know, ministers need to be accountable for all the legislation—and create a web of transferring responsibilities. Over the years, we have seen more than \$15 million received by Zero Waste SA, yet the expenditure authority has been approximately only \$8 million to \$8.5 million. So we see the fund, as it reaches the 2011-12 financial year budget, to have over \$37 million in it, in 2012-13 over \$44 million, and in 2013-14 close to \$52 million, yet through every consequential year we see that only about \$8.5 million can be spent.

Why is this money not being distributed through, probably, local government networks so that we can see the more efficient disposal of waste? We know that local governments are always burdened by responsibilities that are delegated to them and we certainly know that waste and the disposal of it has changed significantly over time.

I remember living in a country area where the original Coomandook dumpsite was right next to the Dukes Highway. For anyone travelling into Coomandook, less than two kilometres from the northern side of town, you will see a hill. If you know where it is, it is easy to spot. It is a hill on the side of the road where there is no scrub growing or any trees. That was the old dumpsite.

Mr Griffiths interjecting:

Mr PEDERICK: Yes, as the member for Goyder indicates, they were everywhere. We have the Yumali dump past the end of Parkin Hall on the Sherlock-Yumali road where, not that many years ago, probably about 20 years ago, everyone used to turn up with their rubbish and just pour it all in the same hole and then there would be fires lit to burn up the flammable material.

Those dumps would last for years and years, but we have learnt that we need to improve our practices and we need to split our rubbish up. We need to recycle what we can and I think it is a good practice, but we also need to make sure that we have the right regulatory and legislative processes in place so that our authorities can efficiently take this rubbish off people's hands.

It is also about education. I know people who get frustrated that dumps are only open for a few hours a week. When people are in the middle of a big clean-up job on a property, they are frustrated that they cannot straightaway deliver that rubbish to the close facility. Then people have to make decisions, as I have, because the local dump is not open very often—I am just going from memory now; I have not used it that much. I think it is only open once or twice a month, so we take our rubbish down to the Coonalpyn transfer station on a Sunday when we are having a clean-out.

I suppose the point I am making is we need to have the right framework in place so that people do not start illegal dumping. The point I see is that all this money is being feathered away under the so-called zero waste management, yet we find that people are frustrated by the lack of options in getting rid of that waste. More of this money could be funnelled into councils, so that they could fund more opening times for local government dumps and have an efficient way to receive waste and recycled products.

I know it is a different scene when you go to a dump now. You have the metal in a spot, the timber products go in a spot and, basically, the straight rubbish goes into bins that are then picked up by the truck on its runs. All I am saying is there is a temptation for people, especially in rural areas, to dig their own holes and put rubbish in them. No-one wants that to happen, so I cannot see why we cannot have more money directed so that we have a proper zero waste policy, instead

of people saying, 'Look, we have done such a good job with waste that there is not so much turning up.' Are they sure it is not just being got rid of in another way?

Mr Goldsworthy interjecting:

Mr PEDERICK: Yes, as the member for Kavel indicates, it gets dumped on the side of the road and that is no good for anyone. That brings up another issue about the cost to people, especially urban dwellers, when they want to get rid of trailer loads of rubbish. If it gets too dear, that is exactly what they do. They dump it on the side of the road and it is absolutely the wrong thing to do. It would be better to have money that comes from the levy that is attributed to householders across the state distributed through the councils so they do not have to charge exorbitant fees so that we can get the waste in the right spot. With those few words, I support the bill.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:29): I thank the speakers from the other side with respect to their contributions. I do not know whether it is the intention to—

An honourable member interjecting:

The Hon. P. CAICA: Briefly go to committee; well, I will not say too much now because I thought that, if I did, we might avoid that. In answer to a couple of comments that were made, during the member for Schubert's contribution he asked, 'Who is accountable?' and, of course, the Zero Waste Act, in accordance with the relevant act, the Public Finance and Audit Act 1987, applies that. But some advice that was received said that it needed to be clarified, and that is what is occurring through this bill.

Also, in relation to accountability, section 14 of the act requires Zero Waste SA to submit a business plan to the minister of the day—me on this occasion—setting out its major projects, goals and priorities on a rolling, triennial basis, including the budget for the next financial year, and all expenditure must be in accordance with the business plan or as authorised by me as the Minister for Sustainability and Conservation.

The member for Bragg talked about the introduction of a waste levy being about protection of the environment against landfill. In reality, the introduction of the levy was multi-faceted but, in particular, had a focus on an incentive not to have material go to landfill and, in turn, to then be able to focus on the recycling and reuse of that material. As was pointed out by the member for Hammond, when you go to a transfer station or a dump, you will see different material in different areas to make sure that that is more easily intercepted and then used. I would also remind the member for Hammond that we have spent significant money in country areas with respect to some grants that have gone into making things a little easier in the country.

I acknowledge that we face different challenges in regional South Australia than we do here in metropolitan Adelaide, and that has been a particular focus of Zero Waste, and their very expert board, in having a look at how assistance can be provided to regional areas to make sure that we are able not only to more easily have that material intercepted but also to ensure that there is an ease in disposing of that material from both an industry and a household perspective.

I acknowledge the challenges in regional South Australia, given the length and breadth of this fine state with respect to the area that it covers. Last year we introduced the illegal dumping unit and that is about making sure that we have a unit that focuses on illegal dumping throughout South Australia—particularly the high end of town who are trying to avoid paying the costs involved with respect to waste to landfill—but also through an educative process to make sure that, when working with councils, people understand their individual responsibility as householders to dispose of their material and rubbish in such a way that lends itself not only to interception but also to the benefits that accrue with the recycling and reuse of that material.

The member for Bragg made a comment also about the policy of the Liberal National Party in Queensland, should it be elected, to remove the waste levy. I think that is a backward step. I think that that is a backward step in Queensland because we have shown across Australia, particularly here in South Australia, that the waste to resources levy is, indeed, that incentive to make sure that less material than otherwise would be the case, finds its way into landfill and is then recycled and reused.

I could talk for a while, but I expect that I will get some questions on aspects that were raised by opposition members in regard to the levy, bearing in mind that that is not a matter that is

under consideration within this bill. We are dealing with two amendments to the bill that clarify what the board previously undertook with respect to its operations and, secondly, the ability to be able to delegate, because it is a very unwieldy and less efficient process at this point in time than it should be. I will conclude my remarks there, and thank the opposition for its contribution, and I look forward to the quick passage of this bill through the committee stage.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr MARSHALL: My question is regarding clause 3 of the bill, the insertion of new section 7A. My question to the minister is: has the Zero Waste SA board previously received a Treasurer's Instruction that it has not been able to comply with? Is that the driver for this amendment?

The Hon. P. CAICA: I thank the honourable member for his question. No, it has never been the case that Zero Waste has not complied with either the Treasurer's Instructions or other aspects of the Public Finance and Audit Act 1987, but that is because of the work they undertake, more so than it being clear under their act that they were to do that. The advice we received said that the act could be tightened by doing this, notwithstanding the fact that they always complied with both those aspects.

Mr MARSHALL: Just for clarity, the board has always acted in accordance with the Treasurer's Instructions even though it was not specifically required to by legislation?

The Hon. P. CAICA: They were not required to, had they ever challenged it, but they acted in such a way that it was—and in fact it was always, if you like—implied that all those provisions applied, as opposed to now making sure that they do, but there has never been any reason at all to think that they did not act accordingly. They always did on the basis that they believed that those provisions applied at any rate. The advice Zero Waste subsequently received was that that needed to be clarified because under the current act it was more silent than anything else on those particular matters.

Mr MARSHALL: Is it the Treasurer's Instruction that determines what the expenditure amount is that Zero Waste can spend up to each year?

The Hon. P. CAICA: That is not contained within the Treasurer's Instruction and, of course, it is government policy. I think it was mentioned previously by the member for Bragg that section 17 of the act establishes a Waste to Resources Fund consisting of 50 per cent, or a percentage as may be prescribed, of an amount to be paid by waste depot licence holders by way of a levy under section 113. But, no, there were no Treasurer's Instructions in that regard. It is a policy decision of government as to what quantity of money that goes in will in turn be utilised on certain projects, knowing full well that it assists in the funding of both Zero Waste and part of the EPA.

Mr MARSHALL: Given that there is a massive accumulation in the Waste to Resources Fund of the order of around \$7 million or \$8 million per year at the moment, should we be concerned, or what protection do we have that the Zero Waste SA board might receive a Treasurer's Instruction to utilise the Waste to Resources Fund for something other than what was originally intended by this act?

The Hon. P. CAICA: With respect to what this amendment is trying to do, it refers to Treasurer's Instructions as they relate to the way whereby you might delegate or account, so there are Treasurer's Instructions. That is different from the implications of what you are saying about an instruction that says how this fund might be used and, in reality, we know, as I mentioned earlier, that it is collected for a specific purpose. That purpose is really as an incentive against the quantity of material that finds its way to landfill but, in essence, the Treasurer, through his instruction processes, has nothing to do with that particular matter as expressed in your terms.

Mr MARSHALL: My question really relates to this accumulation of the Waste to Resources Fund. In fact, within two years, I think, that fund will sit at \$53 million. The current expenditure level is predicted to be \$8.6 million per year, so you can see that there is quite a substantial difference between what is being accumulated annually (and cumulatively) against what is being expended. My question is: what protection do we have that, by passing this amendment,

there will not be an instruction from the Treasurer to use this accumulating Waste to Resources Fund for purposes other than what is contained within the objects of this act?

The Hon. P. CAICA: I thank the honourable member for his question, but I would remind him that this money that is collected can only be expended for the purposes for which it has been collected, so what he is suggesting or speculating or hypothesising—that the Treasurer may in the future issue an instruction—could only occur if indeed changes were made to the particular act about that expenditure.

The issue that has been raised here today is not one that is relevant to this particular bill, although I take on board the comments made by the opposition spokesperson and, of course, I have raised that issue before, and as a consequence of that, instigated a review of the Waste to Resources levy. The results of that have not yet come to me, but I can tell you that that review included, amongst other things, general discussion and consultation with industry but also significantly the Local Government Association.

I expect it to answer some of the matters that have been raised by the honourable member in his contribution today, bearing in mind that the comments that are being made are not relevant to the bill before us today, because this is a tidying up of the legislation to ensure that clarity is given to that which we always thought was the case anyway in regard to the way in which Zero Waste operates.

Mr MARSHALL: I do not mean to be pedantic, but the amendment refers specifically to the application of the Public Finance and Audit Act 1987 and also Treasurer's Instructions 'including in connection with the management, investment and application of the Waste to Resources Fund', so I think it is a reasonable question on this actual clause.

I just put on record the opposition's concern that this amendment could in fact lead to a situation where the Zero Waste SA board would receive a Treasurer's Instruction to utilise or manage or invest the Waste to Resources Fund in a way which we in opposition believe would be contrary to the objects of the act.

However, I will take the minister's response, which he has put on record several times, that that will not be the case and that all the expenditure of that money in that fund will be precisely in accordance with the existing act and the existing objects of that act, which is to move us towards zero waste here in South Australia.

The Hon. P. CAICA: Quite simply, the member for Norwood is wrong. He is conflating, if you like, Treasurer's Instructions into something that is really quite imaginative as opposed to being fact. Of course, with respect to how money is expended, money can only be expended for the purposes for which that money has been collected, but also importantly Zero Waste has a business plan.

Section 14 of the act requires Zero Waste to submit a business plan to me setting out its major projects, goals and priorities. It includes the budget for the next year. Also, any expenditure from the fund must be in accordance with the business plan or, for the purpose of the act, as authorised by the minister, and be in accordance with South Australia's waste strategy. Section 18(1) of the act requires Zero Waste to develop a state waste strategy in accordance with section 5(1)(c) of the act. The strategy must be adopted, implemented and reviewed on a five-yearly basis. So, there are already these provisions in there. Without being disrespectful, the member for Norwood is conflating what are Treasurer's Instructions as they currently operate into something that the Treasurer will not instruct upon.

Clause passed.

Remaining clause (4) and title passed.

Bill reported without amendment.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:46): I move:

That this bill be now read a third time.

Bill read a third time and passed.

BUSINESS NAMES (COMMONWEALTH POWERS) BILL

Adjourned debate on second reading.

(Continued from 1 March 2012.)

Mr GOLDSWORTHY (Kavel) (16:48): I am pleased to speak on the Business Names (Commonwealth Powers) Bill 2011. I advise the house that I am the lead speaker on behalf of the opposition in relation to this piece of legislation. I can flag that at this stage it is not our intention to go into committee if the minister is able to answer a couple of questions that I have in the course of the second reading debate. He may not have the answers to hand, but if he can supply them at a later date that would be fine.

The DEPUTY SPEAKER: You wish to flag them so that he can get advice?

Mr GOLDSWORTHY: Yes, he certainly can. This particular legislation was introduced in the other place, I understand, and it passed through the other place in an unamended format. I know that there is a supposed deadline to have this legislation dealt with here in the South Australian parliament so that it meets some scheduling in relation to commonwealth legislation and some transferring of funds and the like from the commonwealth to the state.

This particular bill is part of a federal government's and COAG's regulatory reform agenda. I think that the title of this reform agenda is probably from the previous Rudd administration because it has that sort of tone, if you like, about it. It is referred to as a National Partnership to Deliver a Seamless National Economy. That seems to me to be a bit of a Ruddism, but we have seen things federally move on from that previous regime, even though there was a little bit of a hiccup going back a couple of weeks ago with a leadership ballot within the ALP ranks federally.

The DEPUTY SPEAKER: The member for Kavel will get back—

Mr GOLDSWORTHY: We do not need to traverse that, Mr Deputy Speaker. I know where you are coming from in looking to give me some direction on that. I just thought that I would mention that the National Partnership to Deliver a Seamless National Economy had that certain ring about it. This is a relatively uncomplicated piece of legislation, I think. From memory, it had been in the parliament before the proroguing of parliament. My understanding is that it is the case that it was introduced into the parliament last year. However, with some changes in relation to the ministry and changes to the shadow ministry, and after the proroguing of parliament, it has been reintroduced, and, on behalf of the opposition, I have the pleasure of the carriage of the legislation.

The Hon. M.J. Atkinson: Are you going to say something about it soon?

Mr GOLDSWORTHY: We are getting to it, member for Croydon, but we do not want to speed through these processes. We have to give the legislation due diligence and treat it with the respect it deserves. You cannot just rush these things through the democratic processes. I have pretty distinct memories of your dealings with legislation, member for Croydon, when you were previously the attorney-general, and issues you dealt with in your time were not necessarily rushed.

The bill refers business name powers to the commonwealth; and we have another consequential piece of legislation, if you like, that I presume we will be dealing with after we have dealt with this bill. I am not sure what the government has in mind—whether we just deal with this bill and leave that and then come to the transitional arrangements tomorrow or the next day.

In essence, a national system for registering business names has been established and this bill is designed—and we hope, we trust, that this is the case—to reduce red tape and the costs for businesses registering or renewing a business name. We have had a briefing. I have had a briefing from departmental officers and the minister's staff, and I have got some information back from the minister's office that we are grateful for.

I am happy to read into *Hansard* that the briefing information provided is that currently in South Australia a renewal of a business name and registration is \$128 for three years and there is no option to renew a business name or register a business name for one year. However, under the new commonwealth legislation it is \$70 for three years and \$30 for one year; so, obviously, there are some savings to business there.

For a new business name registration, and applications, currently in the state it is \$159 for three years and, again, there is no option for a one-year registration. However, under the new legislation concerning the commonwealth law, it will be \$70—similar to the previous fee regime I mentioned just a couple of minutes ago—for three years and \$30 for one year.

There is an aspect to this that I will raise, and this is a question that the minister can answer or get back to us on at a later date. Obviously there is a loss in revenue with these powers being transferred from the state to the commonwealth because the state receives that revenue of \$128 and \$158 respectively, collectively. I understand that there is a loss in revenue of \$6.4 million in the 2012-13 year, but, if there is a loss in revenue in that year, I presume there will be a loss of revenue, or even an increase in revenue, if CPI were applied to that fee structure in the ensuing years. However, the state will receive \$33 million in what are called facilitation payments from the commonwealth over a number of areas of reform—27 areas, I understand—in relation to the COAG's regulatory reform agenda.

I asked a question that people could not or would not answer in relation to the lost revenue of \$6.4 million in the first year—and I presume in the ensuing years—and then the state receiving \$33 million. I do not know whether the minister is able to answer this or whether he is able to come back to me; however, I asked the question at the time and was told that it had something to do with cabinet confidentiality, or something, which I could not really understand, because—

The Hon. M.J. Atkinson: No, not having any experience in that.

Mr GOLDSWORTHY: Not just that, member for Croydon. We are told that the state is going to lose \$6.4 million in revenue and then get \$33 million in facilitation payments. We are losing that income and gaining the other through facilitation payments. The question is: what was the total cost to the budget over these 27 areas of reform? I understand that the minister is not responsible for all those areas of reform, but that was a question I asked the departmental staff and, from memory, they could not, or would not, give me an answer.

However, that question could be asked of Treasury, because I would have thought that Treasury could provide that information. If my memory is correct, that information was not provided because it had something to do with cabinet confidentiality. I just find that a bit puzzling, minister, given the fact that we know we are going to lose \$6.4 million in the first year, and then obviously in the ensuing years, but receive \$33 million in payments over all of the areas of reform. Maybe this is the only reform in terms of transferring these business registration powers from the state to the commonwealth where there is a loss of revenue; I do not know, but that was a question I asked.

I would like an answer to that question because we are in a fairly dire economic situation. The shadow treasurer has proved that the state is in recession, even though the Premier and the Treasurer will not admit it. We are in quite dire economic—

The Hon. M.J. Atkinson: Who proved it? Who proved that we are in recession?

Mr GOLDSWORTHY: The member for Croydon actually raises an interesting point

The Hon. M.J. Atkinson: Who proved that?

Mr GOLDSWORTHY: The shadow treasurer on the media the other day—

Ms Chapman: Kevin Foley.

Mr GOLDSWORTHY: Exactly. The member for Bragg is exactly right. The shadow treasurer, going by the previous treasurer's comments, the Hon. K.O. Foley—K.O., knockout, that's not a bad—you knocked him out.

The Hon. M.J. Atkinson: Kevin Owen.

Mr GOLDSWORTHY: You knocked him out of the arena, out of the ring, didn't you?

Ms Chapman interjecting:

Mr GOLDSWORTHY: Yes, they did it, that's right, with some help from us though, too. It was his own take on things that those measures that the shadow treasurer highlighted proved that the state was in recession. However, we are digressing somewhat, Mr Deputy Speaker. We are in the middle of tough times, so it would be—

Members interjecting:

The DEPUTY SPEAKER: Member for Norwood, I do not need your advice, thank you. Member for Croydon, could you please just listen? Member for Kavel, can you keep to the topic?

Mr GOLDSWORTHY: Thank you. If the member for Croydon did not interject so readily—he is such a nuisance—we might be able to get down to the business of the bill. As I was saying, in July 2008 COAG agreed that the states would refer their business name registration powers to the

commonwealth and that the commonwealth would establish a single national register for business names. I understand that this legislation has been through some of the other state parliaments and that the New South Wales and Victorian governments were happy to pass the legislation unamended. It is obviously our intention to do the same here.

The implementation of a national business names register is regarded as a reform project designed to simplify business name processes and reduce business costs. As I highlighted previously, the cost structure is less, and I again trust that the commonwealth government will maintain that fee structure and not just bring it in for a couple of years and then start hiking it significantly so as to place arguably a higher cost burden on businesses. That, I guess, is somewhat out of our control.

I think one of the reforms that comes from this legislation that is noteworthy will be that it will remove the need for an applicant to register a business name in multiple jurisdictions. You register your business name once and that is right across the country. Previously, I understand, if you wanted a business in other states you had to register that business in Victoria, New South Wales, Queensland, Western Australia and so on. This performs that role in one hit, if you like.

The system will be administered by the Australian Securities and Investments Commission. My understanding is there are protections for existing business names holders and that the business names currently registered will be migrated to the new system and protected to enable them to be continued and renewed. Where a business name has the same name registered in several jurisdictions, as stated before they will only need to maintain one of those registrations. In case of identical migrated names being registered to different businesses, ASIC may include a distinguishing term on the register—for example, identifying the location (SA, Vic, NSW, things like that)—or it will consult with the business name owner.

From my briefings with the departmental officers I understand that the federal government consulted quite extensively with some of the key stakeholder groups—Master Builders Association, Adelaide Brighton, and a whole range of other key stakeholder industry groups, as I alluded to.

I think that pretty well sums up the outline of the bill, but there are a couple of other points I want to raise in relation to it that I think are important. I think it is important to mention clause 4(2) of the bill. The state is referring powers to the commonwealth obviously, through this bill, but this clause actually provides what the state is not referring, what is not included in the referral powers of the commonwealth. It ensures that other powers are not referred as a consequence of moving from a state-based system to a national system, and I think it is important to mention that.

However, as I said at the outset, this is a relatively uncomplicated piece of legislation and, as indicated in the other place when the Hon. Michelle Lensink spoke on the bill, the opposition is prepared to support it. I am pleased to conclude my comments at that point.

Mr PEDERICK (Hammond) (17:06): I, too, rise to make a contribution to the Business Names (Commonwealth Powers) Bill 2011. I note that in 2008 the Council of Australian Governments agreed that the states would refer their business names registration powers to the commonwealth and that there would be a single national register for business names under commonwealth jurisdiction. This move is regarded as an important reform designed to simplify business processes, and I think anything that can simplify business processes is an admirable initiative.

Apart from the work businesses do in whatever business they are running, whenever it gets down to paperwork it can be either early at the start of a busy day or at the end, and people just want to be able to get the business done, and done appropriately, and know that they do not have to do it multiple times to get the same result. I think this is a great initiative so that people registering for a business in one state, say South Australia, can be registered right across this country in the appropriate manner.

The system will be administered by the Australian Securities and Investments Commission. Obviously there will be protection for existing business name holders; everyone with business names currently registered will migrate to the new system and be protected, to enable them to be continued and renewed. Where a business has a name registered in several jurisdictions it will need to maintain only one of those registrations. In the case of identical migrated names being registered to different businesses ASIC may include a distinguishing term on the register, such as location, or it can consult with the business owner. I think that can be worked through, certainly with consultation, so that the business name the business owner wants registered under this commonwealth powers legislation is appropriately put in place.

This bill refers state powers to the commonwealth to enable the commonwealth to legislate for the new national business names registration system due to commence nationally in May 2012. The referral provisions contain appropriate exclusions and protections for state laws. As has been said earlier, this is part of the national partnership to deliver a seamless national economy under COAG's regulatory reform. As I have indicated earlier, for anyone like myself who has run a business, and who has had to put up with more regulation and more legislation day by day in the running of their business, anything that can make the process easier and seamless, at least in regard to registering their name, can only be a good thing.

People may be surprised to know that it can take a lot longer than they think because, even when you think you have the appropriate business name for your business, you can find out that there could be 10, 20, 30 different variations on what you want to put up. You certainly have to have reserve names in mind because you may not get the initial name up. I certainly think this is very good legislation going through this place, and I hope for its speedy process.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (17:10): Can I say to the member for Hammond: I think his wish may be granted. I am not entirely sure, but I think it might go quickly. Can I thank both the opposition spokesman and the member for Hammond for their contributions on the legislation.

People here know that I have never been a fan of COAG for its own sake; however, I have to say that, in this particular instance, the practicalities of having to register businesses all over the country was, quite frankly, a pain in the neck for people who had to do it. It is a sensible reform.

Ms Chapman interjecting:

The Hon. J.R. RAU: Yes, there have been many problems, and this saves a lot of trouble. It possibly even does some lawyers out of work in terms of passing-off actions, but never mind. I do appreciate the support the opposition is offering in relation to this measure.

In respect of the particular questions the honourable member asked me, I have made some inquiries. I have to say that the only revenue loss material I have available to me relates to the revenue that would have come into us specifically in relation to business names, and I understand the honourable member already has that. The only suggestion I can make is that at some point, either in a general context or perhaps in the context of estimates, it might be something that can be asked of Treasury or somebody who actually collates all these numbers, but we certainly do not in the Attorney-General's Department.

In fact, I am actually not aware of what all the things are that add up to the \$33 million. I have heard the number 33 several times, but exactly what counts in that basket of activities I honestly cannot say. Presumably Treasury and/or the Premier's department were involved in some assessment of those at some point in time, but I am afraid I cannot help the honourable member in detail about those matters; otherwise, I do not think there is anything more I can say. I understand it is not the wish of the house to go into committee.

Bill read a second time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (17:14): I move:

That this bill be now read a third time.

Bill read a third time and passed.

BUSINESS NAMES REGISTRATION (TRANSITIONAL ARRANGEMENTS) BILL

Adjourned debate on second reading.

(Continued from 1 March 2012.)

Mr GOLDSWORTHY (Kavel) (17:15): The carriage of this legislation will only take a few minutes—

Ms Chapman: That's what you said last time.

Mr GOLDSWORTHY: Only because the member for Croydon started interjecting, and he was spurring me on. I advise the house that I am the lead speaker on behalf of the opposition in relation to this bill. This is a consequential piece of legislation to the commonwealth powers bill that we just debated. You could call it an omnibus bill if you turned your mind to it, because it looks to

amend a whole range of acts: Bank Merger (BankSA and Advance Bank) Act, Bank Merger (National/BNZ) Act, Building Work Contractors Act, Motor Vehicles Act, and the Partnership Act. I will not run through the whole list but there are a number of other acts that the bill is looking to amend.

There are a couple of points I want to raise and, as I said, it is a consequential piece of legislation and it supports the commonwealth powers bill. I obviously do not need to traverse what that bill looks to achieve as we have just spent the last 10 or 15 minutes talking about it. It addresses the transitional and consequential issues arising from the change to the new national regime. It makes a number of consequential amendments to state legislation, and it is a precautionary measure to enable the ability to deal with unforeseen issues that may arise. There is a provision in the bill to allow the making of regulations of a saving and transitional nature. That is an important aspect of the bill because one does not always know what may arise as a consequence of matters when powers are transferred from the state to the commonwealth.

The opposition received the briefing in conjunction with one on the other bill from the departmental officers and ministerial staff, and we certainly appreciate the information that we gained from that briefing. Some questions were raised in those briefings, and we appreciate the response received from the department via the minister's office. I think, all in all, this is an example of how the opposition and the government can work in tandem on a piece of legislation that is relatively uncomplicated and looks to achieve some beneficial outcomes for the community here in South Australia.

As we all know, the opposition does not oppose every piece of legislation that the government introduces but we look to improve and amend legislation as we see fit, or we look to oppose and vote down legislation that we believe to be unwarranted, unnecessary or would deliver an outcome to the state that is not called for. In relation to these two pieces of legislation, I think they are worthy of support in unamended form, and there is no intention to go into committee on this bill. As a consequence, I inform the house that the opposition supports this bill.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (17:20): Again I thank the honourable member for his contribution in this matter. I have to say it is refreshing to have the honourable member with his ecumenical approach to legislation.

Mr Goldsworthy: Not always, John.

The Hon. J.R. RAU: It is refreshing. You may not know this, Mr Acting Speaker, but one of his colleagues in another place does not have this ecumenical approach and seems to pick fault with every comma, full stop and apostrophe. Refreshingly, the member for Kavel has a more sophisticated approach to legislative matters and prefers to deal with the big picture and not be distracted by matters of insignificant and irrelevant detail because he is a big picture man.

I pay due credit to him because he has actually seen that this is an important reform and, to his and the opposition's credit, he is embracing that and he is doing it in a wholehearted fashion and I congratulate him, and members of the opposition, for this. I agree with the honourable member that this is the way we should do business more often. I would like to pass on, if I have his permission, to members of my own staff and to the public servants who were involved in the briefings, how much they were appreciated by the opposition, because I think they need to know.

Mr Goldsworthy: They are here.

The Hon. J.R. RAU: Just in case they are not all here. Just in case they are not all here I would like to be able to convey to them your appreciation, because they do not always get thanked, member for Kavel. Some people do not thank them and, again, you have been extremely courteous in your dealings with my advisers and the public servants involved. So, with those few words, I do not believe we need to go to committee and I think we can move on.

Bill read a second time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (17:23): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 1 March 2012.)

Ms CHAPMAN (Bragg) (17:24): From time to time it is appropriate that the Attorney-General's areas of jurisdiction come under review and that there are presented to the parliament amendments that would make areas in his portfolio more effective. In that regard, we welcome this bill. It was introduced last year in November but, ultimately, was not debated before the prorogation of the parliament, but it was reintroduced on 1 March this year.

I want to outline a couple of the areas that the opposition is not happy with, but it is fair to say that overall some of the amendments are meritorious and we are happy to join with the government. I will indicate three areas of foreshadowed amendment. I had expected that this bill would probably be debated tomorrow in the first instance, and we were waiting for some amendments, but these can easily be dealt with in another place, and we will not hold up the bill in the absence of those amendments.

The Hon. J.R. RAU: Sir, can I say to the honourable member, just to be of assistance, that if it is the case that she will indeed have amendments tomorrow, from my point of view I would appreciate the opportunity to at least look at the amendments and perhaps put something on the record here about them. That may mean that we finish a little earlier tonight without finalising the committee; perhaps we should go into committee and then not take the matter any further. If that will assist, I am more than happy to accommodate that.

Ms CHAPMAN: I thank the Attorney for his indication, and we will certainly endeavour to look at that option. The 12 acts of parliament on which the Attorney has asked us to accept amendments are quite broad and range from the usual criminal and courts legislation (if I can paraphrase it in that way) to special provisions for the Environment, Resources and Development Court and significant amendments under the Young Offenders Act. I will try to indicate in some chronological order the application of the amendments in this bill.

Firstly, there is the proposal to allow prosecutors to serve a notice to a defendant in criminal proceedings to admit specified facts without first seeking a court order. That is a matter that we do not agree with. At present, as would be evident, if the prosecutor makes an application to the court and sets out a list of questions to be made in the admission of facts, then that can be granted.

The area of vulnerability we see, which I think is matched by the Law Society and others—in particular, the Criminal Justice Ministerial Taskforce—is the vulnerability of defendants who are unrepresented. As members would know, not all people who are charged with offences are legally represented. Some are eligible for and can apply for representation through the Legal Services Commission; others of course pay for private counsel.

However, some choose to be unrepresented, and some in that category are unrepresented because they cannot afford representation. In those circumstances, it is the opposition's view that defendants may not appreciate their rights in the understanding of the admission of facts, and therefore we think that court supervision of that is important.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: The Attorney has pointed out a provision in the bill that may address that matter. It seems to be fairly clear, in fact. It may not have been in the draft, but we will have a look at that and see if we are satisfied in that regard.

The second matter is to allow the Environment, Resources and Development Court to convene a sentencing conference. That is a power which, on the face of it and in dealing with some parties, would make it appropriate for them to give evidence or to express their view on the impact of the offence. This amendment is to allow community 'and others' to express their views, whatever they may be. Whilst it seems within the parameters of court management of these sentencing conferences, personally I see that this as really opening the door for anybody who has a particular axe to grind in this area to come along and give evidence or express their views on matters. It does seem to give more extensive opportunity for those who might be a little more zealous in this area to take up the time of the ERD Court and not necessarily provide any helpful or targeted contribution in that regard.

It would seem to me from comments made, I think, in the second reading explanation that, if there has been a breach of the Native Vegetation Act or something of that nature, there is recognition that the whole community may be deprived of the benefit of that piece of native vegetation, and some offence has been prosecuted and is under consideration. For sentencing purposes, it would be helpful for the sentencing judge to hear from the general community about that—a neighbour, for example, who may be deprived of the benefit of the view of trees or shade, or something of that nature. I can see some merit in that. Frankly, I think expanding it to all sorts of other groups who might have their own axe to grind is going to be a time impost on the courts and not improve efficiency. I make that point. The opposition, however, is not opposing that measure.

There is also provision for the defendant to negotiate reparations before sentencing. We think that is a good thing. There is an allowance for the ERD Court to postpone sentencing for up to three months while reparations or other remedial actions are undertaken by the defendant. Again, I think that is an excellent initiative, because one of the things that often happens at the sentencing stage is that there may be an order for payment for damages and there is not necessarily an incentive for those payments to be made. So, there can be court costs, reparation costs and some other penalty—maybe a fine or community service—but this way it provides a major incentive for there to be some reparatory work. In the environment, resources and development jurisdiction, it may be to replant some trees, if we are talking about native vegetation, or to pull down an offensive structure that has been erected in breach of some regulation or provision.

The bill also provides insurance that the Parole Board recommendations and decisions about release are made at the time of release rather than prior to serving a sentence for contempt of court which follows immediately after a previous sentence. The opposition's view on this is that that is currently redundant. There have been some other amendments in other jurisdictions and we think that is now unnecessary. The bill also is to make it a mandatory condition for those released from custody on supervision to request permission for interstate travel from the CEO of corrections. Currently, offenders being supervised as a condition of a bond or ancillary to a community service order may be subject to reasonable direction.

Two directions that are currently optional are proposed to be mandatory: written permission before leaving the state; and regular reporting. Also, the interstate travel directions are proposed to be made in the name of the Chief Executive, Department for Correctional Services. In the Correctional Services (Miscellaneous) Bill we have opposed that centralisation of power and propose that we do the same here. That is our position on that matter. The bill is also to place interstate travel permission requirements on those under supervision and to make regular reporting intervals a mandatory condition. I think that I have indicated our position on that.

I now come to community service orders themselves, which, it is fair to say, have been an effective tool, I think, in sentencing. Just last week I was in celebration of International Women's Day. I attended at the West Terrace Cemetery. Members who have attended the cemetery will know that very famous people are buried there—lots of famous dead women in South Australia's history, some of whom have visited here or have been famous, for example, because they were the first female university graduate interstate but who happened to have passed away here; and, sadly, in earlier times there was no capacity to return.

I digress a little, but I make the point that, on this occasion, I had the opportunity to observe a large group of people doing community service order work, and that was in particular for the maintenance and repair of gravesites and headstones that had collapsed, for example, and also for the general beautification of some of those historic sites. Some members would know, but because the West Terrace Cemetery is built on an area which is close to a watertable I understand that in the early days some of the bodies actually drifted out into the gulf because they went through the underground water.

In any event, quite a lot of work needs to be done in our cemeteries, including the West Terrace Cemetery, which is also the home to servicemen and women, and therefore I was very pleased to see a number of people undertaking their community service order work there. We also have lots of protective legislation and make it a very serious offence for people to tamper with graves and to interfere with the peaceful commemorative structures, for good reason. So, well done to whoever is organising that type of community service order work down there.

I have got plenty of other ideas. There are lots of olives to be removed from Cleland Park. I am very pleased for as many people to come up there, whether or not they are in prison or undertaking community service orders. I have always welcomed the authorities to send groups up there to deal with weed management, and it can be very effective and beneficial for the community.

I must say that I am often given excuses about the need to have supervision and therefore it becomes impractical or inconvenient, or too hot or too cold, or some other excuse about why they cannot bring people out from the prison. Nevertheless, I am always willing, certainly in my electorate, to have them brought out to undertake some work. I am sure that the member for Norwood would appreciate that, too. Have you got any parks?

Mr Marshall interjecting:

Ms CHAPMAN: Good. The member for Norwood, I am sure, would also appreciate anyone who is willing to come out and do some community service work. Anyway, I digress. Here, this bill will clarify that the court may extend the time available to complete a community service order upon a breach of bond where that extension is required after the initial period has expired. That is really a machinery-necessary reform and we welcome that. The bill will also allow the court to substitute, remit, defer or reduce pecuniary orders and orders that community service or licence disqualification occur instead. This is quite simply a situation where sometimes at the time of sentencing someone has a job and a fine is appropriate and then subsequently they may lose that job and they have not paid the fine. I think it is a very efficient way—with this amendment—to enable it to be converted to an alternate penalty.

The bill also will allow a fine to be imposed in lieu of community service. Currently this is limited to where a person has been unable to perform the service due to employment. Really, that is the reverse of what I have just said in respect of changing a pecuniary order to a community service order or a licence disqualification for the exact opposite reasons we would allow the reverse.

The bill will also allow the DPP to delegate powers assigned to them under other acts in the same manner as under the Director of Public Prosecutions Act 1991. In this regard, the opposition says that the Director of Public Prosecutions can currently delegate his or her powers granted under the Director of Public Prosecutions Act 1991. They do not have the power to delegate powers conferred under any other act. An example of a power that could be delegated under this proposal is the power under the Listening and Surveillance Devices Act 1972 to a proven application to the court by a police officer for a warrant authorising the use of devices.

It is the opposition's view under the careful consideration of this matter by the Hon. Stephen Wade (the shadow attorney) that it is the better practice to provide specific provisions in authorising acts delineating the extent of delegation permitted, if any. So, that is our view on that matter. The Attorney will be pleased to note that that will be the end of our amendments.

I just make the following observations of other amendments that are being tidied up and reformed in this package; that is, to allow a master of the District or Supreme Court to order that the parties to a proceedings undertake mediation. I thought they already had the power to do that. They have certainly indicated their view as to what parties should do in having that as an option. I have never personally supported mandatory counselling or mediation. I think that to direct orders to that effect is usually counter-productive. What is appropriate is that the courts say, 'We will not allocate time available until you have considered some other option'. I think that a direction to actually attend conferences could be counter-productive; however, some would argue that it has the same effect, so the opposition will not be opposing that.

The bill also is to clarify that a sheriff may remove a person from land using reasonable force where that person has taken possession of that land and is not lawfully entitled to be on that land. This was a common problem. Hopefully that will now be remedied by this amendment. Sheriffs have often had the difficult task of repossessing property—in this case real property—and evicting people from their homes. It is a pretty ugly situation at times, and that needs to be assisted.

In reality, I think it is fair to say that if there is anticipated difficulty with the eviction of somebody from land—or if some other relatives or some other persons attempt to interfere with the proper ejection of people from a property—the police will be called in to assist in that regard. I certainly expect that to continue, because they are clearly the people who are best placed and best qualified to deal with those situations.

Next is to allow the ERD Court to order that costs be paid to a party in court proceedings where the opposing party has engaged in misconduct and it is necessary in the interests of justice. In this regard, I say: thank goodness. Finally, after 10 years in this place and from time to time

saying that there should be more effective cost orders in the ERD Court, it has finally come to fruition. Well done, Mr Attorney. It is a start. There is a long way to go, let me say, but it is a start.

There is no question that for there not to be some capacity for cost recovery of funds that are expended by litigants when they are in the right is really not appropriate. To be able to get away with not meeting someone else's costs when they should be given some recompense I think is woeful; at least in the misconduct category, which is what is coming in here, there is a capacity for the courts to do that—not before time, I say—and I welcome that.

Next, the bill allows the ERD Court registrar to take custody of money paid to the court and provide liability protection by Treasury—mechanical and acceptable. It also allows the Governor, with the concurrence of the Chief Justice, to appoint a person to act in a specified judicial office on an auxiliary basis, where that person would be eligible for appointment to that position on a permanent basis except for the fact that that person is over the age of retirement.

Currently, in some instances it is a requirement for a person to be a current serving member of that court. Again, this is really a practicality. The reality is that today we have very long cases; sometimes they pass that time of general retirement and this is, I think, an expeditious way of resolving some of that.

The bill automatically suspends a special justice when they have been charged with an offence, other than expiation, and automatically removes the special justice from office if convicted. The person may be reinstated in either scenario upon application to the Attorney-General. I think this is to cover a situation that had arisen, and it will allow for better management of difficult circumstances. I do not need to say any more about that.

Allowing the government to make arrangements with the commonwealth Attorney-General in relation to the exercise of powers and functions by a magistrate under the commonwealth act is again a sensible initiative. To clarify that an interlocutory judgement in relation to the admissibility or giving of evidence is subject to the constraints of appeal specified in 42(1)(a) of the Magistrates Court Act 1991 is also very important because, remember, the interlocutory judgements are the interim orders, and that is something that needs to be clarified.

Finally, the bill ensures that the Parole Board may consider the release on parole of a recidivist youth offender prior to the completion of the mandatory minimum sentence. These are the general matters that are covered. I think I have outlined, I hope with some clarity, the three areas of concern. With those few comments, I conclude my remarks. I understand that the Attorney will place the matter into committee and that we can deal with it tomorrow.

Bill read a second time.

In committee.

Clause 1.

Progress reported; committee to sit again.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

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

Consideration in committee.

The Hon. J.R. RAU: I move:

That the disagreement to the amendments be insisted upon.

Motion carried.

The Hon. J.R. RAU: I move:

That a message be sent to the Legislative Council requesting a conference be granted to this house respecting certain amendments from the Legislative Council in the bill, and that the Legislative Council be informed that, in the event of a conference being agreed to, this house will be represented at such conference by five managers and that Mr Sibbons, Ms Bettison, Ms Chapman, Mr Treloar and the mover be managers of the conference on the part of the House of Assembly.

Motion carried.

SUPPLY BILL 2012

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (17:54): Obtained leave and introduced a bill for an act for the appropriation of money from the Consolidated Account for the financial year ending 30 June 2013. Read a first time.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (17:55): I move:

That this bill be now read a second time.

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

Leave granted.

A Supply Bill will be necessary for the first three months of the 2012-13 financial year until the budget has passed through the parliamentary stages and the Appropriation Bill 2012 receives assent. In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill. The amount being sought under this bill is \$3.161 billion. Clause 1 is formal. Clause 2 provides relevant definitions. Clause 3 provides for the appropriation of up to \$3.161 billion.

Debate adjourned on motion of Ms Chapman.

At 17:56 the house adjourned until Wednesday 14 March 2012 at 11:00.