LEGISLATIVE COUNCIL

Wednesday 14 November 2001

The PRESIDENT (Hon. J.C. Irwin) took the chair at 2.15 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Reports, 2000-2001—
- Clare Valley Water Resources Planning Committee
- Eyre Region Water Resources Planning Committee
- Mallee Water Resources Planning Committee
- Northern Adelaide and Barossa Catchment Water Management Board
- River Murray Catchment Water Management Board
- South East Catchment Water Management Board
- Water Well Drilling Committee

Progress in implementing the State Water Plan 2000, during 2000-2001—Report prepared for the South Australian Parliament by the Minister for Water Resources

By the Minister for Transport and Urban Planning (Hon. Diana Laidlaw)—

- Australian Dance Theatre—Report, 2000
- Community Information Strategies Australia—Report, 2000-2001.

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.J. REDFORD: I lay on the table the 33rd report of the committee and move:

That the report be read.

Motion carried.

The Hon. A.J. REDFORD: I lay on the table the 34th report of the committee.

LE MANS RACE

The Hon. R.I. LUCAS (Treasurer): I seek leave to lay on the table a copy of a ministerial statement on the subject of Panoz motor sport made by the Premier in another place.

Leave granted.

QUESTION TIME

FESTIVAL OF ARTS

The Hon. CAROLYN PICKLES (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for the Arts a question regarding the Festival of Arts.

Leave granted.

The Hon. CAROLYN PICKLES: In today's *Australian* Mr Stephen Page, the Artistic Director of the 2004 Festival, is quoted as saying the following:

. . . if they thought Peter was a nightmare they'd better watch out.

I understand that he was referring to the board. Is the minister concerned by the comments made by the 2004 Festival Director, Mr Stephen Page?

The Hon. DIANA LAIDLAW (Minister for the Arts): I am not too sure what the honourable member is trying to get at. I understand that the chairman of the board proposes, if he has not already, to speak to Stephen about the context of his statement and his intent, and I suspect that I will hear in due course.

SHERIDAN AUSTRALIA

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question about industry assistance.

Leave granted.

The Hon. P. HOLLOWAY: On 15 November last year, it was announced that a deal had been signed that secured 650 jobs at Sheridan. The then Premier, John Olsen, stated:

Increasingly, major companies are choosing Adelaide rather than leaving it.

He refused to say how much state government money had been given to the company. On the following day, the company announced that 40 jobs would go. Recent reports have confirmed the loss of a further 53 jobs from the company, with additional losses expected next year. My questions to the Treasurer are:

1. How much taxpayer-funded assistance was granted to the Sheridan company last year and what provisions, if any, exist for clawing back part or all of this money?

2. What discussions did the government have with the owners and management of Sheridan prior to its recent decision to cut jobs?

3. What is the government doing, in light of the announcement, to stem job losses from Sheridan?

The Hon. R.I. LUCAS (Treasurer): The government has announced a new policy on contract accountability—the first government in Australia to do so. I notice that Labor governments in Victoria, New South Wales and Queensland have not followed the South Australian government's bold initiatives—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The Labor Government in South Australia—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I think that the Hon. Mr Holloway is trying to work himself up into a lather.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, that was damning criticism from the deputy leader of the opposition; I am mortally wounded!

An honourable member interjecting:

The Hon. R.I. LUCAS: Well, I am about to. We spend most of our time trying to speak above the interjections. The government, in a bold initiative in accountability, has indicated for the first time for any government in South Australia that, two years after the signing of contracts after 1 July (I am not sure whether or not this particular one would qualify), the contract details will be released for all and sundry to see. There are various provisos within that contract disclosure policy and members can have a look at them. This is the first government that has been prepared to do that.

The honourable member knows that prior to that the government made no commitment to releasing the details of individual packages, and that certainly applies in this particular case. In relation to the second aspect of the question, there are claw-back provisions in relation to the assistance that was provided to this company. We will take legal advice from the Crown on this issue, or from lawyers within the Department of Industry and Trade. If those claw-back provisions can be activated, the government will ensure

that they are activated. I have received advice that there are claw-back provisions.

There are various times within the contract arrangements where that can be activated and, as I said, if legal advice confirms that we can take that action we certainly will. Finally, in relation to what the government is doing about employment—and this is not only in respect of Sheridan's—I refer the honourable member to last Thursday's job figures which, I think, demonstrate that, on the seasonally adjusted figures, South Australia was within .1 of the national average of unemployment. I think that on the trend figures we were within about .3—

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: Exactly—and I understand that the participation rate went up.

The Hon. P. Holloway interjecting:

The PRESIDENT: Order, the Hon. Paul Holloway!

Members interjecting:

The PRESIDENT: Order!

The Hon. P. Holloway interjecting:

The PRESIDENT: Order, the Hon. Paul Holloway! I warned the honourable member yesterday, and I will do it again if he keeps doing that.

The Hon. R.I. LUCAS: If my aunty were rearranged differently she would be my uncle, as a wise man once said. You can talk about 'ifs' all you like; the reality is that in South Australia the unemployment rate is just over 7 per cent. Under the former minister for unemployment, the Leader of the Opposition, Mike Rann, it was 12.3 per cent, and the people of South Australia will recognise that fact. The deputy leader of the opposition can whinge and whine as much as he likes, as does the Leader of the Opposition in another place, but the people of South Australia can look at those independent figures from the Bureau of Statistics, which indicate that we are as close to the national figures as we have been for many years.

It is testimony to the work that businesses in South Australia have accomplished in recent years but also testimony to the work that governments and others have undertaken in the past few years.

ABORIGINES, SUBSTANCE ABUSE

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Aboriginal Affairs, a question about petrol sniffing in our northern regions.

Leave granted.

The Hon. T.G. ROBERTS: In an ABC on-line news release, a magistrate in the Alice Springs court has indicated his frustration at the lack of programs running in the centre of Australia, which includes programs on our side of the border. The news release states:

> An Alice Springs magistrate says it is hugely frustrating to sentence petrol sniffers when there are virtually no programs to deal with the problem.
>
> The comments came during court proceedings to amend a man's bond conditions, when his lawyer said the only residential petrol sniffing program in central Australia was unsuitable.
>
> Jake Ross had been ordered to reside at the Mt Theo outstation for petrol sniffers as part of his bond conditions for driving offences.
>
> A Correctional Services officer told the court he had been removed shortly after he arrived because he was deemed to be a threat to himself and staff.
>
> His lawyer said Ross found it difficult because he spoke a different language and had no family around him.
>
> He said the Prime Minister had pledged $1 million for petrol sniffing programs in the Territory but no money had filtered through.
>
> Magistrate Cathy Deland said, despite calls from lawyers, health staff and members of the bench over 14 years there were still virtually no programs.
>
> She has ordered Ross not to sniff petrol and to be supervised by Correctional Services.

It is quite clear that the urgency call that I made on behalf of the opposition to the government to conduct an investigation into the circumstances relating to the plight of Aboriginal communities in relation not just to petrol sniffing but also alcohol and drug abuse has not been—

The Hon. K.T. Griffin: The Coroner is doing an inquiry in relation to petrol sniffing.

The Hon. T.G. ROBERTS: I am thankful for that, but I think there needs to be a political response as well as a judicial response to the frustrations that the judiciary have in relation to alternatives. Certainly, sentencing—which is the only indication of an outcome in this press release—is, in my view, not a way to deal with petrol sniffing. The incidence of petrol sniffing does not seem to disappear: it seems to be maintaining an impetus and it is probably increasing over the years. The suggestion I have in relation to providing an immediate political response is for the states to call an immediate gathering of state ministers and shadow ministers, if it was felt that was necessary, and the commonwealth to deal with the problem, or at least give judicial members and/or community health workers an indication that there should be some urgency about the introduction of some form of preventative measures and treatment.

My question is: will the minister, as a matter of urgency, call a meeting of all states and territories and the commonwealth to deal with this one aspect of the breakdown in communities in central Australia and to concentrate on petrol sniffing as a major part of that breakdown of communities?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The Attorney interjected to say that there is to be a Coroner's inquiry, and work is being undertaken now to establish that inquiry. In terms of the honourable member's reference to the $1 million of federal funds—I think following the federal election there will be people with time to answer my phone calls to the Prime Minister's office—I will undertake personally to make inquiries about that $1 million and the release of those funds, because the revelation that it has not been released is most disturbing, considering the problem. The problem is not a new one, but the fact that it is ongoing and still so rife and so destructive is of major concern.

In terms of the ministers' meeting that the honourable member has referred to, he must clearly be asking the ministers for Aboriginal affairs to meet. I suspect that a meeting of such urgency should be pursued by the ministers for health or human services. In my capacity of representing both the Minister for Aboriginal Affairs and the Minister for Human Services, I will refer the honourable member's question to both ministers.

GOODS AND SERVICES TAX

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Leader of the Government and Treasurer a question on the subject of the goods and services tax.

Leave granted.

The Hon. L.H. DAVIS: Honourable members will be well aware that the revenue stream from the goods and

services tax will ultimately be directed, in full, to state governments around Australia. The recent federal election revealed that the Labor Party, whilst rolling back a small percentage of the goods and services tax, was also seeking to suggest that the federal Liberal government, if re-elected, would increase the goods and services tax. In fact, there were direct suggestions in written material that I received during the course of the federal election campaign, and the media recorded that in Sydney a desperate Labor Party was using push polling to suggest that the Liberal Party, if re-elected to government, would increase the goods and services tax from 10 per cent to 15 per cent. It was claimed by the Labor Party that it had QC advice that the federal government could unilaterally increase the goods and services tax without reference to the states, although the legislation does specifically require all state governments to agree to that. More particularly, in the weeks leading—

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: —up to the federal election, I asked the Treasurer whether the state government had done any calculations as to what the impact would be on state government revenue with the rollback proposed by the Beazley Labor Party, which involved a rollback on goods and services tax for electricity, caravan parks and certain medical supplies. Is the Treasurer in a position to advise the Council whether he has made a calculation as to what the impact would have been if the Beazley-led Labor Party had been elected last Saturday and the rollback had come into play?

The PRESIDENT: Order! It is a bit of an airy-fairy question. The Treasurer has the call.

The Hon. R.I. LUCAS (Treasurer): The question was asked two weeks ago and I undertook to bring back a reply to the parliament. What I would say at the outset, as referred to in the question, which I think will be a significant theme as we lead through to March-April next year and the state election, is that every state and territory government is of the one colour. We have Labor governments in five states and two territories, and the only hope in terms of fairness and balance at critical national forums and ministerial councils will be to ensure that there is at least one state government with good sense, as a balance against the union-dominated Labor governments in all the states and territories.

Members interjecting:

The Hon. R.I. LUCAS: No, that is the problem. Labor treasurers and Labor governments have demonstrated their inability to apply good sense on these issues. It is not just this issue of the ministerial council on GST, which will be important, but in the forums affecting the Attorney-General and the Minister for Transport—all those forums—where critical decisions are taken at the national level and, without a fair go or a balance on those councils, so that they are not just Labor-dominated forums, the commonwealth would not even be able to get a seconder for anything it wanted to put on the agenda at those forums. It will be a critical issue over the next five months, and the wonderful sense of a fair go that Australians have in terms of wanting checks and balances will be a feature of the debate between now and next March and April.

It is critical in relation to the GST, and I undertook to bring back an answer to the honourable member's question because there will be another federal election between now and when the other states and territories go positive mid to late this decade. One imagines that the next federal election will be held in 2004 and, clearly, the policies that have been enunciated by state Labor here and federal Labor, if they follow through in the federal election of 2004, would still have a significant impact on state and territory funding.

State Treasury in South Australia has done calculations, and, for the last three years, South Australia's Department of Treasury has had the responsibility, on behalf of all state and territory governments, to calculate the impact of national tax reform on the federal funds that go to all states and territories. It is not just for South Australia that it has had responsibility for this calculation but for all state and territory governments. The South Australian Department of Treasury has estimated that this particular deal, which was negotiated by Mr Rann, Mr Foley and the Hon. Mr Holloway, would eventually have cost South Australia $120 million a year. South Australians over the last four years of this decade would have lost $300 million from schools and hospitals funding.

Nationally, $4.6 billion less would have flowed through from federal Labor to state and territory governments for schools and hospitals funding and, in terms of the annual impact, by 2009-10 the impact would have been $1.5 billion per year less that state and territory governments would have had to spend on schools and hospitals—

The Hon. L.H. Davis: Why didn't Kim Beazley tell us that?

The Hon. R.I. LUCAS: Why did Mr Beazley not tell us? But why did Mr Rann not tell us that this was the deal he negotiated? He put his party's interests before the state's interests—

The Hon. T.G. Cameron: What's new about that?

The Hon. R.I. LUCAS: The Hon. Mr Cameron says, 'What's new about that?' I guess he knows Mr Rann better than I do. It is a tragedy when an alternative leader of a government in South Australia would put the party's interests ahead of the state's interests. The people of South Australia need to know that the Leader of the Opposition and the shadow treasurer were prepared to take $120 million a year out of schools and hospitals in South Australia and that, over three to four years—at the end of this decade—we would have lost over $300 million—the precise figure was $296 million. That is the impact just in South Australia alone.

When one thinks that the impact of the emergency services levy on the community is around $70 million, losing $120 million is like losing almost two emergency services levies—the equivalent income that the Leader of the Opposition was prepared to rip out of schools and hospitals in the interests of supporting his Labor mates in the federal opposition.

The Hon. P. HOLLOWAY: I ask the Treasurer the following supplementary questions:

1. How many millions of dollars has the GST so far cost this state in implementation costs?

2. At what point does the GST bring a positive net revenue to South Australia?

The Hon. R.I. LUCAS: That is an intriguing question because the Deputy Leader of the Opposition supports the GST and the income that flows through to the states, so—

The Hon. T.G. Cameron: Only 98 per cent of it.

The Hon. R.I. LUCAS: Only 98 per cent of the income, is it? That is right. I have placed on the public record before—and I do not have the numbers with me—at the time of the debate, what the implementation costs were for the introduction of the GST. In relation to when the states go positive—this was before the GST rollback suggestion—I think Queensland was to be the first state to go positive, in

around 2003-04, and most of the other states and territories were to go positive around the period between 2006 and 2008.

RIVERBANK PROJECT

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Administrative Services a question about the Riverbank project.

Leave granted.

The Hon. IAN GILFILLAN: I refer to a document headed 'Capital City Committee—Adelaide'. Under the heading 'Activity' is 'Riverbank Project', then 'Area: Urban Environment', and then some other details including:

> Contact Organisation: Major Projects, Dep for Admin & Info Services
> Est Cost in $M—13

The estimated end of the project is 1 December 2002, and the project was updated on 20 August this year. The description reads as follows:

> This project has been declared a 'Centenary of Federation' project for South Australia. It is oriented around the development of the City's Riverbank Precinct which is defined by North Terrace, the River Torrens, the Morphett Street Bridge and King William Street. A master plan has been prepared for the precinct to provide a development framework to guide development initiatives over time. Precinct initiatives include the development of a promenade over Festival Drive and the provision of integrated infrastructure and external spaces including activity and pedestrian corridors into and within the Riverbank precinct. Adelaide City Council's Torrens Lake Walk—the council has committed $2.4 million for the creation of a 'River Walk' along the southern side of the River Torrens.

The status details are as follows:

> Throughout 2001, the Riverbank Precinct will experience a high level of construction activity as a result of a number of public and private sector initiatives.

I emphasise 'private sector'. This activity is taking place on dedicated parklands. Not only that; it represents an expenditure of over $4 million so that, under section 16(a) of the Parliamentary Committees Act, this project should be referred to the Public Works Committee on the basis that it is taking place on Crown land and its value is over $4 million. My questions are:

1. Does the minister agree that this project is taking place on dedicated parklands?
2. What process of public consultation was implemented?
3. Has the full Adelaide City Council formally approved the Riverbank project?
4. Why was this project not submitted to the Public Works Committee when it is so clearly covered by 16(a) of the Parliamentary Committees Act?

The Hon. R.D. LAWSON (Minister for Administrative and Information Services): It is true that the Department for Administrative and Information Services has a role in the Riverbank project in relation to the project risk management of this excellent project, and I am sure that all members have been excited by the developments that have taken place already. The extensions to the Adelaide Convention Centre have been very warmly applauded in the community, and the improvements to the visual amenity have been remarkable. The Riverbank project will complement the convention centre and will provide a great opening through what is now the southern plaza of the Festival Centre. A most regrettable architectural development in the first place is now being remedied in this—

The Hon. Diana Laidlaw: The plaza or the Festival Centre?

The Hon. R.D. LAWSON: No; the southern plaza is the regrettable excrescence. I am delighted that the Minister for the Arts has been a great champion in ensuring the Riverbank project proceeds. The honourable member suggests that the project is taking place on dedicated parklands. That is not a matter which I am able to confirm.

Members interjecting:

The PRESIDENT: Order! The minister is answering the question.

The Hon. R.D. LAWSON: I will make inquiries and bring back an appropriate response to that. It is worth saying, incidentally, that my department does not have a major role in relation to the Riverbank project, because private sector consultants are the designers and cost managers, the construction manager is Baulderstone Hornibrook, and a cabinet committee has oversight of the project generally.

The honourable member suggests that the Public Works Committee should have been consulted in relation to this matter. It is my understanding that the Public Works Committee did in fact table its report on this matter in the parliament in December 2000.

The Hon. T.G. Cameron: If that's so, the chairman doesn't know about it.

The Hon. R.D. LAWSON: The honourable member says that the chairman does not know about it. Very probably the chairman of the Public Works Committee does not know about that fact. If the honourable member's only source of inquiry is the chairman, I suggest that he looks in the Parliamentary Library and he will see the report. I am very happy to undertake to obtain a copy of the report and supply it to the honourable member.

In so far as the involvement of the city council in this excellent project goes, the honourable member queries whether the full council gave its approval. I am not aware of that, but once again I will make inquiries and bring back a response. However, I would be very surprised if the council, which has been a great supporter of this excellent project, had not given it all necessary approvals as well as its wholehearted support.

BOAT CODE

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the hull identification numbering system for boats.

Leave granted.

The Hon. J.S.L. DAWKINS: Earlier this year I asked the minister a question about security for recreational boat owners following concern expressed to me by boat owners who utilised the waters of the Murray River. Subsequently Boat Code, the new identification system for registered recreational vessels, commenced on 1 September this year.

I understand that South Australia is the third state in Australia to adopt this security system for registered recreational vessels in a move to generate a national hull identification number system (HIN). Boat Code is compulsory for all recreational vessels being registered in South Australia for the first time or when registered recreational vessels change ownership. Also, boat owners can voluntarily opt to have their vessel boat coded. All registered recreational vessel owners can apply for an HIN and take advantage of the security benefits provided by Boat Code.

The Hon. Diana Laidlaw: That's a voluntary decision—all current boat owners.

The Hon. J.S.L. DAWKINS: Yes. My questions are:

1. Will the minister advise the Council how Boat Code has been implemented in South Australia since 1 September?

2. How many recreational vessels have been boat coded in this period?

3. What proportion of vessels boat coded have been boat coded voluntarily?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank the member for his continuing interest in this subject. Transport SA appointed 75 Boat Code agents who are authorised to affix hull identification number (HIN) plates to existing vessels and to validate existing HINs. I advise that 42 of those agents are located in rural areas of South Australia. In addition, 118 approved Boat Code examiners work for the Boat Code agents in South Australia.

Since introducing Boat Code in South Australia on 1 September, 1 218 registered recreational vessels have been boat coded (that number refers to new boats or boats at change of ownership) and a further 341 are currently in the process of being boat coded. In terms of the honourable member's last question, 218 (or 18 per cent) of those have been voluntarily boat coded. For the peace of mind that comes from the security and follow-up that can be provided through the affixing of the HIN number, some 18 per cent of current boat owners are amongst those who have had these numbers affixed to their vessels.

This is an important issue for the honourable member to promote leading up to summer, when more boats will be seen on our rural waters and rivers and on our metropolitan and coastal waters generally. It is important that we do advertise strongly and encourage more and more people to voluntarily have their boats affixed with the HIN because in the event they are stolen the police have a very effective means of following up that stolen vessel. Just the fact that more and more boats are boat-coded will be a deterrent for thieves and that has certainly been the experience in New South Wales and Western Australia where this has already been introduced.

BREAK EVEN GAMBLERS REHABILITATION NETWORK

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for the Arts, representing the Minister for Human Services, a question in relation to material and documents provided by the Break Even Gamblers Rehabilitation Network to the Gamblers Rehabilitation Fund.

Leave granted.

The Hon. NICK XENOPHON: I understand that over the past five years agencies of the Break Even network have provided data from problem gamblers and members of their families, who are clients of the network, on a range of issues relating to the impact of gambling on that person and their families. Standard questionnaire details include questions on the scale of the gambling problem, the amount lost, the form of gambling causing the problem, the length of time that this has been a problem and related issues with respect to the impact on that person's life. I understand that thousands of these questionnaires have been provided to the Gamblers Rehabilitation Fund over the last five years from the Break Even network, and that only recently the GRF has contracted Information Management Services (IMS) to process the data. My questions to the minister are:

1. When did the GRF first receive data from the Break Even agencies and how many questionnaires have been forwarded to the GRF?

2. When did the GRF first contract IMS to review the data referred to and what is the basis of that contract?

3. Can the analysis be conducted on a basis that will allow for annual comparisons?

4. Will the minister ensure that the analysis of the Break Even data is the first priority of the GRF reference group?

5. Will the minister ensure that the analysis of the data is processed as a matter of urgency and that the results are widely accessible, and, further, will he provide a time-frame for the release of such analysis?

The PRESIDENT: There is far too much audible conversation. Surely the member standing on his feet deserves some—

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will refer the question to the minister and bring back a reply.

NORTH TERRACE REDEVELOPMENT

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Transport a question about the North Terrace redevelopment.

Leave granted.

The Hon. CAROLINE SCHAEFER: The news jointly announced last week, by the government and the Adelaide City Council, that the North Terrace precinct will be redeveloped has largely been greeted with enthusiasm throughout the state. However, there has been some criticism, both in the *Advertiser* and particularly from the Hon. Bob Such, with regard to the choice of the planting of London plane trees, because they are not a native plant. Can the minister give us more details as to what trees will be planted and, if they are London plane trees, why has that choice been made?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I did seek information from the Adelaide City Council and from the North Terrace Development Committee on this matter, in part because plane trees give me hayfever and I will be very happy when TransportSA stops planting plane trees, and I—

The Hon. J.S.L. DAWKINS: Is that why Terry Plane left—

The Hon. DIANA LAIDLAW: It may be. While they may be wonderfully shady, they are torture for me and many others during the hayfever season. So, I wanted to know about these trees, and it was confirmed to me that a decision had been made that the council will be planting plane trees on the south side of North Terrace, or stage 1 of this project, which is between Kintore Avenue and Frome Road. That is to ensure that there is shade during summertime and there is plenty of sun in wintertime when the leaves fall, for the outdoor cafes and the like along that section.

I will just have to walk on the other side of the road, because that is where the three rows of advanced spotted gums—Corymbia Maculata—are to be planted. I am told that these spotted gums have been chosen on the recommendation of professional arboriculturalists as they meet a number of important design criteria.

These design criteria have been identified as follows: they reinforce the contrast between the formal city grid with its plantings of plane trees and the more informal native plantings of the parklands; they provide a uniquely Australian boulevard experience for visitors; their tall clean trunks and

high canopy will maximise views of our State Library, Museum and Art Gallery, which are undoubtedly some of our state's most beautiful heritage buildings.

These same trees will provide a high canopy for summer shade and allow through winter sun. They have a dark bark, which is similar to that of the plane trees on the south side, and I am told that they are also a proven Australian street tree, which, if properly planted and maintained, will pose minimum risk of limb shedding and damage to adjacent trees.

In relation to the three rows of spotted gums, I have also been told that this arrangement will reflect the historical plantings along the terrace and complement existing mature plantings. So there are to be more plane trees in the city and that is great news for every non-hayfever sufferer. I suspect aesthetically they will look great. But I am pleased that they are not going to be planted on both sides of the street.

The Hon. CAROLYN PICKLES (Leader of the Opposition): My supplementary question is: will any of the existing trees be removed and, if so, how many?

The Hon. A.J. Redford: Can the minister talk quietly, because the conversation between the Hon. Trevor Crothers and the Hon. Ron Roberts about Saturday's election is very interesting?

The PRESIDENT: Order! The honourable minister will answer the question.

The Hon. DIANA LAIDLAW: By answering the question I am missing out on a lot of inside information, I think, on the federal election—

Members interjecting:

The Hon. DIANA LAIDLAW: At this moment I am interested in the trees and North Terrace. The new trees are all to be advanced trees so that, when the existing ash trees and the like (and there is such a mixture and motley lot of trees there now) are removed, advanced trees are to be put in their place. It should take no time at all in terms of shade cover and height for the general aesthetics of the area to be enhanced by the tree planting.

BIZGATE

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Treasurer and Minister for Industry and Trade a question on Bizgate, the government's e-commerce gateway.

Leave granted.

The Hon. CARMEL ZOLLO: The Auditor-General has, over a number of audit reports, paid particular attention to the areas of electronic communication and e-commerce. In part A of the 2001 audit, the report outlines a case study into Bizgate, the South Australian government e-commerce gateway.

I note that Bizgate operations are again referred to in the supplementary Auditor's report, which was tabled yesterday. Bizgate was initially designed to provide business forms and some transaction services via facsimile and e-mail. Its functions have incrementally expanded over a number of years to the point where it is the primary e-commerce service provider for the state government, offering some 33 on-line transaction services.

In the area of policy, management and control, the audit indicated that little had changed since Bizgate was conceived some years ago and that 'arrangements need to be formally established and effectively implemented'. The audit identified that there was a marked lack of formal documentation between agencies, DIT and other parties to Bizgate services. It advised that some type of formal contract, service level agreement or formal documentation needs to be in place with respect to all parties covering the full range of services to client organisations. It also noted that a large number of agencies have no formal arrangements whatsoever and that there was limited detail on many important matters. Risks involving the lack of any guarantees for continuity of service were also identified.

The audit further claims that the informality of testing major changes to systems software and hardware posed significant risks for client agencies, with a lack of clear responsibility for any potential loss. The Auditor reiterated his concern in the annual report that ownership of intellectual property (IP) continues to be dealt with retrospectively some considerable time after the IP has come into existence. He is also concerned that IP rights in the Bizgate project have been inconsistently assigned over the past few years, particularly in relation to the source code for the site. My questions to the Treasurer are:

1. Has DIT now established formal policy management reporting and control arrangements consistent with the Auditor's recommendations?

2. Have formal service level agreements and continuity of service agreements been signed off by all concerned parties involved in the Bizgate project and, if not, will he indicate the progress of such arrangements?

3. Have arrangements been made to limit the risk to client agencies when testing or updating systems, and has the electronic project management system been implemented?

4. Have all relevant intellectual property rights involving Bizgate been formally secured, and has the draft agreement between DIT and the contracted service provider been completed?

The Hon. R.I. LUCAS (Treasurer): I am awaiting advice from DIT on aspects of the issues that have been raised by the Auditor-General in his report. I am happy, when I receive an answer, to include it in the response to the further questions raised by the honourable member. I must say that, in terms of general feedback on Bizgate, so far the general nature and tenor of the comment has been entirely complimentary and congratulatory of the service and of the people who have been involved in the service. Nevertheless, the Auditor-General has raised issues.

I will not give an immediate response until I have had an opportunity to get advice from the Department of Industry and Trade. As I said, I will refer the honourable member's questions and bring back a reply.

VICTIMS OF CRIME, COUNSELLING

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General questions about counselling support for victims of bank robberies.

Leave granted.

The Hon. T.G. CAMERON: I have received a complaint from a constituent who was recently involved in a robbery at the ANZ Bank at the Hallett Cove Shopping Centre. Three armed thieves wearing balaclavas burst through the door as my constituent was waiting in line to be served. She was forced to lie on the floor, threatened with a sawn-off shotgun and an axe, verbally abused by the thieves and made to feel that her life was in extreme danger. Once the thieves had left the building, the police were called and my constituent was asked to give a detailed statement.

The whole process took about an hour. When my constituent asked what she should then do she was told to go home and have a cup of tea, and that if she felt it necessary she should go and see her own local doctor. By that afternoon she was feeling so overwhelmed by the incident that she sought medical advice from her doctor and was told that she was suffering from post-traumatic stress. It was not until the following week when her GP called the ANZ Bank to complain about its not offering her professional counselling that it was finally offered by the bank to my constituent.

I am informed, however, that the staff at the Hallett Cove ANZ Bank received professional counselling on the day of the robbery and that further counselling is available whenever staff feel they need it—if only the ANZ had been so caring for the two customers who were left to fend for themselves. My questions are:

1. Is the Attorney aware that ANZ Bank employees receive professional counselling immediately following bank robberies while customers are left to fend for themselves?

2. Will the government lobby the banks to introduce a system that offers any customer who is a victim of a bank robbery professional counselling on the same day that the robbery occurs?

The Hon. K.T. GRIFFIN (Attorney-General): I am disappointed to hear of the experience of the Hon. Mr Cameron's constituent. I would have thought that, in the normal course, the bank would at least provide some support, if not on an ongoing basis then certainly immediately after the offence. But, in relation to the victims of crime, we are providing additional resources to the Victim Support Service to provide, among other things, counselling services. I know that they provide counselling support to victims of bank robberies as well as to victims of other criminal acts.

At the time, police ordinarily will give some advice to victims about the services that might be available. We have recently made available to police a small pocket fold-out sheet which has information about all of the counselling services that are available for the different sorts of experiences suffered by victims of crime, so I think that, most likely, patrol officers will have much more information more readily available than they have had in the past. In addition, the first 40 000 copies of the *Services for Victims of Crime* information booklet have been used and we are going into another print run of 40 000, and that is available through police.

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: No, it is just that it is good information for anyone who might in one way or another be affected by a crime. Usually, it is handed out to victims of crime but, of course, it goes right across South Australia. It is an information booklet which is available on the internet, in any event.

The Hon. T.G. Cameron: The police give you one if your house is robbed.

The Hon. K.T. GRIFFIN: Yes, that is right.

The Hon. T.G. Cameron: I have got one.

The Hon. K.T. GRIFFIN: I have had one. I am pleased to hear the Hon. Mr Cameron has received one of these booklets from police because it reflects an enhanced awareness by police of the need to provide support to victims of crime.

So, in relation to the particular experience of the honourable member's constituent, I make a couple of suggestions. In my office is Mr Michael O'Connell, who is the victims of crime coordinator, and the honourable member or his constituent may wish to refer the information to him. I will pass on to him, also, what little information I have in *Hansard* from the explanation by the honourable member. It may be that it can be pursued by Mr O'Connell directly with the victim. Alternatively, I suggest that the Hon. Mr Cameron refer his constituent who is the victim to the Victim Support Service if there is still a need for additional counselling. I hope, if that has already happened, that the service has been appropriate to the victim.

We are trying, as a government, to ensure that victims of crime are provided with support from the point when they become victims, through the criminal justice process, if a matter goes to court, and even after that. The honourable member's constituent may, in fact, be entitled to criminal injuries compensation, and that is something on which the Victim Support Service will provide advice.

So far as the bank's policy is concerned, I am not aware of the practice of the ANZ Bank. I would expect that, as a matter of occupational health and safety, banks would automatically provide counselling and other support to their staff. In relation to customers, I would expect some support, if not on a continuing basis then at least in the short term, and also some identification of where customers who are victims may be able to go for additional support. I will examine the issues raised by the Hon. Mr Cameron. If there is a need for a further response, I will bring one back.

BATTERY HENS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries and Resources, a question about battery hen cages.

Leave granted.

The Hon. M.J. ELLIOTT: Just last month South Australians were again shocked by footage released by Animal Liberation of the treatment of hens in battery cages. There is certainly growing concern in our community about practices such as the debeaking of hens, the fact that they are often gashed by cage wire, that the hens develop brittle bones, and cannot stretch out their wings, perch, nest or lay eggs in a quiet place in a way that they would naturally.

The Hon. T.G. Roberts: Or be chased by a rooster.

The Hon. M.J. ELLIOTT: Yes, or be chased by a rooster. Much of this is caused by existing legislation that allows hens to be kept in cages that allow an area smaller than an A4 piece of paper for each hen. Many people in our community—I am sure a majority in our community—consider it a cruel and barbaric practice against every natural instinct of hens. The European Union and Switzerland have recognised this and recently adopted a phase-out program for battery cages, yet in Australia this practice of animal abuse is still widespread, despite community concern.

In response to this concern, a meeting of state and territory agriculture ministers in August last year released a series of recommendations that paved the way for changes in battery cages, but in the first instance it seemed to involve largely just a gradual increase in the size of the cages. So, instead of an A4 sheet of paper, it is somewhere between A4 and A3 in terms of area. One of the recommendations was that all new cage systems commissioned from January 2001 must provide a floor space of 550 square centimetres. That is a bit under 30 by 20.

The Hon. A.J. Redford: Comment; get on with it.

The Hon. M.J. ELLIOTT: It is not a comment. I am saying that 550 square centimetres is about 30 centimetres by

20 centimetres per bird, including the baffle. My questions are:

1. Will the minister detail what numbers of all South Australian egg producers met the January 2001 deadline?

2. Will the minister clarify whether the state government interprets the word 'commission' in the recommendation to mean 'installed and operational' or 'ordered and being built' by 1 January 2001?

3. Can the minister also advise how many new cage systems in South Australia will be installed and operational, how many will be ordered and being built, and how many will not meet the recommendations by January 2002?

4. Will the minister detail what strategies the state government has in place to help egg producers meet the recommendations?

5. What percentage of hens as at the end of 2002 are expected to be in this new expansive accommodation?

The Hon. K.T. GRIFFIN (Attorney-General): I will refer the questions to my colleague in another place and bring back a reply.

MEMBER FOR SCHUBERT

In reply to **Hon. CAROLYN PICKLES** (27 September).

The Hon. K.T. GRIFFIN: On the information available there do not appear to have been any breaches of the law. I note that the Member for Schubert has already responded to the allegations on 20 October 2001, in a grievance debate in the House of Assembly.

DIRECTOR OF PUBLIC PROSECUTIONS, ANNUAL REPORT

The Hon. A.J. REDFORD: I seek leave to make brief explanation before asking the Attorney-General a question on the subject of the annual report of the Director of Public Prosecutions.

Leave granted.

The Hon. A.J. REDFORD: In the last sitting week, the annual report of the Director of Public Prosecutions was tabled. On page 14 of that report, it says:

> The full impact of the amendments of the Criminal Law Consolidation Act 1935 relating to home invasions was felt during the current year. The statistics reflect the increase in the number of files coming into the office and the trials prosecuted for offences of aggravated serious criminal trespass. A number of these cases were finalised during the current financial year and there have been several judgments from the Supreme Court. These have set a benchmark for sentencing for these types of offences. The case of Cvitko and the case of Elliott (which went to the Court of Criminal Appeal) where sentences of between 15 and 20 years were imposed, have, in particular, set the benchmark for crimes of aggravated criminal trespass which fall into the most serious category.

In light of that, my questions are:

1. Can the Attorney explain why there has been a big increase in workload for the Director of Public Prosecutions as a result of the new legislation?

2. Does the Attorney have any information about comments judges have made in the course of sentencing offenders in respect of this legislation?

The Hon. K.T. GRIFFIN (Attorney-General): There has been a big increase in work load for the Director of Public Prosecutions and it is very largely related to the fact that, several years ago, we as a government introduced new home invasion laws reframing the provisions in the Criminal Law Consolidation Act in particular to deal with serious criminal trespass. It has to be remembered that the DPP prosecutes indictable offences, and what our home invasion legislation did was to move offences which would once have been classified as summary offences, and therefore prosecuted in the Magistrates Court, into the realm of indictable offences and therefore required to be dealt with by the Director of Public Prosecutions, ultimately in the higher courts. That is the reason for a significant part of the increase in work load of the Director of Public Prosecutions.

I should hasten to say that the total number of offences of this nature has not increased. According to the latest Office of Crime Statistics report, the total number of burglary, break and enter, or serious criminal trespass offences, was 13 per cent higher in 1993 than it is now. The number being classified as being of an indictable nature and therefore treated as a very serious offence has increased as a direct result of the state government's legislation. I think one or two other things need to be said about serious criminal trespass to put the whole thing into context. The fact that they can be prosecuted as indictable offences means that most likely there will be higher penalties imposed, and that is a reflection of the serious view which parliament took of home invasion or serious criminal trespass cases.

The Hon. Angus Redford has referred to the fact that the DPP's annual report says that sentences of between 15 and 20 years imprisonment have been handed down in some benchmark cases, and he has cited the two cases of Cvitko and Elliott; and there is another one, Delphin's case, which deals with the lesser end of the offending. It should be noted that benchmark decisions are handed down by the Supreme Court in different areas of criminal offending. I know the shadow attorney-general disputes that from time to time, or at least tries to disguise the fact that the courts in South Australia do address some cases as cases in which benchmark decisions should be given. And so that happens, and the cases in relation to home invasion are in that category.

In identifying the penalties which should be imposed by the benchmark cases and in the benchmark cases, what the courts have said and have recognised is that parliament indicated that the offences were of a serious nature and that is also the view of the broader community. In Elliott's case there was an appeal to the Court of Criminal Appeal and the Chief Justice said:

> If the sentence imposed. . . were to stand, it would be seen as reflecting an inadequate standard of punishment. . . in the sense of a sentencing response to the particular crime and circumstances that the public is entitled to expect from the Courts.

In that same case Justice Gray said:

> General deterrence is an important matter in regard to the crimes of this kind. The community is entitled to be protected from the respondent.

In that case it was Elliott. In other cases the courts have equally been forceful and forthright in identifying the need to ensure that very firm penalties are imposed for these sorts of serious crimes. It is a great pity that in the media and in some areas of public life it is not recognised as it should be that the courts do impose tough penalties for these sorts of offences. Perhaps that might be remedied in the not too distant future when sentencing remarks of judges are on the courts web site so that people can get the facts for themselves as soon as the judgment and sentencing remarks have been made. The impact upon the work of the DPP has been an important consequence of those serious criminal trespass or home invasion laws that we passed several years ago.

MATTERS OF INTEREST

PUDNARLA TRAIL

The Hon. J.S.L. DAWKINS: On Sunday 21 October I was pleased to open the Pudnarla Food, Craft and Medicine Trail at Two Wells. This ceremony was part of the wide ranging Federation fun day activities held in Two Wells that day. The word 'Pudnarla' comes from 'pudnar', meaning 'native well' and 'la', which is plural. The trail resulted from the initial vision of long time resident and community worker Mrs Bet Williams and Ms Pat Wake, who was looking for a study project in 1997. Together they identified a site which was part of the Crown land dedicated for a police station in 1884. Subsequently Ms Wake was approached by the District Council of Mallala to establish a land care group in the district. In May 1998 the Two Wells, Lewiston and Districts Land Care Group was formed. It is still the only land care group in the Mallala council area.

The first planting day was held in mid-1999 using plants grown from seed that the group had collected in the district, germinated and looked after in the summer months. Rabbits and hot dry summers have caused considerable problems for the group; however, the Two Wells Tourism and Trade Association provided funding assistance to help buy tree guards, extra plants and totems. The trail is currently in the second stage of a five year project. There are now 46 different species in and around Pudnarla, all collected, propagated and planted by the land care group. There are also sculptures created by Mr Roy Wink and totems painted by the Kaurna Plains R-12 School at Elizabeth and years 3 and 4 students from the Two Wells Primary School. Plant identification tags include botanical and common names and, where possible, Kaurna names.

The Two Wells, Lewiston and District Land Care Group has won six awards since its formation in May 1998, including a National Community Link high commendation for environment and heritage. It has also demonstrated its ability to work with other local groups towards the advancement of the town and community. These include the Two Wells Community Advancement Association, with which I had some involvement in its inception in the late 1970s, the local institute committee, Rotary and Service clubs as well as the previously mentioned Two Wells Tourism and Trade Association and the Two Wells and Environs Strategic Planning Committee.

During my days of playing sport at Two Wells I always marvelled at the high number of community groups for a relatively small community. Not only has this number grown as the population has grown but the focus on vision and community advancement has also increased. This focus was also demonstrated by the project to regenerate the historic wells area adjacent to the Pudnarla trail. This project was officially opened during the Federation fun day by the Hon. Neil Andrew, member for Wakefield and Speaker of the House of Representatives. Another feature of the day was special performances by the children of the Two Wells Primary School and Kaurna Plains School who had previous involvement with the Pudnarla trail. I would like to extend my thanks to Pat Wake, the coordinator, and Sharon Freeman, the secretary, of the Two Wells Land Care Group for their invitation and assistance to me.

GOVERNMENT, TERM OF OFFICE

The Hon. P. HOLLOWAY: In the 160 year history of this parliament the Kerin-Olsen Liberal government has now gone the second longest period between elections. The only time this period of government has been exceeded was between 8 April 1933 and 19 March 1938, which happened during a brief period in this state's history when the term of government was five years. More than four years and one month—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —have passed since the last election, and still this government desperately clings to office. It is obvious that it will have to be dragged kicking and screaming to the next election.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: It is not as though anyone could say that the past four years and one month—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order, the Hon. Mr Cameron!

The Hon. P. HOLLOWAY: —has seen good government. Let us never forget that this government's election began with a lie. It has not been a good government during this four-year and one-month period.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: This government went to the last election promising that it would not sell ETSA: that was its promise, but it broke that promise. During the period of the Olsen government we have seen a succession of scandals and financial disasters. Let us recall some of them. We had the resignation of the Hon. Mr Ingerson, the Deputy Premier—but he came back for a double act, along with Joan Hall. We had the scandal of the Hindmarsh stadium, when these two ministers added millions of dollars to the cost of running the state—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —and tried to avoid proper scrutiny. In the end, after a lengthy investigation—which these two ministers tried to stall—they, too, were forced to resign. We then had the Premier's resignation in disgrace. Two former Liberal MPs—one from both houses of parliament—have described the Olsen government as corrupt. Those are not words used by others but by members inside the government who have publicly described the Olsen government as corrupt.

We have had a premier resign in disgrace. We have had the shambles of the Adelaide Festival. We now see that the promoters of the Le Mans race have filed a lawsuit claiming anything up to $18 million as a consequence of misleading behaviour by the government. The Premier's actions were described as misleading, inaccurate and dishonest—but who replaced him? The Hon. Mr Kerin, Deputy Premier of this state for 3½ years, is the new Premier. He was appointed Deputy Premier on 10 July 1998 and has been a minister since 1995.

What did he say when he was promoted to the position of Premier just a few days ago? He said, 'I have a few rough ideas of where I want to go and what I want to do.' So after six years plus in the ministry and 3½ years as Deputy Premier, when he was appointed Premier he said that he had a few rough ideas of where he wanted to go. One of his ideas

was a new ministry of science, innovation and technology. The opposition put out such a policy and talked about a new portfolio of science, innovation and technology in one of its discussion papers.

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: The Hon. Mr Kerin has stolen that policy.

The Hon. L.H. Davis interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order, the Hon. Mr Davis!

The Hon. P. HOLLOWAY: The only new idea he had—one of his 'rough ideas'—he pinched directly from Labor Party policy. So much for these new ideas! This government is desperate to put off the election in the hope that something might turn up. It wants its own version of *Tampa*, because that is the only thing that will save it. From day one of this government's term of office back on—

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. P. HOLLOWAY: —11 October 1997 it has been the antithesis of accountable government. This government behaves in an incredibly arrogant way: these people believe that they were born to rule. They have shown a complete disrespect for the institutions of this state and the people who have held positions in these institutions.

The people of South Australia deserve far better than they have had from this government. The sooner it goes to the polls the better. However, if it wants to put off the election until next year, let it do so. At the end of the day the people of this state will pass judgment—and the judgment will not be favourable.

EXPIATION NOTICES

The Hon. J.F. STEFANI: Today I wish to speak about the practice adopted by the City of Norwood, Payneham and St Peters in relation to the issue of expiation notices. I refer to recent articles in the *Advertiser* about 12 instances where vehicles were booked for parking offences by the City of Norwood, Payneham and St Peters. On 8 November, my wife spent the day at the Wakefield Street Hospital in the city and parked her vehicle in the authorised patient visitors' car park. She visited the hospital from 9.45 a.m to 4.15 p.m and was issued with an all day parking permit. When she left the hospital she proceeded to Norwood and parked in the Mall car park which has a two hour time limit, Monday to Saturday, from 9 a.m to 5 p.m. Whilst she was at the shopping centre a parking inspector issued an expiation notice for exceeding the two hour time limit. The expiation notice was issued at 4.32 p.m. This is merely 17 minutes after leaving the Wakefield Street Hospital in the city.

From the above details it is obvious the car had not been parked in the Mall car park for more than five to 10 minutes. In fact, had the parking inspector been more observant, he would probably have felt that the engine compartment and bonnet were still warm as he placed the expiation notice under the windscreen wiper. Following the receipt of the expiation notice, my wife returned to the Wakefield Street Hospital the next day, and obtained a letter to verify that she had been at the hospital from 9.45 a.m until 4.15 p.m on Thursday 8 November 2001.

She took this letter to the offices of the City of Norwood, Payneham and St Peters, together with the expiation notice, and sought to have the notice withdrawn. She was advised that it would take approximately a month to have the matter considered. She was also advised that the expiation notice had been issued correctly and the council officer at the front counter implied that she must have parked the car in the Norwood Mall car park before travelling to the city. Today, Mr David Green from the City of Norwood, Payneham and St Peters rang my wife to advise her that the information she had lodged at the council office was not sufficient to have the expiation notice waived.

I raise this matter in the forum of Parliament not because a member of my family has been incorrectly issued with an expiation notice but because I fear that many other innocent motorists will also be issued with expiation notices without justification. It seems to me that these are not isolated cases of human error but a failure by the parking inspectors to properly carry out their duties at the expense of innocent motorists who may be tricked into paying unwarranted fines.

PASADENA HIGH SCHOOL

The Hon. T.G. CAMERON: I refer today to Pasadena High School and a move by the local sports club to obtain a liquor licence and the concerns this has raised for local residents. Bob Stewart, the SA First candidate for Elder, was the guest speaker at a recent Pasadena Community Association meeting. At that meeting Bob was told of the Association's concerns over the application by the Sturt Sabres basketball club to obtain a liquor licence for the Pasadena High School stadium. The club wants to serve alcohol at the school stadium Monday to Friday nights and on some weekends. Under the club's application, the licence would apply until 11 p.m Monday to Thursday, 1 a.m Friday and Saturday and midnight on Sunday. I am informed the application relates only to times outside school hours and to a section of the stadium not accessible to students and is therefore unlikely to impact on the school's use during the day.

However, many local residents in the association are strongly opposed to the licence application. They say licensing the stadium, jointly controlled by the Education Department and the Basketball Association of SA, would increase noise and disturbances and compromise residents' safety and welfare. At meetings of the Pasadena Community Association, residents have expressed their concern about noise in their area which is traditionally quiet and peaceful. They have also expressed concern about after hours behaviour problems attributed to drink, possible under-age access to liquor and, at worst, problems with the police.

They feel so strongly about the issue that a petition calling for the prevention of the liquor licence was recently circulated by the association and already some 140 signatures have been collected. I am told the residents in close proximity to the school have no objection to Sturt basketball club relocating club activities to the Pasadena High School. However, the residents do object to the school being a venue for a club liquor licence and/or an extended licence as they believe it is inappropriate for a school.

Bob Stewart, aware of recent media articles suggesting binge drinking by sporting clubs is on the rise, expressed his concerns at the meeting about a binge drinking culture developing among the young members of the sports club. Recent Australian Drug Foundation figures show that binge drinking is becoming increasingly common in local club rooms and on the sidelines of suburban sporting venues. A new survey of 73 metropolitan clubs has found hundreds of

sports people—and mainly young people—are consuming more than 13 standard drinks each time they play, train or socialise at their local sports venue. Concerns are growing among health officials that binge drinking at many clubs is out of control, with alcohol abusers putting their futures at risk.

However, clubs that have changed and moved away from a hard drinking culture have been compensated by a surge in membership and soaring sponsorship. Parents are having a big say in where their kids play sports and a boozy culture does not encourage a family atmosphere. Bob Stewart attended a recent public meeting, called by Mitcham council on Thursday 8 November to discuss this matter. The meeting was attended by more than 50 people including a representative from the council, the member for Waite, the executive of the Pasadena Community Association, an inspector from the police, an officer from the Licensing Court and a staff representative from the member for Elder's office. The meeting was informed that the Licensing Court has rejected the temporary licence application to encompass the whole of the stadium area and imposed a restricted area in front of the bar.

Given the evidence I have referred to, and local residents' concern, I must question whether it is appropriate for liquor licences to be granted on school premises. I call on the Minister for Education, Malcolm Buckby, to immediately investigate the appropriateness of schools being granted liquor licences and to ensure there are clear guidelines in regard to this matter in the future. It is about time that all politicians—local, state and federal, whatever their political colour may be—began to listen to their local residents and to their local community. After all, it is the local residents who have to live there and bear the brunt of any inappropriate behaviour. They should be consulted and their views taken into consideration before any decisions are made. It is my intention to forward this speech to the Minister for Education and hopefully we will see some action on this matter.

CARRICK HILL

The Hon. A.J. REDFORD: In June 1996 the Minister for the Arts asked me to be a member of the Carrick Hill select committee. I remember at the time asking the President and the former President, the Hon. Peter Dunn, where Carrick Hill was, what it was and whether this was a good select committee to be on. I recall the Hon. Peter Dunn advising me that every young member of parliament should serve on a Carrick Hill select committee: 'Good experience', he said. In any event, both the current President and the former President had already done their bit and it was time for someone else to be inflicted with the problem.

He then told me that, if I went up to the top of Fullarton Road and past the Catholic girls' school, I could not miss it. With the Hon. Anne Levy, the Hon. Paolo Nocello, the Hon. Sandra Kanck, the minister and I proceeded on what was one of the most satisfying select committees that I have ever had the privilege to serve. It was a difficult and somewhat contentious issue that we had to deal with, that is, the sale of some land to fund ongoing support, maintenance and repair of Carrick Hill.

Shortly after my appointment, and unbeknown to the other members of the committee, I took my children to Carrick Hill, paid the full admission fee, and went through the house and its surrounds. It was magnificent. My daughter, then 10 years old (I explained to my children why we were visiting Carrick Hill), quietly made me promise to her that I should not agree to the sale of any land unless there was no other option.

A series of recommendations was made and the sale of the land was not approved: that was unanimously supported by all members of the committee. This was in late December 1996. In February 1998, the minister reported to parliament and advised that a new chair had been appointed, Fiona Adler, and a new CEO, Alan Smith. In the previous eight months they had prepared and approved a corporate plan, developed strategic alliances, reopened five rooms and brought out 2 000 objects from the Hayward collection for display.

Yesterday, the Carrick Hill Trust tabled its annual report. What a pleasing report it is. There were a record 58 800 visitors—the highest since public opening in 1986, despite its being closed for the winter. Major restoration work was completed on time and on budget. A prize winning guide book received a bronze medal at the national print awards. The inaugural French Festival exceeded all expectations: there was unprecedented national exposure. We had events such as *Carrick Hill Comes to Town*, the *Rose in Art* exhibition, the Marryatville High School concert, a Coffee Festival and the Red Cross Christmas, where decorations were provided and the Christmas function was held. We also had the *Festival of 1 000 Voices* and *the John Dowie Retrospective*—just to name a few.

In financial terms, the government input was reduced by $130 000, with total revenue of $897 000, although the government maintains recurrent expenditure. The annual report sets out in detail the contribution of volunteers, who are too numerous to mention. It is pleasing to see that Michael Keelan remains chair of the grounds and gardens committee and Charlotte Bright of the house committee: they received enormous support, both community and otherwise, in relation to their endeavours. It is interesting to note that attendances have risen from 34 617 in 1997 to 58 818 in 2001. In a four year period there has been a 60 per cent increase in attendances at Carrick Hill.

The results and the hard work of the select committee, and the recommendations that a stronger, more accountable board be appointed, has paid off. I recall, during the course of evidence, asking Robert Hill-Ling whether, if he had the opportunity to serve on the board, he believed he could turn it around. He looked me in the eye and said that he could and he would. I am pleased to say that he has honoured that commitment both to me and to the select committee, and for that I congratulate him.

In closing, I would like to thank my daughter who had the vision at the age of 10 to say to me: 'Dad, don't sell this land. Don't agree to it and fight to keep it as best you can.' I suppose there are occasions when 10 year old girls can show more vision than whole government departments, ministers and perhaps even politicians.

Time expired.

MIGRANT WOMEN'S SUPPORT AND ACCOMMODATION SERVICE INC.

The Hon. CARMEL ZOLLO: Last September I was pleased to attend the AGM of the Migrant Women's Support and Accommodation Service Inc. The service has a special place in the provision of culturally and linguistic support services. It promotes the basic human rights of women and children from non-English speaking backgrounds so that they

may live free of domestic violence. It offers culturally responsive services within a social justice framework, which hopefully will enable them to achieve their maximum potential as members of Australia's multicultural society.

As to be expected, the target group are migrant women and children escaping domestic violence—women who are homeless or at imminent risk of becoming homeless and are in crisis—one of the most vulnerable groups in our community.

The 2000-01 annual report stated that, in relation to service delivery, the service undertook assistance in its two main functions of core business: the provision of support, including outreach assistance; and the provision of emergency accommodation. During the 2000-01 financial year, the outreach services assisted 200 clients with 207 children, and the emergency accommodation assisted 73 clients with 87 children. It efficiently responded to 567 women and children of 40 different cultural non-English speaking backgrounds.

The AGM this year was held to coincide with the launch of the service's latest cluster units, making a total of 11 transitional homes. It is hoped that the transitional homes will reduce to some extent the number of NESB women and children accommodated temporarily in motels.

For obvious reasons, the motels are often not appropriate, especially when women with older children need to be housed whilst waiting for crisis accommodation vacancies. Relocating clients from the transitional homes to sustainable long-term accommodation is a challenge for the service because of the limited housing options in the public housing sector. In the past financial year this has meant that clients are staying longer in accommodation. Over the past two years, the length of stay has increased from 30 days to 43 days. Since I have been attending the Migrant Women's Support and Accommodation Services' AGMs, it has become clear to me that this service is run by dedicated and professional staff who work well as part of a team.

The service employs only bilingual/bicultural welfare workers to assist the target group. The committee of management, with Ms Marta Lohyn as the chairperson, set itself some clear objectives following the restructure after the review of the South Australian domestic violence services sector and worked solidly to that end. The manager of the service, Ms Milenka Vasekova Safralidis, deserves special mention for her competency and obvious commitment. The service provides confidential assistance to migrant women whilst in domestic crisis. As part of the accommodation assistance, transition houses provide secure, home-type crisis accommodation for up to three months, or the service facilitates access to safe accommodation in women's shelters.

I was impressed by the manner in which the cluster homes had been set up in a very practical way, taking into consideration the privacy and needs of, say, an older child in the family. We sometimes forget that children suffer so much in these situations and that their needs are just as important as the mother's. The service also provides crisis support and advice for the victims on their rights and entitlements and assistance to access other community services. It provides telephone counselling and assessment and face-to-face assessment and counselling by appointment.

Another important service is that of advocacy on behalf of clients with other problems encountered, such as financial or Centrelink issues, police and legal matters, health issues and emergency housing. This is one service in our community that we would all wish was not necessary but, regrettably, of course, this is not the case. It is important to have a well-resourced accommodation and advisory service for women and children escaping domestic violence—in fact, it is a real necessity. I again commend the work of the Migrant Women's Support and Accommodation Service Inc.

Time expired.

BREACHING

The Hon. SANDRA KANCK: Breaching is a term we have heard only in recent times. It refers to people on unemployment benefit and youth allowance who have been judged to have breached social security guidelines and who are subsequently penalised. When that has happened one has been breached. The penalties for breaching range from 18 per cent loss of social security income for a first breach to total loss for a third breach, sometimes lasting six months. The National Welfare Rights Network and the Australian Council of Social Services use the word 'explosion' to describe the increased number of people being breached because, in the past three years, there has been a 189 per cent increase in the number of people being penalised for breaches.

Last year, 31 per cent of all South Australians on unemployment benefit were breached at some time during the year. I doubt that there has been any change of behaviour in social security recipients; rather, a mean federal government is altering its practices and its attitude towards them. I say 'mean' because there is no other word to describe it. What happens to people's housing when their only source of what is already a minimal income is reduced or removed? Twenty five per cent of people who are breached lose their housing, but does this federal Liberal government care?

ACOSS and the Welfare Rights Network issued a media release in August which contained some case studies of the impact of breaching. As an example, Sandra, aged 27, was breached for not responding to a letter she did not receive. In passing, it is worth noting that in January last year letters were sent to 8 000 recipients wrongly addressed, but the Acts Interpretation Act says that if a letter was sent to a person it was received. Even though the letter was returned to Centrelink with 'not known at this address' written on it, Sandra was breached for not replying to it. This was her third breach, so she lost her income for eight weeks.

She could not pay her gas, electricity or telephone bill; nor could she pay her rent, so she was evicted. Through no fault of her own, she ended up going to charities for food and sleeping on the street. Another example is 58 year old Rachel. Retrenched from her job, she managed to find some part-time work to supplement her social security benefit, but she found that in doing the part-time work she did not have enough time to apply for the requisite 10 jobs per fortnight and she was breached. With a consequent reduction in payment she found existence very difficult and became extremely stressed and suicidal, having ultimately to seek medical attention.

I think it is appalling that, as a society, we tolerate such treatment at the hands of representative government. But, even if one is not touched by the personal nature of some of the stories, as state MPs we should be concerned about the impact on the state budget, because it has been estimated that this inhumane, bureaucratic treatment could be impacting on the South Australian economy to the tune of $20 million per annum. However meagre—by the standards of a politician—the amount of the cut back is to the social security payment for each of those people, it is not being spent within our economy once it is cut back.

If you do not have any money you cannot spend it, and I understand that this has a multiplier effect of 11 on our economy. Our emergency housing system in South Australia was already stretched to the limit before the federal government started this process of victimisation. Breaching has succeeded in making it still worse. In the human services budget, what is the impact on the budget of the Housing Trust when these people find they cannot pay their rent? There will also be a cost to the justice and police system if some of these victims try to support themselves through crime.

Breaching clearly has health impacts which must be dealt with by the state budget. So, there are good economic reasons for this state government to be making a fuss about this travesty which the federal government is overseeing, but it does not stop there. Charities are not coping with the extra demands that are being placed on them. We, as a society, should be angry that some of our most vulnerable people are being treated in this way. We should not just turn a blind eye to it. I dare say that Senator Jocelyn Newman, who is overseeing and justifying these behaviours, will not be required to submit any forms once she retires in the middle of next year on her parliamentary superannuation. But that, according to our federal government, will be okay because she is not one of the vulnerable. Pardon my cynicism.

Time expired.

GAS PIPELINE FEES

Notice of Motion, Private Business, No.1: Hon. A.J. Redford to move:

That the regulations under the Gas Pipelines Access (South Australia) Act 1997 concerning fees, made on 5 July 2001 and laid on the table of this Council on 24 July 2001, be disallowed.

The Hon. A.J. REDFORD: I do not wish to proceed with this motion.

Motion lapsed.

LOCAL GOVERNMENT (CONSULTATION ON RATING POLICIES) AMENDMENT BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Local Government Act 1999. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

When the Local Government Act 1999 was enacted it included, as one of its provisions, section 50 with respect to public consultation policies. That section requires that a council must prepare and adopt a public consultation policy. It sets out the process involving the public consultation that is required, the steps to be taken and what it must at least provide, including publication in newspapers circulating in the area and the consideration by the council of any submissions made in response to an invitation under subsection (4)(a) with respect to the publication in the newspaper and the requirement that submissions be called with respect to an issue of concern.

Section 50 of the act does not prescribe what particular matters ought to be the subject of public consultation, but interspersed throughout the Local Government Act are various sections that refer to a requirement for public consultation. For instance, with respect to the issue of the classification of community land, if there is to be a reclassification, there must be a process of public consultation. The Local Government Association has, in its model policy framework, set out what it considers to be a code and guidelines for best practice with respect to the issue of public consultation. It refers to the council's charter, the decision making process and the role and responsibility of the council to consult with the public with respect to these issues.

It mentions, for instance, the sorts of matters that ought to be the subject of public consultation. It includes topics affecting several streets, suggesting that there ought to be a letterbox drop inviting expressions of interest. If it is a topic affecting the broader community or likely to attract considerable community interest (such as lands management, major works and regional issues, topics with a potential for city-wide impact), it suggests that there ought to be a notice in the local paper, a media release, and signage in targeted locations inviting expressions of interest. The Local Government Association ought to be commended for setting out that model guideline and code.

Unfortunately, not all councils comply with this code. It is not mandatory: it is simply a guideline. Recently, I was invited to attend and chair two public meetings, the first in the Gawler council area on 11 September—a date that none of us will ever forget—relating to residents who were quite concerned about the Gawler council's increasing rates and changing the basis of rating.

The Hon. Diana Laidlaw: For good reason.

The Hon. NICK XENOPHON: Yes, as the Minister for the Arts says, they were concerned for good reason. In fact, the Minister for Local Government in the other place has been quite strident in her criticism of the lack of consultation on the part of councils in relation to rating policies and the impact that they have on many thousands of ratepayers, at least in the Gawler and Light regional council areas. I will refer to my brief discussion with the Minister for Local Government earlier today in due course.

An article published in the *Bunyip* (Gawler's paper since 1863) on 5 September 2001 and headed, 'Rates anger', referred to 100 irate residents cramming into Gawler council chambers to raise their concern about the system of rating being changed. The method of rating had changed in terms of the context of section 151 of the Local Government Act with respect to the rating of properties: it went from site to capital value, and that affected thousands of Gawler residents. In relation to Gawler council, it appears that it followed a public consultation process and that there was a public meeting at which feedback was sought from residents; and, in the end, the council complied with its policy with respect to that, but it is not a policy that is mandatory. Following the public meeting on 11 September, there were negotiations between a residents' action group and the Gawler council and, in the end, the Gawler council agreed to alter the rates notices, as I understand it, so that residents had more time to pay the quite significant increases.

In relation to Light Regional Council, however, a different set of considerations has been in place. Section 156 of the Local Government Act relates to differential rating and special adjustments. Differential rates may vary according to the use of the land and the locality of the land, or the locality of the land and its use, or some other basis determined by council. In this case, the Light council had previously assessed between town and rural areas and, under section 156(4) of the act, the council had allocated various land use categories—nine categories, as I understand it—and, as a result of that, thousands of ratepayers were affected by this change of rating.

In this particular case, there was no public consultation on the part of the Light Regional Council. It caused enormous consternation and enormous distress among ratepayers who saw their rates double; and in some cases rates went up hundreds of dollars a year. Some people on fixed incomes and pensions have told me that they had considerable difficulty because of those rate increases. I subsequently obtained from the Light Regional Council its public consultation policy in accordance with section 150 of the Local Government Act. This particular public consultation policy refers to various principles underpinning the policy: that the community has a right to be involved in and informed about decisions affecting their area; that community involvement in council decision making will result in greater confidence in the council and responsive decision making; and that council decision making should be open, transparent and accountable.

Attachment 1 of the public consultation policy of Light Regional Council sets out the various topics that ought to be the subject of a public consultation policy in compliance with section 150 of the Local Government Act. It relates to, for instance, a representation of views; review and reporting to the Electoral Commissioner; the opening hours of the principal office; the need for consultation if the office hours change; a strategic management plan; community land, as I indicated previously, under section 193 of the Local Government Act; and issues of management plans and public consultation—roads and trees under section 232 of the Local Government Act. (The policy was that, before authorising planting of vegetation, if the vegetation may have a significant impact on residents, proprietors of nearby businesses or advertisers in the area, council must follow the relevant steps set out in its public consultation policy.) It sets out a number of other issues that the council must consult on.

But, when it comes to the very basic issue of the basis on which rates are levied on residents, there is no requirement for public consultation. This is clearly unsatisfactory and something that the Minister for Local Government has expressed concern about. She has expressed concern about it publicly, I note, on the Leon Byner program, I think on more than one occasion. I attended a public meeting on the evening of 24 September in Freeling, which about 350 people attended—quite a remarkable turnout, given the weather and the relatively short notice. It indicates the depth of concern and anger on the part of many in the Light Regional Council area as to the way that this rates issue has been dealt with.

To the credit of the Light Regional Council, the mayor and Peter Beare, the Chief Executive Officer, attended and answered questions, and they did so patiently. So, all credit to them for attending that meeting. But, by that stage, the rate notices were out. Many people were deeply affected by significant increases of 30, 40, 50, 60 and up to 100 per cent in relation to their council rates. For instance, a copy of a letter from one constituent was sent to me and also to the Hon. Malcolm Buckby, the local member, that they were in receipt of a council rate notice and advised that they were shocked and appalled to find that their council rates had increased by 54 per cent, having been transferred from rural rating to residential rating. That is one of many instances of people expressing their absolute bewilderment and dismay at the level of council rate increases, and this bewilderment and dismay is put into even greater focus by the absence of any public consultation process.

This bill proposes to remedy an anomaly in the legislation, and clause 2 seeks to amend the basis of rating with respect to section 151 so that, before a council changes the basis of the rating of any land or changes the basis on which land is valued for the purpose of rating, the council must follow the relevant steps set out in its public consultation policy. Public consultation is prescribed as a publication in a newspaper circulating in the area, that there must be an invitation to interested persons to attend a public meeting, to make written submissions and setting out a reasonable time frame for that of 21 days.

Clause 3 amends section 156 as to the basis of differential rates. That is a problem that the Light Regional Council residents faced, and it similarly requires that process of public consultation. So, at least, the council must put its case forward, obtain submissions, have a public meeting and generally advise the local community what has occurred and get appropriate feedback before it determines the rate increases or the basis of rating before it proceeds further.

I have made the Local Government Association aware of this amendment and, given the Local Government Association's quite comprehensive model policy framework and its guidelines as to accountability and openness, I think that it ought to be sympathetic to this change to reform this anomaly.

The Hon. A.J. Redford interjecting:

The Hon. NICK XENOPHON: I would like to think that the Local Government Association believes that this amendment is entirely consistent with its model framework, with its code and guidelines, and that, in effect, it codifies in a legislative form best practice with respect to public consultation.

The Hon. T.G. Roberts interjecting:

The Hon. NICK XENOPHON: The Hon. Terry Roberts says that he has not known any members of the public to agree to a rate increase. It is not a question of the public vetoing it but rather of getting appropriate feedback from the community, of having that level of public consultation, and of allowing that grassroots democracy to be effective in the context of public consultation.

I was invited to speak briefly earlier today with the Minister for Local Government, the Hon. Dorothy Kotz. She has previously spoken out on this issue and I would like to think that she and her government will be sympathetic to the changes set out in this amendment. Of the public meetings that I chaired, the Hon. Malcolm Buckby was at the Gawler meeting representing his constituents, as was the Deputy Leader of the Opposition, Annette Hurley, who attended both meetings. The concern about public consultation appears to be bipartisan. I urge members to support this bill, which is a straightforward reform. It will ensure that section 50 of the Local Government Act has some teeth and meaning, particularly in the context of rate increases. It is a simple, straightforward reform and I urge honourable members to ensure that it is passed before the end of this session.

I also pay tribute to the residents who have been activists on this issue. For the Gawler council meeting, residents such as Michelle Mostyn were quite active, and, in the Light Regional Council area, Martin Ryan, Barry Hughes and other local residents were instrumental in organising the meeting. I urge members to support this amendment and I urge that they consider voting on this measure before the end of this current session.

The Hon. DIANA LAIDLAW: Can I speak to this matter now?

The PRESIDENT: The matter should be adjourned but, if the minister wants to speak now, she can seek to suspend standing orders.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I move:

That the standing orders be so far suspended as to enable the bill to pass through the remaining stages without delay.

Motion carried.

The Hon. DIANA LAIDLAW: Thank you, Mr President, for accommodating the motion that allows me to say a few words immediately after the Hon. Nick Xenophon introduced this bill today. I have received advice today from the Minister for Local Government indicating that she met with the honourable member, as he said during his second reading contribution. I have been advised that the act does not currently require public consultation on significant changes to a council rating system. However, the act does provide for public consultation on other matters, most significantly:

· access to meetings code of practice (section 92);

· revocation and exclusion from the classification of community land (sections 193 and 194);

· management plan for community land (section 197); and

· lease or licence to use community land (section 202).

In each instance, the public consultation provisions require each council to have a public consultation policy. For the above matters, the public consultation must at a minimum allow a 21-day period for public submissions to be called for by notice in a local paper. The proposed amendments would also require a public meeting. The proposed amendments would require public consultation for the following rating policy changes:

· changes on the basis of rating between the options available: the total fixed charge; the rate based on the value of land; or a combination of a rate based on the value of land and fixed charge;

· changes on the basis of the valuation, such as change from site value to capital value; and

· changes to the basis of differential rating.

The minister, the Hon. Dorothy Kotz, has advised me that the Local Government Association does not oppose the proposed changes and that the Office of Local Government has been consulted and has indicated no opposition to the bill. However, Liberal Party members have an obligation to take bills to our party room for consideration, and the minister has undertaken to advance this measure for consideration at the next date that the joint party meets, which is next Tuesday week. Therefore, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

AUDITOR-GENERAL

The Hon. T.G. CAMERON: I move:

That the Legislative Council requests the Auditor-General to provide the following information in accordance with the Auditor-General's Annual Report 1999-2000—

I. (a) Was 17 per cent ($1.6 million) of the budget of the Auditor-General's Department spent on various consultancies?

(b) If so, for what purposes were the following expenses incurred, including to whom they were paid and the respective amounts paid—

(i) contract audit fees of $687 000;

(ii) various consultancies of $192 000; and

(iii) special investigations of $775 000?

(c) (i) Was a competitive tendering process undertaken for all of these consultancies; and

(ii) If not, what other process was used and what was the reason?

II. Why does the Schlumberger contract (mentioned on page 123) not require formal review, such as the annual performance appraisal and the triennial review, like all other SA Water contracts?

III. What matters of concern were found by Pannell Kerr Foster, the auditors auditing the Auditor-General's Department, in a management letter dated 18 August 2000 (as referred to on page 595) of the report?

On 11 October 2000, I asked four questions without notice in this chamber. On 19 September of the following year, I wrote to the Treasurer seeking the whereabouts of the answers from the Auditor-General. On 8 October, I received a written reply from the Treasurer. I refer to letter which the Auditor-General wrote to the Treasurer and which states:

he has legal advice that he is not responsible to individual members of Parliament. Under the Public Finance and Audit Act 1987 he is not obliged to provide answers to questions raised by individual members of Parliament in the absence of a request for a report that would be provided to the Treasurer or a Minister requesting a report as well as to Parliament but not directly to the individual member in question.

The Hon. A.J. Redford: Table the letter.

The Hon. T.G. CAMERON: Is it appropriate to table the letter?

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: I seek leave to table the Treasurer's letter to me dated 8 October 2001.

Leave granted.

The Hon. T.G. CAMERON: I understand that, in the past, the Auditor-General has responded to individual requests from the Leader of the Opposition and other members of the Labor Party. I cannot understand why he takes legal advice in order to avoid answering legitimate questions about the role and the operation of his own office—

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: That may be the case. A perusal of the questions I have asked indicates that the majority are about spending in his department; that is, I asked questions in relation to audit fees of $687 000; various consultancies, $192 000; and special investigations, $775 000. I feel quite sure that, if a government department was attempting to report a matter and was merely indicating that it had spent $775 000 on special investigations, the Auditor-General would demand to know the detail of on what that money was spent—and correctly so.

Additionally, I asked questions concerning the use of competitive tendering for these consultancies and what process the Auditor-General used. In other words, was he using competitive tendering when he put these out for contract? When one considers the attitude taken by the Auditor-General during his reporting on government departments, one has to query his determination to ensure that he does not answer questions about his own department. I think it is appropriate that the Auditor-General tell us whether or not he uses a competitive tendering process when he lets matters out for contract from his own office.

Complaints have been put to me that he does not contract out legal advice, for example. That is, when he wants legal advice, no contract is put out, he just seeks it. Again, I am not sure what he would have to say about a government department's using one law firm for all its legal advice without any competitive tendering process. Again I submit to the Council that the question I have asked is legitimate and it is one to which the public is entitled to know the answer. Instead of

answering the questions, the Auditor-General obtained a legal opinion which states that he is not required to answer individual members of parliament's questions, even though I have used the parliamentary process of questions on notice and questions without notice.

One could understand it if the Auditor-General was saying, 'No,' when members of parliament rang him up and were putting individual questions to him about the operations of various government departments. That is not what I have done. What I have attempted to do is to go through the processes of parliament to see whether I can get an answer. I would be very interested to know how much this legal opinion the Auditor-General obtained cost. After all, the Auditor-General spent nearly half a million dollars on a reference from the parliament on the Port Adelaide Flower Farm—even the Hon. Legh Davis and Keith Beamish did not read his flower farm tome. So how does a member of parliament—

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: There was a resolution carried—

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: I think you will find that we carried a resolution in this chamber, because I spoke to it and got done. I have raised a question about how we direct questions to the Auditor-General (if we have them), either about his report or about the performance of his own department. South Australia does not conduct, as I understand it, a performance audit triennially, as does the Victorian parliament. The Victorian parliament's Public Accounts and Estimates Committee is required to undertake a performance audit of the Auditor-General's office every three years. As I understand it, that received bipartisan support from the Victorian parliament. Clearly the questions I have put to the Auditor-General could be asked during a performance audit.

It is for this reason that I am moving an amendment to another resolution recommending that the South Australian parliament introduce triennial performance audits of the Auditor-General's office, but that is for another day and I will speak to that tomorrow. The questions I put forward are reasonable and pertinent to the efficient operation of the Auditor-General's office. A recent editorial in the Victorian *Age* of 26 March 2001 headed 'Doing an audit on the auditor' stated:

> Support for the Auditor-General's role will be enhanced by a full assessment of his office.

I agree, and the South Australian public's confidence in the role of the Auditor-General's office would be significantly enhanced if they knew there was full disclosure and transparency regarding the running and operation of his office.

The Hon. Diana Laidlaw: It seems reasonable.

The Hon. T.G. CAMERON: The honourable member interjects and says, 'It seems reasonable.' One would wonder what the public's view would be if they became aware that members of this parliament are not able to ask questions about the Auditor-General—

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: I think judges are a little bit different from an Auditor-General. I feel confident that the Auditor-General would support a performance audit of his own office. Knowing the Auditor-General, he would have every confidence that his department would pass with flying colours—or would it? That is the point. We just do not know. I am not suggesting for one moment that there has been impropriety, corruption or anything of that nature in the Auditor-General's office. What I am saying is that we do not know exactly what is going on. Again I state that the questions are relevant and they deserve an answer. It is my understanding that the Auditor-General—

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: I do not think we have seen this year's report yet. One wonders where it is at. My understanding was that we got last year's report a month before this, and reports before that were received earlier and earlier. One would hope that we will get the report before we get around to having the election.

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: Maybe we will get one put under the Christmas tree. I do take the point: the reports seem to be coming in later and later.

The Hon. A.J. Redford: I was asking a question; I was not making a point.

The Hon. T.G. CAMERON: I thank you for your interjection, because you reminded me that the report is overdue. I am sure the Hon. Paul Holloway will jump up and squeal about this later. I appreciate that there is no time frame on exactly when the report should be delivered, but I understand that it is a month behind now and nobody seems to know why. I am sure we will get it eventually.

It is my understanding that the Auditor-General has answered questions that have been put to him by the Leader of the Opposition and members of the opposition. I would be interested to know what process was used here, because I cannot find where these questions were lodged through the parliamentary processes. I am not sure whether a letter was sent to the Auditor-General or whether members of the opposition have a cosy enough relationship with the Auditor-General just to pick up the phone, ring him and put questions to him. Obviously, it would be somewhat inappropriate for individual members of parliament to ring the Auditor-General and/or write to him putting individual questions about the running of his own department. I attempted to secure an answer to the questions that I have put. I make the observation that these questions have been with the Auditor-General for about a year; one could only hazard a guess that, if I had not written to the Treasurer demanding a reply to these questions, I would still be waiting for a reply.

These questions are a year old. I believe they need answering, so my motion seeks the support of the Legislative Council to obtain a response. If members look at the questions that are contained in the motion, they will see that they do not have a crack at the Auditor-General. In fact, two of the questions seek clarification of what he said in his own report. I seek clarification as to what his auditor said about the auditing of the Auditor-General's office. It is set out on page 595 of the report.

One could read the statement that has been made by the Auditor-General as an interpretation that his own auditors said that they found matters of concern in the Auditor-General's Department but it is just that they are not significant. Lawyers, auditors and accountants often have a way with words, and I cannot ascertain from the statement whether or not the auditor who audited the Auditor-General did find matters of concern in his auditing, but he noted that they were not significant.

I believe it is incumbent upon the Auditor-General to answer that office. If the public and this parliament are to have confidence in the Auditor-General, they can expect to have pertinent questions asked about the performance of his

own office answered. That is all I am seeking this parliament to do, on the grounds that he will not answer my questions, acting on legal advice. I merely seek to turn the questions that I put to him into a resolution of this Council in order to obtain the answers. I expect the Australian Labor Party to oppose this motion.

The Hon. R.I. Lucas: What?

The Hon. T.G. CAMERON: It will defend the Auditor-General until it is in government. I would expect that the Australian Labor Party—

Members interjecting:

The Hon. T.G. CAMERON: The Hon. Paul Holloway will find some way to support this motion.

The Hon. R.I. Lucas: Are you saying that in Victoria there was bipartisan support for this?

The Hon. T.G. CAMERON: There was bipartisan support for this.

The Hon. L.H. Davis interjecting:

The Hon. T.G. CAMERON: Yes. The motion contains questions about how much was spent on consultancies and about whether competitive tendering processes were used. I have heard the Hon. Paul Holloway up on his feet in this Council on numerous occasions complaining, squealing and doing a real whingeing and whining act, complaining that competitive tendering processes are not being used; that money is being wasted on consultancies; that money is being paid out to lawyers; and that special investigations are being undertaken with no accountability, no tendering, etc. He even suggested that government ministers were appointing their favourites or friends or what have you. If you can get up in this Council and make an unfounded accusation like that about a government minister, one would have to ask how we could have confidence in the Auditor-General if he is refusing and the Australian Labor Party is not prepared to support a resolution which merely attempts to find out what millions of dollars of taxpayers' money has been spent on.

I can just imagine what the Auditor-General would say to a government department if it was spending money like this and it then sent him a letter saying, 'I've had a legal opinion; I won't tell you who the lawyer is, but I've had a legal opinion. No, you cannot see it, but I have had a legal opinion which says I do not have to answer you.' God only knows what the Auditor-General would do about that. We have seen how precious he is when his name is taken in vain in the slightest way in this parliament. I would be very interested to hear especially from the Hon. Paul Holloway, who holds himself out to be the next minister for finance, to find whether he believes there should be any rigour.

It is not as if this is a motion that comes up every week or every parliamentary session. In over six years that I have been in this Council I have not seen a resolution go forward to the Auditor-General, so the Auditor-General can hardly claim that he is being harried or hassled or that individual members of parliament are hitting him with these questions and that he is having to spend time and money to investigate them. This is the first time in the nearly seven years I have been here that a question like this has gone forward. In the future some other member of parliament may well decide to put a question to the Auditor-General.

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: The Hon. Paul Holloway can flail around and wail as much as he likes. This is not an attack on the Auditor-General: this is about trying to ensure that he is prepared to abide by the very principles of accountability that he demands of everyone else. I have no doubt that he could answer in 20 or 30 minutes the questions that are contained in this motion. Have a good look at the questions I am asking; some of the questions are about the Schlumberger—

Members interjecting:

The Hon. T.G. CAMERON: No; my question asks why the Schlumberger contract mentioned on page 123 did not require a formal review. I am asking him; he has made no comment about it. He is the Auditor-General. My third question relates to page 595 of the Auditor-General's Report. Getting back to what I was talking about, I would hope that all members of parliament see this motion for what it is: an attempt to try to protect the integrity of individual members of parliament. Judging from the Hon. Paul Holloway's interjections, it would appear that they will try to use their numbers to silence individual members of this parliament and protect the Auditor-General. Maybe they know more about the answers to the questions that I have put on notice than I do. I would hope not!

Members interjecting:

The Hon. T.G. CAMERON: It's about accountability. I'm not suggesting and have not suggested that there is impropriety going on in the Auditor-General's office. I hope that at some later stage the honourable member does not try to twist my words. If the Council carries the motion, I hope the Auditor-General answers these questions and answers them promptly. I hope he does not seek further legal opinion to avoid answering a resolution of the parliament. If he were to do that then I would suggest that we need to have a very close look at the act and, as a matter of urgency, that we need to introduce some kind of performance audit of the Auditor-General's office. So, I hope that he will see the questions in the context in which they are put.

If the Auditor-General does get a legal opinion in an attempt to try to avoid answering these questions then he will invite the obvious question: what is the Auditor-General's office hiding? As I have said before, I do not I believe the Auditor-General is hiding anything—which makes his response all the more puzzling. I can understand that the Auditor-General does not want to be fielding numerous questions on a daily basis from individual members of parliament, but this is the first time I or, to the best of my knowledge, any member of this Council in the time that I have been here has put a question to him. So he can hardly—

The Hon. T.G. Roberts: You're the leader of the party!

The Hon. T.G. CAMERON: The Hon. Terry Roberts interjects and says that I am the leader of the party. Yes, I did call the caucus together and appoint myself as leader. I am not sure whether that qualifies me for any special consideration, but if I am entitled to any I am sure the honourable member will point it out to me later. I have asked questions, and even though my questions are only about the Auditor-General's Department and the SA Water contract, his answers, as I understand it, are protected by parliamentary privilege. Therefore, any answers that are provided would be provided in this place and are fully protected.

We do not have a performance audit process on the Auditor-General's office. His legal refusal to answer leaves me with the only alternative I have—to put these questions in the form of a motion of the Legislative Council and to seek the support of members for it. I hope that members see the motion for what it is—a genuine attempt to try to find out what millions of dollars have been spent on. One would have thought that that is the role of an elected member of parliament. I have also asked a question concerning the Schlum-

berger contract which is on page 123 of the report. Again, this is a legitimate question, as yet unanswered. On page 595 of the Auditor-General's Report he states:

> Pannell Kerr Forster reported the results of their audit in a management letter dated 18 August 2000. In that letter they indicated no significant matters of concern were encountered in the course of the audit.

My question merely seeks to determine what matters of concern were found if they were not significant. It may be that there were none—and if that is the case it would be a simple matter for the Auditor-General to answer instead of seeking a legal opinion to avoid answering. The only conclusion that I can come to is that the Auditor-General would like to answer questions from members of parliament but that he is precluded from doing so by his legal opinion.

Maybe I am being a bit charitable there, but that is the only interpretation that I can put on it: that he would like to answer the questions but sought a legal opinion which said that he does not have to answer them so he made a decision that he would not. At the end of the day, despite whatever legal opinion the Auditor-General has received, he could easily have answered these questions. If he did not want to provide an answer on the public record he could have written me a letter and said, 'You have asked these questions, here are the answers. If you have any further concerns let me know,' and that probably would have been the end of it.

The Auditor-General by his own action sought a legal opinion and has used that to justify his decision not to proceed. I make the point that the legal opinion did not say that he should not or could not answer; it just said he did not have to—and he made a further decision that if he did not have to answer he was not going to. I really do not think that is good enough.

I believe that the way around this impasse is for the Legislative Council to carry the motion and have the questions answered. The Legislative Council, by passing the motion, can ensure that the Auditor-General is not harried or hassled by individual members of parliament. If an individual member of parliament puts a question to the Auditor-General and he chooses to refuse to answer it—and I am choosing my words carefully, the legal opinion only said that he did not have to answer it and he then decided that he would not answer it—this problem will crop up again.

It seems to me that an appropriate way to resolve it is for individual members of parliament to turn their questions into a motion of the Council and then members' peers—all members of this Council—can have a look at it. If they think the questions are reasonable and relevant, members will probably support them. I hope that we do not get locked into a party position on this issue and the motion is opposed because members would rather play petty party politics.

If the motion is carried by the Legislative Council I hope that the Auditor-General will expeditiously proceed to provide me with the answers, particularly as some of the questions I have put on notice refer to the efficient running and operation of his own office. If the Auditor-General is not prepared to answer the questions of this parliament then I would like to know to whom he is responsible.

The Auditor-General does not sit above the state parliament: he is responsible to both houses of the state parliament. If the motion is carried I hope that the matter can be expeditiously dealt with, that we do not have the Auditor-General seeking further legal opinion as to whether or not he has to accede to a request of the Legislative Council. The appropriate thing for the Auditor-General to do if the motion is carried is to answer the questions promptly.

That is the way he will restore full public confidence in his office—by full disclosure and complete transparency. If he adopts any other course of action, by his own actions he may be undermining public confidence in the Auditor-General and his office. I seek the support of all members for my motion.

The Hon. R.I. LUCAS (Treasurer): I will make the substantive part of my comments on the next Wednesday of sitting, but I did want to speak briefly this afternoon, having listened to the Hon. Mr Cameron's comments and, more importantly, hearing from the Hon. Paul Holloway the indication that he and the Australian Labor Party are going to strongly oppose Mr Cameron's motion and saying, by way of interjection, that 'this is an outrageous attack on the Auditor-General'. As I said earlier today, I am not sure why the Hon. Mr Holloway is working himself up into a lather over a variety of issues today, including this one. This seems, on the surface at least, to be relatively straightforward. The Auditor-General—

The Hon. L.H. Davis: He's suffering from post-roll-back stress.

The Hon. R.I. LUCAS: Yes. The history of this is that the Hon. Mr Cameron asked some questions in this Council which, as is the normal course of events, were referred—either by my office or by the Premier's office, I cannot remember—to the Auditor-General so that he could provide answers. That is an important distinction. We are not talking about somebody writing a letter off their own bat, outside the forums of parliament. It is actually a member of parliament, standing up in this chamber, asking a question and a minister saying he will take that on notice and referring it to the appropriate minister—in this case, the Auditor-General—to seek a response.

It is entirely the prerogative of the Auditor-General to say, in relation to some of the questions, for example the Schlumberger contract, 'I don't wish to answer. It is the responsibility of the minister; go to the minister.' Each of us can then form a view and express it accordingly. But, obviously, issues in relation to the operations of the Auditor-General's office can be answered only by the Auditor-General and nobody else. Therefore, we should make that important distinction, where a member of parliament has used the forum of parliament to ask a question, as opposed to writing, telephoning or meeting with the Auditor-General. I missed the first part of the contribution and it may well be there has been a reference to the letter I wrote back to the Hon. Mr Cameron.

The Hon. A.J. Redford: It was tabled.

The Hon. R.I. LUCAS: It was tabled. Thank you. I do want to say in relation to that correspondence that I was surprised at the response I received in relation to this issue. Certainly, the forum of question time is an appropriate forum where members of parliament can ask questions and, if the Auditor-General insists that it cannot be done by way of question in parliament referred to him, then it is entirely the prerogative of any member to seek the agreement of a majority of members in this chamber to refer an issue to the Auditor-General.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: At this stage I will not. Perhaps, on reflection, on Wednesday week I might indicate the nature of the telephone call that the Auditor-General had with an officer in the Premier's staff when he first telephoned that officer. But, in due course, a more considered written reply

came back from the Auditor-General's Department, the content of which I made known to the Hon. Mr Cameron, by way of letter. It is important to make this distinction. As I indicated in my letter, I am aware of any number of examples of members of parliament who have telephoned and spoken to the Auditor-General, written letters to the Auditor-General or, indeed, met with the Auditor-General, and, based on their conversations with me afterwards, have come back with answers to various questions that they might have put. I am not going to indicate the nature of those private conversations I have had with members in this chamber. Those members—

An honourable member interjecting:

The Hon. R.I. LUCAS: I did not indicate the nature. The Hon. Mr Holloway has just heard of one conversation without it being on the record: I am aware of a number of conversations between individual members of parliament and the Auditor-General. I am also aware of meetings and correspondence. I am aware of one piece of correspondence which ended up in a major inquiry by the Auditor-General into a particular issue which he then followed up in various reports. An unprecedented situation occurred with that particular inquiry—and I will perhaps refer to this in greater detail on Wednesday next week—where the Auditor-General attended a court case, which involved a member of parliament, and conducted television interviews after that court case as he waited upon the judge for the verdict. It is not unprecedented that members have made contact and in some cases, as a result of their contacts, had investigations conducted into particular issues. I am aware of a number of examples where people have written to the Auditor-General demanding inquiries into this or that. Nothing occurred in relation to a motion of the Council: indeed, there was not even a question in relation to those issues.

Members interjecting:

The Hon. R.I. LUCAS: I am aware of conversations as well which have been recounted to me. At this stage I am not going to breach the confidentiality of—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I have answers. Don't you worry about that, Mr Holloway; I have plenty of answers.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Now you are saying this is not the forum: you are not supporting this—

Members interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Holloway is the one saying there is no accountability. The parliament cannot ask questions: that is what the Hon. Mr Holloway is saying. He will do what he can to stop a member of parliament from asking questions, even though a majority of members in this chamber might support the particular issue. That is the level of accountability of the Deputy Leader of the Opposition in this chamber. The Hon. Mr Holloway talks about secretive government. Clearly—

The Hon. P. Holloway interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —should he ever be there, this is an indicator of the level of accountability that the Hon. Mr Holloway would support: that is, even if a majority of members of parliament seek information from the Auditor-General, he will not support that notion. That is the level of accountability.

The Hon. P. Holloway: You are changing the subject.

The Hon. R.I. LUCAS: No. I am not changing the subject.

The PRESIDENT: Order, the Hon. Paul Holloway!

The Hon. R.I. LUCAS: That is what the motion is.

Members interjecting:

The PRESIDENT: Order!

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: We are not talking about an individual member ringing the Auditor-General, as I am aware has occurred. We are not talking about an individual member writing a letter to the Auditor-General demanding an inquiry into something, which I know has occurred. We are not talking about meetings, which have occurred. What we are talking about is a member who stands up in the parliament and asks a question in the forum of question time in relation to the Auditor-General, and that is then referred by a minister to the Auditor-General for reply. That is the situation. That is the circumstance that has brought about this situation. I am amazed that the Labor Party, through the Hon. Mr Holloway, is attacking this move from the Hon. Mr Cameron as being outrageous, when all he is seeking to do is to follow the forms which are evidently being recommended by the Auditor-General.

The Hon. P. Holloway interjecting:

The PRESIDENT: Order, the Hon. Paul Holloway!

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order, the Hon. Mr Davis!

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: With the great respect that I hold for the office of the Auditor-General in South Australia, I will be very surprised if the Auditor-General would not be quite relaxed that a motion of this chamber has requested information from him.

The Hon. T.G. Cameron: We are his boss.

The Hon. R.I. LUCAS: He answers to the parliament, and if the parliament was to pass a motion—

Members interjecting:

The Hon. R.I. LUCAS: —as I said, with the great respect that I have for the office of the Auditor-General, I would be surprised if the Auditor-General would not willingly comply with a resolution of this Council. In the last three to four years this chamber has passed two or three motions asking him to look at flower farms, the Hindmarsh Soccer Stadium and a number of other things. It is obviously acceptable for the Hon. Mr Holloway to move a motion demanding or asking the Auditor-General to do work that is of interest to the Hon. Mr Holloway and other members, but of course—

The Hon. L.H. Davis: Has anyone ever done that in your party? Has anyone ever asked him to do anything, Paul? What's the answer?

The PRESIDENT: Order, the Hon. Mr Davis!

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: On this occasion, because the Hon. Mr Holloway does not like the person who has asked the question—the Hon. Mr Cameron, who happens to get under the Hon. Mr Holloway's skin on occasions—and he does not happen to like the questions that have been asked by the Hon. Mr Cameron, he does not support a motion of the parliament requesting information in relation to this issue. I am very surprised and deeply disappointed in the Australian Labor Party that it would not be prepared to support the parliament's pre-eminence, on behalf of the people, if it so chooses through a majority, to pass a resolution and to gently request information from the office of the Auditor-General in relation to these issues.

The Hon. T.G. Cameron: It is only a request.

The Hon. R.I. LUCAS: This is not even a direction.

Members interjecting:

The Hon. R.I. LUCAS: This is a very gentle request which the Hon. Mr Holloway is attacking as being an outrageous attack on the Auditor-General. It is nothing of the sort. As I said, I would be very surprised if the Auditor-General, if a majority in this chamber were to pass this resolution, would be fussed in terms of responding to these issues. As I said—

Members interjecting:

The PRESIDENT: Order, the Hon. Paul Holloway!

The Hon. R.I. LUCAS: It may well be that he refers to some of the questions and says that he believes it is more appropriate that these questions were answered by a particular minister, but of course there are some which are directly his responsibility and I would be most surprised if he did not respond appropriately, in my view, to this request, should the motion be passed by the Legislative Council. I was not prepared to speak today and I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

The PRESIDENT: I call the Hon. Sandra Kanck.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! If honourable members continue defying the chair, I will take action. An honourable member has been called to her feet. Members should have some—

The Hon. P. Holloway interjecting:

The PRESIDENT: Order! I warn the Hon. Paul Holloway.

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION) ACT AMENDMENT BILL

The Hon. SANDRA KANCK obtained leave and introduced a bill for an act to amend the Nuclear Waste Storage Facility (Prohibition) Act 2000. Read a first time.

The Hon. SANDRA KANCK: I move:

That this bill be now read a second time.

This bill is about the future of South Australia, more so than any other legislation considered in this parliament. The state Liberal government is happy to turn our state into a repository for all of Australia's low level nuclear waste. I am not, and nor is my party. There are no good reasons—only convenient ones—for making South Australia the country's nuclear dump. It is convenient that the nuclear dump will be located in the north of South Australia—out of sight and out of mind. By placing it there we will not need to confront the reality of South Australia's links in the nuclear chain.

We will not have to consider other ways of providing the services for which the nuclear technology is designed. Most importantly for the members of this chamber, we will not have to acknowledge the failure of this institution to protect the interests of South Australians. We will conveniently ignore the poisonous curse we have inflicted upon ourselves. Just over 12 months ago this chamber debated the Olsen government's Nuclear Waste Storage Facility (Prohibition) Bill. That debate occurred some 12 months after the Democrats became the first party in South Australia to voice its opposition to the location of a national nuclear waste dump in this state.

The Labor Party soon followed our lead. The Liberal government hesitated. It was reluctant to take a stand against the commonwealth's stated commitment to locating Australia's national nuclear waste facility on commonwealth land within the borders of South Australia. I suspect that John Olsen—and Dean Brown before him—sniffed commonwealth largesse. This is how I think they might have viewed it: South Australia has been doing it tough; any extra funds would be welcome; and, besides, the dump would be located in the north of the state—out of sight, out of mind and out of political harm's way.

That was until Channel 7 decided that the prospect of a nuclear waste dump in South Australia was a hot issue. Its campaign alerted South Australians to the state government's complicity in the federal government's plans to dump Australia's nuclear waste within our borders. The palpable rage of the South Australian people forced the state Liberal government to act. Unfortunately, it was with its usual mendacity that has characterised the past eight years of Liberal rule in this state. The bill prohibited the location of only high to medium level waste in South Australia and the low level waste facility will still proceed.

It will be the thin end of the wedge. As sure as night follows day, the establishment of a low level nuclear waste dump will lead to the collocation of a high level nuclear waste dump at the same site. Having expended money and political capital establishing a low level nuclear waste dump in one state, no federal government would duplicate that cost by locating the high level nuclear waste dump in another state. So, let us be entirely honest: any member of this Council who votes against this bill will be voting in favour of South Australia's becoming Australia's low, medium and high level nuclear waste dump.

Any member voting against this bill will be voting for South Australia to be left with a toxic legacy for at least the next 250 000 years. I believe that each state and territory should manage its own nuclear waste. It remains the only genuinely democratic solution to the stark fact that public opinion in each state and territory is vehemently opposed to being the location of a national nuclear waste dump. The re-election of the Howard government has pushed these issues back onto the agenda. The Beazley opposition pledged that South Australia would not become Australia's nuclear waste dump—not so the Howard government, which is determined to make South Australia the repository for Australia's nuclear waste. I am determined to prevent that. The vote on this bill will tell the people of South Australia who will support the Democrats in protecting South Australia's future.

The Hon. A.J. REDFORD secured the adjournment of the debate.

JOINT COMMITTEE ON IMPACT OF DAIRY DEREGULATION ON THE INDUSTRY IN SOUTH AUSTRALIA

The Hon. IAN GILFILLAN: I move, with the expectation of support from the chamber:

1. That, should the Joint Committee on Impact of Dairy Deregulation on the Industry in South Australia complete its report while both houses are not sitting, the committee may present its report to the Presiding Officers of the Legislative Council and the House of Assembly, who are hereby authorised, upon presentation, to publish and distribute that report prior to the tabling of the report in both houses of parliament; and

2. That a message be sent to the House of Assembly requesting its concurrence.

There is no need to speak to this motion at any length; it is self-explanatory. I therefore place the motion in the merciful hands of the chamber.

The Hon. A.J. REDFORD: We support the motion and recommend that it be voted on forthwith.

The Hon. T.G. CAMERON: SA First supports the motion.

The Hon. T.G. ROBERTS: Consultation and expectation being met, we support the motion.

Motion carried.

MANOCK, Dr C.

Adjourned debate on motion of Hon. Nick Xenophon:

1. That this Council expresses its deep concern over the material presented and allegations contained in the ABC's *Four Corners* report entitled 'Expert Witness' broadcast on 22 October 2001, involving Dr Colin Manock, Forensic Pathologist, and the evidence he gave from 1968-1995 in numerous criminal law cases;

2. Further, this Council calls on the Attorney-General to request an inquiry by independent senior counsel of a retired Supreme Court judge to report whether there are matters of substance raised by the *Four Corners* report that warrant further formal investigation; and

3. That the Attorney-General subsequently report, in an appropriate manner, to this Council on the allegations made in the *Four Corners* report and their impact on the administration of justice in this state.

(Continued from 31 October. Page 2544.)

The Hon. K.T. GRIFFIN (Attorney-General): What I have already indicated in relation to the issues raised by the ABC in its *Four Corners* report is that, if new material becomes available and it is presented to me, it will be given serious consideration. That is the appropriate position for me to take and also the appropriate course of action to follow in relation to this matter. I should indicate from the outset that I do not intend to establish a separate inquiry into the matters raised in the *Four Corners* report. I think that the *Four Corners* report did not accurately represent the facts and to rely on *Four Corners*, a television program, as a basis for conducting further investigations is, in the circumstances of this matter, a very shaky basis upon which to pursue these issues.

The law provides, first, if there is material new evidence, that the defendant (the convicted prisoner) can seek to take the matter on appeal to the Court of Criminal Appeal to have the matter reopened at any stage; or there is provision for a petition which might, ultimately, result in a reference back to the Court of Criminal Appeal. There is one matter of that nature presently going before the Court of Criminal Appeal where, on a petition, material was raised with me; I determined that it was an appropriate matter to go back to the Court of Criminal Appeal, and that is happening. It does not matter who is the Attorney-General of the day, there are proper procedures to be followed, and I have no doubt, whether it is in this matter or in other matters, that this will be dealt with apolitically and appropriately. So, I can indicate that I am not prepared to request an inquiry by independent senior counsel or a retired Supreme Court judge to look at the material presented in the *Four Corners* report. One should rely very much upon the proper processes to examine any new material that might be presented.

I looked at some material that came from Dr Ross James, who is the Chief Forensic Pathologist. He concluded, after viewing the *Four Corners* presentation, that he was not aware of any new evidence relating to the death of Miss Cheney revealed in the *Four Corners* program. The program was clearly an attempt to discredit Dr Manock. He stated:

> With regard to the Cheney case the program was mischievous in the sense that there was no material presented which had not already been available to the defence experts before the trial took place.

When the petition was received from Mr Keogh by the Governor, it was referred to me. I referred the matter to the Solicitor-General. The Solicitor-General concluded, and his recommendation was, that His Excellency be advised that it is not appropriate to take any action in respect of the petition. The Solicitor-General identified that:

> The Coroner did not find that Manock was incompetent in performing autopsies on mature adults.

This is in reference to the autopsy in relation to some very young children. I repeat:

> The Coroner did not find that Manock was incompetent in performing autopsies on mature adults. What the Coroner did find is that there is a particular skill or specialty in performing an autopsy on very young children and that Manock and other forensic pathologists used by the state did not have this skill. As a result, the autopsies in the three cases were inadequate. This is apparent from pages 84 to 93 of the coroner's reasons. I understand that that finding is also consistent with the evidence that was called before the Coroner, particularly the expert evidence. This has been confirmed to me by Mr Moss, the then Deputy Crown Solicitor, who was counsel assisting. This is to be contrasted with the implication within the petition that the Coroner found that Manock was incompetent and that this in some manner affected the evidence he gave in the Keogh trial. That is not what the Coroner found. Even if the coroner had made such a finding, there is still the question of its relevance. It was a question for the jury in the Keogh case whether Manock's evidence should be accepted and, if it was, to what extent.

Dr Ross James—who, as I said, is the Chief Forensic Pathologist—made some observations about the bruising on each of the lower legs of Miss Cheney. He referred to the views of Professor Cordner, who is the head of the Victorian Institute of Forensic Medicine, and also referred to the views of Professor Cordner being views which are respected. Dr James said that he agreed with Professor Cordner in a number of areas. Professor Cordner thought that the manner of death (as distinct from the cause of death) could have been accidental and he said that Professor Cordner felt that the warm bath water associated with the blood alcohol level of 0.08 grams per hundred millilitres could have caused her to faint and drown. Dr James said:

> I agree with him that this is, in theory, possible, although I have never heard of such a case in practice and the department records do not indicate any other case. As far as I am aware, Professor Cordner has not had such a case, either. I believe that the post-mortem features listed above are suspicious to the extent that further investigation was warranted by police. It was this further investigation of the circumstances that provided the basis of the Crown case that apparently resulted in the conviction. If Professor Cordner does not think that the post-mortem features needed further police investigation, then I disagree with him. These issues were discussed at the trial and do not represent new evidence.

He also referred to the histology introduced by Associate Professor Tony Thomas of Flinders University and he observes that the histology is not new evidence. He states:

> The histological slides were viewed by 4 pathologists before the trial including Professor Cordner and Dr Collins for the defence.

So, it is clear that, from the viewing by Dr James of the *Four Corners* presentation, there is nothing new there which he

believes ought to be cause for sufficient concern to warrant any further inquiry.

I raised the issue with the DPP. I referred to him the *Hansard* record of the contribution by the mover, the Hon. Mr Xenophon, and he states, among other things:

> As you are aware, I appeared on the 4 Corners program in relation to Dr Manock, although only brief excerpts of a 20 minute interview were included. At the outset, may I say I regarded the program as lacking balance and verging on dishonesty in an attempt to totally discredit Dr Manock and sensationalize the story. Admittedly, Dr Kobus and Dr James from the Forensic Science Centre declined to participate in the program on the advice of DAIS, advice with which I concurred at the time.
>
> My involvement with Dr Manock's cases mentioned was primarily the Keogh case. In relation to that case, I attach a copy of a report I received from Dr Ross James whose expertise in the area is universally accepted in the medical and legal professions.

He later states:

> I agree with his conclusion that the program produced no new evidence. I am completely satisfied there was no miscarriage of justice in the Keogh case, as has been the conclusion of the Court of Criminal Appeal, the High Court and the Solicitor-General in his advice on Keogh's petition.

He goes on to refer to the deaths of the three infants, as follows:

> The deaths of the three infants were the subject of an in depth coronial inquiry which found that Dr Manock was in error in his post-mortem findings. There may have been a miscarriage in so far as there was no prosecution, but the matter cannot now be taken further, although I did review the file after the coronial findings but concluded there was no reasonable prospect of conviction for a number of reasons apart from the Manock findings.

In relation to the Keogh case, even though there were questions about the forensic evidence of Dr Manock, quite legitimately the question can be raised that, although the DPP called Dr Manock, it may well have been the subject of adverse comment if in fact he had not called Dr Manock because, after all, Dr Manock had conducted the autopsy. The point needs to be recognised also that, in respect of the Keogh case, the evidence of Dr Manock was only one part of much more comprehensive evidence which ultimately led the jury to find the case proved beyond reasonable doubt.

On that material, it is clear that the *Four Corners* program did not raise any new evidence and that, on all the information that I have, including the review by the Solicitor-General independently of the DPP, there is not any new evidence upon which one could grant the prayer of a petition either for a pardon or for the matter to be further considered by the Court of Criminal Appeal. I repeat what I said at the outset: if there is new evidence sufficient to throw doubt upon the verdict, there are means by which that can be reviewed and acted upon, not only by petition but certainly by petition, and I have given a public commitment that, in accordance with my responsibilities as Attorney-General, if there is that new material, it will be objectively and appropriately examined. If I am of the view that it is of sufficient weight to throw doubt upon the verdict, one of the options open is to refer the matter to the Court of Criminal Appeal.

I will not be averse to doing that if there is such weighty new evidence, and the fact that I have already done that more recently in another case to enable the Court of Criminal Appeal to examine a particular matter I think demonstrates clearly that I have an open mind on all of these matters if material is presented and presented appropriately. But if I am not satisfied, and there is still a view that it is new evidence and of sufficient weight to cast doubt upon the verdict, then it is open to a defendant, in this case a convicted prisoner, to raise that matter directly with the Court of Criminal Appeal and to face the judgment of the court.

The Hon. T.G. Roberts: Wasn't the program about the subjective interpretation of the original evidence rather than any new evidence?

The Hon. K.T. GRIFFIN: It is not a question of subjective assessment. The defence had the opportunity to challenge the evidence during the course of the trial, and that was challenged. They had a number of independent expert witnesses, and all that material went to the jury. The DPP, as a matter of prosecution policy, is obliged to call evidence even though it might be adverse to the interests of the prosecution. That is a public responsibility and duty, and I raised the question earlier that, if Dr Manock, who conducted the autopsy, had not been called, there would have been an adverse reflection upon the prosecution.

The Director of Public Prosecutions called Manock but did not rely on Manock as the sole evidence, but called a whole range of other evidence, all of which was as compelling, if not more so, including issues about the insurance policy out of which Mr Keogh would have benefited, than perhaps the evidence of Dr Manock. All of those matters go to the heart of the issue as to whether or not this motion should be carried.

It is not improper for the honourable member to endeavour to have the Council make a request of the Attorney-General, but I think it is inappropriate. That is the better way to explain it. I think it is inappropriate. There are legal processes available and I am disappointed that he has appeared to rely only on what was publicly promoted through the *Four Corners* program. There is a lot more behind the scene. There is a lot more information. There is the transcript of proceedings in the court. Let us not react superficially to something that is obviously being promoted for a particular purpose, and that is to discredit Dr Manock.

It is all very well for that to be pursued, and people have a right to do it, but, if they are going to do it, they should do so in a balanced way, looking at all the material that is available and not just the material that happens to suit the program and the objective of the program. I oppose the motion. I do not believe it is appropriate to go down this path for the reasons that I have indicated. I urge members to oppose the motion.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

REFERENDUM (GAMING MACHINES) BILL

Adjourned debate on second reading.

(Continued from 31 October. Page 2564.)

The Hon. R.I. LUCAS (Treasurer): I oppose the second reading of the Referendum (Gaming Machines) Bill. I am sure the Hon. Mr Xenophon is probably not surprised that I oppose this particular bill, and I guess the Hon. Mr Xenophon will be counting the number of sleeps that we have in terms of more parliamentary days before the next election, when he can enter the second phase of his eight-year program to rid the state of poker machines.

The Hon. Sandra Kanck: He is having a lot of effect, isn't he?

The Hon. R.I. LUCAS: I have to say there has been major impact. The government's tough new laws implemented earlier this year, I am sure, in part anyway, were as a result

of the ongoing debate that we have in this chamber about gaming machines. In relation to this particular bill, it is a bit simpler for many of us than perhaps some of the other bills in relation to gaming machine regulation that we have and still have on the *Notice Paper*. I oppose the bill on a number of grounds. The first is that we can have differing views on what is representative democracy. I know many people who put the point of view to me in relation to this bill; that is, the majority of people support, let us say, getting rid of poker machines from hotels, clubs, or whatever, therefore the parliament should represent the views of the majority and vote accordingly.

Indeed, in recent weeks, I have had a number of discussions with people who put that point of view to me not only on this issue but also on some other issues as well; that is, if the majority has a view, then elected members have a responsibility to represent the people and, if they do not, they are not listening, they are out of touch and they are not worthy of being members of the particular body, and that is not—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Crothers raises another argument, but the one I am raising at the moment is the more philosophical question of what is representative democracy. It is not just in relation to state parliament. We have had a recent debate about a local government decision in the Payneham area where the same view was put to me; that is, the local council which voted in a particular way should not have voted in that way because a particular group said that the majority of people did not support it. My view has always been—and I have had this debate for 20 years in the chamber, and it is a common one when you visit community groups, schools and others—that members of parliament are elected to make judgments on the basis of the merits of decisions.

Yes, they are—and members of the Lower House are more particularly there to represent the views of their community in some respects—but, ultimately, members of parliament are here to listen to the arguments and to make a judgment based on the merits and, at the end of every four years or eight years, they are answerable to their constituents as to whether or not they will be re-elected.

The most frequent example that I use relates to the difficult issue of capital punishment. I know a lot of people have come at me saying, 'Seventy per cent of people support the abolition of gaming machines, therefore you should vote that way.' However, when you put to those particular people, 'Okay, 70 per cent of people want capital punishment, should I vote that way?' it is interesting, because some of these groups come from the church constituency or religious constituency. People then say, 'Well, no, not on that because I do not agree with capital punishment.' I say, 'Well, neither do I. I do not agree with capital punishment either but I happen to be in a minority.' On the various occasions when we have discussed this issue, it just happens to be that a majority of members of parliament happen to have a view that is different from the view of the majority in the community.

I do not believe that is wrong. I do not believe that is inappropriate. I do not believe that it is an example of members not listening. It is an example of members certainly listening but, having made their judgments about the issue of capital punishment, coming to a different view. It is my view that, in relation to gaming machines, it is exactly the same thing. One would have to be relatively thick if one had not heard of the majority view of many people in the community in relation to gaming machines, albeit I would argue that, if they realised some of the consequences of the abolition of gaming machines, maybe some of them would change their minds. I would not say 'all' obviously, but maybe some would change their minds.

On a number of occasions, a majority of members of parliament in both the House of Assembly and the Legislative Council have taken views different from that majority view as indicated by opinion polls in the community. Again, I do not believe that is wrong. Again, I do not believe that it is inappropriate, and again I do not believe that it is an example of members of parliament refusing to listen or indeed to respond. Of course, it can be hard if one wants to be marginally consistent in this game, because one of the most vocal recent critics of gaming machines in South Australia was the morning newspaper, the Adelaide *Advertiser*, which, of course, was one of the major advocates for the introduction of gaming machines at the time of the introduction of gaming machines in South Australia.

It indeed editorialised it. I know that the Hon. Frank Blevins loves to circulate a copy of that particular editorial. Every time this issue is raised in parliament and he sees another editorial or front page news story from the *Advertiser* railing about the evils of gaming machines—I know where it comes from, he does not have to sign it—a copy of the *Advertiser* editorial at the time editorialising that we should support the introduction of gaming machines ends up on my desk or in members' boxes, whichever is the appropriate place.

That is a key issue for me in relation to this bill. I do not believe that on issues such as this there is anything wrong with members of parliament taking decisions which are different from the community's majority view. This bill is spawned by the Hon. Mr Xenophon's frustration because he believes that the views of the majority of members of the community (which he happens to share) are being frustrated by a majority of members of parliament. And so what he seeks to do is to use the vehicle of the referendum to impose his view and the majority community view, if that is the case, on—

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: It might be good politics, but it does not mean that we have to agree with it. A lot of things the Hon. Mr Xenophon does are good politics for the Hon. Mr Xenophon, but, in the end, we can certainly take a different view, and we do in relation to that particular approach. If we are to say, 'Okay, the people shall decide on pokie machines,' then what is the difference from the people deciding on capital punishment? The issue for the Hon. Mr Xenophon if he replies is: why is it appropriate for the community to make the final decision on gaming machines and not on certain other areas? Does he support therefore that the community should make the final decisions on issues such as capital punishment and a variety of other controversial issues that the parliament has decided, for example, the difficult area of euthanasia? Is he saying that a simple one sentence question put to the community on a referendum is sufficient to make changes in relation to the euthanasia laws in South Australia?

I do not believe that to be the case, and I believe that my view is consistent in relation to whether or not it is the parliament that is elected to make these decisions or whether it should go out to a mass campaign and whoever has the most amount of money and can at least in part sway opinion

one way or another ought to be the ones who can prevail in terms of new laws. One only has to look at the proposition fiascos in the United States, particularly California, where literally tens of millions of dollars were spent on various propositions that were moved one way or another in citizen initiated referenda. They cut taxes, then they did not have any money, then they wanted more spending and you had all those sorts of things.

Why is that? Because these issues are not as black and white as the media make them out to be and the community sometimes thinks them to be. That is why we elect governments and have oppositions, for all their warts and problems. They are elected to sit down, slog through it and make difficult judgments and decisions in balancing these issues and ultimately having to say,'Okay; we would all love to get rid of property taxes—' or whatever it is that the Californians voted to get rid of—'but we know that if you do that you will not have money for schools and hospitals or whatever else it is.'

So, you lurch from one massive referendum campaign to another, where they vote to get rid of the poll tax and all of a sudden the pips start squeaking in terms of the hospitals and schools and you then have to vote the other way to spend and raise different taxes to deal with these issues. That is why we elect parliaments and why we have governments. It is a view I have had consistently for 20 years. It is a challenge for the Hon. Mr Xenophon. I can understand the politics of this because, as I understand it, ultimately it will get voted down and he will be able to blame that uncaring, unlistening lot in the old political parties, as Tash now likes to call us, and say we are not listening or caring and we do not understand.

I can understand the politics from the Hon. Mr Xenophon's point of view. If he wants some consistency in his argument, he ought to respond to the question about whether, if he is now going down this path, he supports mass referenda on issues such as capital punishment or euthanasia where the majority view might be different from his own—or is it appropriate to have referenda only when they agree with his views?

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: That is the challenge for the Hon. Mr Xenophon, and I think he has to respond. He sees support out there for his view, and therefore it is appropriate to have a referendum. Is he saying that only when the majority view agrees with his that he will move for referendum in this place? Maybe, to be consistent, he will move referenda for capital punishment, euthanasia and a variety of other issues where the majority view is different from his own or, if someone else moves for a referendum in relation to those areas, he will support it. The issue for the Hon. Mr Xenophon is whether the parliament or the majority view out there ought to make the final decisions in relation to these issues. That is the fundamental and principal reason why we are opposing the bill. There are many other practical reasons. Various questions have been put. The first is, 'Are you in favour of continuation of the freeze?' Someone might say yes to that. The second is, 'Are you in favour of the removal of all existing gaming machines?' Do they get the option in this? Can they choose only one option?

The Hon. Nick Xenophon: The bill provides that if you vote yes it depends on which question is passed. You can vote yes for one and no for the other.

The Hon. R.I. LUCAS: But you can vote yes for all of them.

The Hon. Nick Xenophon: You can vote yes for all of them.

The Hon. R.I. LUCAS: The Hon. Mr Xenophon is kind enough to refresh my memory. My recollection was as he has indicated: that you could vote yes for all of these. If I am correct, you could end up with people being in favour of a freeze and also in favour of the removal of all existing gaming machines. For example, in relation to option two, the majority could vote for the removal of all existing gaming machines from hotels but not from the casino or clubs; the majority could also vote for the removal of all gaming machines, including from the casino, hotels and clubs. Option four asks, 'Are you in favour of requiring all gaming machines to be fitted with devices or mechanisms designed to prevent betting on any machine at a rate of more than $1 per minute?' The Hon. Mr Xenophon may have greater faith in the referendum process than I, but I think it is quite possible that you will get yes votes to a number of these. The issue would then be what you would do.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: I do not think it is preferential voting.

The Hon. R.I. LUCAS: The Hon. Mr Xenophon might like to explain how that might be resolved. It might not make sense, but many of the propositions that ended up getting voted for in the United States did not make much sense either; they were not consistent. That is, it might be logically consistent that if people voted for removing pokies from hotels but not from the casino they would not then vote for the next proposition, which is to remove them from all venues. I do not know how many times over the past 30 years the Hon. Mr Xenophon has stood on polling booths. I am not sure that one can always rely on everyone who votes in these referendums or state elections necessarily having considered each and every detail of what they are being asked to vote for or against, if I can put it kindly.

The Hon. M.J. Elliott: That's how Howard got in.

The Hon. R.I. LUCAS: The Hon. Mr Elliott indicates that that is how Mr Howard got in. I suspect that the majority of people probably had a view on one issue in particular. Having been on polling booths for nearly 30 years, I put that as delicately as I can. I saw a show on the ABC on Monday night called *Election Chaser* which did interviews with people indicating their views, and they said, 'This person will vote next Saturday'. It is perhaps a fair indication of where I am heading: people have not necessarily been through a comprehensive education program on the policies of the parties and individuals before they make their decision. People make their judgments for a whole variety of different reasons, and it is possible that you will not get a logically consistent response to the four propositions which were put by the Hon. Mr Xenophon and which I understand Mr Lewis endeavoured to put in another place. The Hon. Mr Xenophon needs to work through the practical solution for the issue.

There are a range of other technical and practical issues that I would have raised if there was any likelihood of this being passed. Should I be surprised and the second reading continues into committee, we will have this debate in the committee stage, but I will spare members an unnecessarily long second reading contribution by just resting on those two principal reasons. I will not recount the first one. With respect to the second one, I think there are some significant problems with the drafting of the propositions for the referendum.

As with any referendum, they have to seek to encapsulate difficult issues in just one sentence, and in this case we have

not one but four. It might not appear possible, but what would happen with mutually inconsistent results coming out of the referendum? Who chooses and what then happens under the Hon. Mr Xenophon's scenario if we get mutually inconsistent referendum results coming out of the referendum? For all those reasons I would urge members of the Legislative Council not to support the second reading of this bill.

The Hon. M.J. ELLIOTT: I agree with a fair amount of what the Hon. Robert Lucas has said about some of the difficulties that are before us. The Democrats support the use of referenda, but I have a personal view that referenda should be of an indicative type. There is no question that referenda are used highly successfully in Switzerland and often without problems in the United States, but it is also true from time to time that you will have referenda passed which are contradictory or, as a result of an attempted simplification of the question, create a complex set of problems.

I indicate that at this stage I am prepared to support the second reading because I do not have a problem with a referendum on a question of this significance. However, I think it should be an indicative ballot that provides guidance to the parliament and does not bind the parliament. If that were not so I think it would produce a great deal of coercion, almost, on the parliament. If a vote is carried by a significant majority and parliament chooses to thumb its nose at it, that would be far more difficult than to simply thumb your nose at an opinion poll or anything else.

I think it is worth while. I also think the reasons put forward by the Hon. Robert Lucas about the difficulties of a ballot as currently structured in this legislation are valid. If the bill did pass the second reading I would be looking to move significant amendments so that it became an indicative ballot as distinct from the sort of referendum that is currently proposed.

The Hon. P. HOLLOWAY: The opposition also opposes the bill. The Treasurer has outlined some of the difficulties with it. He referred to technical problems and to the issue of citizen initiated referenda and how they had created problems, for example, as Proposition 41 did in California. He also talked about the need for responsible government.

In outlining our opposition to the bill, the only additional point I make is that earlier this year the parliament established an Independent Gambling Authority, which has a number of functions set out in the act. That act was supported unanimously by the parliament. One of the functions and powers of the authority under clause 1(1)(aab) is:

> . . . to undertake, assist in or coordinate ongoing research into matters relevant to the authority's functions, including research into—
>
> (i) the social and economic costs and benefits to the community of gambling and the gambling industry.

There are a number of other grounds (that I will not go into now) that the authority was to research. It begs the question: why have an Independent Gambling Authority that is to make recommendations to the parliament? Presumably there is a cost in establishing and operating the authority. One of the principal focuses of the authority is the issue of problem gambling in relation to poker machines: that is its main objective. Surely we are pre-empting that—the parliament having set up the authority not that long ago and having asked it to do this job. If this referendum were to be carried it would override the need for having the authority in the first place.

More importantly, there is the question that if we were to have a referendum we would also need to look at the broader implications if it passed. If we were to take poker machines out of circulation, it would have substantial economic consequences for the state. One would need to ensure that the public was informed of the options, that it is not just a matter of ticking boxes without it having any impact on the economy. Quite substantial costs would be involved, and the public would need to be made aware of that.

Like the Treasurer, I believe that we are elected to this place to make these tough decisions. If the people of the state do not like what we do they will take the appropriate action at the election.

The Hon. A.J. Redford: Like they did last Saturday.

The Hon. P. HOLLOWAY: That's right. People make their choices, and that is what we are here for. The appropriate course of action for us to take is to allow the Independent Gambling Authority to do its job. Hopefully it will come up with workable solutions that will enable poker machines to exist in the community so those people who enjoy them—and many tens of thousands of people enjoy using them and do not get into problems—are able to do that. If we were to remove the element of those machines which leads to problems, that would be a fantastic outcome for everybody, but we can only do that if this new authority is given the chance to do its job. With those brief comments, I indicate the opposition will oppose the bill.

The Hon. A.J. REDFORD secured the adjournment of the debate.

[Sitting suspended from 6.01 to 7.45 p.m.]

QUESTIONS WITHOUT NOTICE

Adjourned debate on motion of Hon. M.J. Elliott:

That the Standing Orders Committee of the Legislative Council prepare amendments to the standing orders to provide for a significant increase in the number of questions without notice asked each sitting day.

(Continued from 31 October. Page 2564.)

The Hon. R.I. LUCAS (Treasurer): I have circulated an amendment, and move:

Leave out all words after 'Legislative Council' and insert 'be asked to consider the operation of question time in the Legislative Council, including the average number of questions without notice asked and, if considered necessary, to recommend possible changes to the standing orders'.

I do not think that there will ever be a perfect set of arrangements as it relates to the standing orders of any chamber of the parliament. Clearly, given the adversarial nature of our parliaments these days, there will be differing views about the satisfactoriness of the current arrangements as they relate to standing orders for question time not only in this parliament but in other parliaments that might have different standing orders relating to their question times. I acknowledge that at the outset. It is an area where people can genuinely have different positions and perspectives on what is to occur in question time.

Having spent almost 20 years in the parliament and 30 years involved in politics in South Australia, I guess I can provide some commentary—as can others from their own perspective—about how question time is conducted. In the past four years the government consciously has made a

number of changes to question time. I cannot remember the exact dates of some of these changes so I will stand corrected. I guess if you look at the past eight years, we have made a number of changes which were a genuine endeavour to improve the operation of question time and the access of members to opportunities to put a point of view.

In opposition we were frustrated about not having an opportunity to speak on issues in the Council that might be of particular interest to individual members. The usual device was to construct a question which enabled you to make your statement and then ask a question at the end, thereby enabling some circulation or publicity for the view that you wanted to put. As a result, we argued strongly for and were delighted that there was agreement in the Council to introduce the seven five-minute grieves on a Wednesday afternoon.

That was intended—and it has not worked out that way, I am frank enough to concede—to give members, where they had something they wanted to get off their chest, five minutes to put a point of view without having to use the device of question time to put their point of view before asking a question.

It certainly has given members the opportunity to put a point of view on those issues, and it has been good from that point of view, but if I am speaking frankly I do not think it has achieved some of the original intention. It has provided that opportunity but I do not believe it has made too much difference to the construction or length of questions from non-government members in the parliament. There is genuine criticism—and I accept that—about the length of answers from ministers sometimes. If one is looking at the length of questions that are asked sometimes, let me concede that that is a problem on all sides of the political fence in the upper House—government, opposition, Democrat and Independent, but less so the Independent. To be fair, the Hon. Mr Xenophon is noted for his brevity in asking questions.

The Hon. Carolyn Pickles: What is the longest question?

The Hon. R.I. LUCAS: I suspect there would be one on our side, and the Hon. Terry Roberts would be nudging him, as he wanders through his newspaper. The Hon. Mr Gilfillan is not known for short questions either; indeed, as he has got older his questions have got longer. It is not a—

The Hon. R.R. Roberts: What about your answers, too?

The Hon. R.I. LUCAS: I concede that perhaps my answers have been longer than they should have been on occasions. I am not taking an opportunity to score a political point: this is a genuine acknowledgment that sometimes questions are longer than they might be from all sides of the chamber. Certainly, in the chamber where there is limited time for answering there is also limited time for questioning. If this chamber wants to look at putting time limits on answers and questions it will need to look at the Senate. It will also need to consider the fact that it will mean much tighter and shorter questions. Occasions such as today when a four pronged question was asked of the Minister for the Arts certainly will not occur. I know that on occasions I have had seven, eight and nine point questions from the Deputy Leader of the Opposition as part of question time. That is certainly not allowed in the standing orders of some other parliaments. They would be the sorts of issues that I think standing orders—

The Hon. Carolyn Pickles: It's very inflexible.

The Hon. R.I. LUCAS: Yes, it is inflexible. As I said, I do not think there is a perfect set of arrangements for question time, and I am quite happy to engage in a discussion about it. In doing so, the point I want to make at the outset is that one thing I have respected about this chamber is that in my 20 years of involvement I do not recall an occasion when a change to standing orders has been jammed through by a simple majority of this chamber, under a Labor or Liberal government. There was one attempt—

The Hon. T.G. Cameron: It won't happen this time either; you and they will get together.

The Hon. R.I. LUCAS: No. When I say a simple majority—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: This is not a change to standing orders: this is a process. I think the Hon. Mr Elliott will probably concede this. On a number of occasions when both Labor and Liberal had a particular point of view, in my eight years as leader I have certainly consulted with the Hon. Mr Elliott. The Hons Mr Cameron and Mr Crothers have come along only in the past couple of years and it has not really occurred during that time. I think on one occasion—

The Hon. T.G. Cameron: He's been here for 14 years!

The Hon. R.I. LUCAS: As an independent. I consulted the Labor Party and for the bulk of those 14 years the Hon. Mr Crothers and the Hon. Mr Cameron were part of the Labor bloc. I have consulted in recent times and on the last occasion with the Hon. Mr Xenophon when an issue was raised early in this term. I strongly support that point of view. Ultimately it is for my party room to decide on standing orders in the future. Even if the two major parties had a view on standing orders which was to the detriment of the six non-major party members, if it could not be agreed, in my view it should not proceed. It is not written down anywhere; it is a convention of this chamber which has been respected under Labor and Liberal governments. It has not been respected in another place. As each new government came in they had the numbers to jam through changes to the standing orders. They made use of the numbers. That is completely legal. There is no question about its legality but, with respect to the conventions of this Council, as long as I am in it and have an individual view—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: No, it is not just me, but I think all of us—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: Down there they are; that is true. I think all members of this chamber have so far respected that convention, and I hope we can continue to respect it. That is, in the end, if there is to be a change to the standing orders, that there be unanimous agreement on it. That is more challenging the more flavours there are in the chamber, because in the past there have been only three flavours. We now have six flavours in the chamber, and of course that will make it harder, but I think that is nevertheless an objective and a convention worth defending. I hope that we can continue to approach things in that way.

That is why I am happy to support a reference to the Standing Orders Committee. I know that not all six Independents and four different versions of the Independents are represented on the committee. The way we have tackled it in the past is that, while there is a discussion in the Standing Orders Committee, before anything comes back there is a discussion with all those not represented on the Standing Orders Committee. Certainly I indicate that the view I would take with the Standing Orders Committee is that there would be opportunity for discussion with all the people who are not represented on the Standing Orders Committee; then, if there is to be any change, that recommended change can come

back. If there is no agreement, in my view nothing should be jammed through by the majority of members in relation to our standing orders. That is a general principle in relation to questions.

In relation to this issue, as I said, we have made some reforms in a genuine attempt to try to provide additional opportunities for non-government members. One has been the grievance debates. Secondly, there have been a number of minor changes. Contrary to what occurred when we were in opposition, we now do not require the opposition to stand up and take an opportunity to ask whether a minister has an answer to a question they asked two or 16 months ago. In all my time in opposition we had to use up our precious question time—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I think we might challenge that. In opposition we had to take up precious question time by standing up and asking, 'Has the Minister for Local Government an answer to a question I asked on 15 August?' and the minister would stand up and have to read the answer in full. I think there have been a number of improvements which have increased the time available for questions. We have taken out some motions and such matters which we now do at the start of question time. When we were in opposition a device used to be available to the government which would enable three minutes at the start of the 60 minutes where motions were moved and notice was given which took time out of the 60 minutes.

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: I am advised that ministerial statements were also made; I think that changed towards the end. There were a number of procedural matters which governments rightly could do and which ate into question time. You might lose five, six or seven minutes every day as these sorts of matters were quite properly dealt with by ministers under the old regime. That has been changed. We have provided an automatic process at the end of question time where, if a minister is answering a question, the response can continue automatically without the minister's having to seek leave, whereas in the past a specific motion needed to be moved to enable the minister to continue to respond.

There have been a number of genuine attempts, which were all agreed in general discussion, I think, at the last meeting of the Standing Orders Committee. A number of changes were discussed by the Standing Orders Committee and, at the time, all members agreed to adopt a number of those changes to try to provide more opportunities in question time. In relation to the number of questions, I am indebted to the table staff and the President who keep a religious record of the questions.

Certainly prior to this parliament—up until 1997 (and I would have to check exactly how many days)—there were 81 question times. The average number of questions per day was 9.5. Since that time, the average has increased to 10.5 plus two supplementaries a day. I must say that the use of supplementaries by all members is now much more frequent than it used to be when we were in opposition. It was a rare thing to occur in the olden days, when we were in opposition. The standing orders have not changed: it has just been the convention. It has become more frequent. On one occasion there were four supplementaries to one question. I think that, on one occasion, the Hon. Mr Holloway asked me a question and supplementaries came from all over the place.

In the past, I believe that Presidents ruled—incorrectly, I believe—that there could be only one supplementary question. The standing orders do allow for more supplementary questions to be asked, and I believe that that has been correctly interpreted. This is an update: from March to October 2001 there were 38 question times. So, in the most recent period this year, the average has been 10.5 plus two—12½ questions and/or supplementaries during that—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: I think that is a bit harder. I think that there are numbers here—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: Yes, the figures are available; I will read this table. I do not have the period for 2001 but, if I take 1999, for example, it looks like there were 5.5 (I think I am interpreting these figures correctly; if not I will have to correct the record later) per week from the Labor Party, 2.5 from the government—

An honourable member interjecting:

The Hon. R.I. LUCAS: —per day—2.5 for the Democrats and 1.8 for the Independents. Then, in the first session of 2000, it was 4.5 for the Labor Party, three for the government, 1.8 for the Democrats, 1.4 for the Independents, and—

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: There is a fair bit of handwriting on the side. Then, in the last part of 2000, it was 4.4 for Labor, 2.5 for the government, two for the Democrats and 1.3 for the Independents. Once we get into the numbers, we can make them go in whichever direction we want. I am saying that, at least on those figures, in 1997 just prior to this parliament, the average was 9½. It has now increased in 2001 to about 12½ questions, including supplementaries. I am the first to acknowledge that there are occasions that we do not get to that average but, on other occasions, we get more, and that is obvious.

I am not easily offended—perhaps disagreed with is the best way of putting it—but the Hon. Mr Elliott put the point of view that I kept a weather eye to the end of question time and endeavoured to filibuster—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: You said Cornwall and then, after that, you said that I did it. I must say that, in eight years in this parliament, with due respect, I have no fear in saying that I have never looked to the clock and worried about having to see out question time in this chamber.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: I am not going to say that, but I will just say that I have never looked to the clock. I may well have lengthy answers in the early part of question time generally, but I can assure members that it is not to look at the clock to say, 'Well, we have five minutes to go. I will talk for another five minutes so that we cannot get another question.' With due respect to the opposition, the quality of the questions has not necessitated my having to do that.

An honourable member interjecting:

The Hon. R.I. LUCAS: We can talk about—

An honourable member interjecting:

The Hon. R.I. LUCAS: That, indeed, is one of the issues.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order, the Hon. Mr Redford!

The Hon. R.I. LUCAS: We have continued the convention of three questions—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: You can say 'fair enough', but there are others in this chamber who perhaps do not necessa-

rily agree that that is fair enough, because when the opposition is—

An honourable member interjecting:

The Hon. R.I. LUCAS: No, when the opposition—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order, the Hon. Terry Cameron!

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! There is one person—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: When the opposition has only six members—and that would be the smallest, I think, other than the days when it was 16 to four—there has been debate about that. There are conventions. They are not in the standing orders but they have been conventions which we have observed in this chamber for many a day. My view, again for the benefit of the Hon. Mr Cameron and others, is that, unless we can get agreement from all members in this chamber in relation to changes to the standing orders, I will not support any change. It is not a question of clubs getting together in terms of jamming through a majority view over the minorities.

I will defend that, and I believe I speak on behalf of my colleagues. They have certainly supported that position in all my time in this chamber, and I hope we will continue to support that position in relation to these issues. There are aspects of question time that are not in the standing orders, and the issue which we have just discussed is a perfect example. It is a convention that the first three questions come from the official opposition. That will become an issue if, ultimately, people say, 'We must put everything into the standing orders.' We will then have to look at how you translate that convention into a standing order. However, the first question must be: do you want to? I think there are some conventions that, hopefully, men and women of goodwill can work through in terms of the way we operate, so that we do not have to put everything—

The Hon. T.G. Cameron: Where are we going to find them in this place?

The Hon. R.I. LUCAS: The Hon. Mr Cameron is here and the Hon. Mr Crothers. We can start with two on the backbench who can show the way in terms of goodwill. On these issues, in relation to our processes, hopefully we can have some agreement and hopefully we can continue with the conventions. I pay tribute to the Leader of the Opposition, the Hon. Carolyn Pickles. In her time she has respected that issue in terms of the standing orders. The only other point I would make is that all members have the opportunity—because I am not going to put all the figures down—to discuss this matter with the President in terms of question times, the numbers and those sorts of things. The information he has is available for all of us to peruse.

The Hon. Mr Elliott mentioned that in some question times he has not had an opportunity to ask a question. In the scheme of things—again, this is not in the standing orders and is probably contrary to the standing orders where members should stand and it is whoever gets recognised first—we do have a batting order and we do try to organise who comes after the first three questions and then alternative—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: Okay, there might be. In that particular batting order—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: The Australian Democrats are meant to have had their second question by question 10, and the Independents are meant to have had their second question by question 11. As I said, our average is 10.5 plus two supplementaries (if we did not have the supplementaries, we would probably get our 11 average each day—

An honourable member interjecting:

The Hon. R.I. LUCAS: Dorothy dixers have always been a part of parliamentary question time.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The point I am trying to make is that if in a normal day—and occasionally matters occur during the pressure of question time—we get to 10, the Democrats get their second question; and, if we get to 11, the Independents—No Pokies, Independent Labour and SA First—get a second question. On occasions—and again I invite the Hon. Mr Elliott to have a look at the information from the President—

The Hon. M.J. Elliott: I have had one question all week.

The Hon. R.I. LUCAS: I am just trying to explain that there have been a number of occasions—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I make the point that there have been a number of occasions when the Democrats have had an opportunity for a second question and they have not taken up that opportunity. That might have been—

The Hon. Ian Gilfillan: When has that happened?

The Hon. R.I. LUCAS: The dates are here—30 October, 1 November, 25 October and 3 May.

The Hon. M.J. Elliott: There were 10 seconds left on the clock. You ought to check your facts.

The Hon. R.I. LUCAS: I hope we can have this discussion without it ending up in a barney.

The Hon. M.J. Elliott: You are putting stuff on the record which is quite misleading.

The Hon. R.I. LUCAS: You put it on the record: you asked for it in your response. You raised these issues and I am saying, if you would like to, to sit down and look at the numbers. There are occasions when there are explanations other than the Democrats being done in the eye deliberately by the government, or whatever else it is. That is all I am saying.

The Hon. Ian Gilfillan: Every day we organise to have two questions.

The Hon. R.I. LUCAS: If you get to question 10, then the Democrats get their—

The Hon. Ian Gilfillan: We don't get called and we run out of time.

The Hon. R.I. LUCAS: If we do only nine questions, you miss out on the second question, that's right. And there have been a number of occasions when there have been only nine questions asked for the day, for a variety of reasons, and then the Democrats miss their second question, the Independents miss their second question—

The Hon. P. Holloway: We got only three yesterday.

The Hon. R.I. LUCAS: No, it was not. I think it was eight or nine, plus two supplementaries.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, you might have, but the questions were about eight or nine plus two. That is how easy it is to forget what happens, when the Hon. Mr Holloway thinks there were only three questions yesterday. As I said, look at the numbers and work through the process. There are

occasions when it does not work as it should, but there are also occasions when it does, if we are honest about it. I know I have been in the chamber towards the end of question time on a particularly deadly dull and boring day and at questions 10, 11 and 12, or whatever it is, the Hon Carmel Zollo has got up with a second or third question, or whatever it might be—

The Hon. J.S.L. Dawkins: Ron got up with three one day.

The Hon. R.I. LUCAS: Well, Ron got three one day, or whatever it is. So, on occasions, that has occurred because Independent members and Democrats have not been here for their second question. That is infrequent. I acknowledge that. It is not meant to be a criticism, but it occurs occasionally.

So, I summarise by saying that the government is happy to have a genuine discussion about the issue of question time. Ultimately, this issue will be one for either a re-elected government or a new government to implement in the first session after March-April next year. So, whether it is actually the motion of the Hon. Mr Elliott or, indeed, it is the amended motion that I have moved, it is not going to impact on the parliamentary session in this parliament. Its first opportunity to impact will be in the next parliament, as I said, by a re-elected government or a new government which can then look at the—

The Hon. P. Holloway: The composition will be quite different, anyway.

The Hon. R.I. LUCAS: The composition will be different, but at least the body of the work will have been done and a new Standing Orders Committee can look at it and say, 'Yes, we agree with it. We will have this debate with members in the chamber and see whether we can get a consensus,' or they can say, 'We do not like what that lot did and we will do something different.' Of course, every parliament can make its own judgment but, as I understand the Hon. Mr Elliott's motion, he would like some work done on it. We are happy for that work to be done without pre-supposing the solution that is implicit in the motion from the Hon. Mr Elliott. I think, if, in the end we do, as a chamber, go down the path suggested by the Hon. Mr Elliott, we have to think through the consequences of that in terms of either restricting the time on questions, the number of parts to a question or, indeed, potentially imposing time limits on answers. Or, do we then just have an open-ended question time which goes for a significantly increased length of time? If the average is 10.5 plus 2 supplementaries, that is 12½. A significant increase on that, I presume, is another five or six, so it might be that we have question time going for an hour and a half or an hour and three quarters every day rather than the hour. Again, some parliaments around the world have longer question times. That is an issue, again—

An honourable member: Some have shorter, too.

The Hon. R.I. LUCAS: Some have shorter question times. That is an issue, again, for the Standing Orders Committee to address and, ultimately, to come back and recommend some change.

The Hon. NICK XENOPHON: I support the Hon. Mike Elliott's motion. I commend him for bringing this motion forward. I note the comments of the Treasurer and I take on board that the Treasurer is willing to look at this in the spirit of consensus. But I think that there is a genuine concern on the part of the Hon. Mike Elliott and of crossbenchers in this chamber with respect to question time. The fact that the Hon. Mike Elliott has on some occasions got only one question per week is clearly not satisfactory. That has happened to me on a few occasions—not many—and I think that, in terms of the Hon. Terry Cameron and me, we get, on average, about two questions a week. That average would be even lower if the Hon.—

The Hon. T. Crothers interjecting:

The Hon. NICK XENOPHON: I was just going to say that. I was going to make the point that that is only because the Hon. Trevor Crothers is gracious enough to cede to both the Hon. Terry Cameron and me in relation to questions. So, I think it is important that this is looked at by the Standing Orders Committee and that it not be something simply worked out between the major parties. There should be broader consultation and the crossbenchers should be involved in relation to this motion. If you accept that question time is an axiomatic part of the Westminster system of accountability, then I think that this motion has—

The Hon. Carolyn Pickles: It is much tougher in Westminster, believe you me. You might get a question once a year.

The Hon. NICK XENOPHON: The Hon. Carolyn Pickles says that it is much tougher in Westminster. Maybe we should look at—

Members interjecting:

The Hon. NICK XENOPHON: That is right. The Hon. Carolyn Pickles makes the point that it is much tougher in Westminster but I think that if there are 650 members—

The PRESIDENT: Order! There is only one member called. If honourable members keep defying the chair, I will take action.

The Hon. NICK XENOPHON: With 650 members or so I think the odds are against you. There are only 22 of us here, less ministers, which leaves about 16 on the floor. I think that we ought to look at one of the suggested solutions, which is to ensure that members get a set number of questions at least each week. That could mean a longer question time, but I wonder whether simply having more questions could act as a self-limiting factor on both ministers and honourable members. I think it is quite valid to look at how long explanations and parts of a question should be.

An honourable member: And preambles.

The Hon. NICK XENOPHON: And preambles. I think I am noted for my brevity in preambles. But I think, then again, putting a time limit on preambles ought to be considered seriously. I think my longest preamble was in relation to a question about the probity in relation to a contractor for the Lotteries Commission and I needed two or three minutes to set out what the concerns were and to refer to publications that raised those concerns. So I think that there are valid reasons, sometimes, for a lengthy explanation but I wonder whether those lengthy explanations are needed in all the instances that we see in this chamber.

Having said that, I support the motion. I think that, notwithstanding that there will be a new composition for at least half the members here after the next election, we ought to look at this over the break.

The Hon. T. CROTHERS: I have noted that the last two speakers have occupied a sufficiency of time for us to have done 5½ questions. Let me, first, take a defensive posture in respect of your good self, Mr President. You have tried very hard to make the time we have at our disposal in question time work. But, I will tell you, Mr President, and I will tell the man who has been giving us all sorts of algebraic, Einsteinean equations, the Treasurer—none of which has been any good: I had to go and get my logarithm tables, sine

and cosine tables to see whether I could follow what he was saying. The fact of the matter is that today this Council is composed differently from at any time in its past since probably before the Second World War. You would have to go back to prior to the Second World War to find a Council which is so disparate in its composition, and therein lies the problem.

In spite of the fact that he has tried hard to be very fair in respect of the hour that we have for question time, I just remind our Einsteinian Treasurer that five into six will not go evenly, no matter what you do. I accept the fact that the Labor Party is the official opposition party and, as such, its front-bench is entitled to have the questions a la common rule ever since I have been here.

The question that I would raise, however, in respect of what Ron Roberts said by way of an aside to me, and I agree with him, relates to the rights of government backbench members in respect of taking it in turns to get a question. That is what is at stake if you want to make five go into the hour correctly. I have stood down, as the Hon. Mr Xenophon has said, from taking my turn in question time so that the younger members such as the Hon. Mr Cameron and the Hon. Mr Xenophon—

The Hon. T.G. Cameron: Oh, thank you, younger!

The Hon. T. CROTHERS: Not as wise perhaps but a little younger. Because they will both be here if and when I go from this Council, I have done that to try to make the time stretch a little bit further. Even with only two Independents getting questions, they do not get as many as the Democrats. It seems to me that one of the weaknesses is that (and I used to make the same error when I was in the chair at meetings), if someone belongs to a particular organisation, they have more rights than someone who might be a one-out or just an Independent. I do not want members for one moment to think that I am implying that about the President, because that is part of our collective unconscious psyche.

The President has done the very best any human being can do with the time. The fact is that, because of the disparate nature of the Council now, with four ministers, five Liberal Party backbenchers, three shadow ministers and three Labor Party backbenchers (and, because they are the opposition, I think they should get questions), I think that three Independents should get at least as many questions as the three Democrats, yet we do not. There must be a weakness in the system because, when the Treasurer was standing up talking about it, he said that the eleventh question went to the Independents in this Council. That is unfair by its very mathematical nature. That means that, if there are three Democrats and three Independents, we are always going to get fewer questions than the Democrats. That is not right.

I do not think the Democrats get overendowed with questions either, and I am not saying that. I am simply saying that involved in the statement that the Treasurer has put forward to justify his stance is an inherent anomaly which weighs heavily on the Independents. That is what I am saying. I am saying that never at any time since prior to the Second World War has this Council had such a disparate composition—never.

Commonality dictates that there must be some adjustments in question time, which is why I will be supporting the Hon. Mr Elliott, so as to make sure that the democratic juices will always flow through question time, that democracy is alive and well, and that no-one is favoured in the people's parliament, in the house of review.

The Hon. R.R. Roberts: Are we a house of review?

The Hon. T. CROTHERS: That is right. That is what the government has repeatedly said it is. I am only echoing the government, and the Hon. Ren DeGaris in particular.

The Hon. T.G. Cameron: Mike Rann says it is a house of review.

The Hon. T. CROTHERS: Who?

Members interjecting:

The Hon. T. CROTHERS: Whether he is right or wrong, enshrined in what the Treasurer has said is an error that is grievous enough to ensure that something is done about question time, not just in this parliament but in every parliament. It should be done at the commencement of the parliament so, if there is a disparate number of people involved and question time is worked out at the beginning of the parliament by the Council itself so that everyone can get at least two questions a week, that is the answer. I do not blame the President; in fact, I admire him for trying his best to make an unworkable system work.

The Hon. T.G. Roberts: Brown nose.

The Hon. T. CROTHERS: Of course. It is an unworkable system and this Council has to do something to correct it. I do not blame the government, the opposition or anyone. Five will not go into six evenly, no matter how hard you try. I rest my case.

The Hon. T.G. CAMERON: I rise to support the motion standing in the name of the Hon. Mike Elliott, but I do so in the knowledge that I have not had a close look at it; indeed, I have not even properly read the amendment that has been moved by the—

The Hon. Carolyn Pickles interjecting:

The Hon. T.G. CAMERON: I have had a look at it but I have not properly considered or read it.

The Hon. Carolyn Pickles: Three lines, it is so complex!

The Hon. T.G. CAMERON: She really is a charmer isn't she, Terry?

The Hon. T. Crothers: Absolutely. Give her a kiss.

The Hon. T.G. CAMERON: Gee whiz. I will continue despite the interjections from the Leader of the Opposition. I pick up a point that the Hon. Trevor Crothers raised. I would be more critical of the President, both inside and outside the chamber, than probably most in this place. I have sat here and wondered whether he had myopia, whether he needed a hearing aid or whether he just did not like me. I think the Hon. Trevor Crothers has summed it up more accurately than I could do. We have given the President a dog's breakfast to try to deal with. I accept what the Hon. Trevor Crothers is saying, that the President has done his best to try to ensure that there has been some degree of equity in terms of who gets what questions.

Despite my wailings at times, Mr President, I think that the Hon. Trevor Crothers is right—there is no malice intended in who you recognise. The problem you have is that you have an imperfect system that the members of this Council expect you to preside over perfectly. I am afraid that, no matter how hard you try, two does not go into five accurately. However, despite the fact that obvious anomalies are occurring with question time, if we are going to be fair in this debate we should examine all the shortcomings that arise in question time.

First, some members take an inordinate period of time with their preambles. I think it is inexcusable and in its own way it shows a lack of respect for their peers. In a 60-minute question time, when you know that 11 people are sitting on a question that they would like to get up, to stand up and

waffle on, wallow and self-indulge in your own rhetoric for eight or 10 minutes—the record preamble that I have counted while I have been here, and I do not intend to name names; you have all gone red, you know who you are—

The Hon. Carolyn Pickles interjecting:

The Hon. T.G. CAMERON: I am talking about question time where we have a limited 60 minutes. My understanding of the standing orders in this place is that, if you wish to speak on a particular matter, if the President considers that you have been relevant, you are not repeating yourself and so on, then you can speak for as long as you like. I do remind members that I did have approximately 2¼ hours of absolute and arrant bullshit (which was put forward by the Hon. Legh Davis) to try to rip up. We do not want to go into that. What I am talking about here is that, knowing that we have only 60 minutes and knowing that members have questions which they wish to ask, one would have thought that it would be possible to condense a preamble into at least three or four minutes. No-one in this chamber should go longer than five minutes with their preamble, and I include all members of the chamber when I say that, not only members of the opposition but some members of the government—

The Hon. L.H. Davis interjecting:

The Hon. T.G. CAMERON: I can hear a familiar voice—when they ask dorothy dixers, they often take an inappropriate period of time when one considers that the person to whom the question is being put already knows the answer that he will give. Be that as it may—

The Hon. L.H. Davis: The ministry is very strong!

The Hon. T.G. CAMERON: I will ignore that interjection. Be that as it may, I think that there are times—and I do not exclude myself from this criticism—when members have indulged themselves to the point of extremely long preambles. Remember that, if a member wants to make an eight minute preamble before asking their question, they can hardly complain down the track if one of their comrades missed out on a question. I think the Hon. Ron Roberts makes a point. I am not quite sure that I have properly considered it, but he makes the point that question time should be for oppositions to put questions to the government. Whilst on a superficial level that is attractive, one wonders whether we should deprive backbenchers such as the Hon. Caroline Schaefer, the Hon. John Dawkins and the Hon. Julian Stefani of the ability to ask questions in this place.

I know that there would be many here who would grab at the opportunity to deny the Hon. Legh Davis and the Hon. Angus Redford the opportunity to ask the government questions during question time. However, one of the problems we have with this debate is the mindset, if you like, that the government and the opposition have developed over the past few decades or so, and the extremely erudite comments of my comrade the Hon. Trevor Crothers when he made the observation that the chamber is currently composed in a way that it has not been composed before. That is, we have nine members from the government, six from the opposition, three from the Democrats and three Independents. When one looks at the—

The Hon. T. Crothers interjecting:

The Hon. T.G. CAMERON: The Hon. Trevor Crothers interjects and points out that it was as disparate, or perhaps more so, before the Second World War than it is at the moment. It may well be that the composition of the next Legislative Council is as disparate. The government currently has nine members. I think even in its wildest dreams—

The Hon. P. Holloway: Ten.

The Hon. T.G. CAMERON: Thank you, I stand corrected, it has 10 members. I think even in its wildest dreams it does not expect to come back to the next session of parliament with 10 members on the other side of the chamber. The most likely result will be seven or eight. We do not know what the other compositions might be, but a reasonable assumption is that the composition may well be as disparate as it is now or even more disparate. Part of the problem we have is the mindset of both the government and the opposition; that is, their view that the Australian Democrats are a bunch of pariahs, they really do not have any right to be in this place, they are just a nuisance: 'We are the government, we are the opposition and they just get in the way and interfere with the good processes of government and opposition.'

Both the Liberal Party and the Australian Labor Party will have to accept that the world might be a little different in the future from what it was in the past. Not only will they have to accept that there will be a third force in politics but they may well have to accept that there will be—

The Hon. P. Holloway: What, do you think the Greens will win, do you?

The Hon. T.G. CAMERON: The Hon. Paul Holloway interjects and says, 'What, do you think the Greens will win?' It is quite clear from the last federal election—and people do not want to hear my analysis on the last federal election, as interesting as it might be for members of the Labor opposition—that if one—

The Hon. Carolyn Pickles interjecting:

The PRESIDENT: Order!

The Hon. T.G. CAMERON: If one looks at the likely composition of the next parliament, there is absolutely one thing that you could put money on—almost as good a bet as the Liberals at the last federal election—that is, that neither the government nor the official opposition will have the numbers to be able to push legislation through in this chamber. In fact, a more likely result is that the government (whoever it may be) will have to negotiate with a number of different groups in order to get support for its legislation. The most likely result is that Labor will end up with seven in this chamber and the Liberals will be eight.

If we assume that a Labor government wins, it might be a fight between the Hon. Julian Stefani and the Hon. Ron Roberts for the presidency, but I will let them fight that out. In the event that there is a Liberal victory, it might well be a fight between the Hon. Julian Stefani and the Hon. Caroline Schaefer. Be that as it may, one thing is certain: whoever ends up as the President of this chamber, neither the Labor Party nor the Liberal Party will have a majority in its own right. So when the Treasurer stands up and talks about that issue, it is interesting to note that he talks about this issue only in the context of the government and the opposition.

I would not be so presumptuous as to presume that he is including the Australian Democrats, the Hon. Nick Xenophon, Independent Labour, the Hon. Trevor Crothers and the Hon. Terry Cameron, SA First—People Before Politics—in that consideration. It is my view that what the Treasurer is talking about is the government and the opposition, and therein lies the nub of the problem in relation to this issue; that is, the government when it casts its eyes across the other side of the chamber sees only the Labor Party as its real opposition. Well, is it not strange how the world turns? We have all seen, vote after vote in this Council, the Australian Democrats, Nick Xenophon, Independent Labour and SA First on one side of the Council—the real opposition—

against what I consider to be the parties of government. Now let us look at question time itself.

The Hon. J.F. Stefani interjecting:

The Hon. T.G. CAMERON: I missed the interjection.

The Hon. J.F. Stefani: You just said that the Independents, when they vote together, are a real force to be reckoned with. If the opposition votes with the government, you do not have the numbers.

The Hon. T.G. CAMERON: The Hon. Julian Stefani can go back to sleep or to reading his newspaper. Obviously he did not hear what I said. It is not good enough for the Hon. Julian Stefani to try to put words in my mouth, because I will not cop it. If the Hon. Julian Stefani wants to join the official opposition then let him stand up and have the guts to do so—but do not put words in my mouth. I never said what you said I said.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The Hon. Terry Cameron should address his remarks through the chair.

The Hon. T.G. CAMERON: I apologise, Mr Acting President. I should have directed those comments through the chair. I also apologise to the Hon. Julian Stefani—but not for what I said but because I directed those comments to him and not directly through you, Mr Acting President.

The Hon. R.R. Roberts interjecting:

The Hon. T.G. CAMERON: The Hon. Ron Roberts says that the Hon. Julian Stefani will not sleep tonight. One can only hope that you, Ron, have a good sleep tonight; one can only hope that you sleep well when you come to Adelaide. Part of the problem that we have here is that both the government and the opposition believe that question time is their territory, that it belongs just to them.

I remind the Hon. Julian Stefani, our silent Councillor, that six other members in this Council also make up the official opposition. If you like it so much and you want to come across and sit on this side of the Council and join us, do so—but have the guts to do it before you stand for President. The problem that we have as Independents and Democrats is the technical order in relation to how questions are distributed in the Council. I am just waiting to see whether there are any more interjections from the Hon. Julian Stefani.

The ACTING PRESIDENT: You should ignore them anyway.

The Hon. T.G. CAMERON: I will. Thank you, Mr Acting President. I will not be baited by the Hon. Julian Stefani any more. I will ignore his interjections. The current procedure is that we get three questions from the opposition and then we go back to the government, and the Independents and Democrats squabble amongst each other for the last 10 or 15 minutes of question time. I do not know how many times I have had to stand up in this Council and seek an extension of time to complete my question. Fortunately the minister extends question time—although I would not expect the same generosity if Labor were in office—and I am able to complete it.

Let us look at the issue of proportional representation. I know that the Labor Party likes proportional representation; it was foisted on it by the left, despite the right and centre not wanting to adopt it. Proportional representation means that people get a fair share, an equitable share. Because of the way question time is set up, it is clear that the last one or two backbenchers in the Labor Party, the last one or two backbenchers in the Liberal Party, the Democrats, and the Independents and other party people are the ones who miss out.

I am between the devil and the deep blue sea as to whether I support Mike Elliott's motion or the motion as amended by the Hon. Robert Lucas, because I do not think it will matter a great deal. I have no doubt that some cosy arrangement will be nutted out. I half suspect that the Hon. Rob Lucas, who is the most Machiavellian operator in this Council bar none, knows full well that if his amendment is carried he will be able to go off and cuddle up to the Labor Party and work out a deal of some kind or another that will perpetuate what they see as their God given right—that is, a two-party system of government where they merely hand the baton from one side and back to the other regardless of the dreadful job the government has done or how abysmal the opposition may be.

They are not too fussed because they will hand the baton back and run around the track for another four years and, with a bit of luck, will get it back again. I think there are a few surprises in order for the major parties come the next state election and into the future. I do not believe that they will be able to continue to take people's votes for granted. If members want a better example of that, they should look at the pathetic campaign that the Australian Labor Party waged during the last federal election when once again the Australian Labor Party looked over its shoulder and back into history and said, 'We do not have any policies or ideas of our own. What is there that we can oppose?'

One can only pray to God that the Australian Labor Party will finally accept John Della Bosca's advice and bury the GST roll-back, or its opposition to the GST, or whatever else it is that it wanted to do with the GST. Do not be surprised if we go to the next federal election and the ALP is still opposing the GST: we might have roll-back mark 2.

The ACTING PRESIDENT: Order! I think the honourable member is straying a little from the topic.

The Hon. T.G. CAMERON: Mr Acting President, I thank you for directing me back to the real issue: it is not the inability of the Labor Party to look into the future but to dwell in the past but what we are going to do with question time. The observation that our question time needs some kind of review I think sits in the minds of the 12 members of this Council that do not make up the government when it is sitting. I have heard dissatisfaction expressed not only by the Australian Labor Party but by the Hon. Nick Xenophon, Independent Labour (the Hon. Trevor Crothers) and the Australian Democrats. I have expressed it, too.

The Hon. Trevor Crothers probably summed it up fairly accurately when he said, 'Do not blame the President, because he is just administering a system which is basically flawed.' At the end of the day I do not care whether we adopt the Hon. Michael Elliott's motion or we walk down the path of the government, as long as there is a commitment from members of this chamber that question time will be revamped so that all members of the chamber, irrespective of whether they are in the government or the official opposition, feel that they are being treated fairly.

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the amendment moved by the Hon. Mr Lucas because we believe that this is the way that we have dealt with the issue of question time in the past. My understanding—

The Hon. T. Crothers interjecting:

The Hon. CAROLYN PICKLES: You have had your say.

The ACTING PRESIDENT: The Hon. Mr Crothers has made his contribution. The Leader of the Opposition has the call.

The Hon. CAROLYN PICKLES: My understanding is that in September of this year or at some stage we adopted a process by which we would abide by a decision on how we would deal with question time. My understanding is that the ALP would get questions one to three, the government would get four, the Democrats five, the government six, Independents seven, the government eight, the ALP nine and the Democrats 10. It is a good day if we get 10 questions, I must say. The issue is not with the process by which we ask questions but with the length of some of the questions and the excessive length of the answers. That lies within the province of the ministers of the day, whether they be ministers of a Liberal or Labor government. We all know that ministers come in and want to be asked a dorothy dixer. I can remember my first day in parliament, when John Cornwall handed me back the answer and said, 'Read out the question' and he would give an answer of very great length. That has been the mistake of many ministers.

The House of Assembly has very strict rules to deal with question time. I understand that there was a precedent where the opposition used to get 10 questions, but that has now gone by the wayside. It is incumbent on all of us to try to keep our questions fairly short and to the point and not to make lengthy explanations. When we look at the way we have dealt with question time in the past, perhaps what we need to do is look at the length of some of the questions, because frankly I think we are probably all guilty of asking lengthy questions.

The Hon. Mr Lucas referred to my question today. It probably took one second to ask it and in fact I had only a short explanation. I agree, and I have asked my members to keep their explanations short. It is true to say that the Australian Democrats represent a political party in this place. There are three members of the Australian Democrats. The Hon. Terry Cameron and the Hon. Trevor Crothers were elected as Australian Labor Party members. Perhaps it is something they like to forget, but it is something we remember, with regret. I would like to read out the amendment moved by the Treasurer, because some people do not seem able to read it. It provides:

> That the Standing Orders Committee of the Legislative Council be asked to consider the operation of question time in the Legislative Council, including the average number of questions without notice asked and, if considered necessary, to recommend possible changes to the Standing Orders.

My understanding of the way that we have dealt with standing orders in the Legislative Council is that we have always been very reluctant to change our standing orders. In this chamber we have tried to work the system without actually changing the standing orders if at all possible, because once you change standing orders it is very difficult to change them back again. I do think the process recommended by the Treasurer is the one that we should go with, and it is one that we have dealt with in the past and agreed upon. I have been informed by the President that all parties agree to this process in question time. Having said that, I do think that there are particular members in this chamber who will ask very lengthy dorothy dixer questions, and very lengthy answers are given to them.

The Hon. T.G. Cameron: Name them!

The Hon. CAROLYN PICKLES: I do not think we need to mention them; I think we all know who they are. The best course of action is to deal with this in a spirit of cooperation and consensus—

The Hon. J.F. Stefani interjecting:

The Hon. CAROLYN PICKLES: Yes—and to try to impose some self-discipline, as the Hon. Julian Stefani says. I think that is very important. Nobody wants to listen to great, long, waffly questions and we certainly do not want to listen to long, waffly answers. Everybody in this place is guilty of that. If we were to—

The Hon. T.G. Cameron: Long waffly answers?

The Hon. CAROLYN PICKLES: And long, waffly questions.

The Hon. T.G. Cameron: Not me.

The Hon. CAROLYN PICKLES: And long, waffly speeches, too. I think that what the Treasurer has suggested is in a spirit of some kind of compromise rather than moving to amend standing orders, which are then locked in for all time. Let us face it: you may not like the outcome of those standing orders. If you are concerned about the composition of this chamber and what may well come out of a standing order amendment, and you are worried about the opposition and the government ganging up together, clearly we do have the numbers if we want to change standing orders. What we are suggesting with this amendment is that we talk together as a parliament across parties.

The Hon. T.G. Cameron: It almost sounds like a threat: if we don't support your amendment you'll gang up on us and do us in.

The Hon. CAROLYN PICKLES: The Hon. Mr Cameron talks about threats. You are a past master of threats; you know exactly what a threat means, and you have carried them out.

The ACTING PRESIDENT: Order! I remind the leader that she should address her remarks through the chair.

The Hon. CAROLYN PICKLES: I am sorry, sir.

The Hon. T.G. Cameron: There's one I wished I'd carried out.

The Hon. CAROLYN PICKLES: Well, tough luck that you didn't. I think the Treasurer has—

The Hon. T.G. Cameron interjecting:

The Hon. CAROLYN PICKLES: I am not sure what the Hon. Mr Cameron has had for dinner, but it has clearly pepped him up a bit, and perhaps he ought to take a few valiums.

The Hon. T.G. Cameron interjecting:

The Hon. CAROLYN PICKLES: You are just so stupid, quite frankly. We are dealing here with—

The Hon. T.G. Cameron interjecting:

The Hon. CAROLYN PICKLES: If you want personal abuse, stand by and wait for it, because you're going to get it.

The ACTING PRESIDENT: Order! The leader should ignore the interjections, and the Hon. Mr Cameron should cease interjecting.

The Hon. CAROLYN PICKLES: In my view, we are dealing here with something that should be dealt with outside the chamber. I think it would have been far better if an approach had been made through the Hon. Mr Elliott to the Labor Party and the Liberal Party, who clearly have the numbers in this place, to try to change the system. I know your frustration as a genuine political party, elected as a political party in this place, unlike some people.

The Hon. T.G. Cameron: Name them!

The Hon. CAROLYN PICKLES: The Hon. Terry Cameron and the Hon. Trevor Crothers were elected as Labor

Party members, and they defected. Clearly, I undertake to work—

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. CAROLYN PICKLES: I undertake to work with the Australian Democrats, the Hon. Mr Xenophon and the other Independents—whatever is the composition at this time—to try to reach some kind of accommodation. But I do think that the problem lies with the fact that the government backbenchers are asking too many dorothy dixers, when the government has the facility to make ministerial statements.

When we are whingeing and moaning here about not having a voice in this place, let us look at how the other house deals with private members' business. They have 2½ hours on a Thursday morning, and here we are, five minutes past 9 and we have 33 items of private members' business.

The Hon. L.H. Davis: And who has put them there?

The Hon. CAROLYN PICKLES: Private members. If we want to go along the line of trying to gag people in this place, maybe we ought to look at how we deal with private members' business. I have always been an advocate for having some kind of time limit on private members' business. I have not been supported by my colleagues on this issue, but I have talked to government members about this and I think it is fairly reasonable—

The Hon. T.G. Cameron interjecting:

The Hon. CAROLYN PICKLES: Well, I am still here and you are not. You wanted this spot, you are not here, and I am.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order, the Hon. Terry Cameron!

The Hon. CAROLYN PICKLES: No, I am 60 years old and I want to get out of this place. I cannot get out of it quickly enough.

The Hon. T.G. Cameron interjecting:

The Hon. CAROLYN PICKLES: No way; I do not want to be here when I am 68.

The PRESIDENT: Order!

The Hon. T.G. Cameron interjecting:

The Hon. CAROLYN PICKLES: I do not want to be here when I am 68, thank you.

The PRESIDENT: Order, the leader!

The Hon. CAROLYN PICKLES: This is a fairly conciliatory amendment. I think that it shows that the government is willing to, perhaps, move along the path of trying to have a fairer question time and not to waste time, and to try to say that, clearly, opposition members and Independents should be allowed to use question time to question the government. If ministers wish to make ministerial statements, the government has already agreed—and I support this very strongly—that they be made outside of question time.

By consensus, we have moved quite a long way. We have time for grievances on a Wednesday. We have never had them before, and I commend the government for the recommendation and everyone for supporting that. Some members may not think it is long enough, but it does take up some time in private members' business. Here we are, as I pointed out, at 10 minutes past nine and we are still dealing with private members' business. I think that this is an accommodation. I do have sympathy with the Hon. Mr Elliott and his frustration in this respect because I think that, to a large extent, the opposition shares that frustration. But I do think that to move straight into amending standing orders whereby you are locked in for all time and you may not like what you get in the end is a far worse position than to try to reach some kind of consensus.

I presume that the government means by this amendment that it will discuss it with all political parties and Independents and then, if necessary, move to recommend possible changes to the standing orders. We have this Wednesday, we have next Wednesday and then, presumably, we are out of this place until the election. It is quite unlikely that the standing orders will be amended until after the election. I will not be in this place, thankfully; other members of my party will be and I am sure that they will abide by the spirit of this amendment. I support the amendment.

The Hon. R.D. LAWSON (Minister for Disability Services): I support the amendment moved by the Treasurer. I will make only a couple of points in support of some of the issues raised by the Hon. Carolyn Pickles. If one looks at the history of what has happened in the federal parliament in relation to the duration of question time, the number of questions asked and the length of answers, the point can be made that these things are somewhat difficult to calculate. One can look, for example, at a standing order in the Senate which limits questions as follows:

> Time limits imposed on questions and answers in question time are: the asking of each question may not exceed one minute and the answering of each question not to exceed four minutes and supplementary questions not to exceed one minute and answering of them not to exceed one minute.

In fact, the Senate standing orders do not have any limit on the duration of question time without notice. If one looks back at the history—and I am reading here from Odgers, *Australian Senate Practice* (the ninth edition)—on the initiative of the opposition a special order was agreed to in 1992 limiting questions to one minute and the answering of questions to two minutes during question time. Later in the same parliament there was a further amendment: answers three minutes, questions one minute. The time limits I have indicated were introduced in 1997, but Odgers points out that, in a number of parliaments over a number of years, particular sessional orders were adopted to accommodate the situation.

Like many other members, I have visited the House of Commons and listened to question time. I have seen the Prime Minister answer 10 questions sensibly in 15 minutes. Certainly, the practice there is a lot different to what occurs here.

An honourable member interjecting:

The Hon. R.D. LAWSON: Indeed, they must circulate the questions. The latest edition of *House of Representatives Practice* indicates that, in the federal House of Representatives, an average of 16 questions are asked each question time. That was at least the case during the 1970s, but then it declined to about 12 prior to 1996. Since 1996 it has been about 19 questions a day. Of course, that is a chamber with far more members than the Legislative Council in South Australia where most members feel that they should be inclined to have a question every day, or at least every other day.

As the Treasurer mentioned in his contribution supporting his amendment, there have been a number of innovations over very recent years in relation to question time. Supplementary questions have, without any change in the standing orders, been allowed to a far greater degree than even when I came into this place a relatively short time ago. Matters of interest have been introduced. Ministerial statements are now made outside of question time. We no longer have something that

I did not experience, that is, answers to questions on notice being read by ministers. So, there is quite ample time. I support the Standing Orders Committee looking at this question. I think that the experience we have had with the sessional orders indicates that you do not need to change the standing orders for every innovation.

The Hon. M.J. ELLIOTT: I am thankful for the fact that at least people are prepared to acknowledge the need to have another look at the standing orders, and that is what I am asking for in the first instance. My motion, as framed, sought an increase in the number of questions, whilst the amendment that has been moved by the Treasurer simply asks that the operation of question time be looked at and that the average number of questions without notice be considered as distinct from any real action.

It is possible that my motion could have been worded somewhat better but it seems that, at the end of the day, most people to whom I have spoken have acknowledged the need for change. The motion, if the amendment gets up, basically says, 'Let us have a look at it', but it will not acknowledge that there is a case for change itself. To that extent, I will be opposing the amendment but, obviously, if the amendment gets up I will support the motion in the amended form. The fact is that all members in this place who have spoken have at least acknowledged the need to look at question time, and it will be referred to the Standing Orders Committee. I will not argue the case further.

Amendment carried; motion as amended passed.

PARLIAMENTARY SUPERANNUATION (PRESERVATION OF PENSIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 July. Page 1827.)

The Hon. R.I. LUCAS (Treasurer): I rise to indicate at the outset that I am happy to play my part in the Hon. Mr Cameron's clever political strategy leading up to the coming state election. I have seen some publicity saying that the Hon. Mr Cameron has done a survey that indicates that 115 per cent, I think, of people want to take our superannuation and perks away from us.

An honourable member: 120 per cent.

The Hon. R.I. LUCAS: Is it 120 per cent?

The Hon. T.G. Cameron: 140 per cent.

The Hon. R.I. LUCAS: It is 140 per cent. There is no doubting that the Hon. Mr Terry Cameron is drilling a well out there of potential support for his position on this issue, and I am happy to play my role in this strategy by indicating my opposition to this measure. Whilst I suspect that it will not gain wide publicity from the popular media, I want to give some explanation as to why I adopt the position. We have debated this issue—

The Hon. T.G. Cameron: We haven't printed the pamphlet yet. Be careful.

The Hon. R.I. LUCAS: Not yet? You are saving a spot?

The Hon. T.G. Cameron: Yes.

The Hon. R.I. LUCAS: The position I have adopted on superannuation issues in my 20 years in this place has been, I think, in accordance with good trade union representation principles that the Jan McMahons of this world and others have put to me on a number of occasions as we have looked at public service superannuation. That is, that if parliaments are going to change the benefits as they apply to workers then they should do so not retrospectively but prospectively. This chamber has done that on two or three occasions. I know my colleague the Hon. Legh Davis led the charge in relation to what was an excessively generous public service superannuation scheme in the 1980s and at some stage, I think in the 1980s, the existing scheme as it was then (the pension scheme) was closed off to new entrants and a new public service superannuation scheme was opened up for new entrants in the public sector.

The principle that union leaders put to parliament on that occasion was that, if there was an agreement that the scheme was too generous, people had entered that scheme and had made decisions in relation to their livelihoods as workers in the public sector based on their conditions of employment and that it was unreasonable for parliament to take away those rights as workers within the public sector in relation to their superannuation. On a subsequent occasion we made further changes to public sector superannuation and we have abided by that general principle, that a worker is entitled to hold on to his or her superannuation arrangements and, if parliament decides that it wants to make a change, it should do so prospectively, rather than retrospectively taking away those entitlements.

That is a reasonable general principle and it is one that we have, in the past, adopted in relation to the parliamentary superannuation scheme. In the first years of the Dean Brown government (some time between 1994 and 1997), the government took the view that the parliamentary superannuation scheme was excessively generous, and that scheme was replaced by a new scheme. But, again, as with the workers in the public sector, parliamentary workers (or members of parliament) were treated in similar fashion, that is, that those people who were members of the old parliamentary superannuation scheme were entitled to stay with those particular provisions and new members were to be incorporated in the new parliamentary superannuation scheme. I think that members of the old scheme were given the opportunity to transfer to the new scheme if they so chose. I think some members chose to move to the new scheme. I think the Hon. Peter Lewis chose to move to the new scheme, and perhaps some others did as well. The Hon. Sandra Kanck is raising her hand that she moved to the new scheme. They obviously made judgments for their own reasons—whether it was their personal circumstances or their judgment about what was appropriate, they decided to move to the new scheme. That is as it ought to be. Members had the opportunity to stay or to move to the new scheme but new members had to join the new scheme. It was exactly the same in relation to the public sector superannuation scheme: new public servants had to join the new scheme but the public servants in the old scheme stayed within that particular scheme.

I have no fear, and I am one member who has been prepared to publicly defend the superannuation arrangements for members of parliament and, in particular, to defend the situation in relation to whether any change ought to be retrospective or not. That is, indeed, what this bill envisages. I think we have recently voted on or have discussed the proposal from the Hon. Mr—not 'the Hon.', the member for Hammond, if I can put it that way—Mr Lewis.

The Hon. T.G. Cameron: Is he not honourable?

The Hon. R.I. LUCAS: He is certainly not an honourable, no, in all senses. The member for Hammond sought to compulsorily require all members to do what he had done, and that is move from the old scheme to the new scheme.

Certainly, my view in relation to that is that, again, that is not the way we have treated workers in the public sector and I do not believe it ought to be the way we treat workers who just happen to be members of parliament.

The Hon. T.G. Cameron: There is one fundamental difference which you are not covering.

The Hon. R.I. LUCAS: I am sure the Hon. Mr Cameron will point out the fundamental difference. It may well be that some public servants are paid much more than members of parliament. Indeed, I can point to the Chief Executive Officers of my two departments who are paid something close to $250 000 in total payments and salaries.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Cameron ought to look at those public servants who are members of the pension scheme. He has some financial—

The Hon. T.G. Cameron: Who is it that you are paying more than a quarter of a million a year to?

The Hon. R.I. LUCAS: The Chief Executive Officers are paid around about $240 000-$250 000 TEC.

The Hon. T.G. Cameron: What does the Auditor-General get?

The Hon. R.I. LUCAS: I am not sure—

The Hon. T.G. Cameron: Nearly $300 000.

The Hon. R.I. LUCAS: —I do not have his number in my back pocket.

The PRESIDENT: Order!

The Hon. T.G. Cameron: $300 000 a year and he can't even answer a question.

The PRESIDENT: Order! The Hon. Mr Cameron will come to order!

The Hon. R.I. LUCAS: We seem to be getting back on to another motion.

The Hon. T.G. Cameron: He probably spent $20 000 on legal advice.

Members interjecting:

The Hon. R.I. LUCAS: I am being diverted. I am trying to remember what motion I am on: it is parliamentary superannuation. The point I am making, and I do so again, is that, if we are changing superannuation arrangements, we ought to treat workers as we have in the public sector, and members of parliament ought to be treated in a similar fashion. If we are to change a scheme, we change it prospectively, as the government did in the period from 1994 to 1997.

The new parliamentary scheme is certainly less generous than the old parliamentary scheme. In the new parliamentary scheme there have been some arrangements which headed in the general direction of what the Hon. Mr Cameron wants but does not go as far, I concede. It was this government which introduced the provision which said that anybody who earns income from another job after they leave parliament, and if they are under the age of 55—my notes say 55 but I thought it was 60—

The Hon. Carolyn Pickles: 55, I think.

The Hon. R.I. LUCAS: Fifty-five, is it? My notes say 55 but, I must admit, I thought it was 60. Anyway, I will stick to what the notes say—55. The pension is reduced by $1 for each $2 of income from another job up until that particular age. That was introduced—

The Hon. L.H. Davis: This is the new scheme that you are talking about?

The Hon. R.I. LUCAS: Yes, the new scheme. That was introduced because there was a criticism that if a member of parliament was to retire at a relatively young age and get another job with income, for the period until the age 55—as I have said, I will check that number because I thought it was 60—there would be some reduction in the pension, depending on the—

The Hon. L.H. Davis: The Bill O'Chee case.

The Hon. R.I. LUCAS: Yes, the Bill O'Chee case, but I think it was more particularly the Peter Duncan case in the South Australian parliament. He left our parliament at a relatively young age and then went on to other income-earning endeavours in a number of fields, and he might only be nudging 55 now. The government acknowledged this criticism in relation to members' early access to these benefits and the new scheme has made those changes. But, as I said, members of parliament entered this place with an acceptance of what the salary and conditions were, and there is no doubting that the superannuation entitlements are generous when compared with most other schemes in the state.

The Hon. T.G. Cameron: More generous than most! Find me one better.

The Hon. R.I. LUCAS: As I said, the public service superannuation scheme pension might not be better, but it certainly was and is a generous scheme. I saw recently that a senior public servant who perhaps has had some publicity in recent times is entitled to 78 per cent of his salary in perpetuity.

The Hon. T.G. Cameron: How many millionaires are retiring from this session of parliament?

The Hon. R.I. LUCAS: I do not know. I have not done the calculations.

Members interjecting:

The PRESIDENT: Order! Members will get on with the debate.

The Hon. R.I. LUCAS: My recollection of the maximum percentage of salary that members of parliament may take is 75 per cent. I would certainly acknowledge, and I have done so, that the scheme for members of parliament is generous when compared with other schemes. However, when people entered parliament, they did so accepting the salary and conditions, and I would have to say that the salary compared with others in the community is not generous. The Hon. Mr Cameron shakes his head.

The Hon. T.G. Cameron: Not generous? Where would the Hon. Ron Roberts earn $120 000 a year outside this Council?

The PRESIDENT: Order, the Hon. Mr Cameron!

The Hon. R.I. LUCAS: Don't point out the Hon. Ron Roberts because there are members other than the Hon. Mr Roberts. What does a union secretary get paid these days?

The Hon. T.G. Cameron: Nowhere near as much as MPs.

The Hon. R.I. LUCAS: How much?

The Hon. T.G. Cameron: It can range from about $50 000 to $80 000 a year, plus.

The Hon. R.I. LUCAS: Plus.

Members interjecting:

The PRESIDENT: Order! This sort of conversation is out of order.

The Hon. R.I. LUCAS: The point that I am making is that, when one looks at the total employment cost (TEC) in the public sector, for our public servants we are talking about their salary, their car and their superannuation. When we are talking about other occupations, we are talking not just about salary but about any allowances, access to a car and also superannuation.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: As a former minister for education, I am aware of principals in the private sector in South Australia who have total packages of up to $200 000. There are principals within the government sector who, in terms of the salary of ordinary backbenchers, would have packages which would be close to those of members of parliament. Certainly at the senior levels of the Education Department there are significant numbers of public servants who have salary and conditions packages which are more generous than that of the backbench member of parliament. That is not just the Chief Executive Officer but at a number of levels within the public sector.

If one looks at the conditions for town clerks or city managers in local government and compares those with the positions of members of parliament, one finds there would be no comparison. I am told that, within Ansett, and this might be one of the reasons why Ansett struggled, a senior steward earned—

The Hon. T.G. Cameron: That has just gone belly up and now you know some of the reasons why.

The Hon. R.I. LUCAS: That is the point I am making. A senior steward was paid between $110 000 and $120 000 a year. Someone who cleaned a plane was being paid $55 000 a year. We are talking in the community about a very high level of salary, without going to the business sector, because chief executives are way ahead of anything that members of parliament get.

The Hon. L.H. Davis: AFL footballers average $140 000 a year.

The Hon. R.I. LUCAS: As the Hon. Mr Davis tells me, the average AFL footballer earns $140 000 a year. I think I could mount a case to argue that the salary that backbench members of parliament are paid, compared with the salary of many other occupations in the community, is not generous when compared with those occupations.

The Hon. T.G. Cameron: Go out in the real world and argue that.

The Hon. R.I. LUCAS: I have acknowledged that. You will not win that argument with anyone out there.

The Hon. T.G. Cameron: You will win it in here but you won't win it out there.

The Hon. R.I. LUCAS: I have just said that. I acknowledge that. The Hon. Mr Cameron has 98 or 120 per cent of the community, whatever number he wants to use, with his position. No-one is arguing that, but I am just saying that I have never shied away from, and will never shy away from, defending the salary that is paid to members of parliament for the work that they do and, whilst the salary compared with many other occupations one could not criticise for being overly generous, one could accept, and I do, that the superannuation package, particularly the old scheme, is generous compared with superannuation packages elsewhere. I accept that it is not a popular position.

As I said at the outset, I am prepared to play my part in the Hon. Mr Cameron's strategy in relation to this bill, but I do so on the basis that I have adopted the same position in relation to public sector superannuation as I do in relation to parliamentary superannuation.

The Hon. P. HOLLOWAY: I will be brief because the Treasurer has spoken at length and I agree with most of the comments that he has made. The opposition opposes this matter. I want to put a couple of additional comments on the record. It is interesting to note that, after the last election, the Labor Party in another place increased its members by about 10, so half of the members of the House of Assembly are already under the new scheme, and that shows how just within four years the composition of the parliament has changed so rapidly and already half of the caucus—

The Hon. T.G. Cameron: It is not even a third.

The Hon. P. HOLLOWAY: No, 10 out of 21 of the members of the Labor caucus came in at the last election.

The Hon. T.G. Cameron interjecting:

The Hon. P. HOLLOWAY: There might be some big changes next time, too. These things will change rapidly and, in relation to the party that I am a member of, already half the members are in the new scheme.

In relation to this retrospectivity element, I want to make one other point. We were talking about the difference between the new scheme and the old scheme as it changed in the 1990s. We should remember that there were a number of members, certainly some of my colleagues from 1989 to 1993, like Vic Heron and Colleen Hutchison, for whom, when they left parliament, their pay stopped on election night, there was no accumulated leave and no retrenchment pay—there was nothing. All they got back was their own contribution plus an interest rate that was less than inflation. That was the old scheme. If we are to change this and make it retrospective in terms of reducing benefits, would we also—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, we did fix it prospectively. The point I am making here is, if we are going to be retrospective in terms of taking benefits away from those in the old scheme, what about the members who went out with nothing because that particular part of the scheme was not generous? In fact, there is no doubt that the parliamentary superannuation scheme for members who have been here for a long time and who have held senior office is an incredibly generous one, but for members who left after one term it is actually a far less generous scheme than almost any other. Any other worker who was retrenched after four years would almost certainly receive some retrenchment pay or some accumulated benefits.

Let me tell members, as one who lost an election in 1993, that to add insult to injury not only does your pay stop on the Saturday night of the election but the insult is you have to spend the next week cleaning up your electorate office before you can look for another job. I do not know of any other occupation where you would have to do that. I do not wish to spend much time on this, other than to say that, if we are talking about retrospectivity, there is another side to the story as well. That is why there is a good sound principle that, by and large, we do not act in a retrospective way and, if we are to make these sorts of changes, they should be prospective. That is why we will oppose the bill.

The Hon. T. CROTHERS: I rise to briefly oppose what the Hon. Mr Cameron is about. I want to, if I may, put some home truths on the *Hansard* record. I just wonder how much the Hon. Mr Cameron got when he retired from working with the AWU. I wonder how much he got when he retired from the ALP as secretary to come in here. If the Hon. Mr Cameron was not the leader of a fledgling political party, I may well be able to wrap my grey matter around his attitude of the matter of principle. However, it is my humble opinion—

The Hon. T.G. Cameron interjecting:

The Hon. T. CROTHERS: I gave you that the other day when I was talking about you—stop being Churchillian. I

make the point that I think there is a bit of electioneering being done here. An absolute, disgraceful shame.

Members interjecting:

The Hon. T. CROTHERS: I simply make the point—he is an old cobber of mine. I will not be too much more harsh on him, but let me say that I believe—

The Hon. T.G. Cameron: I am reeling under the onslaught.

The Hon. T. CROTHERS: Well, so you should, but you have no conscience, you would not reel under a fire hose—

The Hon. T.G. Cameron: You can do better than this.

The Hon. T. CROTHERS: Yes, I know, but I am letting you down lightly—

The Hon. T.G. Cameron: You've never let anyone off in your life.

The Hon. T. CROTHERS: I am letting you down lightly.

The Hon. T.G. Cameron interjecting:

The Hon. T. CROTHERS: I just simply say, if it were not for the seriousness of this matter, it would be absolutely laughable. I do not really wish to go on with anything more but, in the immortal finishing words of the former Leader of the Liberal Party, looking through the fog of deception—

The Hon. T.G. Cameron: That was the Labor Party.

The Hon. T. CROTHERS: That is right, Labor Party.

The Hon. T.G. Cameron: You said 'Liberal.'

The Hon. T. CROTHERS: Did I—looking through the fog of deception, I can see with all clarity where this matter will end up. It will be in *Hansard* and it will be quoted perhaps ad nauseam come the next election.

The Hon. T.G. Cameron: You couldn't even get a three day quote right.

The PRESIDENT: Order! Mr Cameron, I am getting very tired of it; your voice is dominating.

The Hon. T. CROTHERS: Looking through this fog, I see a Cameronian deception. I see—

The Hon. T.G. Cameron: Throw me out if you want to.

The Hon. T. CROTHERS: Yes, throw him out.

The Hon. T.G. Cameron: You have only four more days.

The Hon. T. CROTHERS: I see, looking through the Cameronian fog of deception, absolute tripe which can be described as nothing else but tilting at political windmills by my erstwhile colleague.

The Hon. L.H. DAVIS secured the adjournment of the debate.

ESTIMATES COMMITTEES

Adjourned debate on motion of Hon. M.J. Elliott:

That the Standing Orders Committee of the Legislative Council prepare amendments to the standing orders to provide for an estimates committee examination of the Appropriation Bills in the Legislative Council in future years.

(Continued from 6 June. Page 1721.)

The Hon. R.I. LUCAS (Treasurer): I oppose this particular motion from the Hon. Mr Elliott. In doing so, I indicate that we have addressed this issue before. Mr President, as you know, our current arrangements are that the House of Assembly breaks up into estimates committees for a period of two weeks, and all ministers are subjected to relentless and rigorous questioning by the fearless opposition of the day during that time. Then the committees report to the House, the bill is considered and passed, and it comes to the Legislative Council.

One of the issues that has been raised for many years has been whether or not members of the upper house ought to have a role in the House of Assembly estimates committees. I would have to say that in this chamber there are differing views about that, and within my own party over the years there have been differing views. Some members of my party have supported the view that upper house members should participate in the House of Assembly estimates committees and there have been some who have not. I presume that might also be the case in other parties as well.

In the Legislative Council, the bill is debated as all other bills are. There is a committee stage of the bill and the opposition is entitled to put whatever questions it wishes to the three ministers in this chamber. Now, it is not all ministers—that is certainly readily conceded—but they are able to put questions to all ministers. There is also the capacity for detailed questioning, which indeed was used when we were in opposition, and in particular I remember the Hon. John Cornwall being subjected to this. Quite detailed questioning was put to the Hon. Mr Cornwall about his appropriations and he had the assistance of a senior departmental officer.

My recollection is that the minister was entitled to have that officer sitting next to him during that particular section of the committee stage of debate, as is normal in the committee stage. On one occasion two or three ministers went through a process where their appropriations were questioned in some detail and those ministers (as is the case with estimates committees in another place) had a senior officer from their department to assist them in the provision of answers. Our current arrangements have demonstrated a capacity to be flexible to allow, first, detailed questioning of the minister in the committee stage if the opposition members so choose; and then, secondly, a much more detailed questioning which also involves having a senior officer from the department available during the committee stage of the debate. As I said, our existing standing orders have made provision for that, and indeed that is an option that is available to the Legislative Council.

I do not support this motion because to go through a complete replica of the House of Assembly process for members of the Legislative Council makes no sense to me. It would be a complete duplication of a two week process which already exists. Ministers would be examined by House of Assembly members for two weeks and then, when it comes to the Legislative Council, I assume the same ministers would then be examined by Legislative Council members for two weeks. The numbers of members on those committees would be a difficulty for a chamber of our size.

It is already difficult enough for the 47 lower house members to sit from 11 o'clock in the morning to 10 o'clock at night over a two week period. To replicate that process in the Legislative Council with just 22 members would be extraordinarily difficult. One would have either a much smaller estimates committee in terms of the numbers of members or there would have to be completely different arrangements for questioning the ministers.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Holloway says that the budget might not be passed until August, assuming that it was introduced in May. It would certainly introduce lengthy further delays in the parliament's consideration and passage of the budget every year. It already takes an inordinately long time and would take much longer in the circumstances envisaged by this motion.

If there is to be a discussion about the involvement of upper house members in the committee stage of the Appropriation Bill, that is probably best done in the format that we currently have or in some consideration of a rationalisation of how the House of Assembly conducts its estimates committees and Legislative Council members' participation in that. How that could be done within the construct of standing orders would be a challenge because it is a House of Assembly estimates committee.

There would have to be some provision within the House of Assembly standing orders and within ours—some sort of combined consideration of the budget. Given that the bill would not be before the Legislative Council at the time, there would be some challenges in relation to that. I am not sure whether there are other models in other chambers throughout the world that we might be able to look at, but if there is to be a debate beyond this motion one would need to look and see whether there are models throughout the world which allow both chambers in some way to participate jointly in some sort of estimates committee arrangement which questions the ministers.

My preference is to continue to use the flexibility of the existing arrangements where members can question ministers with senior departmental officers in attendance. It might be that—and we would have to check the standing orders—given that each minister in the Legislative Council represents other ministers in the House of Assembly, if there were questions for the ministers in the House of Assembly they might be directed to the minister responsible in this chamber, and perhaps the standing orders might allow the officers from those other departments to be available.

I suspect that most questions would probably be taken on notice, as they are now, and that questions could be referred to the appropriate minister with some sort of time provision on it. It may be that the issue of time provision could be looked at in relation to the budget bills so that, if a question is directed to a minister of the House of Assembly during the debate in our chamber, as long as those questions are directed early enough, a certain time period for response could be allowed.

Given the way we normally handle these things, holding up the passage of the bill would probably not be possible. However, some sort of time limit to try to get the majority of the answers to those questions back to the members who asked them might be an improvement that we could look at in terms of the Legislative Council's consideration of the budget bill.

From that viewpoint, on behalf of the government, I oppose the motion moved by the Hon. Mr Elliott. I indicate that there is still continuing debate about the possibility of a joint estimates committee to consider the appropriation bills. I acknowledge that there are considerable practical issues that would have to be resolved before one could even contemplate that. I indicate that we have the flexibility within our own standing orders to see a much more intensive examination of the Appropriation Bill than we have seen in the past seven or eight years. If members went back to pre-1993 days, they would see that the existing standing orders did allow quite detailed questioning of ministers in this chamber about the appropriation estimates within their own portfolios.

The Hon. A.J. REDFORD: In making a few comments about this matter I make one observation. One of the big lessons to be learned from estimates committees over the past few years is that, if the minister is taking a question and there is a public servant within 20 metres who can possibly answer it, he will hand it over to him. I oppose the motion although I do not oppose the sentiments in it. As I understand it, the way in which estimates committees operate in the other place is that the bill is presented and the estimates committees are part of the committee process in dealing with the bill, and they replace the committee of the whole.

This motion will endeavour to achieve exactly the same result in the upper house with a great effect on resources, limited as they are, both financial and time wise, of ministers and their respective departments. I am not sure that there would be any substantial gain as a consequence of that. However, I am attracted to the idea that if members from both houses can be involved in a single committee process that should be considered. I do not know the means by which that can be achieved. I believe that the Treasurer's comments about looking at other jurisdictions to see whether there are precedents where that occurs would be a first step before we consider the merits of it, and it would be an appropriate course of action.

On the occasions that you come in and watch the estimates committees you see shadow ministers sitting in the gallery passing notes to their lower house colleagues in order to ask questions. I have seen the Hon. Paul Holloway there, and he is not stuck with a talented lot downstairs on his side of politics.

The Hon. R.R. Roberts: You've got the same problem in the upper house.

The Hon. A.J. REDFORD: I do not necessarily accept that because I have not seen our people operate in opposition: they certainly are very talented in government. I have seen the look of frustration on the face of the Hon. Paul Holloway as he writes out a complicated question that involves some modicum of understanding of economics and hands the note to a junior backbencher in the opposition who then hands it to the shadow treasurer who attempts to read it—and I know his handwriting is not that bad—and who completely misunderstands it. Observing that, it is very difficult to tell who the incompetent one is in that process: the shadow treasurer or the Hon. Paul Holloway. It would certainly make that process a little more accountable.

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: But I have seen the Hon. Paul Holloway scribbling notes and handing them to the shadow treasurer. As the note leaves his hand I have seen a look of great excitement on his face, and then that awful look of disappointment that he gets when the shadow treasurer has either misinterpreted the question or is unable to understand it.

The Hon. J.S.L. Dawkins interjecting:

The Hon. A.J. REDFORD: And I have seen this, too, as my colleague interjects—or he does not even bother to ask the question because he does not think it is important enough. It is very frustrating. I vicariously suffer that frustration that members opposite feel when they are handing these notes over to their rather incompetent lower house colleagues who attempt to fulfil their shadow roles in the lower house. I would be happy to be involved in anything I can do to assist and facilitate that. With those few words I endorse the comments made by my leader.

The Hon. NICK XENOPHON: I support the Hon. Mike Elliott's motion. Members of this chamber who do not belong to the government or the Labor Party are at a distinct disadvantage in terms of the estimates committee process. We

do not have the opportunity to ask questions with respect to the appropriation bills of the various departments and ministers. In particular, the Australian Democrats, the Hon. Trevor Crothers, the Hon. Terry Cameron and I are at a distinct disadvantage. It is pleasing to see some of the remarks made by the Treasurer in relation to looking at some potential reforms in this area.

I wonder whether an alternative reform could be to facilitate an opting-in system for those members of the Legislative Council who wish to participate in the process of asking questions on appropriations. The imperative for members of the government and the opposition—the Labor Party—is clearly not as great as it is for crossbenchers, who do not have the benefit of party representation in the lower house. With those words I endorse the motion of the Hon. Mike Elliott, and I also look forward to reforms that fall short of that, given the Treasurer's intimations.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

REFERENDUM (GAMING MACHINES) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2564.)

The Hon. T.G. CAMERON: I would like to make a brief contribution, if I may, at this late hour of the night. I rise to support the motion moved by the Hon. Nick Xenophon. I have always been somewhat puzzled as to why politicians from governments and oppositions are loath to entertain the prospect of a referendum. At the end of the day, a referendum is a way of going out there and really finding out what a community thinks about a particular issue. There is no doubt that poker machines are an extremely topical matter in our community, and it is also obvious that people's opinions range from total support to total opposition. One suspects that, despite the fact that it was a Labor government that introduced poker machines, and it has generally been Liberal—

The Hon. T. Crothers interjecting:

The Hon. T.G. CAMERON: The Hon. Trevor Crothers interjects. I am aware of the history of this, but I am sure that the Hon. Trevor Crothers would not disagree with me if we were to tally up the number of members who on a so-called conscience vote supported the introduction of poker machines and the number of members who opposed it. From memory, I think it was about two to one. History now records that the deciding vote was that of the former member, Mario Feleppa, who was browbeaten into supporting poker machines in the late hours of the morning, and as I understand it the vote passed this Council with a majority of one.

The Hon. R.K. Sneath interjecting:

The Hon. T.G. CAMERON: If the Hon. Bob Sneath wishes to interject I would hope that he stopped slurring his words so that I can at least understand the interjection.

The Hon. R.K. Sneath interjecting:

The Hon. T.G. CAMERON: I don't mind you interjecting, but will you stop slurring your words so I can understand what you're saying? Go on; I am waiting.

The Hon. R.K. Sneath interjecting:

The Hon. T.G. CAMERON: Don't have a second go at it, because you might have trouble finishing the sentence. I suggest you just sit there, be quiet and ease off what you have been up to earlier on in the evening. Getting back to the question of poker machines, there is no doubt that poker machines are one of the contentious social issues of our time in our community, and one only has to look at the variety of views that are held in this place. One suspects that neither house of parliament will ever do away with poker machines, and the reason for that is the protection of revenue. It is an issue that would have to be dealt with.

One would assume that, in any referendum that was put to the people of South Australia, that would be a serious part of the debate. But, at the end of the day, if the people of South Australia were ever given the opportunity of voting on this issue in a referendum (and one would almost put money on it, Nick, that they will never get that opportunity), I would have no doubt that, in the social debate that would take place on a referendum of this kind, one of the key issues that would be pushed forward in that debate by the opponents of any reform in this area would be that very subject: if we do away with poker machines, where will the money come from to replace it?

That begs an interesting question. Notwithstanding the revenues that are gained by poker machines—and the Hon. Nick Xenophon knows my view on this—it becomes a question of whether or not this contentious social issue will ever be put to the people of South Australia when you have both the opposition and the government assiduously protecting their taxation revenue. What if a referendum went into the public arena and, notwithstanding the fact that taxation revenue would have to be found from another quarter, what would happen if the people of South Australia voted yes in South Australia in a referendum either to ban poker machines or perhaps to restrict them in some way as they are currently doing in Western Australia, where they are restricted to the Burswood casino?

I have listened to the debate on whether or not we should have a referendum on this issue. At the end of the day, it is a fairly straightforward issue; it is not a complicated matter. It is not like, for example, having to take into account all the considerations that one might if we were to have a referendum to lease or sell ETSA. A referendum on gaming machines is a fairly simple matter; either we have them or we do not and, if we do not have them, where will the revenue come from and how will we deal with the question of possible compensation to hoteliers?

Should one adopt a position of saying, 'We know best. We will protect society from itself and, provided we have a majority in both houses of this state parliament, it does not matter what the problems are out there in society on an issue, members in this place will use their numbers to deny our society having a say'? I have always considered that there was a certain amount of elitism in members of parliament adopting the position, 'Look, we cannot trust the public to make a decision on this. They are ill-informed; they are ignorant; they do not know the issues. Now is not the time to let them make a decision. It is too complicated an issue. They will not be able to consider properly all of the issues.'

Basically, all of those arguments are code for, 'We know best, leave it in our hands and we will decide.' Notwithstanding that there are some technical and, perhaps, organisational problems in terms of the wording that might be included in a referendum on this issue, I guess that one could only hazard a guess at what members' attitudes in relation to this issue might be if members were absolutely confident that if a referendum were held people would flock to the polling booths and say, 'Yes, we want to keep poker machines.' One suspects—and I think that the Hon. Nick Xenophon also

suspects—that that is not necessarily the view out there in our community.

I am not prepared to walk down the path that I have heard enunciated by Mr Mick Atkinson in another place on the virtues of citizen referenda, etc. They can have advantages, but that formalised process that California entered into when it considered proposition 13 and a range of matters at the end of the day was abandoned altogether. However, that is not what the Hon. Nick Xenophon is proposing. He is not proposing a Californian-based, American-style citizens' referendum on every contentious issue with which politicians necessarily have the courage to deal.

The honourable member is proposing a referendum on poker machines which the public (irrespective of what we as an illustrious group of politicians might think) if surveyed (not probably but almost certainly if surveyed) would cite as the pre-eminent social problem creating social disorders and problems in our community over and above any other—and I would speculate to the point where the honourable member is probably correct on that view. One does have to wonder why people in both houses of parliament are wary, suspicious, even fearful of a referendum on this subject taking place.

I would pose to members—whilst the parties will publicly indicate they have a conscience vote on this issue—that, over recent times, the conscience vote that Labor members of parliament believe they have is being somewhat crimped by rulings of the Leader of the Opposition who, despite it being a breach of party rules, sits as the chair of caucus determining whether or not issues are a matter of conscience. The Liberal members of parliament—and there are fewer of those amongst the group that supports gaming machines—I suspect are more motivated by reasons of revenue than the Labor members of parliament on this issue of gaming machines.

If some members of parliament, irrespective of their personal view, want to continue to be preselected, they must follow the Miscellaneous Workers Union line in this matter. For those members who are not aware, that is the union that is currently covering what membership it has left in the hotel industry. One could, if they wanted to, go back only within the past decade to witness the decimation of the membership of the old Liquor Trades Union, the now amalgamated Liquor Trades and Miscellaneous Workers Union. Members in this place better than I are aware of the decimation that took place in the Western Australian branch.

As an old secretary of the Labor Party some eight or nine years ago, I am aware that the liquor trades were affiliated to the Labor Party—I think for 11 000 members. I think that, at one stage, there were 11 300 members and the union under-affiliated for its true membership. How do I know that? Because I can recall on one occasion raising the issue with the Hon. Trevor Crothers who is a former secretary of the Liquor Trades Union when it in fact did have something like 14 000 members in this state. I understand that, sadly, that membership has fallen to something like 4 000 or 5 000.

I can recall, for example, the Hon. Trevor Crothers' extraordinary efforts to maintain constitutional coverage over the workers at the casino. I think that, at one stage, the old Liquor Trades Union, which was a fine union, had 100 per cent coverage—something like 1 100 members at the casino. Sadly, I believe that the membership at the casino now does not even hit triple figures, let alone four figures. I last heard that it was down to about 18 or 19 members and that membership in the industry had fallen to something like 4 000. The Miscellaneous Workers Union, just like the Australian Workers Union, lies about its membership and over-affiliates for the actual members it has.

The Hon. R.R. Roberts interjecting:

The Hon. T.G. CAMERON: I am merely outlining what, in my opinion, has happened to a union that probably had as fine a record as even the AWU and some of the other older unions in this state.

Members interjecting:

The Hon. T.G. CAMERON: It is all right; I am having fun. We have a situation where there is not going to be support for a referendum on this social issue. Heaven forbid that we would let the people out there who elect us (they have already had their say on it) contemplate having a referendum to determine whether they do or they do not want poker machines. I suspect that, if we were to have a referendum, it would probably be a pretty close call, and I would not necessarily like to predict the outcome because I have no doubt that the proponents who protect government revenue and private profit would mount some very serious arguments on issues such as how many more emergency services levies we would have to introduce to pick up this revenue, as well as employment, investment, and compensation for the hoteliers. They would all be issues that would come into play.

Unfortunately, the poker machine tax, if I could use that description, is a little bit like the tax on cigarettes. Provided that you have a tax that the majority of people are not paying—and they are aware that they are not paying it—it would appear that people are quite happy to allow that situation to continue as long as it means they do not have to dip into their own pockets. I think that is sad, but it is realistic, and something that the Hon. Nick Xenophon would have to deal with if we ever got to the stage of having a referendum. Notwithstanding some of the problems that I can see with a referendum, I will support the resolution.

The Hon. T. CROTHERS: I was not going to enter this debate but, to put the record truthfully straight, and so that we are not running off anally with respect to some of the facts that some speakers have tried to put on the record, I want to set the record straight. The question of poker machines was first introduced into this place as a private member's bill by Frank Blevins. It was a conscience vote and it is a nonsense to say that the people in this state were not represented here—indeed, it was carried by one vote in this upper house.

I want to make a point about Mario Feleppa. It is true that some supporters of the casino—of whom I was one, and I will come back to why I was—in the Council, and I was not one of these, tried to heavy Mario Feleppa. That is true.

An honourable member: Ton of bricks.

The Hon. T. CROTHERS: Well, heavied him; I cannot do better than that. In fact, he came back, still determined in his attitude with respect to whether the casino should go forward or not. He had a long conversation with me, and I had not been in here that long. As I recall, for instance, I think the Hon. Rob Roberts was opposed, as he was quite entitled to be—it was a conscience vote. I think on the Liberal side of the Council the Hon. the Treasurer and the Hon. Diana Laidlaw were two who were supportive. And it was a very narrowly run thing. In fact, the Hon. Mr Feleppa went on the *Hansard* record telling us that he been heavied, in his quiet way, but he was not prepared to budge until he had spoken to me and I had convinced him that it was essential for us to have some form of poker machine in this state.

Because, you see, if you want to do away with poker machines, you have to do it federally, or you will get the

same position again that prevailed prior to us adopting the poker machines here one Sunday morning about 4 o'clock or 5 o'clock. In those days there were bus loads of people going every day to Wentworth and other places in New South Wales to play the pokie machines there.

The Hon. P. Holloway: They spent $20 or $30 and then came home.

The Hon. T. CROTHERS: Whatever they spent, it was money not being spent in this state, which is what I am trying—

Members interjecting:

The Hon. T. CROTHERS: I do not want to take issue with these puerile interjections that really show a basic lack of knowledge of the industry. Let me tell you why Frank Blevins introduced the bill. It was not introduced by the Labor government: it was a private member's bill introduced by Frank Blevins. Let me tell you why he did so—and you can go to the *Government Gazette* and check this. Hotels had gone right down the drain.

The Hon. M.J. Elliott: So it was to prop hotels up?

The Hon. T. CROTHERS: Be quiet a minute. No, we are talking about employment. Are you not interested in employment? Are you like your leader, Stott Despoja—only interested in your own ends? What is the score with you? Anyhow, I will not let myself be distracted from the truth, even though there are a few inane interjections thrown from time to time. When I say 'inane', I mean top of the inanity class of 2000-01.

But let me make the point that, if you go back to the *Government Gazette* of that time—do not take my word for it—hotels were closing down and changing licensees at the rate of 30 or 40 a month. I used to check the *Government Gazette*. Licensed premises, motels, etc., and private clubs were changing hands at the rate of perhaps 40 a month. So, something had to be done or the bottom would have fallen out of the tourist industry in this state, our hotels having the capacity to, in fact, exist in particular locations—

The Hon. M.J. Elliott: They are not tourist hotels.

The Hon. T. CROTHERS: Well, you wouldn't know. Be quiet and learn a bit. In particular areas—

The Hon. J.F. Stefani: They are watering holes.

The Hon. T. CROTHERS: Well, you ought to know because you make more water than anybody I know. Particular areas, such as Yorke Peninsula for instance, would have lacked sufficient accommodation to house the tourists and the visitors that we were getting, and they were changing hands. And the Hon. Mr Elliott would be best advised to check the *Government Gazette* where the change of licences has to be registered.

The Hon. M.J. Elliott: What about small shops? Should we give them poker machines as well?

The Hon. T. CROTHERS: Just a moment. There are lots of small shops in big hotels—little boutique shops that are doing very nicely, thank you. I want to make the point, if I may, that it does not matter what you think in respect of poker machines—it does not matter what view you have—it is my view that you do not need a referendum because it is a conscience issue and people will vote according to their conscience. In my view, when you take that vote that is a conscience issue, you will get an opinion that pretty well reflects the opinion of the population of South Australia.

Do we tell our churches, that are led by ministers of the cloth, that they have to have referenda whenever they change a particular policy? Of course we don't! Do we allow our military personnel to have a referendum when they are being led by the officers appointed to the position by the Army, the Navy or the Air Force? Of course we don't! We talk about citizen initiated referenda. Look at California and see the damage that citizen initiated referenda have done in that state. They do not have them now, and there is good reason for that.

The other point I will make to those people who want to have this referendum on poker machines is: what question will you frame? What question will you frame so that the people who vote in the referendum will fully understand the subject matter? You would have to frame a question which would take about three hours to read if it were going to be a proper referendum. The politicians of this state are elected in all places, except this upper house, for four-year terms. And here they are elected for an eight-year term with half coming out one year and half coming out at the next election. Why then, once having been elected to carry out the will of the people, should we be running to a referendum when we all know, as my honourable colleague Terry Cameron said, that if you are going to have a referendum you have to find a way to replace the revenues that will be lost to the state; you have to find a way to replace the payroll taxes that will be lost to the state; and you have to find a way to protect the state from the damage that most surely will be done to the tourism industry, which already has grave problems because of people refusing to fly on aircraft due to the events of 11 September and due to the events of yesterday in New York?

Yet we have these people, these do-gooders, these Johnny-come-latelies and Jeannie-come-latelies, who would oppose this matter when it has been thoroughly debated in this Council as a private members' bill, with members on both sides crossing the floor. Some members of the Labor Party voted against it; some voted for it. A couple of members of the Liberal government, who were then in opposition, voted for it and some voted against it. It got up by 11 votes to 10. It was quite easily carried in the lower house, I might add, and the bill was put up by one member who was one of the better politicians that I have seen operate, and that was Frank Blevins. He was held in high regard in the various departments that he administered when he carried different portfolios.

The Hon. P. Holloway: Not by taxidrivers, though.

The Hon. T. CROTHERS: That is not true because I copped a lot of stick there, too. I was chairperson of his transport committee and I supported what he did. Now Di Laidlaw cops a lot of stick from taxidrivers, which is not correct. I have told taxidrivers repeatedly that, if they want to fix up their industry, they have to form or join a union, such as the Transport Workers Union, but they will not do that.

That is the position that I would take. That puts the thing on the record and I could probably say a lot more, but time is running away from me. It puts the issue in its historical vein on the record in as accurate a fashion as my recall will allow. I oppose the proposition standing in the name of the Hon. Mr Xenophon, and I tell him that next time he had better tell us how we are going to fix up tourism and the people who will lose their jobs if this issue gets up, because, to put a question to the people that they will understand, it will take them about three hours to read it. I oppose the measure.

The Hon. NICK XENOPHON: I thank members for their contributions, some more than others. I will deal first with some of the issues raised by the Hon. Trevor Crothers. This bill is about whether South Australians can have a referendum on the issue of poker machines. It is an issue that

South Australians have never had a direct say on previously. This parliament voted on the issue of poker machines in 1992. If the Hon. Trevor Crothers is suggesting that, because parliament voted on an issue a number of years ago, that is it for all time, I beg to differ with the honourable member, because in a democracy we can always revisit issues, and that is the nub of this issue.

The Hon. Robert Lucas, in his response on behalf of the government with respect to this bill, raised some important issues about the essence of representative democracy and the role of referenda in that, and that is where I agree to differ with him. I believe that there is an important role for referenda in our representative democracy. It is not inconsistent with our system of representative democracy and I refer again to the remarks of Professor Charles Handy, who has said that he has become a convert to the idea of referenda, and has also stated:

> It is argued that the decisions reached by this method are often wrong. But there is little evidence that they are any worse than those taken on the people's behalf by their elected representatives. Those countries with extensive experience of referenda, find that the necessity for a referendum forces politicians to explain the issues. At the same time the populace is encouraged to focus their minds on the questions before them. Referenda make the symbolic point that some decisions are too important to be left to politicians, and that the people can be trusted to be responsible for their own future as a society. Referenda are a form of public education and for that reason alone we need more of them.

The Hon. Robert Lucas raises issues with respect to—

The Hon. T. Crothers interjecting:

The Hon. NICK XENOPHON: The Hon. Trevor Crothers says that California does not think so. That is not my understanding. It still has a system of referenda. The Californian populace learnt after proposition 13 that it was part of the process of working through the whole issue of referenda, and I think that members will find that the history in California is that a whole range of issues are debated and dealt with successfully, including issues relating to insurance and greater disclosure by insurers, and a whole range of issues on the medical use of marijuana. I think that we can also learn from the mistakes in the US in a number of jurisdictions where referenda are used on a regular basis, and also in Switzerland, where referenda have been part of that system for a number of years.

The Hon. M.J. Elliott: 150 years.

The Hon. NICK XENOPHON: The Hon. Mike Elliott says 150 years. We can learn from the successes and mistakes of referenda used in other jurisdictions.

The Hon. T. Crothers interjecting:

The PRESIDENT: Order, the Hon. Mr Crothers!

The Hon. NICK XENOPHON: We should not fear referenda. We should encourage referenda and embrace them as a way of supplementing, of reinvigorating, our system of democracy.

The Hon. Mike Elliott has indicated that he will support the second reading of this bill but that he supports an indicative plebiscite, which is something that is consistent with the Democrats' policy. I understand that New Zealand has a system of indicative plebiscites, which is rarely used, but it is along the lines of the proposal that the Hon. Mike Elliott has suggested. Notwithstanding that, I would rather have an indicative plebiscite than nothing at all.

The Hon. Paul Holloway is concerned about the broader implications and made reference to the gambling reform legislation passed earlier this year and the role of the Independent Gambling Authority. With respect, I cannot see how that would advance this given the structure and the wording of that legislation that the Independent Gambling Authority cannot consider an issue if it will affect the commercial viability of the industry, or words to that effect. I note that the ALP is locked into opposing this bill. I will stand corrected by the Hon. Paul Holloway, but the Labor Party did support a referendum on ETSA and also on a nuclear waste dump, and it is disappointing that the ALP does not see fit to support a referendum on this issue.

The Treasurer raised the issue about how these measures would be dealt with, and I refer the Treasurer to the wording of the legislation where, if one particular clause is passed, it gives the sequence of how the clauses would be dealt with. So, for instance, if there was a yes answer to the removal of all poker machines from South Australia and a yes to the question about the removal of all poker machines from hotels but not from the casino or clubs—if a majority voted to get rid of all poker machines—the third question would take precedence over the second question. Parliamentary counsel was quite careful in making that clear in the drafting of the bill.

Having said that, I understand that both the government and the opposition will be opposing this bill. I have faith in the South Australian electorate making the right decision, not just on the issue of pokies but on a whole range of issues, and we should take note of the words of Professor Charles Handy. I do not think it can be said that 22 consciences in this place or 69 in this parliament altogether are in any way superior to 1 million consciences at the ballot box. With those words, it appears that the numbers are against me. I am not surprised but disappointed. The issue of poker machines will be revisited, and I think that the Treasurer knows that this issue will be revisited in the next four years, and he will have to put up with that. However, as part of a constructive debate—

The Hon. M.J. Elliott: Is that one of the issues that you are going to campaign on this time?

The Hon. NICK XENOPHON: On poker machines—if you were a betting man, you could bet on that. It is a shame that we cannot have a vote on this particular issue, given the extent of concern and the extent of damage in the community, and obviously the issue of budgets and foregone revenue is a legitimate issue to be raised in the context of the debate. The threshold issue is whether we have a referendum on this issue at all. I have dealt with that, to some extent, in my second reading explanation and also on the issue of commonwealth-state fiscal relations.

Having said that, I appreciate the remarks of members. It is a threshold issue as to whether we have a referendum on a whole range of issues in a representative democracy. I have already flagged that I believe that is a good thing. I urge members to support this bill.

The Council divided on the second reading:

AYES (5)

Cameron, T. G.	Elliott, M. J.
Gilfillan, I.	Kanck, S. M.
Xenophon, N. (teller)	

NOES (16)

Crothers, T.	Davis, L. H.
Dawkins, J. S. L.	Griffin, K. T.
Holloway, P.	Laidlaw, D. V.
Lawson, R. D.	Lucas, R. I. (teller)
Pickles, C. A.	Redford, A. J.
Roberts, R. R.	Roberts, T. G.
Schaefer, C. V.	Sneath, R. K.
Stefani, J. F.	Zollo, C.

Majority of 11 for the noes.
Second reading thus negatived.

G.C. GROWDEN PTY LTD

Adjourned debate on motion of Hon. T.G. Cameron:

1. That a select committee of the Legislative Council be appointed to investigate and report upon the financial activities which lead to the collapse of G.C. Growden Pty Ltd (Mortgage Investments), the financial and legal implications for the investors involved and any other related matter;
2. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only;
3. That this Council permits the select committee to authorise the disclosure of publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council; and
4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 6 June. Page 1723.)

The Hon. K.T. GRIFFIN (Attorney-General): I spoke on this or on a similar resolution in the last session. I have not spoken on the motion in the current session and therefore it is important to put on the record the views of the government with respect to this motion. They reflect largely the views I have already placed on the record. I appreciate that the Hon. Terry Cameron has been an advocate for persons who have suffered hardship and loss as a result of the Growden's collapse, and I appreciate the sentiment which motivates him to move this motion for a select committee, but can I say that, as I have said previously, it is my view that the select committee would not be able to recover any of the funds lost in the Growden's mortgage brokering collapse. Growden is bankrupt and the companies are in liquidation.

It is difficult to see what other benefit would come from the select committee, because the issues which affected the investors in Growden—although there was an overlap with a period when there was a state jurisdictional issue—are now solely an issue for the federal government under federal law and subject to the Federal Corporations Act and the supervision of the Australian Securities and Investment Commission. Whilst the select committee might provide a forum for those investors who lost their money, or who lost a large part of their money, it would, in real terms, achieve nothing.

The reasons behind the collapse are already well known: grossly inflated valuations, fraud, loans to persons with known poor credit histories and general mismanagement. A group of plaintiff investors who brought a class action against Growden and his insurers agreed to abandon their claim on Friday 21 September 2001. The terms of settlement are confidential but orders will have been entered in the Supreme Court on 3 October dismissing the plaintiff's claims by consent. The Commissioner for Consumer Affairs, to date, has paid out just over $800 000 from the agents indemnity fund in claims against Growden. The government and the Commissioner for Consumer Affairs are concerned about the plight of claimants. The commissioner has taken the step of hiring an extra staff member specifically to deal with the Growden's claims and has also redirected existing human resources to the matter.

The criminal law and the legal and financial regulatory framework now applying to investments already cover these sorts of matters. I should say also that final orders were made in the District Court on 3 August 2001 in the prosecution of Mr Growden for 26 counts of fraud totalling $472 231, as a director of his company, Associated Savings Pty Ltd. The prosecutions were federal prosecutions initiated by the commonwealth Director of Public Prosecutions on behalf of the Australian Securities and Investment Commission. In fact, the court has now found that Mr Growden is unfit to stand trial. That finding was made on 24 April 2001, and some other issues have arisen from that.

As I said, it is difficult to see what actual benefit could be gained for the investors from a select committee. If I can just give some background, the involvement of the state government and the Office of Consumer and Business Affairs came about largely because of an historical anomaly. The activities of conveyancers are regulated by the Office of Consumer and Business Affairs pursuant to the Conveyancers Act 1995 and previously the repealed Land Agents, Brokers and Valuers Act 1972. Prior to the repeal of the Land Agents, Brokers and Valuers Act 1972 on 1 June 1995, some finance brokers fell within the jurisdiction of that act because they carried on two businesses, one as a conveyancer and one as a finance broker.

Finance broking is not a traditional activity of conveyancers and not all finance brokers were also conveyancers. Clients of those finance brokers who were not also conveyancers were not protected by the indemnity fund established under the repealed act. Clients of brokers or mortgage financiers who were also conveyancers had access to the indemnity fund under the repealed act. Over the years, millions of dollars in compensation has been paid out of the indemnity fund as a consequence of the fiduciary default of this small number of conveyancers who were also finance brokers.

When the Conveyancers Act 1994 came into operation on 1 June 1995, access to the fund in relation to the activities of mortgage financiers was removed. One of the investors in the Growden group named by the Hon. Mr Cameron in moving the motion, a Mr Brian Dixon, wrote to the Premier in December 1998 suggesting that the current government, with knowledge of Growden's imminent collapse, removed access to the fund to protect the fund against Growden's claims and that the change to the fund was not satisfactorily advertised. He further suggested that $19 million had previously been withdrawn from the fund and transferred into general revenue.

In fact, the issue of removing access to the fund was first raised by the previous Labor government in 1992. A bill to amend the Land Agents, Brokers and Valuers Act 1973 (which has since been repealed) to remove access to the indemnity fund from persons who used land brokers (now conveyancers) to arrange mortgage investments for them for that purpose was introduced in the Legislative Council in November 1992 by Anne Levy as the Minister for Consumer Affairs. The bill was passed in or about May 1993 and received royal assent but was not proclaimed. Although access to the fund was effectively removed on the commencement of the Conveyancers Act 1994, this change was put into motion by the previous Labor government in 1992.

The allegation that millions of dollars was transferred from the fund into general revenue are clearly refuted by referring to the financial statements of the fund published by the Commissioner for Consumer Affairs in his annual reports over several years. The change to the legislation removing the activities of mortgage financiers from the scope of the indemnity fund was advertised in a notice appearing in the

Monday Money section of the *Advertiser* newspaper of 19 June 1995. Finance brokers are regulated under the Corporations Law except that they are exempted from the prospectus requirements. That exemption applies to all finance brokers provided they are members of the Finance Brokers Institute and carry appropriate indemnity insurance.

The then Australian Securities Commission (now ASIC) investigated Growden for breaches of the above requirements from mid-1996. In particular, ASIC has investigated the operations of a Growden company, Associated Savings Pty Ltd. Growden used that company to park investors' funds returned from one investment until they were allocated to a new investment opportunity.

The receiver and manager of Associated Savings, a Mr John Irving, who was subsequently appointed liquidator, uncovered information, namely, that funds from Associated Savings had been lent to other Growden companies (including, allegedly, Champion Homes), and Associated Savings was found to be suffering a shortfall of the order of $700 000. It was also found that by early 1997 non-performing loans provided two-thirds of Growden's total loan portfolio.

The Commissioner for Consumer Affairs became concerned in early 1997, in light of Mr Irving's findings, that the interests of consumer lenders might have been compromised by the National Australia Bank enforcing mortgagee rights over a number of properties which had been charged by Growden family companies as security on a personal loan to Graham Growden. The properties had been bought in the name of Growden or his companies using money lent from Associated Savings—they were in fact investors' funds.

Those Growden family companies received no benefit in exchange for providing the properties as security for Mr Growden's personal loan from the National Australia Bank. The Commissioner for Consumer Affairs obtained legal advice and put forward an argument to Mr Irving that the properties in question were held on constructive trust for Associated Savings and should not be sold by the National Australia Bank. However, this bid to protect consumer lenders was unsuccessful.

It is important to recognise that the Commissioner for Consumer Affairs continues to consider claims by investors relating to funds invested with Growden prior to 1 June 1995. Claims relating to funds lodged with Growden after that date have been directed to the indemnity fund established by the Finance Brokers Institute, which is now responsible for regulating finance brokers.

Claims on the indemnity fund are those which have covered both the period before and after 1 June 1995, but the fund can meet those claims only in certain circumstances where they relate to loans made with Growden's prior to 1 June 1995. As I said, some $800 000 has been paid out so far in relation to those claims.

I think it is important to recognise that under the Conveyancers Act 1995 only a person who has no reasonable prospect of recovering the full amount of their loss may claim compensation under the act—that is, the fund is one of last resort. A large number of investors have instituted a class action in the Supreme Court. They did that in June 1999 against Growden and its professional indemnity insurers, and they sought damages for negligence and false and misleading conduct. Accordingly, the Commissioner for Consumer Affairs has to await the outcome of those proceedings before he can properly determine whether those individuals have any prospect of recovering their losses, and hence whether they are entitled to claim on the fund.

The act also specifies that the amount of the claim cannot exceed the actual pecuniary loss suffered by the claimant in consequence of the fiduciary default, less any amount the claimant has received or may expect to recover in reduction of that loss. At this stage, given that it is difficult to estimate what the investors can expect to recover from Growden, the commissioner has been unable to make the necessary deductions.

Having interpreted the provisions of the act as a statutory code setting out how claims are to be assessed, the commissioner has deferred making a determination of claims where the claimants are party to the Supreme Court action until such time as there is sufficient information to enable him to assess what the claimant may reasonably expect to recover from the action.

Only at that time will the commissioner be in a position to fulfil his statutory obligation to make deductions to the claim amount. There was a court action but, as I have indicated above, the plaintiffs have now settled their Supreme Court claim against Growden and his insurers. It is for an undisclosed sum, but it is now expected that eligible claimants will seek to claim against the fund on the basis that they have exhausted other avenues of compensation. That is just a brief outline of the background to this issue. I reiterate what I indicated earlier: that, whilst I appreciate the Hon. Mr Cameron's motivation in moving this motion, the government is unable to support it, because it believes that this is not now a state jurisdictional matter and, particularly, that nothing positive can be gained by an inquiry by the select committee.

The Hon. T.G. ROBERTS: I indicate that the opposition has a lot of sympathy with the motion moved by the Hon. Terry Cameron. I understand that people have visited his office and described their personal circumstances to him, just as I have spoken to people in the South-East who have been victims of the collapse. I had sympathy in the first stages of discussions with the Hon. Mr Cameron in relation to the setting up of a select committee. Having talked to some of the investors who still had cases running in the courts although I have not discussed it with the Hon. Mr Cameron, I suspect that the way in which the courts are handling the situation will describe the positions that future governments will have to contemplate adopting by way of legislation to protect the interests of investors when dealing with credit companies and operators who offer interest rates that are far more generous than those operating in the financial sector at a given time and the securities that they hold.

There has to be greater cooperation between federal and state regulatory bodies in protecting the interests of small investors at any time, and I suspect that state governments will have to pay a little more attention to the protection of small investors. In the main, the people I spoke to who were caught by the collapse were primary producers. Although they had contact with financial institutions from time to time, certainly it was not their core business to know and understand how the wily operations of some financial institutions prey.

I am not making any assessment on GC Growden Pty Ltd, because I am in no position to be able to judge. I have not done the research required to go back through the growth of GC Growden Pty Ltd, but I suspect that the people who were entrusted with the moneys of those investors knew at some time that there would never be any chance that those people who had worked hard and put all or part of their life savings

into their trust and care would get their money back. Some financial institutions are set up deliberately to deceive investors and park their money in institutions and organisations deliberately to make sure—

The Hon. T.G. Cameron: There's a new scheme developed every day.

The Hon. T.G. ROBERTS: That is right; there is a new scheme developed every day—to make sure that the investors are unable to retrieve their money. I think that some of the signals in the collapse of GC Growden and its investors were picked up and some protective measures were taken by setting up an indemnity fund, but I understand that some people who took out the class action received a percentage on their investment in returns through the compensation fund. But the Attorney indicated that those who invested prior to June 1995 have not received anything. I thank the Attorney for the explanation given tonight; that is probably as good and detailed a description as I have had of the whole sordid circumstance as described to me.

If I describe the trouble that investors had, perhaps in its wisdom the government can devise some legislation for the future that might be able to enhance the legislation we already have to protect the interests of those people.

The Hon. K.T. Griffin: They are regulated under federal law; it is not a state issue any longer.

The Hon. T.G. ROBERTS: I understand that the state attorneys meet from time to time to make recommendations to federal regulatory bodies. The circumstances as described to me were such that, based on personal contact and personal trust, people entrusted their funds to an organisation that certainly took advantage of that trust. It appears that that is the case. When questions were being asked by investors as to the intentions or the ability to have their funds returned or at least dividends paid on their investments, most of the answers that they were given could be described probably as 'a strong maybe'. There was always a reason why the people who entrusted their money were not given straight and direct answers. When they sought legal advice to try to get their money refunded or to wind up their investments, it was too late. The signals they had been getting earlier were far too late for their accountants and legal advisers to be able to salvage their funds. The amounts of money that they then had to expend on legal advice to try to retrieve their money from that fund was another burden that they had to pay, so they set up a class action.

I think the lessons that were learnt by individuals have been very painful ones. The lessons that governments have learnt have led to some changes in the regulations. We have sympathy for the Hon. Terry Cameron's motion to set up a select committee to investigate the circumstances, namely, that a select committee of the Legislative Council be appointed to investigate and report upon the financial activities which led to the collapse of GC Growden Pty Ltd (Mortgage Investments), the financial and legal implications for the investors involved and any other related matter. The opposition does have sympathy for the intention of the recommendation inherent in the motion, but believes, as the government has mentioned, that the select committee recommendations would be unable to effect any action to recoup the money and would not make any difference to the people who have lost their life savings in the collapse of GC Growden.

As I said earlier, I think that the lessons that have been learnt from this should be taken up with the federal regulatory bodies to see whether any other holes need to be plugged to protect the interests of small investors and investors generally when placing their money in organisations that they believe are looking after their funds and to protect moneys that they thought they would have for their retirement. In some cases, their life's savings have disappeared without trace so that they now have no protection and security for their old age, nor any benefits to pass on to any of their children.

The Hon. IAN GILFILLAN: I indicate Democrat support for the motion. Having read the introductory argument I believe that the Hon. Terry Cameron has a substantial case; and, after listening with some attention to the explanation of the Attorney, I still believe that the argument for a select committee holds up. I am not sure whether the mover is interested in the reasons. The reasons, as I understand them and which I support, are that, regardless of what capacity we have in this parliament to achieve, in a specific way, a remedy or a relief to the people involved, we certainly can offer an effective forum.

One of the most useful aspects of a select committee is that it provides a forum—and I wish the mover of the motion would pay a little attention to the argument supporting his motion, otherwise there seems to be very little incentive to do it—for people who feel aggrieved to express themselves before a formal committee so that the detail can be properly recorded and assessed. That is a value in itself.

Although it may be, as the Attorney says, a federal matter to offer specific relief, I am not convinced that that is the only area in which we could, in some way, address this matter. I do not see any reason why a select committee, addressing it with due diligence, could not make recommendations which would flow into the federal arena, if that is where the action needs to be taken. I indicate, again, that the Democrats support the motion and commend the Hon. Terry Cameron for responding to quite a tragic need so that representatives of these people can have the opportunity to express in front of a committee their particular plight; and that the material, which may well be duplicating what the Attorney-General has put on the record in *Hansard*, can be part of the substance of material that goes before the select committee. I indicate again Democrat support for the motion.

The Hon. T. CROTHERS: Like the previous speaker, I also rise to support the proposition. It seems to me that, no matter how we dress it up and no matter what we say, it is the small person who always gets battered around the ears when investment companies go belly up, or they cheat, lie or do whatever they do that brings them down. It seems to me that, for instance, the banks are making obscene profits, yet the banks are not providing the same sort of service.

It was once the case when they were working for fewer profits that, as a carpenter, I built my own local bank, a branch of the Bank of South Australia. It has now been closed. We now have another bank and, when you first walked in there were 20 or 25 customers in front of you and when you left there would be 20 or 25 customers behind you. It used to take 25 minutes to draw your money out of the bank. Of course, that was bad enough, but what bothered me was what occurred when a lot of the people in the queue started to complain about the waiting time. What was the bank's answer? Did it put on extra tellers? No, it did not. The bank's answer was to put on a security guard to deal with these ill-mannered louts who were complaining about waiting for half an hour for some service.

The Hon. T.G. Roberts: You shouldn't have had your balaklava on.

The Hon. T. CROTHERS: You lend me your balaklava and I will have one to wear. I did stand up one day and I said, 'This is a disgrace.' I said that I would raise it in parliament and that I would mention that the bank had employed a security guard to deal with, in the main, old pensioners who went in to draw their pensions and who had served their state so well.

The Hon. T.G. Roberts: At the relevant time you told them.

The Hon. T. CROTHERS: Never mind at the relevant time. The honourable member was not there, unless he is looking at his cracked crystal ball again. I thought that, after having come in from having a cup of tea in the bar and listening to Pat Conlon, he was the one with a cracked crystal ball. Having said that, however—

The Hon. R.K. Sneath: He was making perfect sense to me.

The Hon. T. CROTHERS: Yes, well he would to you. I agree with that. I will second that. He was making sense to the honourable member. Not much difference there, is there? I simply want to say that I have much pleasure in supporting this proposition standing in the name of the Hon. Mr Cameron. The only place little people can get justice is in this parliament, and if they cannot get it from us it is time we took a great in-depth inward look at ourselves. I have much pleasure in supporting the proposition. I hope it will not be opposed, for whatever reasons.

I think that it is something that we ought to be supporting, if only to give protection to the little people that they do not normally get when they become involved with these big institutions that go belly up. I support the proposition.

The Hon. P. HOLLOWAY: I wish to make a very brief contribution because my colleague the Hon. Terry Roberts has outlined the opposition's position fairly clearly. We do have great sympathy for the victims of this financial collapse. However, I think that the last thing that many victims of this particular financial scam would want is to be dragged through another exercise, another inquiry, which really, unfortunately, cannot deliver any satisfaction to them in terms of either compensation or change of the law.

In my view, the appropriate way in which to deal with this in terms of giving the people involved in this collapse a hearing is through a federal committee, because at least the information that was provided at that level could be translated into preventative legislative action for the future. Sadly, as has been pointed out by the Attorney and others, this state can do virtually nothing in these areas because it is not within state law. Although, again, as my colleague the Hon. Terry Roberts has pointed out, we would hope that at least the Attorney will take the opportunity of raising this matter at the meeting of state and federal Attorneys-General so that it might be addressed at the federal level.

The Hon. L.H. DAVIS: I do have sympathy with the proposition that has been put forward by the Hon. Terry Cameron in this motion. Quite clearly he has had some involvement with the people who have been hurt financially by the collapse of Growdens. Again, it does highlight the risk that is involved with investment, even though the principals of the organisations involved may seem to be offering a good product and may seem to be of good repute.

I had a similar experience not long before Growdens collapsed with the extraordinary $17 million loss suffered by investors through RetireInvest in South Australia and I helped, with my parliamentary hat on, some of the affected people recover their money. The distinguishing feature between the Growdens case and RetireInvest was that RetireInvest was, in fact, a fully owned subsidiary of Mercantile Mutual which, in turn, was owned by an international giant, a Dutch group, ING. So, to protect their reputation, they stood behind the losses and, in fact, recompensed the investors in full.

The Hon. T.G. Cameron: It was $8 million, I think.

The Hon. L.H. DAVIS: That is right. It was a harrowing experience, nevertheless, for investors who had a portfolio of blue chip shares worth $500 000 to find out, on the collapse of RetireInvest, that, in fact, those shares had been traded without their knowledge and, in some cases, they had just a few hundred dollars of investments left because they had been traded away to nothing from portfolios worth—

The Hon. T. Crothers: You have had a university education. A lot of these people have not.

The Hon. L.H. Davis: I know—hundreds of thousands of dollars. It underlines the point that the Hon. Trevor Crothers makes, that people with no background or experience in investment see advertisements in the paper and believe that those advertisements mean that the people that they are putting their money with are of good repute and offering a good product with adequate security.

The dilemma with this motion, as I see it, is that, as the Attorney has already advised the Council, these matters are now in the federal domain. Indeed, in the RetireInvest case, prosecutions have been laid and some of the key figures have been charged in recent weeks, and I do not want to say anything more about that matter. One would hope that, in all cases—whether it be RetireInvest or Growdens—there is adequate prosecution of offences which have involved losses of people's life savings which have caused not only enormous financial hardship but also created health problems and, in some cases, have broken up families. I have experienced the trauma of collapses such as this where people have invested life savings and have had their lives ruined.

So, the Hon. Terry Cameron is quite correct to draw this serious matter which involved millions of dollars to the attention of the Council. However, I think the best way to prosecute and address this issue is through the responsible bodies which have been set up by government. Indeed, it may also, of course, in some cases involve police prosecution. I regret that, in my experience, some of these prosecutions are slow and sometimes, I must say, they are totally inadequate. It reflects very much on the increasing complexity of white collar crime, the ability of the authorities to chase the problems through and the inadequacy, sometimes, I suspect, of resources to follow these matters through. I join with my colleague the Hon. Trevor Griffin in reluctantly opposing the motion, but not the principle and the thought that go into it.

The Hon. T.G. CAMERON: I thank all members of the Council who made a contribution to this matter, particularly the Hon. Ian Gilfillan, the Hon. Trevor Crothers and the Hon. Nick Xenophon, who support the motion before the Council. I think it is unfortunate that the Australian Labor Party and the Liberal Party cannot see fit to support this resolution. I thank the Attorney for outlining, in some detail, the process of events which took place in relation to this matter. Part of the reason why I think we need an inquiry is to find out for

investors just where the blame might lie in Growdens. It should be remembered that at least 2 000 small, mainly elderly, investors lost their life savings following the collapse in 1996 and 1997 of the Adelaide based G.C. Growden Pty Ltd.

Many of these 2 000 elderly people were reliant on the interest income to maintain their standard of living. As the Hon. Legh Davis outlined to the Council, investments have become more complicated and the lengths to which some devious operators are prepared to go in order to dupe people are such that many people, having retired and having to deal with the largest sum of money that they have ever had on their hands, are often attracted by offers of high returns, high interest rates, absolute security, etc. But there is an old rule in investment and that is that, usually, the higher the rate of return, the less secure the investment. But there was no doubt that in the case of Growdens many people were duped and deceived and, almost in a coquettish way, inveigled into investing their money—by Graham Growden himself who, I understand, was quite an engaging and effective salesman. These people were, of course, continually assured that their money was safe.

The facts are that Graham Growden systematically engaged in deceptive and dishonest behaviour to fleece these trusting people of what turned out to be millions of dollars. On 23 April this year, in the District Court, Graham Growden was declared unfit to stand trial due to major depressive illness and has been committed to James Nash House, the state's secure psychiatric facility, notwithstanding the fact that some investors have reported to me that he has been seen out and about town in various establishments at 1 o'clock or 2 o'clock in the morning. That would hardly seem to fit with his having been committed to James Nash House, the state's most secure psychiatric facility. If that is a fact, and he is being released, it is a damned disgrace.

So, not only have these investors lost their savings, but they do not even get any sense or semblance of justice. That is how they feel, and I think that is the point the Hon. Ian Gilfillan was making. It is all very well for the Attorney-General to say that there is no hope of these poor, unfortunate people ever recovering their money. Most of them, after four or five long years, have now resigned themselves to that fact—notwithstanding that marriages have broken up, people have committed suicide, people have gone mad and people are suffering from major depressive illnesses, all as a result of the activities of G.C. Growden Pty Ltd.

Most of these poor people now recognise that their money has gone and they are not going to get it back. I have received correspondence, personal letters, from people and it is almost enough to break your heart to read through some of the heart-rending stories involving some of these people. But at the end of the day, Mr Attorney, and I say this to the Labor opposition as well, one suspects that, if it were Nick Xenophon or the Democrats moving this motion, it probably would have got the support of the Labor Party. That will be something for the 2 000 investors to consider: why the Labor Party was not even prepared to support a select committee so that some of these poor unfortunate people could at least have some comprehension or understanding of what transpired.

Most of them, despite having engaged lawyers, attended court hearings and knocked on everyone's door in town, have quickly been shown the door and the door has been slammed as they have left the office. It is all very well to feel sorry for these unfortunate people and I know, just as the Attorney has pointed out, that any chance of them getting their money back is probably non-existent.

The Hon. K.T. Griffin interjecting:

The Hon. T.G. CAMERON: As the Attorney knows, there were many more millions lost than that. These are small investors, as the Hon. Trevor Crothers pointed out. In large part they are uneducated. One would not describe them in quite the same way as, for example, one might describe the Hon. Legh Davis, if one were talking about someone's professional expertise in financial investment. These people thought that they were investing in a safe investment—first mortgage on valued real estate in their own city. Many people, like Alan Samm, took pride in the fact that they assisted many a young couple to purchase their first home by providing bridging finance.

Unfortunately, however, it is now quite apparent that Growden was collecting a whole lot of money from small investors and bundling it together in a big parcel. The valuations were not worth the paper that they were printed on and, of course, it is the same old story. Eventually the interest is not being paid, mortgages have to be forfeited and, when it is time to sell up the property, there is a significant deficit between what is owing on the mortgage and what is available for the property.

People have a fair idea about some of those major issues. However, it would have been justice, fairness and equity if, as the Hon. Trevor Crothers and the Hon. Ian Gilfillan pointed out, those people had some official body—somebody—that they could go to and set out what their case was. It could have been considered, this parliament could have written up a report and this matter could have been, should have been and would have been laid to rest. Unfortunately, now, I suspect many of these people will go to their graves still wondering what really happened to their $45 000 or their $200 000 or whatever. I know it is only money, but it was money that these people needed to live off. For many of them, their lives have been shattered.

A select committee would have allowed an investigation to take place. We could have determined exactly what happened. It may well have been very similar to what the Attorney read out to this Council. I feel very confident in saying that, had some of these people given their evidence and had it been considered by the committee, which then would have written a report, they still might not have been happy with the outcome but at least they would have been satisfied with the fact that they knew what had happened. A select committee of inquiry could have looked at this matter.

When one considers some of the issues that select committees have looked at over the years, and when one considers that nearly 2 000 people lost millions and millions of dollars in a deceptive and dishonest commercial practice, one would have thought that they were at least deserving of two or three meetings of a select committee to present their case, have it considered and a rave report written.

I would like to record my appreciation to Glen and Suzanne Carter who were investors unfortunate enough to invest with Growden and who wrote to me on a number of occasions. In particular, I place on record my appreciation to Mr Alan Samm who has tirelessly battled for the investors. He is one of them himself and one might argue that he has a vested interest, but he has tirelessly knocked on just about every door in town trying to get somebody to provide an avenue for a hearing. He has probably spent thousands of hours fighting for justice for Growden investors. I would like to thank him, and I think that all of the investors who lost

money in this venture also owe a vote of thanks to Alan Samm for trying to get this measure heard.

I feel a bit disappointed and saddened for these investors. They can now look forward in the twilight of their lives, secure in the knowledge that this chamber cared so little for their plight that we would not even convene a Legislative Council select committee in order that at the very least they could have their case heard. I thank members for their contribution.

The Council divided on the motion:

AYES (6)

Cameron, T. G. (teller)	Crothers, T.
Elliott, M. J.	Gilfillan, I.
Kanck, S. M.	Xenophon, N.

NOES (15)

Davis, L. H.	Dawkins, J. S. L.
Griffin, K. T. (teller)	Holloway, P.
Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I.	Pickles, C. A.
Redford, A. J.	Roberts, R. R.
Roberts, T. G.	Schaefer, C. V.
Sneath, R. K.	Stefani, J. F.
Zollo, C.	

Majority of 9 for the noes.

Motion thus negatived.

LIBERAL PARTY, FUNDRAISING PLAN

Adjourned debate on motion of Hon. R.R. Roberts:

That he be ordered to lay on the table the fundraising plan of the Liberal Party of Australia and associated statistical material.

(Continued from 31 October. Page 2559.)

The Hon. R.R. ROBERTS: In winding up the debate, I have a couple of responsibilities, given the tenor of the discussions that we have had in respect of this matter. First, I am charged to speak to the motion in line with the standing orders, namely, that I be ordered to lay on the table this fundraising plan and associated statistical material. I need to respond also to the contribution made by the Hon. Rob Lucas in respect of the contribution that I made. In doing so, we have to step back a little and look at the conventions of the chamber which will then point out why the order ought to be given.

During the debate, the Hon. Paul Holloway in raising a point of order called on the Council, and you in particular, Mr President, to consider standing order 452, which says that a document quoted from in debate, if not of a confidential nature, or such as should be more properly obtained by address, may be called for at any time during the debate and on motion and thereupon, without notice, may be ordered to be laid upon the table. Members who have been in this place for many years would know that it has been a very strong convention that, if someone quotes from a document which is not of a confidential nature during a debate, it is laid on the table normally without question. It raises the question: should this be laid on the table if it is not a confidential document?

During the debate in this place and in the other house when these matters were raised by my colleagues, and indeed by the Hon. Rob Lucas in his contribution, it was pointed out that the information contained in these documents was not of a confidential nature. Indeed, the Hon. Mr Lucas pointed out in *Hansard* of 31 October on page 2554 that this information was available on the web site—

The Hon. R.I. Lucas: Some of it.

The Hon. R.R. ROBERTS: Most of it was on the web site. Having viewed the documents again, they are not marked as being confidential anyhow. In the other house, numerous speakers representing the government said that the documents were not confidential, it was public knowledge and that they were not worried about it. I refer to another interesting point in addressing the remarks made by the Hon. Rob Lucas, first, on page 2555 where he said:

> You tried to gag me this afternoon. You tried to prevent me from speaking because you know what we are going to say. You know what you have to hide.

I really need to address that, because far from trying to gag the Hon. Rob Lucas, members would remember that on Wednesday 24 October, when I moved the motion, it was he and his colleagues who wanted to adjourn the matter.

I wanted to proceed with the motion forthwith to give him that opportunity. I was then outvoted when I as a private member moved a motion in my own name. I faced the very unusual situation where the business that I as a private member had introduced to this chamber was taken out of my hands—something that I have not seen in my whole history in this parliament. It is a 'lore' law of this place that a private member's business is not taken out of his hands. However, members of this chamber have seen fit to set that precedent for future consideration by members of the chamber. Indeed, when I said that I would like to discuss it the next day to allow the leader to respond to my remarks, he voted that out of the question.

Clearly from his actions the week before he was not prepared to debate the issue, so, in the spirit of some cooperation, I did suggest that we adjourn it until the next week. But, no, that is when he accused me of applying the gag. Applying the gag, Mr President! This is the man who had resisted vigorously the opportunity to put his case. At the conclusion of his contribution, having exercised his right to speak—and I thought these people wanted to bring this matter to a conclusion, but that was certainly not the case—he moved the adjournment of the debate. As the business had most properly been put back into my hands as the mover of this private member's motion, I was asked when I wanted it discussed again. To conclude the matter, I suggested the next day of sitting.

What did we see? We saw the same old reversal. The leader and his friends said, 'No,' it could not be the next day of sitting, it had to be the next week of sitting. These people do not know whether or not they want to talk about it. They have had more positions on the situation than the *Kamasutra*. During his contribution there was an unwelcome interjection from the Hon. Diana Laidlaw, but as it is late at night I will give her a good night's sleep and address her interjections at another time. However, during his contribution on page 2557, the Hon. Mr Lucas referred to me and said:

> The honourable member made a series of outrageous allegations about fishing industry fundraising—

to which I replied:

> Absolutely.

The Hon. Mr Lucas then seized upon that—he is as quick as a flash—and said:

> Now he says 'absolutely'. Let that be on the record. The honourable member made a series of outrageous allegations about fundraising from the fishing industry and how the government responded as a result of donations that were given. That was a disgraceful allegation which was made today and which will be responded to, as I understand it, pretty strongly tomorrow when the

parliament reconvenes, both in the other place and in this place. Let us not hide behind the facade that the Hon. Mr Ron Roberts was just raising the issue. . .

Further on he again raised the same matter and said:

You cannot back out of it now. You made the allegations. You made further allegations today in question time and they will be responded to in both another house and in this chamber tomorrow, let me assure the Hon. Ron Roberts about that matter. He wants to be able, under the protection of parliamentary privilege, to continue to besmirch the good reputation of a number of people who should not have their reputations besmirched.

I waited with bated breath, because those assertions that I made—and I did make them, but not in question time; it was in a matter of public interest debate—involved the current Premier who was the fishing minister right throughout this sorry saga.

So, having received these threats from the Hon. Rob Lucas, I hardly slept at night—and what happened? Here it is, Wednesday, a couple of weeks later. We have sat three or four times and not a dickybird has been raised in either house—and do you know why? Because 95 per cent of it is absolutely true, absolutely accurate. That is why what I said in that contribution has not been refuted.

The PRESIDENT: Order! The honourable member must stick to the documents.

The Hon. R.R. ROBERTS: Mr President, I understand that my responsibility is to stick to the motion, and if I refer to documents I must refer to the documents in question.

The PRESIDENT: The honourable member will stick to the documents.

The Hon. R.R. ROBERTS: I will come back to the documents now, Mr President. Having reviewed the *Hansard* of this parliamentary debate, I find that the other person who wanted to rush in where angels fear to tread—and he is known for this—was the Hon. Mr Redford who was supporting his party. He called seven points of order on me. However, Mr President, you ruled on seven occasions that there was no point of order. You ruled him out of order on seven different occasions.

The PRESIDENT: Is the honourable member reflecting on the chair?

The Hon. R.R. ROBERTS: No, Mr President. I am reflecting only on the Hon. Mr Redford.

The PRESIDENT: Order! I ask the honourable member to return to the documents.

The Hon. R.R. ROBERTS: I am returning to the documents, Mr President. I am refuting the contributions made by members opposite which I understand is my right. Clearly, what has occurred here is a breach of two conventions. One is the convention that, if a member, during a debate, refers to a document, he does have a responsibility to lay it on the table. The second principle is that when a private member moves a motion in this Council he/she ought to have that business in his/her control. So, we have breached both of those conventions. Clearly, what we have demonstrated—

The Hon. J.S.L. Dawkins interjecting:

The Hon. R.R. ROBERTS: Dawkins by name, dork by nature. He is talking about something completely different that has nothing to do with this—

The Hon. A.J. REDFORD: I rise on a point of order, Mr President. The honourable member does this place no good by reflecting on members and calling them names. We have been pretty patient with him, but he just went beyond the pale.

The PRESIDENT: If there are names that you want withdrawn, I will ask for it.

The Hon. A.J. REDFORD: He referred to my colleague as a dork, and I ask him to withdraw it.

The PRESIDENT: Order! I ask the Hon. Ron Roberts to withdraw the word—

The Hon. R.R. ROBERTS: Dork?

The PRESIDENT: Yes.

The Hon. R.R. ROBERTS: Yes, Mr President. I am sure that all dorks will be eternally thankful for being dissociated from the Hon. Mr Dawkins.

The PRESIDENT: No. The honourable member will withdraw it properly.

The Hon. A.J. Redford: That's one point of order upheld, Ron!

The Hon. R.R. ROBERTS: One out of eight is about average for you. Clearly, there has been a clear breach of trust by those people in the past who have supported the Liberal Party. During their contributions some members pointed out that some of the same donors have supported the Labor Party. I expect that to continue because at least when they support the Labor Party they know that their private contributions will not be disclosed via the boxes of the members of the opposition, and they know that that will be respected. Those contributions to the Labor Party generally show up on our returns.

I make this challenge to the investigative reporters in South Australia: if they want to look at these documents that I table tonight, and if members opposite have been telling the truth—the whole truth and nothing but the truth—to the Electoral Commission, they can compare them with the official returns of the Liberal Party, and we will see whether they match up.

The Hon. T.G. Cameron: We should compare some of the trade union returns.

The Hon. R.R. ROBERTS: We cannot do that because we must confine our remarks to the documents before us in this motion. The situation started off as a very simple operation and a very simple convention was broken. Members opposite claim that they denied me the right to lay these documents on the table only because they did not know what was in them. I assert that the complete opposite is the truth: the only reason that they did not want me to lay them on the table, and the reason why they are prepared to smash every convention of this parliament, was that they knew exactly what was in them.

Now that these matters have been raised, the assertions that they made—that the very next day they were going to kick the life out of me—have not bobbed up, and I am waiting for that contribution. I only want them to come back and prove where we were wrong. Clearly, the best way to do that is to allow this motion to pass.

I did quote from the documents, so I feel that I have a responsibility to lay them on the table—and I am prepared to do that. Members opposite have to show enough guts to put these documents, which they claim are public documents, on the public record, and then they can be compared with the official returns. Mr President, they have not shown too much guts in the past and I do not expect them to show too much guts tonight. I challenge them to pass the motion. I have the documents here and members can look at them straight away.

Motion negatived.

RETIREMENT VILLAGES (MISCELLANEOUS) AMENDMENT BILL

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

No.1 Clause 3, page 3, lines 9 to 19—Leave out paragraphs (b) and (c).

STATUTES AMENDMENT (BOOKMAKERS) BILL

Received from the House of Assembly and read a first time.

CONTROLLED SUBSTANCES (CANNABIS) AMENDMENT BILL

Received from House of Assembly and read a first time.

The Hon. R.I. LUCAS (Treasurer): I move:

That this bill be now read a second time.

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

Leave granted.

The purpose of this Bill is to remove cannabis plants grown by artificially enhanced methods (commonly referred to as 'hydroponically') from the cannabis expiation scheme set up under Section 45A of the *Controlled Substances Act 1984* (as amended).

Members will recall that in 1987, the cannabis expiation scheme was implemented in South Australia, following the passage of the *Controlled Substances Act Amendment Act 1986*. The scheme provides for adults coming to the attention of the police for a 'simple cannabis offence' to be issued with an expiation notice and given the option of avoiding criminal prosecution and conviction by paying the specified expiation fee. 'Simple cannabis offence' means possession of a specified amount (up to 100 grams) of cannabis for personal use; smoking or consuming cannabis in private; possessing implements for the purpose of smoking or consumption; or cultivation of a number of cannabis plants within the expiable limit. Regulations under the Act currently establish the expiable limit at 3 plants.

The rationale underlying the expiation scheme was that a distinction should be made between private users of cannabis and those involved in production, sale or supply of the drug. The distinction was emphasised at the time of introduction of the expiation scheme by the simultaneous introduction of more severe penalties for offences relating to the manufacture, production, sale or supply of drugs of dependence and prohibited substances, including offences relating to large quantities of cannabis.

Cannabis is, and will remain, a prohibited substance. It is the most commonly used illegal drug in South Australia and can cause a number of significant health and psychological problems. Contrary to common public perception, it is *illegal* to possess or grow *any* amount of cannabis. The expiation scheme did *not* make it legal to possess or grow small amounts—it provides a mechanism for a person to pay an expiation fee and avoid a criminal prosecution and conviction and the adverse consequences arising from a criminal conviction. If the person fails to expiate, then the matter may proceed to court.

The Australian Illicit Drug Report 1999-2000 indicates that the most notable trend in the past 10 years has been the increase in hydroponic indoor production and a decrease in extensive outdoor cultivation. While the dictionary refers to hydroponic cultivation as 'the art of growing plants without soil and using water impregnated with nutrients', cannabis cultivators predominantly use a variation of this technique. They grow their plants in pots with the plant root systems in a fine gravel-like base substance, with the enhanced water running through the base. One of the other key factors in the cultivation is the application of strong artificial lighting and heat to the plants. This is by far the most common form of cultivation. Within the cannabis cultivation industry, hydroponic retailers, and the police, this method of cultivation is identified as being 'hydroponic'.

Police information is that one hydroponically produced cannabis plant is now capable of producing (conservatively) about 500 grams of cannabis and it is possible to produce 3 or 4 mature crops per year. It is estimated that a daily user of cannabis is likely to consume 10 grams of cannabis per week. If one hydroponically grown cannabis plant yields an estimated 500 grams of dried cannabis, this would meet the consumption needs of a daily user for one year (Clements, K & Daryal, M (1999) *The economics of marijuana consumption*. Perth: University of Western Australia). It must be remembered that the expiable limit applies at the time of detection. In effect, this means that a grower will be able to grow the expiable number of plants as many times a year as possible, provided they are only in possession of the expiable number at the time of police intervention. Given the potential cash yields, the ability to produce in excess of personal requirements within the expiable limit provides the opportunity to become involved in commercial production and distribution within the wider community. It provides the opportunity for small time producers to link to organised crime syndicates, with much of the 'backyard' product finding its way to the Eastern States in bulk quantities and being exchanged for cash or powder drugs for distribution in this State.

Police intelligence when 10 plants was the expiable limit was that criminal syndicates were using the 10 plant limit to foster commercial cannabis enterprises by hydroponically cultivating crops of 10 plants at different sites. While the reduction in the expiable limit from 10 plants to 3 has reduced the amount of profit within the expiable limit, police information is that people are still commercially cultivating within that limit.

The intention of the cannabis expiation scheme was to reduce the impact of the criminal law on those persons who possess cannabis for their own use. Clearly, the expiation scheme was not intended to encourage distribution of cannabis within the community. Taking account of a recommendation from the Controlled Substances Advisory Council, the Government proposes to change the Controlled Substances (Expiation of Simple Cannabis Offences) Regulations to further reduce the number of cannabis plants for expiation purposes from 3 to 1.

The Government does not intend to tolerate exploitation of the expiation scheme by hydroponic producers, which results in syndicated production or single profiteering.

Removing the capacity to produce cannabis hydroponically will reduce the volume of the drug being produced, which will in turn reduce the incentive for the assaults, and often violent home invasions, associated with hydroponic crops. The Government will not stand by while the scourge of our society—the producers, the profiteers, the traffickers—wreak their havoc on families and individuals.

The Bill therefore removes the cultivation of cannabis plants by artificially enhanced means (commonly referred to as 'hydroponically') from the expiation system.

I urge members to support the bill.

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for this amending Act to come into operation by proclamation.

Clause 3: Amendment of s. 45A—Expiation of simple cannabis offences

This clause amends the definition of 'simple cannabis offence' to exclude from the expiation scheme the cultivation of cannabis plants by the hydroponic method (i.e. in nutrient enriched water) or by applying an artificial source of heat or light. The new definition of 'artificially enhanced cultivation' encompasses both these methods.

Clause 4: Transitional provision

This clause makes it clear that expiation notices may still be issued after the commencement of this Act for the artificially enhanced cultivation of cannabis plants where the offences occurred before that commencement.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

AQUACULTURE BILL

Received from House of Assembly and read a first time.

The Hon. K.T. GRIFFIN (Attorney-General): 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.

Background

The purpose of this Bill is to improve the regulation of aquaculture in South Australia and to ensure the long term sustainability of the industry.

Aquaculture is an important and growing industry in this State and has significant benefits to regional South Australia. Its estimated value in 1999-2000 was $260 million, directly employing over 1 100 people. In addition, it generated $193 million and employed a further 1 400 people in associated industries. The estimated value of the industry in the year 2002-03 is in excess of $330 million.

The Bill proposes the most fundamental reform of South Australian aquaculture legislation since the Fisheries Act was introduced in the early 1980s. This reform is necessary to ensure that the legislation keeps pace with the rapid growth of the aquaculture industry and the significant changes in technology that have occurred and will continue to occur.

The Bill provides for an integrated licensing and tenure system aimed at achieving an ecologically sustainable aquaculture industry in South Australia.

In a move to modernise the legislation, State Cabinet in December 1999 approved action to prepare an Aquaculture Bill to rectify the shortcomings of the *Fisheries Act 1982*, which currently regulates aquaculture.

Development of the Bill has been overseen by an interagency steering group of representatives of government bodies involved in regulating the industry and has been done in consultation with a community reference group which includes representatives from the aquaculture industry, the conservation movement, local government and the scientific community.

Following extensive industry and community consultation on a Discussion Paper released in August 2000, which set out a number of legislative options, Cabinet in May this year approved the drafting of an Aquaculture Bill.

In July this year, Cabinet approved the public release of a Consultation Draft *Aquaculture Bill 2001* which was the subject of extensive industry and community consultation between 18 July 2001 and 15 September 2001.

The Bill

The objects of the Bill are first, to promote the ecologically sustainable development of marine and land based aquaculture; second to maximise the benefits to the community from the State's aquaculture resources; and third to ensure the efficient and effective regulation of the aquaculture industry.

The Bill adopts a definition of ecologically sustainable development which has been designed to ensure consistency with the Commonwealth Environment Protection and Biodiversity Conservation legislation and the Intergovernmental Agreement on the Environment and relevant policy in this area. This definition encompasses the economic, social and physical well being of our communities while maintaining natural and physical resources, protecting biological diversity and ecological processes and avoiding adverse effects on the environment.

The Bill has been developed to comprehensively address resource and environmental management responsibilities associated with the aquaculture industry. This objective will be achieved through the introduction of an integrated licensing system and resource management framework with close linkages with the Environment Protection Authority.

Policies

The Bill provides for the making of aquaculture policies by the Minister. These policies will be key planning and management tools for the aquaculture industry. Policies may identify specific aquaculture zones and exclusion zones in marine areas and may prescribe conditions and offences under the Bill. Draft aquaculture policies are to be widely advertised and will be subject to Parliamentary scrutiny.

The Bill recognises the need to ensure consistency between aquaculture policies and other planning instruments. In particular, the proposed marine planning framework will play a significant role in shaping aquaculture policy in the State's marine waters.

The Bill also provides for an Aquaculture Advisory Committee to be made up of representatives from government, research, industry, environmental conservation and from local government. Its role is to provide advice to the Minister on aquaculture and the administration of the legislation.

Licences

The Bill requires any person conducting aquaculture to have a licence granted by the Minister, a requirement which applies to aquaculture carried out in State waters as well as land based aquaculture. This overcomes the inconsistent manner in which the present legislation regulates the two types of aquaculture. Aquaculture licences may be granted for up to 10 years and are renewable for successive terms.

The Bill introduces a licensing system and resource management framework to comprehensively address the resource and environmental management responsibilities associated with the aquaculture industry.

In the case of marine based aquaculture a 'corresponding licence' will apply in addition to the relevant lease. The term 'corresponding licence' relates to an aquaculture lease and means the aquaculture licence in respect of all or part of the area of the lease authorising the same class of aquaculture as that specified in the lease.

Leases

The Bill provides a flexible approach to the granting of rights to occupy State waters and provides security for aquaculture operators while protecting the interests of the community. Under the Bill, a licence may not be granted for aquaculture in State waters unless the area is subject to a lease granted by the Minister. The Bill allows for four types of lease, namely pilot, development, production and emergency leases.

Pilot leases may be available outside of an aquaculture zone for the purpose of aquaculture research or trials. They have a maximum term of 12 months with renewal up to 3 years. Pilot leases may, under certain conditions, be converted to development leases.

Development leases may only be granted in an aquaculture zone, have a maximum term of 3 years (renewable up to 9 years) and may, subject to certain conditions, be converted to production leases.

Production leases may only be granted in an aquaculture zone, have a maximum term of 20 years and are renewable for successive terms.

Emergency leases are only available in an emergency zone and have a maximum term of 3 months renewable up to 6 months.

The power of the Minister to grant an aquaculture lease is subject to the requirement under section 15 of the *Harbors and Navigation Act 1993* that the concurrence of the Minister responsible for the administration of that Act is obtained.

The Bill provides for the establishment of a Tenure Allocation Board to advise the Minister on the allocation of pilot, development and production leases.

The competitive allocation process will ensure a fair and efficient means of allocating the State's marine aquaculture resources.

The Bill provides for the establishment of marked-off areas to ensure the protection of aquaculture stock. It is intended that marked-off areas will be set by licence condition and will be kept to the minimum size required to protect stock and not unduly restrict public access.

Aquaculture leases will provide security of tenure, whilst licences will accommodate flexible regulatory and management practices.

Planning and development

Development planning and development approval for aquaculture, both land based and in State waters, will continue to occur in accordance with the *Development Act 1993*.

Development Plans established under the *Development Act 1993* will be able to adopt aquaculture policies.

Existing rights of public consultation and participation in the assessment of aquaculture development proposals under the *Development Act 1993* are not affected by the Bill.

Role of EPA

In order to gain the benefits of an integrated licensing system while ensuring adequate environmental safeguards, the Environment Protection Authority will play a key role in approval and monitoring of aquaculture development. The Bill requires that prior to the Minister granting a licence, the Environment Protection Authority approve the licence and any amendment of conditions.

While the current aquaculture licensing provisions of the *Environment Protection Act 1993* will be revoked, the breadth of aquaculture operations examined by the Authority will increase. Accordingly, the Authority will be supported by increased resources to undertake its role in accordance with a service level agreement with Primary Industries and Resources SA.

Importantly, the Environment Protection Authority will retain existing powers to enforce the general environmental duty and environmental harm under the *Environment Protection Act 1993* as it relates to aquaculture.

To achieve efficient and effective administration of the Act, a Memorandum of Understanding will be developed between Primary Industries and Resources SA and the Environment Protection Authority.

Appeals

The Bill provides for appeals on licensing decisions by the Minister to be made to the District Court by the applicant.

Transitional provisions

The transitional provisions contained in the Bill provide that the Minister must, without any requirement for an application or payment of a fee, grant an appropriate aquaculture licence or lease to any person entitled to carry on aquaculture operations immediately before the commencement of the Bill. It is anticipated that the transitional provisions will fully bring the existing operators into line with the objects of the Bill on a staged basis.

Competition review

A National Competition Policy review of the Bill indicates that restrictions on competition of the licensing, leasing and aquaculture policy aspects of the Bill are outweighed by the public benefits (ecological, social and economic) that flow from the proposed legislation.

Fund

An Aquaculture Resources Management Fund will be established for the purposes of any investigations or other projects relating to the management of aquaculture resources or towards the costs of administration of this Act.

Other legislation

Following advice from the Attorney-General's Department, no specific mention has been made in the Bill to Native Title. The advice is that the *Native Title Act* 'future act' provisions would seem to apply without the need for any specific reference in the State legislation.

The Bill also makes consequential amendments to the *Fisheries Act 1982* and the *Environment Protection Act 1993*. The Bill is intended to streamline the regulation of the aquaculture industry and not to supersede relevant legislation except as specifically provided in the consequential amendments. The Bill provides that it operates in addition to other relevant legislation. The operation of the *Development Act 1993* will continue in relation to aquaculture development.

Conclusion

The Bill is an important development in the regulation and long term sustainability of the aquaculture industry in South Australia.

I commend the bill to the house.

Explanation of clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Interpretation

This clause sets out definitions for terms used in the measure. Some key terms include 'aquaculture', 'aquaculture lease', 'aquaculture licence' and 'aquaculture policy'.

Clause 4: Ecologically sustainable development

For the purposes of this measure, ecologically sustainable development is development that balances the economic, social and physical well-being of a community and the protection of natural and physical resources, biodiversity and ecological processes.

Clause 5: Crown bound

This measure binds the Crown.

Clause 6: Application of Act

This measure applies to the State, State waters and waters beyond State Waters to the extent of the extraterritorial power of Parliament.

Clause 7: Interaction with other Acts

This measure does not limit or derogate from the provisions of any other Act.

PART 2

OBJECTS OF ACT

Clause 8: Objects of Act

The objects of the measure are to promote ecologically sustainable development of aquaculture, to maximise community benefit from the State's aquaculture resources and to regulate the aquaculture industry efficiently and effectively.

PART 3

EFFICIENT ADMINISTRATIVE PRACTICES

Clause 9: Efficient administrative practices

This clause recognises the need for administrative cooperation in the operation of other relevant legislation to ensure the efficient and effective regulation of the aquaculture industry.

PART 4

AQUACULTURE POLICIES

DIVISION 1—GENERAL

Clause 10: Interpretation

A reference to an aquaculture policy (including a draft policy) also includes a reference to an amendment or revocation of an aquaculture policy.

Clause 11: Nature and content of policies

This clause provides for the making of aquaculture policies by the Minister. Aquaculture policies may identify various zones in which different classes of aquaculture may be permitted or excluded. A zone may also be identified (a prospective aquaculture zone) as an area in which investigations may be carried out to determine whether in fact, aquaculture of a particular class should be permitted. An aquaculture policy may also set out matters that must be taken into account in determining an application for an aquaculture lease or licence, as well as conditions that will form part of the lease or licence. An aquaculture policy may vary in its terms depending on the area, zone and class of aquaculture to which it applies.

Clause 12: Procedures for making policies

This clause sets out the procedures for making an aquaculture policy. A draft policy must be prepared in consultation with the Aquaculture Advisory Committee (AAC) set up under Part 10 of this measure, and along with an explanatory report, the Minister must refer the policy to any prescribed body and any public authority affected by the policy. An advertisement must also be published in the *Gazette* and a newspaper advising where copies of the draft policy and report may be obtained and inviting submissions from interested persons. If there are any proposed alterations to the policy as a result of the consultation process, the Minister must obtain the advice of the AAC. The Minister may then approve the draft policy (as altered) by notice in the *Gazette* and fix a date for its operation.

Clause 13: Parliamentary scrutiny

Once approved by the Minister, an aquaculture policy must be referred to the Environment, Resources and Development Committee of the Parliament for consideration. The Committee may object, approve or suggest amendments to the policy. The Minister may accept any suggested amendments, and give notice in the *Gazette*. If the Committee objects to the policy, it must be laid before both Houses of Parliament, either of which may pass a resolution to disallow the policy. In this case, the policy would then cease to have effect.

Clause 14: Certain amendments may be made by Gazette notice only

A minor change to an aquaculture policy may be made by notice in the *Gazette* (substantive changes must comply with the procedure for making a policy outlined above).

Clause 15: Availability and evidence of policies

Copies of an aquaculture policy must be available for inspection and purchase by the public.

DIVISION 2—CONTRAVENTION OF MANDATORY PROVISIONS

Clause 16: Offence to contravene mandatory provisions of policy

It is an offence to contravene a mandatory provision of an aquaculture policy, and there is a maximum penalty of $35 000 for doing so.

PART 5

REQUIREMENT FOR LICENCE

Clause 17: Requirement for licence

A person must not carry on aquaculture without an appropriate licence. There is a maximum penalty of $35 000.

PART 6

LEASES

DIVISION 1—GENERAL

Clause 18: Application of Part

This Part, which deals with aquaculture leases, applies to State waters and adjacent land (within the meaning of the *Harbors and Navigation Act 1993*).

Clause 19: Requirement for lease

An aquaculture licence cannot be granted in relation to an area unless the Minister has granted an aquaculture lease for that area.

Clause 20: Concurrence under Harbors and Navigation Act

If an aquaculture lease involves land vested in the Minister responsible for the administration of the *Harbors and Navigation Act 1993*, then that Minister must concur with the grant of the aquaculture lease in relation to that land.

Clause 21: Leases not permitted in respect of aquaculture exclusion zones
An aquaculture lease may not be granted in relation to an area that falls within an aquaculture exclusion zone.

Clause 22: General process for grant of leases
An application for an aquaculture lease must be made under this Part in the required form and must contain the necessary information (verified by statutory declaration, if required by the Minister). If a lease is granted, notice must be published in the *Gazette*. If an application is refused, the Minister must give reasons if requested by the applicant.

Clause 23: Certain lease applications to follow public call for applications
An aquaculture lease may be granted through a public call for applications made in accordance with the procedure approved by the Aquaculture Tenure Allocation Board (ATAB), set up under Part 10 of this measure.

Clause 24: Grant of leases to be preceded by decision as to licences
An aquaculture lease must not be granted unless the Minister has decided that a corresponding licence will be granted under Part 7 of the measure.

Clause 25: Form of leases
An aquaculture lease must specify the class of aquaculture that may be carried out under the lease and may contain other conditions including the term of the lease, the rent or other amounts payable and grounds for cancellation.

Clause 26: Classes of leases
There are four classes of aquaculture lease: a pilot lease, a development lease, a production lease and an emergency lease.

DIVISION 2—PILOT LEASES

Clause 27: Pilot leases outside aquaculture zones
A pilot lease may only be granted in relation to an area that is outside an aquaculture zone (as determined by an aquaculture policy).

Clause 28: Allocation process for pilot leases within prospective aquaculture zones
A pilot lease that involves an area in a prospective aquaculture zone may only be granted through a process approved by ATAB involving the drawing of lots.

Clause 29: Term of pilot leases
A pilot lease is for a term of 12 months or less and may be renewed subject to the terms of the lease and a maximum aggregate of three years.

Clause 30: Pilot leases not transferable
A pilot lease can not be transferred.

Clause 31: Licences may only be held by lessees
Only the lessee under a pilot lease can hold the corresponding aquaculture licence.

DIVISION 3—DEVELOPMENT LEASES

Clause 32: Granting of development leases limited to aquaculture zones
A development lease can only be granted in relation to an area in an aquaculture zone.

Clause 33: Competitive allocation process required
A development lease can only be granted through a tendering or other competitive process approved by ATAB.

Clause 34: Conversion of pilot leases to development leases
The holder of a pilot lease may apply to have the lease converted to a development lease within 60 days before the end of the term of the lease, if the area of the pilot lease is within an aquaculture zone and the Minister is satisfied that aquaculture carried on under the pilot lease meets the performance criteria set out by the pilot lease.

An application for conversion may also be made within 60 days of the end of the last term for which the pilot lease may be renewed if the Minister is satisfied the conversion is consistent with the objects of this measure and any relevant aquaculture policy, and is satisfied that aquaculture carried on under the pilot lease meets the performance criteria set out in that lease. In this case, the Environment Protection Authority must also approve the conversion.

An applicant for conversion of the lease must provide the Minister with any information required, and may have to verify that information by statutory declaration.

Clause 35: Term of development leases
A development lease is for a term of three years or less and may be renewed subject to the terms of the lease and a maximum aggregate of nine years.

Clause 36: Transfer of development leases
A development lease may be transferred with the consent of the Minister.

DIVISION 4—PRODUCTION LEASES

Clause 37: Conversion of development leases to production leases
A lessee of a development lease may apply to the Minister to convert the lease to a production lease. An application may be made within 60 days of the end of the term of the development lease if the relevant area is within an aquaculture zone and the Minister is satisfied aquaculture carried out under the lease meets the performance criteria set out in the development lease.

The lease may also be converted if an application is made within 60 days of the end of the last term for which the development lease may be renewed if the Minister is satisfied the conversion of the lease to a production lease is consistent with the objects of this measure and any relevant aquaculture policy, and is satisfied aquaculture carried out under the development lease meets the performance criteria specified in that lease. Approval of the EPA is also required before the lease may be converted in these circumstances.

An applicant for conversion of the lease must provide information required by the Minister, and may need to verify the information by statutory declaration.

Clause 38: Term of production leases
A production lease has a maximum term of 20 years and is renewable for successive terms subject to the terms of the lease.

Clause 39: Transfer of production leases
A lessee may transfer a production lease, but must give notice of the transfer to the Minister along with any other prescribed details of the transfer.

DIVISION 5—EMERGENCY LEASES

Clause 40: Granting of emergency leases limited to aquaculture emergency zones
An emergency lease may only be granted in relation to an area that is within an aquaculture emergency zone.

Clause 41: Granting of leases in circumstances of emergency
An emergency lease may be granted if the aquaculture emergency zone relates to the class of aquaculture carried out by the applicant under their aquaculture lease, and there is an emergency resulting in a need to protect the environment or aquaculture stock.

Clause 42: EPA to be notified of emergency lease
The Minister is to ensure that the Environment Protection Authority is notified immediately of the grant of an emergency lease.

Clause 43: Only holder of leases affected by emergency may hold emergency leases
An emergency lease can only be held by the holder of the lease that is affected by the emergency.

Clause 44: Term of emergency leases
An emergency aquaculture lease has a maximum term of three months and may be renewed subject to the terms of the lease and a maximum aggregate of six months.

DIVISION 6—OCCUPATION OF MARKED-OFF AREAS

Clause 45: Exclusive occupation of marked-off areas
A lessee has the right of exclusive occupation of the area marked-off under the aquaculture lease subject to provisions of the lease.

Clause 46: Control of marked-off areas
If requested by an authorised person, a person must leave a marked-off area of an aquaculture lease immediately unless they have a reasonable excuse. That person must not re-enter the area without the permission of the authorised person, and must not use offensive language if asked to leave. If requested by an authorised person, a person who has been asked to leave must give their name and address. The authorised person must not use offensive language or behave offensively in exercising the power under this measure. The powers of an authorised person under this provision may be limited by the lease or a corresponding licence.

Clause 47: Interference with stock or equipment within marked-off areas
It is an offence to interfere with or take aquaculture stock or equipment in a marked-off area of an aquaculture lease. A person convicted of an offence under this clause may be ordered to pay compensation for loss or damage due to the offence.

Clause 48: Offence to pretend to be authorised person
It is an offence to pretend to be an authorised person.

PART 7
LICENCES

Clause 49: Applications for licences
An applicant for an aquaculture licence must apply in the required form and provide such information as required by the Minister (which must be verified by statutory declaration if requested).

Clause 50: Grant of licences

The Minister may grant a corresponding licence in relation to an application for an aquaculture lease, or a public call for applications for an aquaculture lease, if the Minister is satisfied it would be consistent with the objects of this measure and any relevant aquaculture policy, and notice of the application has been advertised in a newspaper inviting submissions from interested persons. The Minister must also be satisfied that the applicant is a suitable person (having regard to any prior offences against this measure or a similar Act relating to aquaculture, fishing or environment protection). The EPA must also give its approval before the licence is granted.

A licence (other than a corresponding licence) may be granted by the Minister if the grant of the licence is consistent with the objects of this measure and any relevant aquaculture policy and the applicant is a suitable person. The Minister must also publish in a newspaper, notice of the application and invite submissions from interested persons. The EPA must also give its approval before the licence is granted.

Clause 51: Licences may be held jointly

An aquaculture licence may be held jointly by two or more persons, who will be jointly and severally liable to meet obligations under the licence.

Clause 52: Variation of licence conditions

If a licence contains standard conditions prescribed by an aquaculture policy, those conditions may be varied by the Minister by giving notice to the licensee in accordance to the relevant aquaculture policy. A non-standard licence may be varied at the request of the licensee, or by the Minister, if he or she is satisfied it is necessary to avoid significant environmental disaster and the variation has been approved by the EPA.

Clause 53: Term of licences

The maximum term for a licence is ten years and is renewable for successive terms. Where the licence is a corresponding licence, the term of the licence is co-extensive with the term of the aquaculture lease to which it relates, and will be automatically renewed on renewal of the lease.

Clause 54: Corresponding licences terminated on termination of lease

If an aquaculture lease is cancelled, any corresponding licences are also cancelled.

Clause 55: Transfer of licences

An aquaculture licence may be transferred with the consent of the Minister.

Clause 56: Surrender of licences

An aquaculture licence may be surrendered with the consent of the Minister.

Clause 57: Suspension or cancellation of licences

The Minister may suspend or cancel a licence if there is proper cause to do so (there is proper cause to do so if the licensee obtained the licence improperly or failed to comply with a condition of the licence or committed an offence against this measure or another relevant Act relating to aquaculture, fishing or environment protection). Before a licence is suspended or cancelled, the Minister must give written notice to the licensee setting out the matters alleged to constitute proper cause, and the action the Minister proposes to take. The licensee must be given reasonable opportunity to show cause why the proposed action should not be taken.

Clause 58: Power to require or carry out work

The Minister may direct a licensee to take action required by a condition of the licence, or require the removal or stock or equipment on the cancellation or termination of a licence. If a person fails to comply with such a direction, the Minister may cause the required action to be taken and recover the costs from the person.

PART 8
REFERENCE OF MATTERS TO EPA

Clause 59: Reference of matters to EPA

This clause sets out the matters under the measure that are to be referred to the EPA for consideration. In doing so, the EPA may request it be provided with information to enable it to respond. The determination of the EPA's response is governed by the same criteria as apply under the *Environment Protection Act 1993*. A person directly affected by a response of the EPA in relation to a matter referred to it, must be notified of that response. The EPA must, if requested by the Minister, give a written statement of reasons for any negative response.

PART 9
APPEALS

Clause 60: Appeals

This clause sets out those persons entitled to appeal a decision of the Minister made under this measure to the Administrative and Disciplinary Division of the District Court. These include an applicant for an aquaculture lease where the Minister has refused to grant a corresponding licence or has made the licence subject to certain conditions; an applicant who has been refused a corresponding licence or an aquaculture licence; and the holder of a licence where the Minister has varied the conditions, is refusing to consent to the transfer or surrender of the licence, or has suspended or cancelled the licence. An appeal must be instituted within one month of the making of the decision being appealed, or where applicable, within one month of the receipt of written reasons for the Minister's decision by the person appealing the decision. Where a matter has been referred to the EPA, a response of the EPA against the granting of a licence will be appealable as a decision of the Minister and the EPA will be a party to an appeal against any decision of the Minister in relation to the matter referred.

PART 10
ADMINISTRATION
DIVISION 1—MINISTER

Clause 61: Power of delegation

The Minister may delegate his or her functions and powers under this measure.

Clause 62: Acquisition of land

Land may be acquired by the Minister for the purposes of this measure in accordance with the *Land Acquisition Act 1969*.

DIVISION 2—AQUACULTURE ADVISORY COMMITTEE

Clause 63: Establishment of Aquaculture Advisory Committee

This clause establishes the Aquaculture Advisory Committee (AAC).

Clause 64: Functions of AAC

In addition to other functions that may be assigned to it, the functions of the AAC are to advise the Minister on matters relating to aquaculture and on the administration of this measure and the policies governing its administration.

Clause 65: Membership of AAC

This clause sets out special requirements for the membership of the AAC.

Clause 66: Terms and conditions of membership

A member of the AAC is appointed for a term not exceeding three years (and may be eligible for reappointment). The Governor may remove a Committee member for breach of a condition of appointment, misconduct or failing to carry out his or her duties. A position is vacated if a member dies, resigns or is not reappointed on expiration of the term of appointment.

Clause 67: Remuneration

A Committee member is entitled to remuneration, allowances and expenses as determined by the Minister.

Clause 68: Disclosure of interest

An AAC member who has a conflict of interest in relation to a matter being considered by the Committee, must disclose that interest and not take part in any deliberations or decisions of the Committee in relation to the matter.

Clause 69: Validity of acts of AAC

A vacancy in its membership, or a defect in the appointment of a member will not invalidate an act or proceeding of AAC.

Clause 70: Procedures of AAC

This clause sets out the procedures of AAC proceedings and decision making processes and includes provisions covering quorums, presiding members, voting, telephone conferences and minute keeping.

DIVISION 3—AQUACULTURE TENURE ALLOCATION BOARD

Clause 71: Establishment of Aquaculture Tenure Allocation Board

This clause establishes the Aquaculture Tenure Allocation Board (ATAB).

Clause 72: Functions of ATAB

In addition to any other functions assigned by the Minister or this measure, the functions of ATAB are to advise the Minister on matters relating to the allocation of tenure for aquaculture.

Clause 73: Membership of ATAB

This clause sets out the special membership requirements of the Board.

Clause 74: Terms and conditions of membership

A member of ATAB is appointed for a term not exceeding three years (and may be eligible for reappointment). The Governor may remove a Board member for breach of a condition of appointment, misconduct or failing to carry out his or her duties. A position is vacated if a Board member dies, resigns or is not reappointed on expiration of the term of appointment.

Clause 75: Remuneration

A Board member is entitled to remuneration, allowances and expenses as determined by the Minister.

Clause 76: Disclosure of interest

An ATAB member who has a conflict of interest in relation to a matter being considered by the Board, must disclose that interest and not take part in any deliberations or decisions of the Board in relation to the matter.

Clause 77: Validity of acts of ATAB

A vacancy in its membership, or a defect in the appointment of a member will not invalidate an act or proceeding of ATAB.

Clause 78: Procedures of ATAB

This clause sets out the procedures of ATAB proceedings and decision making processes and includes provisions covering quorums, presiding members, voting, telephone conferences and minute keeping.

DIVISION 4—FUND

Clause 79: Aquaculture Resource Management Fund

An Aquaculture Resource Management Fund is established. The Fund is to consist of the following money:

- the prescribed percentage of fees (other than expiation fees);
- expiation fees and the prescribed percentage of penalties recovered in respect of offences;
- rent or any other amount (not being fees) paid to the Minister;
- any money appropriated by Parliament for the purposes of the Fund;
- any money paid into the Fund at the direction or with the approval of the Minister and the Treasurer;
- any income from investment of money belonging to the Fund;
- any other money paid into the Fund.

The Fund may be applied by the Minister for the purposes of any investigations or other projects relating to the management of aquaculture resources and towards administrative costs.

DIVISION 5—PUBLIC REGISTER

Clause 80: Public register

This clause requires the Minister to maintain a public register of aquaculture leases and licences that includes details about the terms and conditions of each lease or licence, the names of the lessees or licensees, a description of the area covered by the lease or licence, details of environmental monitoring reports and any other information the Minister considers appropriate (other than commercially sensitive information).

Clause 81: Public register to be available for inspection

The register must be available for free inspection by the public during normal office hours at a public office and on the internet. Copies must also be available for purchase for a reasonable fee.

DIVISION 5—FISHERIES OFFICERS AND THEIR POWERS

Clause 82: Fisheries officers and their powers

Fisheries officers may exercise the powers they have under the *Fisheries Act 1982*, in the administration and enforcement of this measure.

PART 11
MISCELLANEOUS

Clause 83: Annual reports

A report must be provided to the Minister on the operation and administration of this measure during the previous financial year, and the report must be laid before both Houses of Parliament.

Clause 84: Immunity of persons engaged in administration of Act

No liability attaches to a person who exercises or discharges their powers and functions under this measure in good faith, but any such liability attaches instead to the Crown.

Clause 85: False or misleading information

It is an offence for a person to make a false or misleading statement in relation to the provision of information in accordance with this measure.

Clause 86: Service of documents

This clause sets out the requirements for the service of any documents under this measure.

Clause 87: Continuing offence

This clause provides that if a person is convicted of an offence that relates to a continuing act or omission, the person may be liable to an additional penalty for each day that the act or omission continued (but not so as to exceed one tenth of the maximum penalty for the offence).

Clause 88: Liability of directors

If a corporation commits an offence against this measure, each director of the corporation may also be prosecuted for the offence, and if guilty, may be liable for the same penalty as fixed for the principal offence.

Clause 89: General defence

This clause provides a general defence where a defendant proves the alleged offence was not committed intentionally and did not result from any failure of the defendant to take reasonable care to avoid commission of the offence.

Clause 90: Evidentiary

To assist in proceedings for an offence against this measure, this clause provides that certain matters, if certified by the Minister, alleged in the complaint, or stated in evidence, will be proof of the matter certified, alleged or stated, in the absence of proof to the contrary.

Clause 91: Regulations

The regulations that may be made under this measure include regulations for the provision of information, records and returns relating to aquaculture leases or licences, payment of fees, exemptions from provisions of this measure, and fines not exceeding $5 000 for an offence against a regulation.

SCHEDULE

Consequential Amendments and Transitional Provisions

The Schedule sets out consequential amendments to the *Environment Protection Act 1993* and the *Fisheries Act 1982*. It also sets out a transitional provision in relation to persons lawfully carrying on aquaculture prior to the commencement of this measure.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

ADJOURNMENT

At 12.01 a.m. the Council adjourned until Thursday 15 November at 11 a.m.