LEGISLATIVE COUNCIL

Thursday 24 October 2002

The PRESIDENT (Hon. R.R. Roberts) took the chair at 11 a.m. and read prayers.

STANDING ORDERS SUSPENSION

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15 p.m.

Motion carried.

SHOP TRADING HOURS (MISCELLANEOUS) AMENDMENT BILL

In committee.

Clause 1.

The Hon. T.G. ROBERTS: I rise to indicate that the select committee set up to consider the bill took evidence over a concertinaed time frame during the break. Both select committees had two different roles and functions, the first of which was to consider the bill and the second of which was to consider the social impact of changes to trading hours. We took on board a whole range of views across the community. Evidence was given by a wide range of retailers who will be impacted on by any change. Much of the information given to us by the various retailers and their representatives made special note that any change to retail hours was going to impact on their business either positively or negatively.

The information given to us was wide-ranging and not as specific as we would have required to consolidate and form the intentions of the first select committee. It was a mixture of evidence, a lot which will be handy for the formation of our views on the second select committee. People in the community, the representatives of retailers and the retailers themselves—particularly small business people—were a little confused about the process. However, members of the committee were sympathetic to their situation, and we were able to inform them that our specific role and function was to look at the bill.

The whole debate centred on the impact of extended hours and the associated problems that would be faced with no changes to the industrial awards. If the spread of hours is going to be extended past that which we have at the moment, small retailers particularly would want to avail themselves of an industrial award that incorporated an averaging of hours through the period of a week. They would be looking at enterprise bargaining agreements within small business that would be tailored to suit the needs and requirements of small retailers. Small retailers were putting forward the proposition that any extension to hours would mean that their lifestyle would be changed and that the number of hours they were putting into their business in a particular week varied from 75 through to 100 hours, with some people indicating that they were working over 100 hours in a given week.

The social impact of that would be one of those decisions that would have to be made by the next select committee, but the proposal for changes to the award was the area in which the select committee could not come to any agreement. There was certainly an attempt to get some words that we could all agree to in relation to consolidating powers for employees and getting a template to be negotiated to try to come to terms with the changed spread. Unfortunately, the committee could not come away with any agreement that would have fitted the problems associated with the extended hours being proposed.

The amendment proposed by the Liberal Party in its earlier call for an adjournment of the debate led us to believe that before we finalised the report we would have had to draw a wider range of consensus between the large retailers and small businesses for us to come away with some unified position, which was not possible. The committee in its deliberations also had differences of opinion on the extended Sunday trading hours leading up to the Christmas period. There was one view that the spread of days should be eight Sundays in the lead up to Christmas and two after. There was the other view, which is included in the bill and which is the government's position, that there should be five extended Sunday trading days in the lead up to Christmas and five after. Ultimately, with the differences of views starting to emerge through the report, the government's position now is to stick with the five Sundays before and five after.

The Democrats had a slightly different position, and I will allow the honourable member to explain that situation. Its position was for no change to Sunday trading hours, but their preferred position was the eight and two Sundays. I do not think there is too much more to say in relation to the differences. They are not, in my view, great gaps or bridges to cross to get to a consensus but, unfortunately, such is the history of trading hours in South Australia that the responsibility for setting such hours within the community has always been contentious and there have always been divisions between vested interests, both large and small. Getting the balance right by legislative means is difficult.

The referral back to the industry for future discussions and to come up with recommendations apparently is not the consensual outcome of the deliberations of the committee. With any legislation comes sectional dissatisfaction, but we have a responsibility as a government to try to get a balance between those who have vested interests in big business, in small retail sectional interests and in the requirements of consumers. That balancing act, as in other states, has been difficult to get legislatively. You have the regulationists, the part-regulationists and the deregulationists, who would all argue that their position is the one that should be adopted in relation to trying to meet the requirements of consumers. I will not go into the details supplied to us by consumer organisations and small and large retailers who believed that their understanding of what consumers require was the preferred position, because all the evidence we took came from sections of the industry that were putting their own position and not looking at the total retail trading hours and the consumers' needs and requirements.

Certainly the evidence we took in relation to the impact of deregulation in Victoria could not be analysed only on the figures as they stood because of the lack of supportive evidence that perhaps could have been drawn had we had the available figures in relation to other impacts that were impacting on the marketplace at the same time as total deregulation was occurring in states like Victoria. The government's position is that, in the absence of a consensus around the major issues, we will be supporting the introduction of the original bill. The final make-up of the bill will be determined by the numbers within the council and it will then be the government's role to view its position in relation to the

final wash of what the council decides and it will up to the minister to determine the final position.

I hope that all members support the government's position so we can go, in a unified way, to the community and describe what I think is not an earth-shattering change to extended hours for a short period for a two-year time frame, review the situation after that and measure the impact on those people who are impacted by changes to the act and also measure consumer views. If the opposition or Liberal Party's proposed amendments are accepted, certainly the time frames we are talking about will be compacted to a point where it will be difficult to get an analytical position that would line up with what the consumers' views and a mixture of business interest views were at a particular time. It certainly will not solve any arguments from those who want to extend against those who want to keep the hours the same and those who want to shorten the hours in some cases.

With those few words—and I am sure there will be further debate on the clauses of the bill—I thank the research officer, Chris McGowan, and Noelene Ryan, who was a competent secretary in pulling us together with the busy time frames all members had. I thank members for their cooperation on the committee. Although we had varying views, there was no acrimony, which makes it a little easier to chair a committee.

The Hon. R.D. LAWSON: This select committee was established at a time when the industrial parties involved in the retail industry, namely, the Shop Distributive and Allied Employees Association, the Australian Retailers Association and Business SA, representing employers, said that they were very close to finalising a template enterprise agreement, which might be developed for the purpose of enabling small businesses to compete on a level playing field with those large businesses that enjoy the benefit of enterprise agreements. At that time the parties assured the parliament that they were very close to reaching that agreement; and similar assurances were given during the course of the time in which the select committee met.

As the report indicates, this committee met on nine occasions and it heard 27 witnesses give evidence over two long days of sitting on 9 and 10 October. The committee also received written submissions from a large number of interested persons. The committee process itself was cooperative, and the report produced is a testimony to the diligence of the members of the committee. I join with the committee's Chairman in expressing my appreciation to the research officer, Mr McGowan. The Chairman described the committee's secretary, Noeleen Ryan, as competent. I think that is, with the greatest respect, an understatement—'brilliant' might be a better word.

However, one issue remains outstanding and that is the issue that was on the table at the time the committee was established, namely, a template agreement that will provide the capacity to avoid the uneven playing field that presently applies, especially in relation to Sunday trading. Notwithstanding the assurances that have been given by parties that that enterprise agreement would materialise, to date, it has not. However, we are assured that the parties are continuing to develop that template. If it is developed and presented, small businesses will be in a position to be able to say, 'Yes, this is an acceptable arrangement,' or, 'No, it is not acceptable.'

At the moment they do not have the choice because they have not seen the template. We believe they should be given that opportunity and, unless small businesses have that opportunity, the government should not rush into implementing its proposals. In order to give small businesses that opportunity, it is the position of the Liberal opposition that the consideration of this proposal be deferred until the next day of sitting. It might be said that that might throw into confusion some of the Christmas shopping arrangements that will prevail this year.

However, under the existing legislation, the four Sundays immediately before Christmas will be trading days. The minister has the power to proclaim another two Sundays, and the act actually limits to two the number of Sundays that can be proclaimed. So, the Sunday trading arrangements for this year would not be interfered with by deferring consideration of this measure until we resume on, I think, 11 November. Whilst we commend the committee and all associated with it for producing a report, it does not provide an answer; it does not provide small business with the opportunity that it seeks. To date, it has failed to deliver on what was promised by so many people at the outset of the process. We support giving those parties one further and final opportunity to reach that agreement.

The Hon. M.J. ELLIOTT: I would have to say that this is one of the more disappointing reports with which I have been involved in my nearly 17 years in this place. The committee sat on two days and it met for a further five meetings (none of which were particularly long meetings), theoretically, to write the report. I have already received some comments from people who have read the report who said, 'It didn't really do much, did it?', and I would have to agree with them. It is quite frightening, when one looks at the report, that the committee could not reach a conclusion on several issues.

The committee's basic response was that the evidence was contradictory. That is totally unsatisfactory. This matter was done in a rush. A deal was done in the other place between Liberal and Labor that the select committee would meet and report before parliament resumed. It was to meet during the two-week break. In fact, it met on the last couple of days of the last week of the recess. As I said, this whole thing was done in a rush. It was all part of a deal that was done; and it sounds like there is still animosity between the two groups despite that deal. But to say that only one issue remains outstanding—the issue of some sort of model enterprise agreement that small retailers could use—is simply just not accurate. Small retailers raised a wide range of issues which were of concern and which remain unresolved. A number of those—

The Hon. T.G. Cameron: How can you resolve all of those issues?

The Hon. M.J. ELLIOTT: You could not. It was always going to be a farce, and anyone going into that process would have been aware of that. The fact is that issues were before the committee both in relation to the bill itself and other issues that now will go to the second select committee that are of vital importance to small retailers, and unless they are addressed adequately and in depth it is a shame on this place. It does not matter whether or not you believe that retail hours should be extended, but there should at least be some level of intellectual honesty in terms of the debate that we have. There has not been intellectual honesty so far.

As I said, as far as I am concerned, the report, for anyone who reads it impartially, is thin, to put it mildly. When one gets down to the examination of evidence, there is lack of conclusion in many places, and a range of very important issues have not been addressed. When one gets down to examining the arguments, only one argument stands in favour

of extended trading hours, that is, convenience to the consumer. That is the only argument that stood up at the end of the day and, for many people, that is enough. The retail traders claimed that in Victoria there was an increase in both employment and turnover as a consequence of deregulation, yet when we sat down and looked at the ABS data we could not see an increase in retail trade.

There is a steady increase, but that was happening in all the states. You could not see an increase in either turnover or employment that could reasonably be attributed to deregulation. What a great lie we have been given in relation to that. It would have been more interesting, I suppose, to look at the figures for different retail groups, because I am sure that some retail groups had a big blip—those retail groups also happened to be highly unionised, and that is why this legislation is before us. I am sure that heavily unionised groups like Coles and Woolworths did very well out of deregulation in Victoria, and will in South Australia.

The Hon. T.G. Cameron: The industry's not going to benefit.

The Hon. M.J. ELLIOTT: But Coles and Woolworths will.

The Hon. T.G. Cameron: Only in certain areas

The Hon. M.J. ELLIOTT: Yes, but those are the areas that stand to benefit most. Small retailers, on the other hand, happen not to be heavily unionised. The SDA does not have a lot of members in that area. The SDA is probably the most powerful single group in the Labor Party now, and it swings its numbers around and that is why we have this bill before us, if the truth be known and people were prepared to be honest. I find it quite frightening that we have still avoided issues such as the impact of deregulation on monopoly and the resulting impact on competition. The whole reason for doing this to start off with was competition, so we are told but, if the final outcome is a reduction in competition, we should be taking a much closer look at what we are doing.

It does not mean that there will be no deregulation, but it might have to be after issues of monopoly have been addressed. No other country in the world would tolerate the level of monopoly that Australia has in its retail sector today, where as I understand it two chains have 80 per cent of the grocery business between them and they can tell a company like Farmers Union, 'We're not going to sell your white milk any more.' When you have a company that big and you can tell it to go jump, then clearly you have too much market power.

If this deregulation without other changes as well increases that market power further, that is an incredible danger to farmers. I would not want to be a supplier to those chains, knowing that the alternative outlets will be crushed even further than they already have been over recent years. However, that was an issue that we were not to spend any time on and did not spend any time on. The consequent impact on prices was again simply avoided. Claims and counterclaims were certainly made, but the committee did not pursue those.

On the matter of enterprise agreements, there is one place where I did have some commonality with the Liberal Party, although at one stage I think it was also looking at simply changing awards and the like, and I said that I would not have a bar of that. On the other hand, I support enterprise agreements which have already been entered into at the large end of the retail sector where there is no net disadvantage for people working in retail. There is no question that in the absence of these enterprise agreements small retailers are put at significant disadvantage in terms of Sunday trading. Something needs to be done about that.

The Hon. T.G. Cameron: It won't be Sunday trading.

The Hon. M.J. ELLIOTT: No, but Sunday trading is when they are at their greatest disadvantage. It is one place where I have some commonality of interest with the Liberal members of the committee. On the question of the numbers of days of Sunday trading, no argument was put to the committee as to why there should be an increase. The committee considered whether we should have five Sundays before Christmas and five afterwards or whether we should have eight before and two after, and the weight of support was for eight before and two after. That was not because people wanted 10 days of trading: they said that if there were to be 10 they would prefer it to be that way. In the absence of any evidence for expansion, unless you believe in deregulation by stealth, you would not support an increase from six to 10. When it came to the committee's report, my support, if there were to be 10 days, was that it should be eight before Christmas and two after. However, I prefer the status quo.

The issue of the industrial impact on employees was too hard for the committee; it ducked it. We did address the industrial impact on employers. In respect of whether or not there is adequate protection for small retailers in shopping centres, we ducked that one, too.

An honourable member: Too hard.

The Hon. M.J. ELLIOTT: Yes; too hard. It is quite frightening; when you read through the report you find that we could not reach a conclusion on several issues, several others we straight-out ducked, and now we are about to go on with the committee stage of this bill. We have another select committee that will hopefully get into the real nuts and bolts and get into the important issues of social consequences, the impact on competition and the impact on prices, yet this debate is proceeding. That is wrong and dishonest and, if it proceeds, regardless of what you think of the merits of the deregulation of trading hours, it is a great shame.

The Hon. CARMEL ZOLLO: As a member of the select committee, I would like the opportunity to have a quick say on clause 1. As has been mentioned, the committee met on nine occasions. I do not agree with all the comments of the Hon. Mike Elliott. I do not think it was a question of our ducking issues: I think it was a question of the time line to which we had to work and which was set by the opposition in this place.

The committee found that the submissions to it were essentially limited to the bill's proposals which were, first, to extend the existing allowable trading hours for non-exempt shops, to amend the Retail and Commercial Leases Act 1995 and for a review of the act to be undertaken in two years. The committee found that the submissions did not raise issues with the other amendments proposed by the bill, such as increasing penalties for breaching the act, broadening the powers of inspectors, introducing a prohibition notice system and moving exemption powers from the Governor to the minister. The committee therefore proposed no change to all these non-contentious clauses of the bill.

While I was away for some of the meetings, I have had the opportunity to catch up with the evidence presented by the witnesses as well as a summary of the submissions we received whilst I was away. I place on record that I am a member of the South Australian branch of the SDA. I noted that Mr Don Farrell, as the state secretary of the SDA, the union that represents the industry, said in his evidence:

> The SDA prefers that shop trading hours be extended during the week instead of during the weekend. Weekly late night trading should be the only extra hours allowed, as it would provide the consumer with extra shopping time, while allowing workers to still have quality family time during the weekend.

I think it would be fair to say that his position on the union's behalf has always been consistent. I have noted the opposition of the smaller retail groups, especially the food sector, which gave evidence, as well as the strong opposition of the State Retailers Association and the Newsagents Association. As has been widely reported in the media, the Adelaide City Council also opposes the extension of shopping hours, in its own interests. Support for the extension of shopping hours came from the Australian Retailers Association, very strong support from Business SA and the larger supermarkets, as well as support from the consumers of the state, who obviously are happy to see extended hours to suit their lifestyles.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: We had a consumer representative give evidence. I certainly found it in my submissions. In giving evidence Mr John Samartzis, Vice President of the Australian Retail Association and the General Manager of David Jones in Western Australia, said:

> The majority of our members and other retailers support being able to determine the operating hours that best suit them and their customers. This issue is about retailers having the flexibility to trade when there is consumer demand.

Mr Samartzis, wearing his David Jones hat, expressed his opposition to the extension of 'exempt goods' to include electrical goods. I had a meeting with Mr Robert Atkins, the Chief Executive Officer of Harris Scarfe, who offered qualified support for the proposed legislation. Mr Atkins was positive in his support in relation to weekend trading but expressed his concern that they would be disadvantaged in relation to the sale of electrical goods. Harris Scarfe is not geared to open only certain sections of its shops, and they are usually located in major shopping centres in the suburbs which would not be opened. He expressed his disappointment as the only South Australian based smaller retail chain that would not be able to compete with the larger interstate based firms such as Harvey Norman.

The committee noted that, whilst this clause of the bill may disadvantage certain retailers, those retailers stand to benefit from other parts of the bill. The committee conceded that the bill should be seen as an overall package of reforms—each component of which may have a different effect, positive or negative, for particular stakeholders—and accordingly did not amend this clause.

The Hon. M.J. Elliott: The majority of the committee.

The Hon. CARMEL ZOLLO: Yes, the majority of the committee. I should put on the record that the Hon. Mike Elliott has put in a dissenting statement and did not agree with the committee at all.

The Hon. M.J. Elliott interjecting:

The Hon. CARMEL ZOLLO: You agreed with the committee but did not agree with the views of the committee.

The Hon. T.G. Cameron: With good justification.

The Hon. CARMEL ZOLLO: Obviously, he has his own views.

The Hon. T.G. Cameron interjecting:

The Hon. CARMEL ZOLLO: We all have somebody backing us. In relation to the industrial impact on employees of extended Sunday and weekend trading, the committee received conflicting evidence on the adequacy of this protection for employees. A number of the submissions from the larger retailers contended that they have no shortage of volunteers to work on Sundays, as they either find the timing of such work convenient to their lifestyle—such as students, God forbid—or the increased rate of pay for such work sufficiently rewarding. However, the committee also heard that—

Members interjecting:

The ACTING CHAIRMAN (Hon. R.K. Sneath): Order!

The Hon. CARMEL ZOLLO:—contrary to the provisions of the act, some retail employees are forced to work on Sundays.

The Hon. T.G. Cameron interjecting:

The Hon. CARMEL ZOLLO: Why don't you listen? If they do not work on Sunday, they face a reduction of their hours and/or loss of employment.

The Hon. T.G. Cameron: I am listening.

The Hon. CARMEL ZOLLO: You should sit on the other side.

The ACTING CHAIRMAN: Order! Interjections are out of order.

The Hon. CARMEL ZOLLO: Little evidence was presented to the committee by either side of this argument, and, given the time constraints, the committee did not reach a conclusion on this issue; and there were time constraints. In these circumstances, the committee considers it appropriate for the Retail Trade Advisory Committee, a non-statutory body established to assist the minister responsible for the act, which is representative of all interests in the retail sector, to monitor this issue and provide advice to the minister as appropriate.

In relation to the industrial impact on employers, the committee heard evidence that a number of major retailers have entered into enterprise agreements which provide for ordinary hours of work to be worked on a Sunday. Such agreements generally provide for a rate of pay for Sunday work that is less than double time balanced against a higher hourly rate of pay for all hours worked through the week. Small retailers contended that they do not have the time or human resources personnel to negotiate enterprise agreements and that the agreement-making process is cumbersome and expensive.

The committee noted that government assistance has previously been offered to small businesses in relation to enterprise agreements through seminars and training programs on the process in South Australia, grants to individual employers to negotiate enterprise agreements and, where required, representation in approval proceedings. This assistance was not taken up by retailers to any significant degree.

The committee raised the potential for drafting a template enterprise agreement, as has already been mentioned, which might be used by small retailers and lead to similar conditions and wages as apply under the larger retailer enterprise agreements. The SDA, Business South Australia and the Australian Retailers Association (SA) all indicated their willingness to facilitate the development of such an agreement. The committee considered that the minister responsible for the act should actively encourage these organisations to prepare such an agreement and promulgate it widely amongst small retailers.

The government, as we have heard from the Hon. Terry Roberts, was prepared to strengthen this commitment and an attempt was made in good faith to agree on a set of words to reflect that commitment. Instead, we saw a resolve by the

opposition to include a sunset clause in the legislation which would see the extended trading proposed in this bill lapse after June 2003 if a template agreement were not finalised by that date. The government is of the view that this adds nothing but uncertainty to the industry. The proposal of the majority (non-government members) would force the legislation to be renegotiated next year, linked to a separate process over which the government does not have any direct control.

The committee also heard from small retailers that the development of such a template agreement would do nothing of itself to resolve their concerns. They pointed to the current no-disadvantage test, to which agreements in both the federal and state jurisdictions are subject, and which gives no improved bottom line to the employer. Some implied that the no-disadvantage test needed to be changed to create greater benefits for employers, and at least one submission went further, claiming that total deregulation of wages was necessary in the event of trading hours being deregulated. The committee noted that such a response may well have the effect of benefiting small employers, but it would clearly have the potential to visit a detrimental, and corresponding, effect on employees. Given this, the committee considered that the no-disadvantage test under the Industrial and Employee Relations Act 1994 should not be changed.

In relation to that section of the bill concerning the 10 Sundays of trading, the summer of Sundays, a term that the Hon. Mike Elliott did not really like or agree with, if I may say so—

The Hon. M.J. Elliott: Some spin doctor came up with it.

The Hon. CARMEL ZOLLO: I don't think that is the case.

The Hon. M.J. Elliott interjecting:

The ACTING CHAIRMAN: Order!

The Hon. CARMEL ZOLLO: I think it is very much to do with the lifestyle of South Australians. People like to go out in summer, to be out there, and to shop.

Members interjecting:

The Hon. CARMEL ZOLLO: Sunday is when most families get together. In relation to this issue, there was some discussion in relation to the split. The majority of the members on the committee believed that the 8:2 split was more appropriate. The Hon. Mike Elliott, as he is indicating by his mirth, did not agree with it at all but, if there had to be anything, he was happier to see the 8:2 split.

In relation to the Retail and Commercial Leases Act 1995 (clause 20), the committee proposed that it be passed as currently drafted. The committee was concerned, however, that some submissions on behalf of retail tenants argued that, in any event, the existing legislative clauses and the proposed amendment are of little practical effect. These submissions argued that, regardless of such provisions, retail tenants are often faced with a 'take it or leave it' offer from their landlords, including dedicated trading hours, where failure to accept exposes the tenant to a non-negotiable non-renewal of the lease at the end of its term. These submissions argued that further protections for tenants needed to be considered under the Retail and Commercial Leases Act. Various options canvassed included legislating for a first right of refusal for existing tenants, market rents to apply at the end of leases, or perpetual leases.

The committee also heard a concern that the current retail leases legislation is ambiguous in relation to who is entitled to vote on core trading hours under section 61(1)(c) as the lessee in an enclosed shopping complex. A submission claimed that absentee franchisors are claiming this right to the exclusion of the franchisee who is actually in the shop. There was a certain amount of discussion about this issue and the committee accordingly considered that the minister responsible for the Retail and Commercial Leases Act should announce a government position on the following issues after consulting with the Retail Shop Leases Advisory Committee: first, the adequacy of existing protections for lessees under that act, particularly in relation to end of lease negotiations; and, secondly, the practice of absentee franchisors claiming the right of a lessee to vote on core trading hours to the exclusion of the franchisee who is actually in the shop. The committee strengthened this by saying that these issues can be pursued, if necessary, by separate legislation or regulation.

The Hon. M.J. Elliott interjecting:

The Hon. CARMEL ZOLLO: Given the time frame, it was an issue that we did consider and look at. In relation to the independent review of the act, the government members of the committee considered that the two-year period proposed in the bill is an appropriate time frame that would allow for a meaningful assessment of the operation and impact of the new provisions. Therefore, the committee recommended there be no change to this clause. As part of my parliamentary secretary duties, I recently travelled overseas and made a note of shopping hours in other countries.

The Hon. M.J. Elliott: A shopping trip, was it?

The Hon. CARMEL ZOLLO: It wasn't, actually, but I was looking at shops, for a particular reason. Wherever one travels around the world one finds in relation to shopping hours that every place is a bit different.

Members interjecting:

The ACTING CHAIRMAN: Order!

The Hon. CARMEL ZOLLO: While the cities I visited traded over seven days, times varied depending on what the local community wanted.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: If you listen, you might learn something, too. I visited quite a few supermarkets in Singapore and London.

The Hon. R.I. Lucas: Harrods?

The Hon. CARMEL ZOLLO: No, I didn't visit Harrods. I was not looking at shopping hours as such; as I have said, I was just making a note of them. The honourable member should listen and learn.

Members interjecting:

The ACTING CHAIRMAN: Order! I suggest that the honourable member take no notice of interjections.

The Hon. CARMEL ZOLLO: I also visited the gourmet food sections of department stores in London and Madrid.

Members interjecting:

The Hon. CARMEL ZOLLO: I was just trying to get extra business for the state, but obviously honourable members are not interested. Sunday shopping hours were generally less, with the El Corte Ingles department stores in Madrid having apparently just trialled the first Sunday of the month for shopping.

Members interjecting:

The Hon. CARMEL ZOLLO: No; I did not buy any shoes, actually. The smaller non food retailers appeared to suit themselves. Even though you would expect obvious tourist shops to be open on a Sunday, some were not. In Italy and Spain, retailers generally shut for the afternoon siesta; they re-opened at 4 p.m. or 4.30 p.m. and closed between

8 p.m. and 10 p.m. Some shops did not open until late in the morning—obviously shops were suiting themselves. Of course, both these countries are facing challenges because of their membership with the European Union.

There is a tradition of lunch being the main meal of their day, and that was something I was looking at in relation to food sales. Shops closed at 1 p.m. for that period of time. As I have said, with their membership of the European Union, they are being challenged about their shop trading habits. There has been a shift, especially in the commerce sector, to not returning home for lunch and the population, I guess, now behaving much the same way as we do and, for that matter, the rest of Europe.

Singapore is also facing changes in shopping habits. The days of women getting up early to shop at the wet market for the best foods to cook for family meals are probably gone. We find that the supermarkets there are having to increase their food sale items and women are shopping for food very much the same way as Australian women—on their way home—and, hence, the extended shopping hours.

Members interjecting:

The Hon. CARMEL ZOLLO: I hope that, when you travel to Indonesia, you will learn something, too. My overall observation was that every city was different and that there was no such thing as the norm. On a private trip a few years ago, I very much made the same observation. So, the debate that we are having appears to be no different to that in other countries. It is obvious that not everyone will be happy with the outcome. We are a small economy. There also needs to be a balance for consumers in this state who want to see further deregulation.

I believe that the government's bill, which was addressed by the select committee, is an attempt to find some balance and to provide greater consumer choice for shopping hours without total deregulation. It is an attempt to provide certainty in the industry and meet the requirements of the NCC to ensure our competition payments.

It is unfortunate that the government's attempts to provide this certainty have been thwarted. We have the Hon. Michael Wright quoted in the paper today saying that the notion of a sunset clause to 1 July next year was 'a sham and a joke'. I can only agree with him. Before I conclude, I would like to thank the secretary of the select committee, Ms Noelene Ryan, and the research officer, Mr Chris McGowan, for their diligence—and so far I think that that word has not been used in this debate—in assisting the committee in preparing this report.

The Hon. M.J. ELLIOTT: There were some further comments that I meant to make, but did not at the time.

Members interjecting:

The Hon. M.J. ELLIOTT: I am allowed to. We are in committee. The rules say that you can speak as often as you like in committee. In relation to the National Competition Council, a little over a week ago I asked a question in this place about the process required under competition policy for change and noted that there was supposed to be a consultation process, which never occurred. There has been no response in question time, and I am not sure whether during this debate we will get a response from the minister. But, as I understand it, due process in terms of what is required by national competition policy has not been followed.

Another claim made by retailers, besides the bodgie claim about what happened in Victoria in terms of increased retail turnover and increased jobs—which did not happen—was a claim that full-time work would increase. When we looked at the data in relation to what happened in Victoria, it showed that Victoria had the greatest increase in part-time work after deregulation—so, just another bodgie claim; they simply made these claims and hoped that nobody would check.

In relation to electrical retailers, there is no question that that is a bit of a dog's breakfast at the moment, mainly because governments did not enforce the law; or loopholes were being exploited that could have been closed. If Harvey Norman had not been allowed to get away with their stunt—which was illegal—that is, if the loophole of splitting up a shop into technically different business names, while it was still the one business, had been closed, and if electrical retailers had to be under 200 square metres, we would not have the inconsistencies that are currently operating.

The government is using the excuse of inconsistency to expand electrical retail, although still shutting out the department stores; so it is still leaving a significant inconsistency there. But, I guess, that is left for the next lot of deregulation that it will do next time around. The loopholes could have been closed; the act could have been enforced; but there was a lack of will.

The Hon. T.G. ROBERTS: On behalf of the government, I wish to reply to some of the statements being made; and I understand that the rules of debate are slightly different. In relation to the problems that the Hon. Mr Elliott raised about the length of time that we had to address the problem, and the time taken by the select committee to meet, that was a task set for the council that we had no control over. It was a proposition worked out as to how we would do it, and it was something the government never supported.

We were to undertake the inquiry by way of two Legislative Council select committees, and the second committee had different terms of reference. I would like to read them into the record. The second select committee was to:

> . . . inquire into the likely impact of changed trading hours on the level of market domination by a small number of retailers and the consequent effect on their competitors and suppliers, in particular. . .

That was in relation to a lot of the complaints that we had given to us, given that people did not understand the rules of engagement to the degree that perhaps we, as legislators, would have liked, but we did take evidence in relation to that; and it was referred to in the report. The reporter, who I think was the secretary, had a difficult job in separating out those areas of evidence that were given that we might have felt important in relation to our first task, which was to look at the bill and, in relation to our second task, to look at other areas.

The other areas are likely to be: whether changed trading hours will be anticompetitive in the longer term; the likely long-term impact on prices; the consideration of new clauses in relation to amendments to the bill, the Industrial Employee Relations Act, and the Retail and Commercial Leases Act; to report on the economic, industrial and social impact of the bill on both employees (including their families) and employers; and any other related matters. The Hon. Mr Elliott moved those in a way that he regarded as providing a more detailed search for answers to the questions we required to consolidate an act that comes to terms with a lot of the problems that exist out there. The whole question of shopping hours is a regulators' or legislators' nightmare. The description the Hon. Mr Elliott gave in relation to the way some businesses get around the act by architectural and engineering design features that you would think would be unnecessary—

The Hon. M.J. Elliott: They weren't even that sophisticated.

The Hon. T.G. ROBERTS: They were not very sophisticated. No architects were involved in the design of them—it was more like bulldozers pushing stuff to the back of the shop to conform. You would not think that in today's business world we would have legislation that forced people to do that. Nevertheless, we have a whole range of inconsistent sections within the act that make those retailers try to conform without breaking the law. We also have inconsistencies between regions and the metropolitan area, and between areas within the metropolitan area, if you include the peri-metropolitan area in that.

In the time frames possible we tried to take a snapshot of what exists at the moment and tried to get something in place prior to the shopping rush that we hope will take place in the lead up to Christmas and after Christmas. Unfortunately, we do not have that. We have an amendment proposed by the Liberal Party. It has called for an adjournment of the debate which will only serve to demonstrate the inability of the Liberal Party to make a decision. The amendment will deliver uncertainty in the sunset clause, and certainly the proposal for the sunset clause on weeknight trading and the summer of Sundays, introducing these reforms for a short period of time then removing them, is an unworkable, halfway house.

The Liberal Party has implied that, if the industrial parties agree on a template for the industry, it will agree to amend the act again to allow the summer of Sundays and the extended weeknight trading to continue to operate. That does not give anybody certainty. It probably puts us in a position where the council is held up to ridicule for not being able to determine a unified, uniform position to agree or to oppose amendments, to make amendments that do nothing or at least maintain the status quo. It will not do anything for our image in the electorate.

It is clear that there are divisions within the major opposition party, the Liberal Party. It is understandable that, when you have divisions within the retail sector and even amongst consumers as to what they require as shopping hours, certainly representatives in here will be divided. I guess everyone who gets to their feet will be able to claim a section of the community as their consistency, argue their position on their behalf and probably use a logical argument and a sound and reasoned debate to be able to do that. Unfortunately, what we have to do as legislators is try to get a form of legislation that enables the requirements of consumers in this modern day and age, and the requirements of wholesalers, retailers and those connected with shop trading hours to work in a reasonable way without encouraging them to break the law.

Further, the Liberal position seeks to inflict the uncertainty it has created by its inability to make decisions for all South Australians, and that could jeopardise investment strategies for people wanting to go into the industry over the next 12 to 18 months. The real debate will occur in another place. I am sure a lot more questions will be asked and a lot more heated debate will ensue after the bill comes back.

If this is defeated, the adjournment takes us into the period before Christmas. I am not sure whether any guarantees given will end up in a final position before that, but I hope that somewhere in the life of the next select committee, after we look at all the issues that will impact on those people involved in the retail trading and shop trading hours question, we are able to air their case and hopefully come away with recommendations that make sense for the government to make decisions around how we proceed with future legislation so that the parliament can provide some leadership through a combined position. I know we will not agree on everything, but at least we can show leadership in the community and show that South Australia is not a backwater but is able to provide answers to questions being posed by people in the industry and can come away with recommendations that people can live with and can make sense of in order to continue the economic growth we have been having in the retail sector in both the regional and metropolitan areas.

The Hon. R.D. LAWSON: I move:

That progress be reported.

The committee divided on the motion:

AYES (13)

Cameron, T. G.	Dawkins, J. S. L.
Elliott, M. J.	Evans, A. L.
Gilfillan, I.	Kanck, S. M.
Laidlaw, D. V.	Lawson, R. D. (teller)
Lucas, R. I.	Redford, A. J.
Ridgway, D. W.	Stefani, J. F.
Stephens, T. J.	

NOES (4)

Gazzola, J.	Holloway, P.
Roberts, T. G. (teller)	Zollo, C.

PAIR(S)

Schaefer, C. V.	Gago, G. E.
Xenophon, N.	Sneath, R. K.

Majority of 9 for the ayes.

Progress thus reported.

The PRESIDENT: The committee to have leave to sit again—the minister?

The Hon. T.G. ROBERTS: On motion.

The Hon. R.D. LAWSON: I move:

That the committee have leave to sit again on 12 November.

The PRESIDENT: The motion is in order; it is only a question of the time. There are two parts to the proposition: first, the minister has moved that the matter be adjourned on motion; and the alternative proposition is that the matter be resumed at another time. I put the question: that the words 'on motion' stand part of the proposition. Those in favour of that proposition say Aye and those against say No. The noes have it. That proposition fails.

Members interjecting:

The PRESIDENT: Order! Members will come to order.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! The Hon. Ms Laidlaw will come to order. The question now before the chair, as moved by the Hon. Mr Lawson, is: that this bill become an order of the day for 12 November.

Motion carried.

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION) (REFERENDUM) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 August. Page 823.)

The Hon. A.L. EVANS: I rise to speak on this important issue. Nuclear waste is a major challenge to most countries in the world, and in reality Australia is very fortunate to have huge spaces and not a large amount of this deadly substance. Part of our policy platform for the election was no nuclear dumps in South Australia. The party's reasoning against nuclear dumps was twofold. First, according to the polls,

South Australia did not want this material in this state. The other reason for my party's position was based on discussions with various conservation groups.

It seemed that a better option was for each state simply to look after its own. I say that it would be a better option, because in a huge country such as ours there is enough room for each state to have sites available for the storage of nuclear waste without having to store it in one location. Most of the states in Australia are much larger than European countries, yet in Europe each country stores its own waste very effectively. The benefit of storing one's own waste is that, rather than the waste being something that is sent to the central part of Australia and forgotten about, each state will be vigilant in monitoring both the repository site and the waste.

I support this bill in so far as it amends the current Nuclear Storage Facility (Prohibition) Act 2000 by prohibiting all nuclear material, including low level to short lived intermediate radioactive waste generated outside South Australia, being transported into our state and placed in a repository. However, I have a problem with the second part of this bill. We never envisaged the concept of a referendum and, as far as I can judge, during the election campaign the present government said nothing about a referendum. The bill is drafted so that the minister is given complete discretion as to the timing of the referendum. The minister could direct that the referendum be held just prior to or at the time of a federal election. The issues raised by the referendum could become the sole focus of the federal election in South Australia.

I was disappointed at the last federal election to see the border protection issue given so much media attention that the very important issues raised by Mr Beazley were not brought to public attention. That was a shame, not only for the Labor Party but also for the public, who were not properly informed of all Labor policies leading up to the election. It became virtually a one issue campaign, so the very good policies of both parties were very rarely reported on. The emotional issue of border protection clouded the entire election.

I remember on a number of occasions hearing Mr Beazley complain that he was not able to get his message out as he would have liked, concerning Knowledge Nation. He and his researchers spent a considerable amount of time preparing policies in that area and others, but just one issue seemed to be coming through constantly, and that was *Tampa*, border protection and the Pacific solution. I do not want to see the same thing happen at our next federal election in respect of nuclear waste being dumped in South Australia.

I have looked at various options to try to address my concerns. One way is to place a requirement on the government that a referendum be held within six months of the minister's first becoming aware of information that indicates that South Australia would be chosen as the preferred site. The option is a good one because it preserves the integrity of the state government by ensuring that a referendum is not used as a political football. The referendum would achieve exactly what it has always been intended to achieve, and that is to be a statement of public sentiment. Based on the referendum results, the federal government may—and I emphasise 'may'—just decide that South Australia should not be the state for the dumping of all the nation's nuclear waste. While this option has obvious merit, I believe that I have discovered an option that is more workable.

I intend to move an amendment that will prohibit the state government from holding a referendum any time within three months prior to the expiry of the House of Representatives. This is to cover the situation where a federal election is held at the end of the three-year federal parliamentary term. Let us say for present purposes that that will be November 2004. My amendment will ensure that the state government does not hold a referendum any time after August 2004. In that way the referendum would not distract from the key policy issues that each party wants to raise during the federal election campaign.

The amendment also states that, in the alternative, the state government is prohibited from calling a referendum any time between the calling of a federal election and the holding of that election. That is to cover the situation where the Governor-General causes writs to be issued for an early election. It is not possible to predict when an early election will be called, so the prohibition on calling a referendum can only, by necessity, relate to the period between the calling of the election and the holding of that election. My amendment will ensure that the referendum does not detract from the federal election issues and, at the same time, sends a powerful message to the federal government.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

CONSTITUTION (PARLIAMENTARY SECRETARIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 August. Page 955.)

The Hon. A.J. REDFORD: This is yet another example of saying one thing in opposition and doing another in government. In seven short months this government is developing form and it is a consistent form. It says one thing in opposition about government advertising; it does another in government. It says one thing in opposition about the use of consultants; it does another in government. It says one thing in opposition about the use of reviews; it does another in government. It says one thing about taxi cameras in opposition; it does another in government. In opposition it says one thing about standards of ministers and honesty, accountability and truthfulness in answers to questions, and it does another in government. It says one thing in opposition about consultation with the opposition, and in government it does another. In 1997, this current government said a lot of things in opposition, and the very same group of people are now doing something different whilst they are in government.

This is a relatively short bill. It seeks to incorporate a new section 67A into our Constitution Act. Proposed section 67A provides:

(1) The Governor may appoint—
  (a) a member of parliament as Parliamentary Secretary to the Premier;
  (b) a member of parliament as parliamentary secretary to a minister (including the Premier in his or her capacity as another minister).
(2) The number of parliamentary secretaries must not exceed two.

The net effect of this clause is to create another position within the government's ranks and call that position 'parliamentary secretary'. I understand that, in the event that this bill is passed, the government has said that the Hon. Carmel Zollo will be appointed to this position and that she will be the parliamentary secretary, in accordance with the terms of this bill, to a minister, namely, the Minister for Agriculture, Food and Fisheries.

A number of issues call for some consideration, because there are quite a number of ministers in this government, and I will quickly go through them. First, there is the Premier, who is also Minister for Economic Development, Minister for the Arts and Minister for Volunteers. That is a very heavy workload indeed, particularly if you have to juxtapose the responsibilities of those portfolios with the extensive media commitments he undertakes.

The second cabinet minister is the Deputy Premier, who has responsibility for Treasury, and Industry, Investment and Trade, both of which are very significant portfolios. The third minister is the Minister for Government Enterprises and he has responsibility for the following portfolios: Energy (a very complex, difficult and heavy portfolio), Police, and Emergency Services. On any analysis that is an extraordinarily heavy workload.

We then have the Minister for Education and Children's Services. Again, by itself, a very heavy workload with responsibility for the expenditure of more than 30 per cent of the state budget. We also have the Attorney-General who is responsible for Justice, Consumer Affairs, and Multicultural Affairs, and probably the think tank—and one of the rare think tanks—within this government. Again, this minister has some pretty heavy and onerous responsibilities in keeping some of the other lacklustre ministers out of trouble.

The Minister for Health has responsibility for health and is the Minister Assisting the Premier in Social Inclusion. Again, this minister is responsible for more than a third of the state budget with an extraordinarily heavy workload. We move on to the Minister for Environment and Conservation who is also the minister for the River Murray, Gambling, and the Southern Suburbs and he also assists the Premier in the Arts: a very extensive portfolio.

The Hon. Diana Laidlaw: Especially in the Arts.

The Hon. A.J. REDFORD: Yes; as the former minister interjects. There is also the Minister for Social Justice who is responsible for Housing, Youth, and the Status of Women. Again, an extraordinarily heavy workload. Then there is the Minister for Transport who is also responsible for Industrial Relations, Transport, and Recreation, Sport and Racing. By itself, not the heaviest of workloads we have seen compared to most ministers but, given the current minister's capacity, perhaps demanding some assistance.

We then have the Minister for Tourism, Small Business, Science and Information Economy, and Employment, Training and Further Education. With the greatest respect to that minister, I have to say not a huge workload in comparative terms. Finally, there is the Minister for Urban Development and Planning who also looks after Local Government, Administrative Services, and assists in Government Enterprises. Again, perhaps not as extensive as other ministries.

We then turn to the upper house ministers, with the Hon. Terry Roberts who has responsibility for Regional Affairs. We have ascertained, in the time that we have been here, that that really means 'minister for announcing bad news in rural areas'. He is Minister for Correctional Services and Minister for Aboriginal Affairs and Reconciliation. On any analysis, it is one of the more lightly undertaken workloads when one considers the other ministers in this government.

Then we have the Minister for Agriculture, Food and Fisheries. In the previous government, that position was held for some time by the now Leader of the Opposition and, for a short period of time, by my friend and colleague the Hon. Caroline Schaefer; but she also had some quite important responsibilities in relation to water and various other issues.

An honourable member: Sustainable resources.

The Hon. A.J. REDFORD: Sustainable resources. Some of those responsibilities—which have been teased out by members on this side of the chamber—like the public servant and portfolio responsibilities, have been taken from him. So, when one looks at the workload of the leader of the council—and I accept that he does have an extraordinarily heavy workload when we are sitting—it is one of the more lightly undertaken workloads when one considers the responsibility—

An honourable member: He does have mines.

The Hon. A.J. REDFORD: I accept that he does have mines, but he has a lighter workload in comparison to other ministers. He has kept himself out of trouble to a large extent—perhaps by not doing much—

An honourable member interjecting:

The Hon. A.J. REDFORD: There is one issue, but I will not digress. Generally speaking, he has kept himself out of trouble and one can assume that is because of two reasons: first, he has not done much; and, secondly, he has a pretty light load. Who will get the parliamentary secretary? I have gone through the list and there are no prizes for guessing that the Hon. Paul Holloway will get this gift: the assistance of a parliamentary secretary. No parliamentary secretary is required for the Premier because he already has one. However, one might have thought that the Minister for Government Enterprises or the Treasurer or, indeed, the Minister for Environment and Conservation, who has an extraordinarily heavy workload, would get the assistance.

An honourable member interjecting:

The Hon. A.J. REDFORD: They didn't want Carmel? I think that is unfair, but that is one explanation and, in the absence of a proper explanation, an explanation that one might reasonably arrive at; and that is something that we on this side of politics should also come to. My colleague the leader went through some contributions that were made on a previous occasion when a bill of a similar nature came before this place; and, indeed, some of those contributions raised some very important issues of principle. I will repeat them because I do not want to be accused of playing politics. I want to lay a foundation, a basis, for some questions which I think are very important and which need to be answered by this government in so far as how this new office of parliamentary secretary is to operate given the constraints and the traditions of the Westminster system.

An honourable member interjecting:

The Hon. A.J. REDFORD: We might come to that in a minute. I seek assurance that this is not the case in terms of what the Treasurer said back in December 1997. The Treasurer, quite rightly, raised an issue that might occur to some of the more cynical members of the public in relation to these issues as to why we need such a position. He said:

> It is a nonsense and a joke and, frankly, a disgraceful piece of public policy that you must reward or give jobs to members of parliament to shore up the numbers—not just to give you the strength in leadership, not just to give you enough satisfied members of parliament to ensure that at least in the short-term your leadership is not challenged. . .

I would ask that, in his response, the minister assures this place that the creation of this position does not fall within the category outlined by the Hon. Kevin Foley in December

1997. I also point out to the minister another statement made by the now Treasurer. On the same occasion he said:

> It could be argued that it is more than enough—

he is referring to 13 ministers, and 13 ministers only—

> but in a small State, in an Executive Government, 13 Government Ministers is more than enough.

In light of that, my question to the minister is: what is different now in so far as the assertion that 13 government ministers is sufficient? The Hon. Kevin Foley then raised another important issue on the same occasion. He said:

> . . . something we should consider closely is that the Auditor-General in his report has made much comment, as he has previously—

and I emphasise this—

> about the conflicting roles between a parliamentary secretary and his or her duty as an elected member of this Legislature or another House in carrying out their responsibility to safeguard the taxpayers' dollar, which is our primary role when elected to this Parliament.

My question to the minister in relation to that proposition is: can the leader explain why the Hon. Kevin Foley was wrong when he made that statement?

The Hon. Kevin Foley raised a third issue in his contribution. He referred to the Auditor-General again and says that, in his view, the Auditor-General's view could not be lightly dismissed. He said:

> It is a very important conflict role being generated by this legislation.

My question to the minister is: what has changed since 1997 to obviate what the Hon. Kevin Foley said on that occasion? Mr Foley went on and raised the issue, and he does not have a great breadth of experience, even by his own admission. In fact, before entering this parliament he spent a fair part of his working life as a ministerial adviser to a couple of failed ministers. He referred to the relationship between ministerial advisers and parliamentary secretaries. He said that there may well be some problems associated with ministerial advisers sitting in meetings with parliamentary secretaries, and it would cause some issues. In that respect, I would be interested to know in some detail what sorts of problems the then shadow treasurer was referring to and what steps this government has taken to ensure that the problems the Hon. Kevin Foley raised have been addressed.

The Hon. Michael Atkinson, now Attorney-General, also raised some issues, and they were important issues. I do not want to be accused of playing politics, and I will pitch this whole debate at precisely the level of the current Attorney-General, a man for whom I have some regard. He raised this issue, and I would be remiss in my duty if I did not raise it in this place, as difficult as that task might be. He was referring to the Hon. Julian Stefani, who was savagely and maliciously attacked during the course of the 1997 legislation. He said:

> He will be paid a parliamentary salary plus 20 per cent. As yet the government has been unable to supply the opposition with a job description or job specification. . . the real job description is attending functions and continuing to support the Premier.

I have several questions for the minister. First, is there a job description insofar as this position is concerned, and will the minister table that job description? Secondly, is it fair to use the words of the Attorney-General to describe this position as 'attending functions and continuing to support the Premier'? Thirdly, if that is not the case, could the minister outline what is the difference? The Attorney-General also raised an important issue because throughout the past few years—and you, Mr President, were not quiet while this process was happening—there was a sale of government assets and a diminution in government responsibility throughout the period of our time in government. The now Attorney-General pointed that out and went on and said that he could not work out why we need more when we have less responsibility and stated:

> Why would we increase the number of ministers when they govern less?

In that respect, I would be interested to know this: what is the position of the Leader of the Government insofar as the now Attorneys-General's 1997 position is concerned, and why is he wrong in making that assertion? The Hon. Michael Atkinson went on, on the same occasion, and raised this very important issue:

> The first paid parliamentary secretary, the Hon. J.F. Stefani, will not be on an estimates committee because, of course, he is not a member of the people's house, but he has been returned to the Statutory Authorities Review Committee.

What access will members of parliament have to the parliamentary secretaries through the estimates committee process? Will the parliamentary secretary make himself or herself available to estimates committees for questioning by members of the opposition? The second issue arises from appointments to parliamentary committees. In 1997 the Attorney-General said:

> How rigorous does the council think the Hon. J.F. Stefani's scrutiny of statutory authorities will be on the standing committee while he serves the Premier in an office of profit under the crown? How would the Hon. J.F. Stefani handle a standing committee review of the Office of Multicultural and International Affairs?

That raises a very interesting issue, because one could insert this question—and I am not trying to play politics on this but to apply the standards used by the then opposition back in 1997—and paraphrase what the Hon. Michael Atkinson said, as follows: the second paid parliamentary secretary, the Hon. Carmel Zollo, will not be on an estimates committee because of course she is not a member of the people's house, but she has been returned to the Legislative Review Committee.

How rigorous does the council think the Hon. Carmel Zollo's scrutiny of legislation and subordinate legislation will be on that standing committee while she serves the Premier in an office of profit under the Crown? How would the Hon. Carmel Zollo handle a standing committee review of the Minister for Agriculture, Food and Fisheries or, indeed, regulations promulgated by the Minister for Agriculture, Food and Fisheries?

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: Sorry?

The Hon. P. Holloway: I will ask the question later.

The Hon. A.J. REDFORD: How can the parliament be assured of the independence of the backbench and parliamentary committees (whether they be standing or other committees) in their very important role—clearly identified by the now Treasurer and the now Attorney-General—of holding the executive accountable? How can that position continue to be upheld if someone holds a position as a parliamentary secretary? They are the very same questions that, in fulfilling their duty, the now Attorney-General and the now Treasurer asked only a few years ago. I think that this issue was picked up well by the now Premier when he was the Leader of the Opposition. He said:

> The member for Spence certainly pointed out that this proposal is constitutionally bad, but there are also other issues that need to be addressed.

If it was constitutionally bad back in 1997, how is this different to ensure that it is not constitutionally bad?

The Hon. R.I. Lucas interjecting:

The Hon. A.J. REDFORD: That is one explanation. I will be very interested—given that I have tried to be principled in this contribution—to hear the principled response to that question. The now Premier further stated:

> It is an important oath that ministers take when they are sworn in at Government House by His Excellency.

I assume that the new parliamentary secretary will also swear an oath, and I will be interested to know what that oath is and how it is different from an oath sworn by a minister.

The Hon. Carmel Zollo: The same one that Steve Condous swore.

The Hon. A.J. REDFORD: He further states—

The Hon. Carmel Zollo interjecting:

The Hon. A.J. REDFORD: The honourable member interjects, and I welcome her interjections; in fact, I would encourage them. I make the point that this government says that it sets higher standards, and it says it over and again. It said it about government advertising, consultants, reviews, taxi cameras and ministerial answers to questions, and it said it about consultation with the opposition. It said that it intended to set different standards and, the fact is, it has not. Here we go again. The honourable member says that we are back to the previous standards, so why have we got them? I was unfairly diverted, but I would not want to discourage the Hon. Carmel Zollo from interjecting. I always enjoy her interjections. The now Premier—the person who has lectured us persistently and consistently about higher standards—said:

> They—

and he is referring to ministers and parliamentary secretaries—

> take the oath of fidelity—

I am not sure that is actually correct: 'fidelity' has another concept—

> which is—

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: Well, he is not all that bright. I read in the newspaper the other day that he wanted to appear in the Supreme Court. He could sell tickets to that one. He states:

> They take the oath of fidelity, which is the Executive Council oath and is about cabinet solidarity and is about recognising the confidence of executive council. This means that, if you are given information about tax rises the following week, you do not go out and buy up petrol, sell shares or what have you. They do not have to take the oath of fidelity. Their cabinet solidarity now rests on private agreements with the Premier.

I would be most interested to hear the minister or the government explain how they have addressed that issue raised by the now Premier in 1997. I believe a very important contribution was also made by the Hon. Paul Holloway's predecessor, the Hon. Carolyn Pickles. During the course of her contribution she referred to part A.4, Audit Overview, of the 1997 Auditor-General's Report. In it the Auditor-General referred to the issue of appointing members as parliamentary secretaries. The Auditor-General is not always right—I concede that—but he stated:

> The South Australian parliamentary secretaries appointed during the term of the current government have been appointed by the Governor in Council under the Constitution Act 1934. These appointments are made in section 68 of this act. I am advised that it is open to doubt whether section 68 is an appropriate basis for these appointments because the role of parliamentary secretary conferred at the discretion of the Premier is not an appointment to 'public office'.

I am sure he took that into account when he referred to the former tourism minister and the report he made there. I know that section 67A is different from section 68 to which the Auditor-General was referring then, but the Auditor-General went on to raise an interesting issue. He said:

> Further, if South Australian parliamentary secretaries are members of the executive there may be some question about the constitutional validity of their appointment in circumstances where their number, in addition to the number of ministers, exceeds 13. The issue arises because section 65 of the Constitution Act 1934 limits the number of ministers of the Crown to 13.

This was what this bill and the bill that was then before the parliament were designed to address. He makes this important observation:

> Having regard to the need to avoid conflicts of interest in relation to members of parliament in relation to expenditure and the scrutiny of expenditure [I am concerned] that parliament give consideration to regularising the appointment and function of parliamentary secretaries through the passage of legislation.

Again, this legislation deals with that, but my concern is that there needs to be some protocols in distinguishing the role of a parliamentary secretary as a member of parliament and the role of a parliamentary secretary as a member of the executive arm of the government. That is an important issue and, particularly the way this government operates, it is important that that be fully and completely disclosed. Indeed, the leader himself made a comment on the issue which I think is worthy of consideration.

I will paraphrase what the Hon. Paul Holloway said, but I do not think he will disagree. There is an important onus on a government that brings legislation of this type before the parliament to justify the expansion of the numbers. Having read the Hon. Paul Holloway's speech when this was introduced, at this stage I am not sure what the justification is. We can be cynical on this side, and we have tried not to be, but we would very much like to know what that justification is.

Indeed, the honourable member asked a series of questions, and they were pretty much exactly the same as the questions that I asked, but I must admit that there were a couple of others that I had not thought of until I read his contribution. I will give the council some examples, and I would not mind some answers to those questions. Indeed, you, Mr President, asked a very interesting question, and I will come back to that. The Hon. Paul Holloway was involved in this exchange, and he asked:

> Is the Attorney suggesting that ministers will not be attending any of these conferences?

He was talking about ministerial council meetings. The answer was:

> That has been my presumption. I am not sure what other ministers intend doing but I cannot imagine that, for example, I will be attending all [meetings].

He gave an equivocal answer which, unfortunately, the Hon. Paul Holloway did not follow up. But you, Mr President, really hit the nail on the head with a very important question. I will repeat it and I would like an answer to that question. This is what was said:

> What access will the junior ministers have to cars? Will they be provided with chauffeur-driven cars or will they have access to the super ministry car? While we are on the point I will ask a supplementary question that goes to the core of the issue: will junior ministers be able to draw on the ministerial allowances for travel, etc., or will they be using their own travel allowances to do that?

In that respect, if an opposition is to be given credit as hardworking, diligent, lean and nosy, it needs answers to exactly the same questions, so I will put the question. What access will the parliamentary secretaries be given to cars? Will they be provided with chauffeur-driven cars or will they have access to a general car? Will parliamentary secretaries be able to draw on allowances outside of their parliamentary travel allowance for travel and the like? I have another issue to explore in a little more detail, so I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

[Sitting suspended from 12.59 to 2.15 p.m.]

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 38 and 45.

MAGILL TRAINING CENTRE

38. **The Hon. T.G. CAMERON:**

1. How many people is the Magill Training Centre built to hold?
2. How many people does it currently contain?
3. Is the government planning to build a new youth training centre, and if so—
   (a) When will it be completed; and
   (b) How much will it cost?

The Hon. T.G. ROBERTS: The Minister for Youth has provided the following information:

In its current configuration the maximum number of bed spaces that the Magill Training Centre can accommodate is 69, however there are currently 60 bed spaces that are in an appropriate operational condition.

During the 2001-2002 financial year Magill Training Centre had an average occupancy rate of 35. During this same period daily occupancy ranged between a minimum of 22 and a maximum of 44 young people.

The government is committed to replacing the current Magill Training Centre and is currently undertaking a process to identify the most appropriate procurement option and mix of government and private funding.

The current work program indicates that the new centre could be completed in 3 to 4 years. It is not possible to give indicative costings at this stage.

REGIONAL IMPACT STATEMENTS

45. **The Hon. J.S.L. DAWKINS:** What are the titles of the 30 regional impact statements that have been presented to the cabinet since 6 March 2002?

The Hon. T.G. ROBERTS: The Premier has advised that:

Since 6 March 2002 there have, in fact, been 84 cabinet submissions which include separate regional impact statements.

Some impact statements are simple and some are more complex. The government will be encouraging further work in this area to ensure greater conformity and quality in responses. A new Premier and Cabinet Circular (No 19) will give clear guidelines for the preparation of cabinet submissions, including impact statements.

The new draft circular emphasises:

> 'Proposals which ministers bring to cabinet have varying impacts on different sections of the community and on the South Australian community at large. Weighing up these broader impacts is an important task for cabinet. It is crucial for proper decision making that full information about possible impacts is made available to cabinet in the submissions put before it.

Explicit assessments must be made of the impact of regulatory proposals (new acts, regulations, mandatory standards and codes and non trivial amendments to any of these) and the impact of all proposals on South Australian families, the regions, small business and the environment. Reference should also be made to the extent to which social inclusion will be enhanced by proposals.'

Release of this circular in the near future will assist in ensuring that all cabinet submissions are of an acceptable standard and take all relevant community impacts into account.

It is not possible to release the titles of the relevant cabinet submissions as they are, of course, confidential.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Agriculture, Food and Fisheries (Hon. P. Holloway)—

Primary Industries and Resources SA—Report, 2001-2002.

By the Minister for Aboriginal Affairs and Reconciliation (Hon. T.G. Roberts)—

Reports, 2001-2002—
- Dental Board of South Australia.
- South Eastern Water Conservation and Drainage Board.
- The Pastoral Board of South Australia.
- The Planning Strategy for South Australia—Report to Parliament.

DOLPHINS, PORT RIVER

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to dolphin death threats made today in another place by my colleague the Hon. John Hill, Minister for Environment and Conservation.

WILPENA POUND

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to Wilpena warnings issued on 24 October 2002 made today in another place by my colleague the Hon. John Hill, Minister for Environment and Conservation.

QUESTION TIME

BUCKLAND PARK WASTE TREATMENT FACILITY

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question on the organic waste facility to be established at Buckland Park.

Leave granted.

The Hon. CAROLINE SCHAEFER: I understand that major development status has been granted to a waste treatment and recycling research centre to be developed at Buckland Park, which is quite near to Virginia and the Adelaide Plains horticultural area. I understand that an issues paper was developed by the major development panel (as would normally be the case). The normal protocol would be for that paper to be circulated inter-departmentally for comment and input before such an issues and discussion paper was released to the public.

Ideally, this would happen so that risks could be discussed within departments without unnecessary concern developing within the community. The Adelaide Plains horticultural area comprises some 6 000 hectares; it is one of the world's leading users of recycled water; it directly employs around 3 000 people, and involves 1 000 growers; and it is estimated to be worth about $300 million per annum to this state. As the Hon. Carmel Zollo would acknowledge in her role as

coordinator for SA Food, it is one of the growing export industries; and I am sure that the Minister for Regional Affairs would also acknowledge that.

It has come to my notice that the issues paper was circulated without any input from either PIRSA or SARDI or their entomologists. There is considerable risk from the disposal of home-grown fresh fruit to the breeding of fruit fly and, indeed, from wind-borne soil pathogens. I am sure these risks can be overcome, and neither I nor the people who have contacted me with regard to this would object to an additional composting facility being built in South Australia.

Should fruit fly emanate from such an area, and as soon as it is detected, a six kilometre radius quarantine area is set up, which would immediately preclude a large section, if not all, of the Adelaide Plains from selling their produce. That area is having difficulty with thrips. The last thing it needs in order to succeed in the viable and important export industry of which it is part is another set of concerns. Therefore, my questions are:

1. Will the minister explain why PIRSA and SARDI were not consulted?

2. Has he taken steps to see that this will not happen again?

3. Is, indeed, this a fait accompli or can some further consultation take place?

4. Have protocols been established to protect the vital Adelaide Plains horticultural, floricultural and wine industry and, if not, why not?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): That is an important question asked by the Hon. Caroline Schaefer. I was aware of the problem in relation to the establishment of a composting facility in the Adelaide Plains region earlier this year when I visited that facility. The honourable member is correct that most of the people in that region have no grievance against the company concerned. It has a good record in relation to these sorts of issues. However, their concern is with the location of that facility so close to the important market growing areas of the Adelaide Plains which, incidentally, include about 40 per cent of the state's glasshouses. Obviously, the risk in relation to an establishment there would not just be of fruit fly being brought into the city. There are other pests such as one type of garden insect prevalent in the domestic gardens of Adelaide. There was a fear that, if compost were brought from the metropolitan area to any local facility, such pests could gain easy access to this important market garden region.

I am aware that, on being made aware of this, my department has made some representations on this matter. I am not sure where the application for this project is in the system at present. I am not aware of exactly what stage it is at now, but I will find that out. It is my understanding that the department was aware of and concerned by the potential threat posed in relation to that. It is my understanding that it made representations on this matter. That may have been through the relevant approving authorities. I will get that information in more detail as to exactly what consultation there is. I am aware of the threat in that area. As I said, it is important that those concerns be brought forward to the people who ultimately have responsibility for approving the project. I believe that that has happened. I will find out the exact information as to where the application is within the system and bring back a response.

The Hon. CAROLINE SCHAEFER: As a supplementary question, my original question was: why were PIRSA and SARDI not involved in the development of the issues paper in the first place? I would like an answer to that.

The Hon. P. HOLLOWAY: I am not sure who prepared the issues paper. Is this a Planning SA or a development one? I will check and see whether the department was involved. As I indicated in my earlier answer, I was aware of this issue several months ago. I raised it with the department and I was aware that it had made some submissions in relation to this matter. However, what level it was at is something I will determine and get back to the honourable member on. Clearly, there needs to be an input from the primary industries sector in relation to these matters. It was my understanding that it happened. However, I will check and bring back a reply.

The Hon. Caroline Schaefer: And take steps to see that it doesn't happen again.

The Hon. P. HOLLOWAY: It will depend on what I find out.

RETIREE CONCESSIONS

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Premier, a question about government promises and retiree concessions.

Leave granted.

The Hon. R.I. LUCAS: A number of members of parliament—the Hons Terry Cameron, Rob Lawson and others—have raised questions in relation to the commitments given prior to the election in relation to further concessions for holders of commonwealth seniors health cards. Without referring to all the detail of the questions and answers, I will quote from one of the answers the government gave in the parliament along the following lines:

> The Labor Party did not promise to provide these particular concessions during the election campaign. These concessions were announced by the Liberal Party in their election campaign.

That was in response to a question by the Hon. Rob Lawson. Members may have seen a copy of a letter sent from Mr Alan Beaton, President of AIR Division, to the Premier and reprinted in *SA Retiree* magazine in June of this year. The letter states in part:

> As part of the association's pre-election leverage campaign, Labor politicians and candidates received an invitation to discuss Labor policy in open forum at AIR branch meetings throughout the state. They were provided with a list of questions on policy that reflected the association's special interest. A prime question was, 'If elected, will you support the flow on of pensioner-type concessions to self-funded retirees?' It is a matter of record that not one dissenting response was made. Indeed, one of your current ministers was asked to give an unequivocal response to the question and did so.

I understand that, if need be, the name of that current minister who gave the unequivocal commitment on behalf of the now Premier and now Treasurer at that public meeting can be made available. The letter continues:

> On another occasion a candidate was unable to respond without reference to his party and subsequently responded affirmatively after inquiring. My members naturally accepted the assurances as being genuine indications of intent and may well have voted with the public assurances in mind. Self-funded retirees were, therefore, prevailed upon to cast votes on the basis of the pre-election promises made with the authority of your party. The association on behalf of the thousands of self-funded retirees resident in this state will, if necessary, do all in its power to hold you to the promises made on your behalf. It is pointed out that branches have been asked to make statutory declarations as to the date, circumstance and responses to pre-election policy questions.

The letter goes on, but that probably adequately summarises Mr Beaton's view in relation to this issue.

Also during the election campaign, under my direction, a number of people rang Labor members and candidates in their campaign or electorate offices seeking commitments or not to the following question:

> The Liberals have announced increased concessions for holders of a commonwealth seniors health card. If we vote Labor, will you also provide those additional benefits that have been listed?

It is a simple question. The answer from Mrs Jennifer Rankine, the Labor member for Wright, in answering the question herself, was:

> We'll match the Liberals.

The answer to the same question from the office of Mr Patrick Conlon, the now minister, was given by an officer called Melissa. Members will know Melissa, who first said, 'We'll ring back' and—

The Hon. R.K. Sneath: A wonderful young lady.

The Hon. R.I. LUCAS: The Hon. Mr Sneath says, 'A wonderful young lady.' They then rang back and said, 'Yes, we'll match the Liberals.' Patrick Conlon gave a commitment to match the Liberals.

The Hon. T.G. Cameron: She would have said that only because Pat would have told her that. Mr Sneath is right—she is a wonderful, young, honest lady.

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

The Hon. R.I. LUCAS: I will bow to Mr Sneath's knowledge of Melissa in Patrick Conlon's office and her integrity and honesty. The same question was put to Trish White and she indicated that she would ring back and did not. Finally, a message was left for Mr Kris Hanna, the current member for Mitchell, and he came back and indicated that they would match the Liberals.

I could recite a number of others but I do not want to go through all the detail and take up question time; suffice to say that, on the record, a number of members gave an unequivocal commitment about matching the Liberal Party commitment. My questions to the Premier, given the answer that he has just provided in the parliament that Labor had never made any such promise, are:

1. Does he accept that Mr Alan Beaton's integrity and truthfulness would not be questioned by him, and that his letter has truthfully represented the views expressed by one of his current ministers and other Labor members and candidates at similar meetings?

2. Will he ask his own parliamentary secretary (the member for Wright) to confirm that, when contacted during the election campaign and asked whether or not she would match the promise from the Liberals, she personally responded to some of those inquiries by saying, 'Yes, the Labor government will match those commitments'?

3. Does he now accept that Labor members and candidates did make promises in this area and that the reply that has been provided to the parliament and to parliamentary members is wrong and misleading?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): This is another attempt by the Leader of the Opposition in this council to rewrite history—and why would he not want to rewrite history? If you had a Treasury reputation like he did, why would you not want to rewrite history? This matter has been raised by the Leader of the Opposition—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —on a number of occasions.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: It was discussed previously. Of course, the Leader of the Opposition—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! The leader will come to order.

The Hon. P. HOLLOWAY: —knows full well what the history of this matter is—he knows full well.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! The Leader of the Opposition will come to order.

The Hon. P. HOLLOWAY: During the 2001 budget, the Leader of the Opposition—when he was the treasurer—announced the flow-on of some parliamentary concessions. At the last election the Labor Party promised that it would support those concessions that were allowed for in the 2001 budget and, indeed, we have. However, just prior to the election, the then Liberal government made promises about additional concessions but for which there was no funding—like so many others, no money was provided.

We all know what it was like when we got into government: the cupboard was absolutely bare. No provision had been made to fund those promises, and it was made quite clear by the Labor Party that those additional election promises made by the Liberal Party were not part of Labor's commitment. This government promised to allow the flow-on of those concessions to retirees that were made in the 2001 budget. That matter has been cleared up previously. The answer appears in *Hansard*. As I say, the Leader of the Opposition is trying to rewrite history in relation to this matter. He knows the facts and, no matter how he tries to dispute it, those facts remain inviolate.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order, the Hon. Mr Cameron!

MOTOR VEHICLE THEFT

The Hon. R.D. LAWSON: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Attorney-General, a question about motor vehicle theft.

Leave granted.

The Hon. R.D. LAWSON: The annual summary of motor vehicle thefts produced by the national Motor Vehicle Theft Reduction Council indicates that, in Australia, some 124 600 motor vehicle thefts occurred during the year ended 30 June 2002; and 11 640 of them occurred in South Australia, which was a reduction of 6 per cent. Unfortunately, however, South Australia, at 7.7 thefts per 1 000 of the population, has the highest rate, and, similarly, if one takes thefts per 1 000 registrations, it also has near to the highest rate. The recovery rate in South Australia is good—some 89 per cent of vehicles compared with the national average of 79 per cent. The Motor Vehicle Theft Reduction Council has also published a report this month dealing with the principles for a compulsory immobiliser scheme in motor vehicles.

As members will be aware, in Western Australia a compulsory motor vehicle immobiliser scheme was introduced in the late 1990s. Under this scheme new vehicles were required to have immobilisers and, upon transfer, older vehicles were required to be fitted with an immobiliser. The government paid a subsidy of $40 to each vehicle owner

when the immobiliser was fitted. As the report notes, the Western Australian scheme proved to be an outstanding success. It achieved a high rate of engine immobilisation, with over 70 per cent of the vehicles having an immobiliser fitted and a significant reduction in motor vehicle theft. It was a costly scheme, of some $41 million from its commencement in 1999 until the rebate finished in September 2000. Of that, the government paid $11 million and motor vehicle owners themselves had to pay $28 million.

The report to which I refer indicates that if such a scheme were introduced in South Australia considerable benefits would follow. Indeed, on a jurisdiction by jurisdiction calculation, in South Australia the net present value of introducing such a scheme with all its costs calculated over 10 years would be $13 million, and total benefits over a 10 year period would amount to $41 million. The fact is, however, that motor vehicle owners remain reluctant to voluntarily invest in motor vehicle immobilisers, notwithstanding the very considerable community benefit they provide. My questions to the Attorney are:

1. Is he aware of the latest report of the National Motor Vehicle Theft Reduction Council and its recommendations?

2. Does the government support the introduction in this state of a subsidised vehicle immobiliser program?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer that question to the minister in another place and bring back a reply.

AQUACULTURE

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question regarding the aquaculture industry.

Leave granted.

The Hon. CARMEL ZOLLO: Much has been made of the success of our state's aquaculture industry from a base of near zero in 1992 to production of $305 million in 2000-01. This industry has outgrown even the loftiest of expectations, with much needed jobs created in our regional areas. The challenges currently facing the industry include the need for further strategic direction and the increased pursuit of overseas markets. What steps is the government taking to assist the industry as a whole to identify possible solutions to these problems?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the Hon. Carmel Zollo for her question and her interest in this area. To assist the aquaculture industry in moving forward and developing new markets, in conjunction with the Seafood Industry Development Board and its Chairman, Keith Smith, today I will be releasing two reports that highlight the industry's enormous potential to generate wealth for this state. These reports also make a number of recommendations to ensure that the identified potential of each of the sectors within the industry can be realised.

These groundbreaking analyses of South Australia's aquaculture industry point to the potential for sustained growth, increased exports and greater employment opportunities. By 2003-04, production volume is predicted to be almost twice that of the last financial year, 2001-02, with an increase in farm gate of approximately 30 per cent. More than 1 500 people are expected to be directly employed by the industry at this time, with 1 900 indirect jobs also being created. Focusing on the key industry groups for the future growth of our aquaculture industry, the report aims to provide a road map for the further development of the industry into one that is internationally competitive through the use of collective marketing and exploitation of our state's natural advantages.

The two reports—South Australian Aquaculture Production Analysis and the Aquaculture Industry Market Assessment—provide an accurate picture of where the industry is at with respect to its strengths and weaknesses in terms of being able to achieve its objectives and an insight into international markets. The strategic challenges facing the five identified industry groups—yellow tail kingfish, oysters, abalone, mussels and barramundi—are examined, and recommendations for each of those groups are given with regard to the best way of addressing them. I am confident that, with these reports as a base for continuing its already outstanding work, the Seafood Industry Development Board will continue to assist the aquaculture industry to fulfil its potential.

HOUSING, TENANT ADVISORY SERVICE

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Housing, a question regarding tenant advisory services.

Leave granted.

The Hon. SANDRA KANCK: Public housing stock has plummeted in the past decade and vacancy rates for private rental are low. People attending a forum in August organised by Shelter SA were told that minority groups can have a lack of understanding of their responsibilities and rights, which can result in exploitation, dislocation and homelessness. Often these people have no-one to turn to for advice, so they desperately need an organisation or an agency that can supply that advice.

According to Shelter SA, all tenants need advice and support, but particularly those with complex needs and/or those living in low income households. Individuals and families need a service that can advise, represent and inform them, and enable them to access the housing opportunities available to them. Groups who work in the housing sector say there is a desperate need for an independent tenants' advocacy and information service.

According to the September 2002 edition of *Sheltashortz*, South Australia is the only state in Australia that does not have a community based independent tenants' advocacy information service to assist tenants to understand their rights and responsibilities. It says that in other states where such a service exists, it is more effective and less costly than relying on hearings of residential tenancy tribunals to resolve disputes. My questions are:

1. Was the Labor Party's election policy that all rental tenants have access to tenant advocacy and information services that are consumer-focused and independent?

2. If so, what progress is being made on implementation of that promise?

3. Will this require legislation?

4. If so, when can we expect appropriate legislation to be introduced to the parliament?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the minister in another place and bring back a reply.

SCHOOLS, PERFORMANCE INDICATORS

The Hon. T.G. CAMERON: I seek leave to ask the Minister for Agriculture, Food and Fisheries, representing the Minister for Education and Children's Services, questions regarding performance indicators in state high schools.

The PRESIDENT: Order! Is the honourable member seeking leave to make an explanation?

The Hon. T.G. CAMERON: Yes, sir. I thought I did.

Leave granted.

The Hon. T.G. CAMERON: Recently, the Victorian government announced that, from December, it will release the Victorian Certificate of Education results achieved at each school. The results will be formulated into what is being termed league tables, ranking schools on their performance relative to other schools. The Western Australian government has been doing this since 1995 for both government and non-government schools. It argues that it allows individual schools to make policy decisions based on strengths and weaknesses from an informed position. Parents' groups have applauded the Victorian announcement, arguing that in South Australia the reporting mechanism in state schools is very poor. They also suggest that South Australia avoids a strong accountability culture by not looking at the performance of schools in key areas of assessment, and SACE is one.

Not surprisingly, the South Australian teachers' union has slammed the idea, saying:

> There is absolutely no point releasing more information to confirm popular prejudices. . . We already know there are schools where we have a low number of students who complete SACE . . . The money should be put into solving problems of low achievers. . . rather than wasting money on the release of irrelevant material.

However, there is strong support for more accountability for student learning outcomes. Many proponents of accountability, whilst not supporting a 'league table' style of reporting, believe that a broad range of information needs to be available so that parents can measure how schools are performing relative to the state average and to like schools.

The South Australian Association of State Schools suggests that if our public education is to improve:

> . . . it had to measure itself against the independent sector. Setting up a divide between education sectors avoids the issue for making public schools the best they can be.

While not supporting raw SACE statistical reporting, manipulation or distortion of results for the sake of a school's public image, accountability is seriously lacking within the public education sector. My questions are:

1. Currently, what mechanisms or tools are used to assist parents to rate their community's school's performance relative to like schools?

2. Does the minister support informing parents about student and school performance?

3. Will the minister adopt reporting and accountability measures encompassing a broader range of information?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his questions, and I will refer them to the Minister for Education and bring back a reply.

LOCAL GOVERNMENT ASSOCIATION

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs, representing the Minister for Local Government, a question about the Local Government Association President's Forum.

Leave granted.

The Hon. J.S.L. DAWKINS: I recently noted in the September issue of *Interaction*, the newsletter of the Office of Local Government, an article about the Local Government Association Presidents Forum held in late August. The forum apparently provided an opportunity for elected members and senior managers to hear from senior officers of key state agencies about activities affecting local government. The agencies represented included the Department of Human Services, the Department of Transport and Urban Planning, the Department of the Premier and Cabinet, the Office of Economic Development, the Office of Regional Affairs, and the Department of Water, Land and Biodiversity Conservation.

I also noted that the former deputy leader of the Labor Party and former member for Napier, Ms Annette Hurley, provided the forum with an overview of the government's policy approach. My questions are:

1. In what capacity did Ms Hurley represent the government at this forum?

2. Which department or agency engaged her services?

3. Was this role part of a consultancy to government?

4. What remuneration did Ms Hurley receive for this work?

5. Will the minister indicate why the policy overview was not provided by a minister, member of parliament or senior public servant at no additional cost to taxpayers?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those questions to the relevant minister in another place and bring back a reply.

VICTORIA SQUARE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Leader of the Government, representing the Premier, a question about the closure of Victoria Square.

Leave granted.

The Hon. DIANA LAIDLAW: I indicate at the outset that I support the council's in principle decision to close the square to east-west through traffic just as the square has been closed to north-south through traffic for decades. I register that I am pleased that the Adelaide Festival 2002 advanced debate on this issue relating to the heart of our city.

More recently, the council has set a very tight timetable for consultation before meeting again in December to resolve whether to endorse the project. Last Saturday, for instance, a consultation meeting with city traders was cancelled. Although 20 to 25 traders were present, they were hostile that none of the city market stall holders had been notified of the meeting. Even if they had been notified, the time nominated by the council clashed with city market trading or stall holders cleaning up after their day of business.

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: Exactly. Do you know of instances? In addition to this typed timetable it is unclear to me. I have made some inquiries but I now resort to asking the Premier how the council is consulting with government agencies, which government ministers and whether they are using the forum of the Capital City Commission which the Lord Mayor and Premier jointly chair. It is critical that the state government is involved in consultations and decision making regarding Victoria Square—and I speak just from a

transport perspective—because the impacts will undoubtedly be felt across the city, not just within the vicinity of the square. As the government has not made it clear yet what it wants in terms of the future of the new Glenelg trams or the extension of the tram line, council decision making in this area must involve the government. I therefore ask the Premier—rather than the Minister for Transport or Minister for Planning, because I think it goes to the top of government:

1. Will he confirm whether the government is satisfied with the consultation processes and timetables that have been determined by the council for it to progress its in principle decision to close Victoria Square to east-west traffic?

2. Will the Capital City Commission, which is jointly chaired by the Premier with the Lord Mayor, have to sign off on the plan, or will the plan be referred to the Major Projects and Infrastructure Committee of cabinet?

3. Has state government funding been sought or agreed, and to what level, for the proposed realignment of the tram line or any other feature of the model project envisaged for Victoria Square?

4. If transport agencies such as Transport SA, Trans-Adelaide, the Passenger Transport Board or, indeed, the responsible minister object to infrastructural or operational features of the project advanced by the Adelaide City Council, can the Premier confirm whether or not the council can progress with its plan, with or without endorsement or funding from those government agencies or the government as a whole?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for her important question. I think we all agree with the honourable member that it is absolutely vital that there be consultation with the state government in relation to this important issue. It was certainly my understanding that, in the early stages of when these proposals were first made public, that consultation with the state government had left a little bit to be desired, but that was some time back. I will seek an answer from the Premier as to whether there have been any improvements in that time.

The PRESIDENT: The Hon. Ms Laidlaw is developing a habit of putting a lot of opinion in her questions. I would ask her to pay attention to that in future.

HORSE TRIALS

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Regional Affairs, representing the Minister for Tourism, a question.

Leave granted.

The Hon. G.E. GAGO: The 2002 Mitsubishi Adelaide International Horse Trials will be conducted in Adelaide's East Parklands from 7 to 10 November, with dressage events being conducted on Thursday 7 November and Friday 8 November; the hugely popular cross-country event on Saturday 9 November; and show jumping on Sunday 10 November. Will the minister please provide details of the economic benefit for South Australia in any new initiatives for the forthcoming event?

The Hon. T.G. ROBERTS (Minister for Regional Affairs): I thank the honourable member for her question, and note her interest in the event. I also acknowledge the work done by the previous government, and I acknowledge that the Hon. Caroline Schaefer has more than a passing interest in the trials and the events. The Mitsubishi Adelaide International Horse Trials is only one of the four events held annually; and the only such event in the southern hemisphere. The Saturday cross-country event is undoubtedly the pinnacle of the trials and would have been staged on the same day as the Credit Union Christmas Pageant. Approximately 45 000 people will flock to the East Parklands to witness some of the world's best riders and horses. I am sure the police will have to be notified to do point duty that day.

This year's course was designed by Mike Etherington-Smith, who was also the designer of the 2000 Olympic cross country event. The course for the 2002 Mitsubishi International Horse Trials is approximately 6.4 kilometres long and includes 35 jumps. A course of this length has presented some risk management challenges, especially given the size of the predicted crowd on the day, and it will probably be a very warm day. These risks have been addressed in great detail, at the minister's request, to minimise their impact. The following procedures have been put in place:

- lane taping the entire course on both sides with material disclosing the words 'Do not cross';
- clear demarcation of the crossover points;
- design of the crossover points so that prams, pushers, etc. can easily make the transition from one side of the course to the other;
- the positioning of fully trained security guards at each of the crossover points;
- the positioning of security guards along the length of the course at intervals of about 150 metres;
- and the development of a novel means of communication between the security guards using highly visible paddle signs (that will be an interesting event in itself).

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: And you stick to the standing orders, as well—no interjections! These changes to the management of the Mitsubishi Adelaide International Horse Trials will make it much safer for the staging of the event in 2002. The Mitsubishi Adelaide International Horse Trials delivers very worthwhile economic benefit for South Australia. Research conducted after the 2001 Adelaide International Horse Trials showed the following:

- about 84 per cent of interstate and international visitors to the trials extended their stay in South Australia—in this way the event generated approximately 6 700 additional bed nights for the state; and
- the total expenditure of all the visitors to the 2001 Mitsubishi Adelaide International Horse Trials was in excess of $2 million.

Other firsts for the 2002 Mitsubishi Adelaide International Horse Trials will be:

- the establishment of the Winergy Club package, which has already sold out, for enthusiasts seeking closer involvement with the event;
- the equestrian trade show is also fully subscribed;
- the staging of a galloping breakfast for the general public; and
- the programming of a twilight dressage competition.

These events will add to the flavour of what is already a successful program. I also add that the trials are certainly much quieter than the annual car events that are held in the same vicinity.

GUN CONTROL

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about gun control.

Leave granted.

The Hon. IAN GILFILLAN: The history of gun control in legislation is chequered and most unsatisfactory. It appears that legislation has been forthcoming in the past, but there are still gaps between the recommendations of the ministerial council after the Port Arthur massacre and legislation that has been effected in the various states. In fact, in 1998 I introduced a bill in this place just to get compliance with a cooling-off period so that those convicted of violent crimes would not have access to firearms. Even that amendment was unsuccessful. Recently, the Australian Institute of Criminology has indicated that the most common target for the theft of firearms is a residential location, and there is a high rate of firearms theft, particularly in South Australia.

A couple of weeks ago I asked a question regarding compliance with storage. The answer I eventually received said that there is no statistical data on the level of compliance with the storage of firearms and that it is left to the police to do whatever they feel is appropriate at the time. In this morning's *Advertiser*, there is a letter from Prof. Simon Chapman, School of Public Health, University of Sydney. The letter states:

> Again the gun lobby and its political opportunist friends in our parliaments are wheeling out the nonsense that if you are a licensed shooter, affiliated with a gun club, the community has nothing to fear.
>
> Between 1994 and 2000, 25 171 firearms—12 a day—were reported to police as stolen throughout Australia.

Of these, 81 per cent were stolen from homes and 14 per cent of these were handguns. It is time all sporting guns were stored in police stations and not in homes, with increased licensing fees paying for the costs involved. Members may recall that an earlier initiative of mine was that there be storage armories where firearms would be stored in the metropolitan area. I ask the minister:

1. Does he believe personally that there is any reason for a firearm of any type to be stored in any residence in the metropolitan area and, if so, what is the reason?

2. Does the minister see merit in Professor Chapman's proposal for storage of firearms in police stations and/or armories?

The Hon. T.G. ROBERTS (Minister for Correctional Services): The issue of gun control is a matter for the Minister for Police, and the Premier is making a statement today. As it has been asked of me at a personal level, I know and understand that there are reasons for people in regional areas to own and store guns in a responsible way, but the only reason I can see that guns would be owned by individuals in metropolitan areas would be if the guns were antiques and would not be able to be discharged and/or they belong to a pistol club where a firearm was required for that purpose and was being transferred between a repair shop and/or home. As for any other reason for ownership—

The Hon. Diana Laidlaw: The police.

The Hon. T.G. ROBERTS: I do not think the question is aimed at authorities but at personal ownership. I cannot see any other reason for an individual to own a hand gun for any other purpose. That is my own private and personal opinion. We ought all agree on all sides of the council that we need strong uniform gun laws not only in this state but nationally, and we certainly need to be vigilant in regard to the importing—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: I make no comment on any other state's laws other than that there should be strong uniform gun laws. The linkage between the illicit drug industry and firearm movements needs to be strictly policed at a commonwealth and state level to prevent its spread.

EUROPEAN CARP

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about carp fishing.

Leave granted.

The Hon. A.L. EVANS: Recently I received a letter from the member of the fishing industry who was affected by the banning of gill net fishing in the Murray River. He has asked me to seek some direction on his behalf from the government. Mr Tony Smith catches both carp and bony bream from Lake Bonney near Barmera to supply the crayfish industry with bait. The lake is not part of the mainstream river system but is part of the backwater system. Mr Smith, and I understand two other fishers, have licences to use haul nets to fish for carp. However, they have found that the method is both uneconomical and time consuming. My question to the minister is: will he give consideration to permitting Mr Smith and others, if there are others, to fish for carp and bony bream in Lake Bonney using gill nets, given that the lake is a backwater and fishing will not occur in the mainstream section of the river system and, if not, why not?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The honourable member is correct that the gentleman concerned and one other fisherman in the Murray River have been given permission to use haul nets. I understand that haul nets have been used successfully interstate to harvest carp.

Those nets are particularly suited to targeting carp because, of course, they can be used in the shallow backwaters of the river. Of course, the use of haul nets enables the fishers to release native fish and other species that might be caught. My understanding is that they have been used successfully in other states. Permission was given—only fairly recently, I must say—for that particular fisher and one other to use haul nets, and the government is keen that the opportunity is taken by those fishers to use them successfully. I would have thought that it was a little too early to say that haul nets were not effective.

We need a little longer to make that assessment and, certainly, it is my understanding that a variety of other nets, similar in nature to haul nets, may be suitable for targeting carp. The fisheries section of PIRSA is keen that there should be some trial so that we can have a successful inland fishery on the Murray River that targets European carp. The government has made it clear that it will not permit gill nets, particularly in the mainstream, because those nets are not particular in the species they target. They do catch a number of other species such as birds, tortoises, water rats, native fish, etc. The government is certainly not sympathetic to the use of gill nets within the Murray River.

In relation to some of the backwaters, however, we are prepared to work with the river fishers to see what form of nets can be used to target effectively those introduced species without posing a threat to native animals. We are prepared to

look at the question of how nets might be modified to become more effective in that backwater environment.

GOVERNMENT GRANTS

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Leader of the Government in this place a question about government hypocrisy.

Leave granted.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: Where? Here it comes. Earlier last week a question was asked in another place by the Hon. Dorothy Kotz about community sporting infrastructure grants to sporting clubs throughout South Australia. The Hon. Dorothy Kotz asked a question about the budget cuts and, in response, the Hon. Michael Wright said:

> It is no secret on this side of the house where we stood in respect of the grants to which the shadow minister refers because, in opposition, we called it pork-barrelling.

The minister further stated:

> This was nothing more than a pork-barrelling exercise by the former government.

In a subsequent question in relation to the community facilities grant and the cuts attached to that, the Hon. Michael Wright said:

> What we said in opposition, as I indicated earlier, was that this was nothing more than a pork-barrelling exercise.

I have endeavoured to look at the government's policies carefully and, in fact, have sought to determine the basic principles a government ought to adopt to avoid the characterisation of pork-barrelling. Much to my surprise, this week I received a letter addressed to me personally from the Hon. Mike Rann MP, Premier of South Australia.

The Hon. T.G. Roberts: You would be surprised to get any letter.

The Hon. A.J. REDFORD: I am surprised to get a letter. He used to write, 'Dear Angus'; now, it is just 'Dear Mr Redford'.

The PRESIDENT: The honourable member will address the chair.

The Hon. A.J. REDFORD: I am sorry; I was diverted. I apologise, Mr President. The Premier's letter states:

> As you may be aware, a review of the Premier's Community Fund Program was recently undertaken by the Department of Premier and Cabinet.

The letter then goes on to say that the review was complete. I am pleased to note that as a consequence of the review the Premier's fund is now known as the Premier's Community Initiatives Fund. I am really pleased that this review has added the words 'community initiatives' to it and, judging by the interjections, it comes with extraordinary acclamation. Other than that, from looking at the guidelines paper that we received, it is difficult to work out what this review brought forth. In any event, in the circumstances, I would be grateful if the Leader of the Government in this place would answer the following:

1. What is the difference between the Premier's Community Initiatives Fund and the sporting clubs and community facilities grants?

2. Why are the latter described as pork-barrelling and the former not?

3. Who makes decisions in relation to grants pursuant to the Premier's Community Initiatives Fund, and on what basis?

4. Will the Premier invite someone from the non-government benches who has not been given a free overseas trip to assist in the assessing of grants?

5. How much did the review cost?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will pass on those questions to the Premier and bring back a reply.

LABOR PARTY, GENDER BALANCE

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Leader of the Government a question about the Premier's statement about gender balance in the upper house.

Leave granted.

The Hon. T.J. STEPHENS: I was very interested to read in the *Advertiser* of 7 October 2002 that the South Australian Premier, Mike Rann, won warm applause at the recent ALP national conference when he said that his government already had 40 per cent of its upper house seats filled by women—that is very commendable. I am the first to confess my lack of lofty heights when it comes to education and, in particular, mathematics, despite going to a terrific school—Whyalla High School—of which I am extremely proud. Looking opposite I can acknowledge without taking my shoes off to count that there are indeed seven Labor members in the Legislative Council.

The Hon. Carmel Zollo: Eight elected.

The Hon. A.J. Redford: It gets worse!

The Hon. T.J. STEPHENS: I guess it does get worse. I have no difficulty—

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! The Hon. Ms Laidlaw will cease displaying her mathematical prowess.

The Hon. T.J. STEPHENS: I have no difficulty whatsoever in recognising that both the Hon. Carmel Zollo and the Hon. Gail Gago are very much ladies.

Members interjecting:

The Hon. T.J. STEPHENS: I am trying to be complimentary. But, even with my basic maths ability I work out that 40 per cent of seven is a lot closer to three than two. There is not 30 per cent. When I look opposite again I can see the Hons Paul Holloway, Bob Sneath, Terry Roberts, John Gazzola and, of course, you, Mr President, and I have no doubt of your persuasion. I cannot entertain the thought that one of these other Labor Legislative Councillors may in fact be female, but I have to clear this up. My questions to the Leader of the Government are:

1. Will he confirm that all the aforementioned members are in fact male?

2. Did Premier Rann also struggle with his maths at school and has he just made a basic mistake in his statistics? If so, will he publicly correct the error?

3. Has the Premier taken advice from the Treasurer and has the Treasurer got his numbers wrong again?

The Hon. CARMEL ZOLLO: I rise on a point of order.

The Hon. T.J. STEPHENS: To finish, has Premier Rann taken the opportunity—

The PRESIDENT: Order, the Hon. Mr Stephens! A point of order has been called.

The Hon. CARMEL ZOLLO: I believe that I have changed my mind: it is too flippant to bother with. You are just wasting your question time.

The Hon. T.J. STEPHENS: Has Premier Rann taken the opportunity to peddle a falsehood in order basically to promote himself amongst his national Labor colleagues?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The Premier was speaking at the ALP conference and he was talking about the success that the Australian Labor Party has achieved in preselecting women into parliament. In the Senate we have preselected two new senators, Senator Penny Wong and Senator Linda Kirk, so 50 per cent of Labor Party members in the Senate are women, the ratio being two out of four. The honourable member has correctly said that it is two out of seven in this council, so overall four out of 11 Labor members in the upper houses are women. If the honourable member wants to see the contrast between the Labor Party's success in achieving a gender balance compared with that of the opposition, I suggest that he look at each side of the parliament in the lower house.

REPLIES TO QUESTIONS

CHILD ABUSE

In reply to **Hon. A.L. EVANS** (28 August).

The Hon. T.G. ROBERTS: The Minister for Social Justice has provided the following information:

1. Can the minister provide information about the current proportion of support given to children and their families in comparison to the number of cases (case workers in relation to child) of abuse?

There is a range of government and funded non-government family support services dedicated to children, young people and their families where issues of child abuse and neglect are identified. The proportion of support given to children and their families in comparison to the number of cases is therefore not readily available. The Minister for Social Justice can, however, provide the number of caseworkers responding to allegations of child abuse and neglect within Family and Youth Services (FAYS) in the Department of Human Services (DHS).

There are currently just over 400 FAYS staff providing services to children, young people and their families where issues of abuse and neglect have been notified, or where young people are in contact with the juvenile justice system. This figure is inclusive of social work, youth work, supervisor and manager positions. About half of these positions are dedicated to the front-end of child protection work, that is the receipt and assessment of notifications, the investigation of allegations of child abuse and neglect, the associated short-term intervention with children and families, or preparing applications for Care and Protection orders. The remaining positions are dedicated to working with children and families where Court orders are in place, or with young people in contact with the juvenile justice system.

In the 2001-02 financial year there were 11 203 reports of suspected child abuse or neglect. Not all reports of concern about children require a forensic investigation. Many reports of inadequate parenting or family need are more appropriately responded to with an assessment which links parents with community based family support services. During this last year around 7 000 notifications were assessed as requiring an investigatory response. The remainder were assessed as requiring a community support response. Some 1 800 children were found on investigation to have been harmed.

In those situations where a child has been found to be harmed, and there is an assessed risk of further harm within the family situation, FAYS will continue to provide intervention and support, to strengthen family capacity to provide safe care for children. In some cases, the intervention provided is not sufficient to protect the child from further harm, and difficult decisions have to be made about children's safety and wellbeing. The primary goal of the Children's Protection Act, and consequently FAYS's service provision, is the achievement of security, safety, stability and nurture for children, preferably with their birth families. Where the birth family is unable to provide adequate care, or the risks to the child's safety are significant, the child may be placed in alternative care. This may be on the basis of a voluntary arrangement with the family, or by way of a care and protection order granted through the Youth Court.

In addition to the responses to children and families delivered by FAYS, there are resources deployed in other areas of the human services portfolio to support children and families. For example, $2.1 million is provided to non-government agencies for family preservation and family reunification programs. Child and Adolescent Mental Health Services provide services to children, young people and their families where there are issues of child protection or family conflict impacting on children's wellbeing. Child and Youth Health provide many supports and programs to assist parenting. DHS funds, through its grants programs, a number of non-government agencies to provide support and assistance. Community health centres often deliver parenting programs. Whilst these services may not be considered 'child protection services', they enhance significantly the services directly delivered by FAYS.

The Minister for Social Justice is concerned by the report of the number of children subjected to further harm, and this is one of the reasons the government put in place a wide-ranging Child Protection Review.

2. Given the findings of this report, will the minister fast track the review currently being undertaken of child protection policies due to be reported on in December 2002? If not, why not?

The government established the Child Protection Review on 25 March 2002. In declaring this review's establishment, intense activity has been, and is still, required to meet the completion date of 31 December 2002 for the proper conduct of the review.

The process and time line has required the following activities:

- Appointment of the Reviewer, Ms Robyn Layton QC;
- Appointment of three staff to assist the reviewer;
- Preparation of a discussion paper to assist members of the community prepare submissions to the review;
- A public call for registrations of interest for receipt of the discussion paper and its distribution to over 438 people and organisations as of 20 June 2002;
- Establishment of six advisory groups across government to prepare submissions on key areas to the review by 29 July 2002;
- A call for submissions from registrants closing 28 June 2002;
- Negotiation on legislative change required to support the conduct of the review;
- Undertaking 51 consultations to date with members of the public, with community and interest groups, key experts in Australia and in the UK, advisory groups and service providers;
- Reading over 184 submissions to the review. Ms Layton is required to read every submission. The processing time is considerable;
- Analysis of the submissions, the issues, review of research, analysis and development of a plan;
- Assessment of the plan's viability with critical stakeholders, and the undertaking of any required revisions before presentation to the government.

The reviewer has sought to ensure a fair process for community and expert input.

Whilst the majority of responses have been through written submission, many community groups have sought to put forward their views verbally to the Reviewer. The diversity and difference in focus of parent, child and youth consumer groups has meant that no advisory group could be established to adequately represent their views within a single forum.

There is also a need to consult in an appropriate manner with Aboriginal community groups to ensure the particularity of views of this community are fairly represented in the review process. This consultation is yet to be undertaken.

The report by the Child and Family Welfare Association of Australia, entitled 'A Time to Invest', examined what should be changed. This report is informing the review. However, this report is not dealing with the practicalities of determining what legislation, systems and system-wide changes are required and how these are to be achieved. It can be seen from the terms of reference that the Child Protection Review is required to not only examine what needs to be changed, but also to consider solutions that address system-wide issues to improve child protection outcomes in South Australia.

Whilst not a strictly comparative review, the recently finalised Western Australian inquiry 'Putting the Picture Together', or the Gordon Report, was undertaken in a six month period but involved a budget of $1.25 million and a staff complement of 19. This inquiry examined the response by Western Australian government agencies

to the death of a 15 year old, Susan Ann Taylor. This inquiry's terms of reference were limited to examining the activities of state government agencies in addressing complaints and reporting of sexual abuse in Aboriginal communities, identifying the barriers and capacity of government agencies to address issues of family violence and child sexual abuse in Aboriginal communities, and proposing support measures for children reporting abuse.

Ms Layton is required to deliver a plan to the Minister for Social Justice by 31 December 2002. She has prior work commitments during this period that prevent fast tracking the Review. Whilst an earlier completion date would be a highly desirable goal, it is not practicable given the work required to ensure the review's proper conduct, and given Ms Layton's availability.

3. Will the minister be taking any action in relation to the findings and/or the recommendations of this report? If so, what will the action be?

'A Time to Invest' examined what should be changed and is informing the review. The government has made a public commitment to the review and looks forward to considering the review's findings.

The review is required to deliver a plan that provides effective strategies to improve the provision of child protection services and ensure better outcomes for children, young people and their families. It is also required to provide advice on the strategies and systems required to achieve a whole of government coordinated and integrated response to the protection of children. The plan to be delivered will therefore have a specific focus on DHS policies, procedures and practices. It will also have a broader whole of government focus, and take into account government funded services. This implies a major agenda for change.

Once the report and plan is received from the review, the Minister for Social Justice will need to consider the plan and determine whether further consultation is required. The minister intends to take the plan to cabinet for its consideration. This process will entail obtaining detailed views on the feasibility of the plan, its implication for services and departments, and broad costings from across the relevant government departments on implementing the plan.

VACCINATIONS

In reply to **Hon. SANDRA KANCK** (26 August).

The Hon. T.G. ROBERTS: The Minister for Health has advised:

1. Although the question refers to a 'trial', the Minister for Health has advised that no such trial has been conducted at either the Flinders Medical Centre or the Flinders Private Hospital.

Following investigation by the Department of Human Services (DHS), it has been established that the program referred to is the Young Adult (18-30 years) Measles (MMR) Immunisation Program, which was established by DHS in July 2001 and funded by the commonwealth as part of a national measles elimination strategy.

Measles is a very contagious viral illness with more than 90 per cent of non-immune people becoming infected if exposed. Measles can cause serious illness in adults. Hospitalisation can occur from complications such as pneumonia or encephalitis, an inflammation of the brain. The combination measles, mumps and rubella (MMR) vaccine can prevent measles in 95 per cent of people immunised and also gives protection against mumps and rubella.

The Young Adult Measles Program aims to encourage all people aged 18-30 years to have a dose of MMR vaccine, regardless of vaccine or disease history, in order to reduce the transmission of measles in this age group as part of an Australia-wide goal to eliminate measles in the community.

People aged 18-30 years remain at risk of contracting measles as they would not have been included in the earlier mass MMR immunisation programs, such as the Measles Control Campaign of 1998 in which 1.7 million Australian children received a dose of MMR, and the introduction of a second dose for four year old children.

Non-pregnant women of child bearing age, or other adults, who are not immune to rubella or measles should be offered MMR vaccine. Women who are pregnant, or who plan to become pregnant in the following two months, or new mothers who intend to breastfeed, should not be offered MMR vaccine.

The person who has received the vaccine is not 'infectious', although one of the common and minor side effects is a rash and mild fever about 10-14 days after vaccination.

2. An intensive campaign to promote free MMR vaccine to people aged 18-30 years commenced on 26 July 2001 and ran through to December 2001. However, the free MMR vaccine is still being offered opportunistically to people in this age group for the medium term.

3. All public hospitals, and many private hospitals, in South Australia have taken part in the Young Adult Measles Program. Hospital staff are being encouraged to offer the MMR vaccine to women who have just given birth as part of this opportunistic immunisation program. Immunisation is not compulsory in Australia.

4. It is DHS policy that any person who is offered any vaccine should be provided with information on the risks and benefits of the vaccination and the contraindications for its use. A DHS fact sheet providing information on the comparison of risks in contracting measles, mumps or rubella and the risks of MMR vaccine, 'Young Adult (18—30 years) Measles (MMR) Immunisation Program—The Facts', should be offered to every person seeking vaccination.

5. The combination MMR vaccine has replaced the single dose rubella vaccine as the vaccine of choice for the above campaigns.

6. DHS provides technical support, education and policy guidelines on immunisation based on current scientifically evidenced-based information.

Information from the National Centre for Immunisation Research & Surveillance is that transmission from mother to neonate with the combined measles-mumps-rubella (MMR) vaccine has never been reported and the virus hasn't been found in breast milk after combined MMR vaccination.

7. The DHS fact sheet includes the advice that '…You should not have the MMR vaccine if … you are currently pregnant or plan to be pregnant within 2 months of vaccination.'

8. As children are now being vaccinated with the MMR at 12 months and four years, the need for vaccination at twelve years for rubella alone is no longer required. The two-stage MMR vaccination provides 'solid' immunity, that is immunity for life. In addition, the likely exposure to the rubella virus is greatly reduced with comprehensive immunisation, which reinforces the importance of vaccination in the early years to reduce viral spread.

EMERGENCY SERVICES LEVY

In reply to **Hon. J.F. STEFANI** (28 August).

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

1. The 2002-03 budget provided for $156 million of revenue to be paid into the Community Emergency Services Fund in 2002-03 comprising:

Fixed property
- $50.5 million from private owners of land and property
- $66.8 million from government (in the form of remissions, pensioner concessions and government property contributions)

Mobile property
- $26.3 million from motor vehicle owners
- $ 9.8 million from government (in the form of remissions)

Other
- $0.5 million from interest
- $2.1 million as a supplementary appropriation from consolidated account.

These estimates remain consistent with RevenueSA billing data for fixed property as at mid September 2002.

2. Motor vehicle property owners are estimated to contribute $26.3 million to the community Emergency Services Fund in 2002-03 compared to $25.9 million in 2001-02. The increase of 1.5 per cent reflects estimated growth in the number of registered motor vehicles. The Emergency Service Levy (ESL) rates are unchanged from 2001-02.

Fixed property owners are expected to contribute $50.5 million to the community Emergency Services Fund in 2002-03 compared to $50.6 million in 2001-02. These figures include amounts that relate to outstanding ESL liabilities from prior periods. Over time the level of outstanding ESL bills has been declining and so the inclusion of these amounts can distort year to year comparisons of the underlying movement in ESL revenues between assessment years.

A more accurate indication of the underlying increase in ESL revenues is obtained by reference to billing data for single assessment years at a comparable stage in the billing cycle.

On this basis, private owners of land and buildings are expected to pay $2.7 million more in respect of the 2002-03 assessment year compared to the 2001-02 assessment year. In percentage terms this represents an increase of 5.6 per cent. All of this increase is attributable to growth in property values and, to a lesser extent, growth in

the number of properties. Levy rates (net of remissions) remain unchanged from 2001-02.

Growth in property values in 2001-02 was significantly greater than the projected 5.6 per cent growth in ESL revenues. The lower growth in ESL revenues is because the bulk of ESL revenue collections come from the flat $50 fee rather than the variable component that is linked to capital value.

3. The levy rates paid by owners of fixed and mobile property (net of remissions) are unchanged from 2001-02. There has been no adjustment to levy rates comparable to the increase in government fees and charges.

The pre-remission levy rate for fixed property has increased from 0.1315 cents in the dollar to 0.1552 cents in the dollar but this impacts only on the cost of remissions that are funded by government. The difference between the pre-remission rate, which has been increased, and the post-remission levy rates, which are unchanged from 2001-02, determines the remission cost to government which increases significantly in 2002-03.

4. As advised to the Economic and Finance Committee in May 2002, a total of $146.85 million will be provided from the community Emergency Services Fund in 2002-03 for expenditure on emergency services allocated as follows:

	$m
Country Fire Service	39.605
South Australian Metropolitan Fire Service	70.190
State Emergency Service South Australia	9.742
Surf Life Saving SA	1.201
Volunteer Marine Rescue SA Incorporated	0.625
SAPOL	16.524
SA Ambulance Service	0.798
Department of Environment and Heritage	1.999
Other	6.166
Total	146.850

5. In relation to the impact of the radio network on the amount of the levy, section 10(4) of the Emergency Services Funding Act 1998 requires the minister to determine each year the amount that needs to be raised in order to fund emergency services in the forthcoming financial year. Costs associated with the radio network are taken into account as part of that process.

PUBLIC-PRIVATE PARTNERSHIPS

In reply to **Hon. R.I. LUCAS** (19 August).

The Hon. P. HOLLOWAY: The Premier has sought advice from the Deputy Premier who has provided the following information:

1. No financial commitment of any kind was made to the organisers of the conference. Indeed, the South Australian government will receive seven free registrations worth $17 000 so in fact there is a small financial gain to the government not including the value of the publicity.

2. The Premier and his office speak to members of the United Trades and Labor Council on a regular basis as they do with business and employer groups.

The Premier and other ministers will continue to speak to the UTLC in relation to a range of matters including Public-Private Partnerships as part of the principle of consulting with stakeholders on decisions that affect them.

3.An announcement on Public-Private Partnerships was made by the Minister for Government Enterprises on 17 September 2002.

CONSTITUTION (PARLIAMENTARY SECRETARIES) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1204.)

The Hon. A.J. REDFORD: When the break intervened, I was referring to the contribution made in this place in December 1997 regarding the issue of parliamentary secretaries in which the Hon. Paul Holloway asked some very important questions. During the course of that debate, the Hon. Paul Holloway made this comment:

> This relates to the appointment of a parliamentary secretary to the Premier. We already know, as has been announced by the government, that the Hon. Julian Stefani will be appointed to that position, but my colleague the Hon. Ron Roberts asked earlier whether there would be a duty statement of the role of parliamentary secretary. The Attorney-General answered that there would not be.

It was a very persistent performance on the part of the Hon. Paul Holloway, who went on to say:

> . . . the Attorney should tell us exactly what he envisages the role of the parliamentary secretary will be, particularly as his position will be paid 20 per cent more, which is somewhat in excess of the salary paid to each chair of the parliamentary committees, and so on. One expects that the taxpayers will get some value for a quite substantial amount of money. Can the Attorney tell the committee exactly what the parliamentary secretary will do?

In light of this very important question, I would like to ask exactly the same question of the leader in this place about what the role of the parliamentary secretary will be in so far as the Hon. Carmel Zollo is concerned. The Hon. Ron Roberts asked the following very important question:

> Will the parliamentary secretary have the same access to the car pool as the junior ministers?

In this case, one might ask: will she have the same access to the car pool as an ordinary minister? The Hon. Ron Roberts also asked the following question:

> Will an itemised breakdown of the costs of parliamentary secretaries be tabled in parliament? Will it show up on a balance sheet for the Auditor-General's approval?

On the basis of the precedent set by the Hon. Ron Roberts, I ask the following questions:

1. Will an itemised breakdown of the cost of parliamentary secretaries be tabled in parliament?

2. Will it show up on a balance sheet for the Auditor-General's approval?

Another very important question in relation to question time was raised by the Hon. Ron Roberts. Madam Acting President, you would understand that during question time, as it operates in this place, questions are asked of a ministers and answers are given by them. Standing orders in this place permit us to ask questions of non ministers. It is the tradition in this place that we would expect a minister to answer questions, but our standing orders do not oblige ordinary members to answer questions. The Hon. Ron Roberts, in quite an astute way, raised this important issue, when he said:

> Is it the intention of the government for those people to be asked questions and give answers or will they be able to say, 'Well, I'm not a senior minister therefore I will not have to answer'? Will they be required to answer questions, and I particularly refer to standing order 111?

Standing order 111 provides:

> A minister of the Crown may, on the ground of public interest, decline to answer a question; and may, for the same reason, give a reply to a question which when called on is not asked.

Is it the government's intention that the parliamentary secretary can be questioned as a minister in either house, and will it be the same situation for both parliamentary secretaries, and what will be the position in terms of answering questions in so far as the parliamentary secretary is concerned? I remind the minister that back on 4 December 1997 he said:

> The other question relates to the Auditor-General's Report tabled on Tuesday. In part of his report, at page A4-8, under the heading 'Further observations', the Auditor-General states:

> At a minimum, in my respectful opinion, members of parliament who are parliamentary secretaries should absent themselves or declare a conflict of interest when parliamentary committees such as the estimates committee examines matters in respect of which the member has a direct interest as a consequence of his/her role as a parliamentary secretary.

The honourable member then went on to say:

> Given that the Hon. Julian Stefani has been nominated as a member of the Statutory Authorities Review Committee, I wonder how the government intends to deal with this particular view of the Auditor-General and what advice he will give his colleague in relation to the conflict of interest situations in that regard.

I want the minister to listen to this very carefully. It is my view that this is absolutely fundamental, having regard to the announcements made by the government in terms of who should be a parliamentary secretary. For the benefit of the minister, I will repeat what the Auditor-General said, as follows:

> At a minimum—

and I emphasise the word 'minimum'—

> in my respectful opinion, members of parliament who are parliamentary secretaries—

in this case, the Hon. Carmel Zollo—

> should absent themselves or declare a conflict of interest when parliamentary committees such as the estimates committee examine matters in respect of which the member has a direct interest as a consequence of his/role as a parliamentary secretary.

We know that the Hon. Carmel Zollo is the Presiding Member of the Legislative Review Committee. From my personal experience, I can confidently say that approximately 40 per cent of the regulations dealt with by that committee relate to fishing and primary industry activities.

So, if the Hon. Carmel Zollo is to remain the Presiding Member of the Legislative Review Committee, in effect, she would have to absent herself, if she were to follow the recommendation of the Auditor-General, for a significant amount of that committee's activities. In that respect, her position as Presiding Member is not consistent with taking up the position of parliamentary secretary.

The Hon. P. Holloway: Yes; the two positions are incompatible, and that is why it will be resolved.

The Hon. A.J. REDFORD: If that is the case, I cannot see why, upon the introduction of this bill and upon the government coming to the conclusion that the numbers would support the passage of this bill, the Hon. Carmel Zollo did not do the decent thing in the first place and resign forthwith to allow another member of the Labor Party in this place to immediately take up the position. That would have enabled them to gather the experience and get on with the job and ensure that the honourable member was not caught halfway between inquiries.

Quite frankly, I think that conduct is to be deplored. To my mind—perhaps there are other innocents out there—she has done it for one reason and that is the pay. There cannot be any other reason. The Legislative Review Committee is in the middle of a number of inquiries that we are working through, and I suspect that there will be indecent haste to proclaim this legislation when it goes through. The honourable member will resign and another Presiding Member will have to be appointed and, given that there is no other Labor Party member from the upper house on that committee, it will have to be a new member from the Labor caucus in the upper house, who will then have to get up to speed on those issues.

What a cynical, hypocritical way for the Hon. Carmel Zollo and the Labor Party to approach this whole issue. Quite frankly, I cannot see any other characterisation of this process than that the Hon. Carmel Zollo was not going to give up her $10 000 a year until she could be assured of her $20 000 a year. I think that is disgraceful, on any analysis.

Given that we are halfway through five inquiries, to expect within the next two weeks that we will have another Presiding Member—in fact, we will not, because parliament does not convene for a few weeks—is extraordinarily cynical and disappointing, and belies the so-called lofty stuff that the government espouses from time to time.

I will be interested to hear how the Labor Party can say, well, it was important to have the Hon. Carmel Zollo as Presiding Member of the Legislative Review Committee during the period that this bill was before the parliament; because there can be no reason why she did not resign immediately upon the introduction of this bill and enable someone else—a person such as yourself, Madam Acting President; or the Hon. John Gazzola; or the Hon. Bob Sneath—to immediately take the position and immediately get on with the job.

But that has not happened because, I suspect, the Hon. Carmel Zollo was not prepared to give up her $10 000 a year for the period of one or two months. And, having been lectured and hectored for a number of years in relation to a number of issues, I do not recall anything quite approaching the avarice that this performance has suggested in relation to the Labor Party and the one individual to whom I have referred earlier in this contribution. Quite frankly, it is a disgrace! I am pleased that the government is at least saying that it is inappropriate for a parliamentary secretary, particularly one who is the parliamentary secretary to the Minister for Agriculture, Food and Fisheries, to chair the Legislative Review Committee.

I would be interested to know whether the government accepts that the remuneration of an additional 20 per cent is an appropriate amount and has been independently assessed, or whether it has taken the course of accepting the former government's assertions that 20 per cent is a reasonable remuneration. I remember that on a previous occasion the government went to some trouble to criticise the former government in coming to that 20 per cent.

I understand that the Hon. Carmel Zollo recently travelled overseas, at the expense of the taxpayer, in relation to providing some assistance to the Minister for Agriculture, Food and Fisheries, and I know that she spent some time shopping. I would be interested to know how much the trip cost as well as all other associated costs. There has been a trend, of late, towards providing extensive travel opportunities to crossbenchers and others outside the parliamentary travel arrangements.

The Hon. M.J. Elliott interjecting:

The Hon. A.J. REDFORD: The honourable member makes a very pertinent interjection—with one exception—and that is the recent trip, about which we heard before the luncheon break, in which the Hon. Carmel Zollo told us of her shopping exploits in Spain and France; so it has not been simply confined to that. I will be taking a proposal to the party room that all travel paid for by the executive in relation to members of parliament be disclosed in pecuniary interests disclosures. I must say, and I will be open and honest, that I travelled to the United States in July last year at the cost of the government in relation to the volunteer issue; and I have no objection to any of that information being disclosed or made public under FOI.

I am interested to know from the government whether the Hon. Carmel Zollo, in taking up this position of parliamentary secretary, will continue her role as whip and, given the great tradition of the parliamentary whip, whether that is inconsistent with her role and her duty in support of the cabinet. I would also be interested to know precisely what staff support outside the parliament has been provided to the Hon. Carmel Zollo up to this point in time and what staff support a parliamentary secretary is likely to receive in the future. I would also be obliged if I could be told the cost of any office space or provision that has been provided to her to date, and what is the likely cost of that office provision in the future.

I would also be grateful to know—and I do not expect the answer to this before the bill is passed—the cost to date in relation to the activities of the Hon. Carmel Zollo. I would also be grateful to know whether the office of the parliamentary secretary will be subject to freedom of information or whether it will fall into the category of 'member of parliament', and able to claim exemption from FOI legislation as members of parliament can.

I have expressed a few concerns about this whole process; I believe I have clearly exposed the hypocrisy of the ALP in relation to this issue; I have asked a series of questions that are not dissimilar to the questions that were asked in 1997; and I have expressed my concern about the way in which this has been perceived or can potentially be perceived, particularly that one might continue in his or her capacity as chair of a parliamentary committee knowing full well that they are, in a quasi sense, involved with the executive arm of government and, after the passage of this bill, in a more formal sense. This whole thing has been pretty shabbily handled, as far as I am concerned.

The Hon. M.J. ELLIOTT: Things change and they are exactly the same, it seems! The previous government wanted to award some extra prizes so it had senior and junior ministers and expanded the ministry. The new government comes in and shrinks the size of the ministry and increases the number of parliamentary secretaries.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: Yes. But what we are seeing now is really more an awarding of prizes to the government. It is this open and accountable government again: we will not do the sorts of things that the last lot did, 'Four legs good, two legs bad,' it seems. It is really disappointing stuff. I am just wondering whether there is any backbencher who does not now have a prize. By the time you have carved out all the whips' jobs and the chairs of committees, I am not sure; perhaps there might be one member of the government who has missed out. I will have to check on that.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: Tom thinks he's one? Well, he would be in the right position to get one of those prizes. I will not oppose this bill. However, it will be viewed cynically by the public as more of the same sort of stuff as they have seen over recent years—a change of government but the same sort of stuff goes on, where the government looks after its own.

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

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ON-LINE SERVICES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 1143.)

The Hon. IAN GILFILLAN: I am forced to say that this is quite an infamous bill. Members will remember the debate it aroused last time we dealt with it. In fact, its previous incarnation attracted negative comment from around the globe. In the consultation I conducted in the lead up to the debate on the bill last year, it was not uncommon for me to hear the words 'unworkable' and 'ineffective' from people describing this bill. The bill before us is essentially the same. Aside from a minor change to proposed section 75D(2), the bill is exactly the same.

The Democrats do not advocate that offensive and unsuitable material should be made available to minors. We oppose the restriction on adult access to material that would generally be acceptable to reasonable adults. We oppose the restriction on adult access to internet content where that same content is available in other media. The bill uses the commonwealth legislation as its basis and compounds faults held within that legislation.

We believe this bill is unworkable and undesirable. The content of the bill formed part of the Classifications (Publications, Films and Computer Games) Amendment Bill 2001. Following debate in this place, the bill was separated into two bills, one of which was the piece of legislation upon which the current bill is based. This was then referred to a select committee on which I sat. We heard a great deal of information from diverse groups from our community, and I was impressed by much of the information presented. Unfortunately, however, I was disappointed by the conclusions of the select committee. I believe that the committee failed to understand the implications of the bill, and I lodged a minority report.

It is interesting to note that the New South Wales parliament this year also held a select committee into the same legislation, and its findings were very different. I shall discuss its report shortly. Following the select committee the bill was passed by this place with the Democrats opposing the bill. However, the parliament was prorogued before the bill could be passed by the House of Assembly, and there I thought it would end. Unfortunately, however, it has returned to reassure us that not only do the Liberals have little understanding about the internet as a medium but the Labor Party is equally befuddled by information technology and its implications and benefits for our community and our state.

Under the current legislative regime in Australia, it has been the role of the commonwealth to regulate the classification of material, whether that material is film, books, computer games or internet content. The role of enforcement has fallen to the states and territories. Looking at the commonwealth legislation—namely, the Broadcasting Services Act 1992, as amended by the Broadcasting Services (On-line Services) Amendment Bill, which came into effect in 1999—it deals with internet service providers and internet content hosts. It leaves the regulation of producers of content and persons who upload or access content to state legislation.

The commonwealth Classification (Publications, Films and Computer Games) Act 1995 also forms part of the basis of the state bill. This act sets out the regulatory regime for the classification of publications, films and computer games. For

the purposes of classification, internet content is deemed to be 'computer generated image', and under the act it is classified with film classification guidelines. We believe that it is inappropriate for internet content that consists of text to be classified according to the same guidelines as exist for film.

I move now to the proposed state legislation. The Classification (Publications, Film and Computer Games) (On-Line Services) Amendment Bill creates two offences in regard to the supply of material through on-line means: first, the bill creates an offence of supplying objectionable material by means of on-line services. 'Objectionable material' is defined as internet content consisting of the following:

(a) a film that is classified X or that would, if classified, be classified X;

(b) a film or computer fame that is classified RC or that would, if classified, be classified RC;

(c) an advertisement for a film or computer game referred to in paragraph (a) or (b); or

(d) an advertisement that has been or would be refused approval under section 25(4) of the commonwealth act.

Secondly, the bill creates an offence of supplying matters unsuitable for minors without the use of an approved restricted access system. The bill defines 'matter unsuitable for minors' as follows:

Internet content consisting of a film that is classified R or that would, if classified, be classified R; or an advertisement for any such film consisting of or containing an extract or sample from the film comprising moving images.

Approved restricted access systems are those that are approved by the Australian Broadcasting Authority (ABA) or by the state minister. I remind members that internet content is deemed to be a film.

The submissions to our select committee last year outlined three concerns about the bill as stated in the report. First, the bill is unnecessary because adequate alternative solutions to the problem of offensive internet content already exist; secondly, the bill is impractical in that it imposes an unreasonable burden on content providers, including business and will not work; and, thirdly, the bill is unjust because it will criminalise behaviour that should not be criminal or imposes unacceptable restraints on free speech.

It is important to also consider the effect of this legislation on South Australian business. It is argued that, because of the uncertainty surrounding the classification of material, the content provider, whether an individual or a business, would choose the safest legal environment to host their material, and that would not be South Australia. This would reduce the business available to local internet service providers and internet content hosts. The bill would also unacceptably increase costs to business. The cost of classifying web sites would be borne by the internet content providers. Given that web pages are classified as films and that they are dynamic in nature, there would be a substantial cost to businesses seeking certainty.

I now come to what I believe is a very important point. This bill is very broad in its scope in defining 'objectionable material'. I do not believe that the implications to the internet of using the current inappropriate classification regime can be underestimated. It will throw into question much legitimate on-line discussion of serious social and political issues that may be classed as restricted. This arises from the broad definition of 'objectionable and unsuitable material', as well as the inappropriate nature of using film guidelines for the classification of internet content.

The bill also does not allow the content provider to be first notified when the offensive material is detected and given an opportunity to remove it before prosecution can proceed. While an ISP or ICH—and I remind the council that that is internet service provider or internet content host—may be served with a 'take down' notice, there is no alternative procedure other than prosecution regarding the content provider. The New South Wales Standing Committee on Social Issues investigated the New South Wales version of this bill, and my colleague the Hon. Dr Arthur Chesterfield Evans, Democrat member of the Legislative Council in New South Wales, sat on that committee.

As I said earlier, it is my belief that that committee was more effective than our own select committee. The New South Wales committee was directed to examine the legislation after its bill had been passed but before it had been assented to. The key recommendation of its committee was that the bill should be repealed and that the government has until December this year to respond to the recommendations.

Finally, make no mistake, this bill will be ineffective in controlling offensive internet content. The amount of objectionable and unsuitable material generated in South Australia is a drop in the ocean compared with the content coming from other sources. It is for this reason that we must recognise that this bill will not protect children from viewing offensive material online. While this alone is not a reason to void the possible value of the proposed legislation, it does adjust the cost-benefit analysis of the bill.

The Democrats believe that the only effective method of protecting children from offensive material on the internet is for parental or guardian monitoring of the activities of children online, in combination with client based filtering software. We recognise that in many cases children have a greater knowledge about and familiarity with computers than do their parents—or, may I add, grandparents. For this reason we believe the education of parents and guardians is essential. In fact, it is irresponsible to do otherwise. We support an internet content regulatory regime based on adult responsibility. This would involve empowerment of responsible adults and would need to include education of adults and the availability of client-side filtering technologies. As honourable members will realise, we are convinced of the ineffectiveness of the legislation and the substantial detrimental effects it will have both within South Australia and on business in South Australia. We oppose the bill.

The Hon. A.L. EVANS: I support the bill—sorry, Ian.

The Hon. Ian Gilfillan: I hope you listened to what I said.

The Hon. A.L. EVANS: I did. I applaud the government for introducing this bill, which seeks to introduce measures to prevent material getting online on the internet—material that is specifically objectionable or unsuitable. The internet is like every other resource tool: it offers people in the community the opportunity to access a wide range of material. However, like any tool, it has the capacity to be used in a way that is harmful and dangerous, and I speak specifically of material that is highly disturbing, such as material that falls under the X or RC classification (RC stands for 'refused classification'). The bill follows commonwealth legislation to ensure that content that is objectionable or unsuitable, such as X or RC related material, is prevented from being available on the internet. In addition, it ensures that material that is permitted, such as R rated material, can

be made available on the internet only after appropriate security systems have been supplied with the material.

Obviously the security bar is to prevent minors from accessing R rated material through the internet, but it does not restrict adults. It is very important that parliament is diligent in protecting our children from harmful material that could influence them in later years. Time and again we hear of criminals who have been convicted of serious sexual and/or violent crimes and they admit to having been exposed to pornographic material at a young age. Finally, I acknowledge that the bill complements existing commonwealth legislation that deals with this area of the law to ensure that now both internet service providers and providers of content do not provide material on the internet that is objectionable and unsuitable to the community.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I rise to thank honourable members for their contributions and indicate that I have replies to all those who have made contributions, except the propositions posed by the Hon. Andrew Evans. The Hon. Robert Lawson was helpful in summarising the effect of the bill and also mentioned the findings of the social issues committee of the New South Wales parliament on similar provisions. He also referred to the legislation that has already passed in Victoria, Western Australia and the Northern Territory dealing with internet content. The Hon. Carmel Zollo made reference to the deliberations of the former select committee of which she was a member and to comparable interstate legislation.

Just to ensure that there is no confusion in members' minds, I underline the fact that, although the New South Wales legislation is very much the same as this bill, being based on the same model, the legislation in Victoria, Western Australia and the Northern Territory is not in the same form as the present bill. Those jurisdictions choose not to await the development of model provisions. Their legislation is to similar effect in that it creates various criminal offences as to making available material over the internet and does so by reference to the classification of that material under the national classification scheme, but it is not exactly the same.

The select committee of this parliament, in examining this bill, also examined those provisions. For a comparison I refer members to its report. The Hon. Terry Cameron made some remarks on which I should comment. He said that this bill deals with matters such as: removing the requirement for classification of an item for prosecution purposes where the defendant agrees with the classification; adding new forfeiture provisions; expiation notices for some offences; parental attendance with a child under 15 years at an MA film; and, a number of copies of illegal items taken to indicate an intention to sell the item. None of those matters is covered in the present bill. Amending legislation that passed the parliament last year dealt with some of those matters, but the present bill deals with only one topic, namely, the regulation of on-line content.

The Hon. Terry Cameron questioned the enforceability of internet content provisions and, as the member realises, this bill is part of a commonwealth-state cooperative scheme. Under the Broadcasting Services Act the commonwealth operates a hotline that can be used by any member of the public to report offensive or illegal internet content. These reports are investigated by the Australian Broadcasting Authority and can lead to various actions, including the referral of the offending content to an Australian police force.

I understand that there is already, or will soon be, a memorandum of understanding between the ABA and SAPOL on that point. The government hopes that illegal content emanating from South Australia will be referred to SAPOL by this means. Members of the public can also report any suspected offence directly to police. From evidence presented to the select committee of this parliament, which formerly examined the bill, it also appears that it is often possible to trace the person who up-loaded the material. It appears that ISPs are generally willing to assist law enforcement authorities in this. The government believes that enforcement is viable.

The Hon. Terry Cameron also spoke about law enforcement in relation to X rated videos, and members will know that such videos cannot lawfully be sold or hired in South Australia and that the offence carries a maximum penalty of $10 000. As the Hon. Terry Cameron has outlined, amendments were made to the act last year to facilitate proof of classification of an item for prosecution purposes and to facilitate forfeiture of seized illegal items. Those amendments should have made it easier for police to prosecute such offences. If anyone has evidence of the sale of illegal items, such as X rated videotapes, it should be passed to police for investigation. The criticisms outlined by the Hon. Ian Gilfillan argued that the off-line regime is too restrictive for internet content and will restrict free speech. However, members who are film goers will realise that a very wide range of material can be and is permitted under the existing classification regime.

In particular, I doubt that anyone would seriously contend that our system prevents freedom of discussion of social and political issues in film or, indeed, other regulation off-line media, such as computer games, magazines and books. However, if that is contended, the solution is for those who so contend to lobby for a general relaxation of the national classification code by which these media are governed. There is no rational basis to apply different rules just because the material appears on-line. The honourable member also argued that the bill will discourage South Australian content providers from using South Australian ISPs or content hosts.

This reflects a misunderstanding on behalf of the Hon. Mr Gilfillan. The jurisdiction, under this bill, does not depend on where the material is hosted. The position is exactly the same where the content is uploaded to a server within South Australia or a server somewhere else in the world, because the offence is committed by the content provider not the host. There should be no effect on the business of the local ISPs. The honourable member argued that the bill would be onerous for businesses that choose to have their proposed internet content classified in advance.

Clearly, to do that could be expensive. The government has no control over the classification fees that are set by the commonwealth government by regulation. However, it is a business decision for the trader whether to have the material classified. The bill does not require this. Indeed, the bill does not require the trader to know the classification material he or she is uploading. All that he or she must do is to give serious thought as to whether the content is of the kind that should be restricted to adults or is likely to be legal having regard to the classification code and guidelines.

If the material has actually been classified the trader will be guided by that, if not, the trader simply uses his or her judgment having regard to the code and the guidelines. Members may be aware of the research that has been done by the Office of Film and Literature Classification using

community assessment panels to examine the fit between classification of films by members of the public and the classifications attached by the national board. These panels comprise ordinary members of the public who have no special knowledge of classification. They were drawn from both the big cities and the smaller regional centres.

It was demonstrated repeatedly that, with only rudimentary training, members of the public were readily able to understand the classification guidelines, and that very often they reached the same conclusions that the board had reached. Further, it would be surprising if many legitimate businesses wished to put on the internet material that is X or RC rated. I remind members that the X material means sexually explicit material and RC material includes such things as instruction in crime, incitement to commit crime, matters of cruelty or extreme violence, revolting or abhorrent phenomena, paedophile material and child pornography.

As far as I am aware, no example was offered to the select committee of a situation where a business might legitimately want to make such material available on-line. I certainly cannot think of any. There may be occasions when a business wished to upload R level material and, in that case, a restricted access system would be needed. The government does not believe these requirements will prove onerous at all. The Hon. Mr Gilfillan also argued that content providers should receive notices about their content and be given an opportunity to take it down before they could be prosecuted.

This happens with ISPs and ICHs under the commonwealth law. However, that is because ISPs and ICHs have no way of knowing what content is to be found on their systems. It would be unfair to penalise them until they know about the content. On the other hand, the content provider well knows what he or she is uploading and takes responsibility for it just as off-line publishers must do. I thank members for their contributions and support, and I particularly thank the Hon. Mr Gilfillan for his scrutiny of these measures.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.D. LAWSON: Will the minister indicate whether or not it is the intention of the government to bring this bill, if it is passed, into operation as soon as possible, or will it be delayed and, if so, for what reason?

The Hon. T.G. ROBERTS: I am informed that there is no reason for delaying the introduction of the bill.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

LAW REFORM (DELAY IN RESOLUTION OF PERSONAL INJURY CLAIMS) BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 1177.)

The Hon. IAN GILFILLAN: The Democrats will support the second reading of the bill. As with so many of the bills we have dealt with this year, this bill was first considered in the last days of the last parliament. The bill was not passed because of the prorogation of parliament, and the new Labor government reintroduced this bill in identical form. This bill was a response to the Statutes Amendment (Dust-Related Conditions) Bill 2000, a private member's bill introduced by the Hon. Nick Xenophon. The private member's bill sought to address the need to remedy an injustice relating to individuals who suffer from dust-related diseases where it was perceived that common law and workers' compensation claims relating to such diseases could be delayed as a means of avoiding payment of compensation.

This arises from the fact that, under current legislation, compensation for non-economic loss is extinguished on the death of the claimant. While the private member's bill was focused on dust-related diseases, the former Liberal government expanded the scope of the bill to allow it to apply generally, and I am pleased to see that the Labor government has introduced the bill in that form. The bill primarily amends the Wrongs Act 1936 to allow a new class of damages. This will allow courts and tribunals to award damages under section 35C on the application of personal representatives of a person who has suffered an injury and who has made a claim for damages or compensation but who has died before damages or workers' compensation for non-economic loss had been determined.

These damages would be awarded if it were found that the person had used delaying tactics to escape payment of liability. I note the contribution of the Hon. Robert Lawson and his assessment that the provisions in the bill are unlikely to be needed to be applied very often. However, I believe that the parliament is in agreement that this legislation is of immense value to those small number of cases where it will, indeed, be of use. The Democrats support the second reading of the bill.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

CONSTITUTION (PARLIAMENTARY SECRETARIES) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1216.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): In closing this debate, I thank members for their contribution and indications of support, even though that support did include certain qualifications. I suppose one can sum up the contributions that were made by the Leader of the Opposition and the Hon. Angus Redford by saying that they spent a fair bit of time revisiting some of the issues that were raised back in December 1997 when the previous government moved a bill to change the composition of the then ministry.

Part of that change involved the creation of the position of parliamentary secretary. A number of then opposition members, now in government, made comments in relation to that bill, and many of those comments referred to the fact that the bill was changing the composition of the ministry from 13 cabinet ministers to the possibility of 10 cabinet ministers and five junior ministers. Many of the comments were made in relation to that change and not necessarily the other change, which related to parliamentary secretaries. However, I am prepared to say that I believe that over the intervening five years the previous opposition came to the conclusion that the position of parliamentary secretary is very worthwhile. We have seen the benefits of having that position, and I pay my compliments to the Hon. Julian Stefani, who I believe held that position with some distinction during his occupancy of that office, and other members as well.

The Hon. T.G. Roberts: He certainly worked very hard and tirelessly.

The Hon. P. HOLLOWAY: He did indeed.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes; indeed, Steve Condous was also a parliamentary secretary for some time and did a considerable amount of work in relation to that office. The government has seen the value of the role of parliamentary secretary, and that is why we are seeking to formally establish two parliamentary secretary positions. Under the previous government we had one parliamentary secretary who was officially recognised and it was a paid position, and at one stage there were a number of other parliamentary secretaries who had a different status. The new government has decided that it would be better to have only two of those positions at the same level, with one in each house, and that that could resolve some of the earlier problems that were created in relation to that position. So, we are grateful that, in spite of some of the rhetoric that was put forth during the debate, there are indications of support.

The Hon Angus Redford asked a series of questions. It is a pity that he is not present to hear the answers, but I will attempt to respond to most of them. The first question he asked was whether there is a job description for the parliamentary secretary position. The answer to that question is that, essentially, there is no formal job description, but certainly a role has been set out, and that is the same situation as existed under the previous government. The government believes that a parliamentary secretary can provide valuable assistance to a busy minister, especially by undertaking liaison and representational roles for the minister.

The parliamentary secretary can help bring the views of others to the attention of the minister and can help with related correspondence and other papers. So confined, the role may be uncontroversial and, in fact, desirable, because of the pressures on ministers and the desire to keep to a minimum the number of ministers and to broaden the role of backbenchers, which I believe is very important.

The government has announced its intention to appoint two parliamentary secretaries, one being the member for Wright as parliamentary secretary to the Premier. The Premier has asked the member for Wright in her role as parliamentary secretary to undertake several tasks. One of them is to take special responsibility for the arrangements and relationships with the volunteer secretary. The Hon. Carmel Zollo has been designated parliamentary secretary to me as Minister for Agriculture, Food and Fisheries. As there are two ministers in the council, the government believes it is more than appropriate, given my role as Leader of the Government in the council, as well as my role as Minister for Agriculture, Food and Fisheries and Minister for Mineral Resources Development, that I be given the assistance of a parliamentary secretary. Following the example of the Hon. Caroline Schaefer, the Hon. Carmel Zollo also has an important function as the convenor of the Premier's Food Council, and that is a very important role.

Essentially, the role of the parliamentary secretary is to assist the minister in relation to correspondence and other papers, to liaise with other MPs, to attend meetings and delegations of clients of his departments and other representational activities. While fulfilling these duties the parliamentary secretary may work from an office in the minister's suite with appropriate administrative assistance. The position is not an executive government office, and the parliamentary secretary will not have the power to make decisions under statute or involving the expenditure of public money. That has been made fairly clear.

The second question asked by the Hon. Angus Redford was whether it is fair to use the words of the then attorney-general in 1997 to describe this position as attending functions and continuing to support the Premier. It is that, plus more, as I have indicated. The Hon. Angus Redford then said that he would be interested to know the position of the Leader of the Government in so far as the now Attorney-General's position of 1997 is concerned. The comment he particularly referred to was:

> Why would we increase the number of ministers when they govern less?

I indicate that those comments of the Attorney-General were made specifically in relation to the proposal of the then government to change the size of the ministry from 13 cabinet ministers to 10 cabinet ministers plus five junior ministers.

The Hon. Angus Redford also asked what access members of parliament would have to the parliamentary secretaries through the estimates committee process. My understanding is that there is no precedent for parliamentary secretaries appearing before estimates committees—it certainly did not occur under the previous government. Obviously, questions can be raised at estimates committees about any matter relating to the functions of parliamentary secretaries, but one comment I should make generally in relation to the role of parliamentary secretary is that I believe that it can evolve.

I well remember speaking to my colleague, the Leader of the Government in the Western Australian Legislative Council, the Hon. Kim Chance, who told me that that parliament has three parliamentary secretaries and they have a much broader role than has been the case in this state. Western Australia's parliamentary secretaries handle legislation for ministers whom they represent in the other house, they field questions on behalf of those ministers they represent in the other place, and they are probably much more involved than has been the case of parliamentary secretaries in this state. Personally, I see no reason why the role of parliamentary secretary should not evolve in that way. It is a matter for standing orders and needs the agreement of the members of this place, and so on, but I certainly have no problem with that. However, specifically in answer to the honourable member's question, there is no precedent for a broader role at this stage.

The Hon. Angus Redford raised a number of issues in relation to the Hon. Carmel Zollo's scrutiny of legislation and subordinate legislation. It should be made clear that, when the Hon. Carmel Zollo was appointed as parliamentary secretary, it was long before this legislation was drafted and introduced in another place. There was not necessarily any understanding that legislation would be introduced. However, it has been made clear by the Premier in another place, and I make clear again, that it is not the Hon. Carmel Zollo's intention to continue as Presiding Member of the Legislative Review Committee should this legislation be passed and should she be formally appointed to the position of parliamentary secretary. So, any conflict as suggested by the Hon. Angus Redford will not arise. That was made clear by the Premier in another place, and I repeat that.

The Hon. Angus Redford also referred to the Hon. Carmel Zollo's role as whip. It is for the parliamentary Labor Party to determine who should hold the position of whip, but I do not see any conflict in relation to the Hon. Carmel Zollo holding that position and being a parliamentary secretary. The

function is quite different from the role of a member of a parliamentary committee, as raised by the Auditor-General.

The Hon. Angus Redford also asked a question about the oath. In relation to the signing of oaths, I point out that there are consequential amendments to the Parliamentary Remuneration Act and the Oaths Act. Both parliamentary secretaries must, as soon as it is practicable after accepting office, take the official oath before the Governor. It is not necessary for them to take the oath of allegiance, because they have already done so. The Premier has told parliament that he is proposing that both parliamentary secretaries, the member for Wright and the Hon. Carmel Zollo, should take the oath before the Governor on the same day after the successful passage of the legislation. The Hon. Angus Redford also asked what form the oath would take. I think it is a general oath of allegiance as ministers swear, but it would relate to the specific duties of parliamentary secretary.

The Hon. Angus Redford asked for justification of the position. That has been set out in the arguments that we have covered. The parliamentary secretary can assist in a number of ways, not just reduce the workload of ministers. It also provides a useful vehicle for backbenchers to gain experience in government, and it can contribute generally to the running of the house, particularly in the Legislative Council, where we have just two ministers. I would like to see the role of parliamentary secretary evolve as it has in Western Australia, but that is something for another day.

The Hon. Angus Redford also asked about access to vehicles. The parliamentary secretaries do not have exclusive access to chauffeur-driven vehicles. However, they are entitled to the use of a vehicle in relation to their duties. In relation to my parliamentary secretary, that would be the use of a vehicle on official duties when representing me, and my vehicle would be used.

There was also a question about staff support and office space. The Hon. Carmel Zollo has an office in my ministerial suite that would otherwise be vacant. So, in relation to the cost of that office, it is effectively a zero marginal cost, although one could attribute a proportional cost to the overall space in the building. The honourable member sought some information that he said he is prepared to take on notice in relation to the cost of the position. By and large, any additional cost involved with the parliamentary secretaries, certainly in relation to my parliamentary secretary, would be restricted to the occasional car use where the honourable member was acting on official duties as a parliamentary secretary.

As the Hon. Carmel Zollo pointed out today in another debate, she has travelled overseas on a trip authorised by cabinet. She led a delegation to the Third International Rural Women's Conference, which was a very important conference in Spain. That was attended by delegations from rural women across this country, and most other governments, certainly the federal government, also had a delegation. The Hon. Carmel Zollo led that delegation on my behalf and, as she pointed out in the shopping hours debate today, she also used that occasion—

The Hon. Carmel Zollo interjecting:

The Hon. P. HOLLOWAY: Yes, subsidies were provided to 10 rural women through the agencies of the state government to attend that important conference. As part of that trip, in her role as convenor of the Premier's Food Council and chair of the issues group, the Hon. Carmel Zollo visited a number of organisations with a view to developing food opportunities for this state. The total cost of that trip to my department was something less than $10 000. Part of the cost of that trip was met by the honourable member herself, but the essential cost of attending the conference and visiting the other organisations in relation to her role on the Food Council was met by my department. Apart from that cost and the official car use, there are essentially no other costs involved.

The honourable member asked about staff support in relation to that position. Any additional secretarial assistance used by my parliamentary secretary would be provided within the existing resources of my office. The Hon. Angus Redford also asked a question in relation to FOI and how that might relate to parliamentary secretaries. I suggest that the Hon. Angus Redford might ask that question on the FOI bill, which we will be debating in this place fairly soon when advisers will be present. The easy answer to the question is that nothing in the bill before us now will change the operation of the FOI Act as far as it relates to parliamentary secretaries. After the passage of this legislation, the current position will remain. If there are more specific questions, I suggest that we deal with them when we debate the FOI bill, which is currently before the council.

I think that answers all the general questions that have been asked by the Hon. Angus Redford and other members. I thank them for their contribution and I look forward to the speedy passage of this bill.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.I. LUCAS: I have several questions for the Leader of the Government. I was tied up in a meeting and did not hear his response to the second reading. Perhaps he could indicate whether he has already answered the questions. Can the minister indicate what arrangements will be made within his departmental structure in respect of accommodation and staffing for the parliamentary secretary?

The Hon. P. HOLLOWAY: As I have indicated, the Hon. Carmel Zollo has an office within my ministerial suite that would otherwise be vacant. No additional rooms have been made available within my ministerial office. I had a couple of spare offices, so that office has been made available to the Hon. Carmel Zollo. As I have indicated, any staffing resources are within my ministerial allocation and no additional staffing has been made available for the honourable member. If the honourable member requires secretarial assistance in relation to her duties, that would come within my allocation.

The Hon. R.I. LUCAS: How many staff does the parliamentary secretary have?

The Hon. P. HOLLOWAY: As I have said, no staff is specifically assigned to the parliamentary secretary. Any secretarial assistance will be provided by my ministerial staff.

The Hon. R.I. LUCAS: I understand that my colleague the Hon. Mr Redford wanted to pursue one or two issues during the committee stage. Has the minister already responded in relation to the use of government cars by the parliamentary secretary, and what are the procedures for overseas travel?

The Hon. P. HOLLOWAY: Yes, I have already referred to that, but I am happy to repeat that information. No exclusive use of a car has been specifically allocated to the parliamentary secretaries. I understand that they have access to cars for functions that they are required to attend in their role as parliamentary secretary. In the case of my parliamentary secretary, that would normally be the use of my vehicle

if the member was representing me. If I had a function in town, normally my vehicle would be used, and I think there is access to a pool if my car is not available but, of course, it must be booked and used specifically in the course of duties performed as a parliamentary secretary.

The Hon. R.I. LUCAS: As the parliamentary secretary?

The Hon. P. HOLLOWAY: Yes, that is right.

The Hon. R.I. LUCAS: What if the parliamentary secretary is representing the Premier or another minister at a function?

The Hon. P. HOLLOWAY: Well, if she is representing me, certainly—

The Hon. R.I. Lucas: No; if the parliamentary secretary is representing the Premier at, for example, a multicultural function?

The Hon. P. HOLLOWAY: Of course, the Premier has his own parliamentary secretary.

The Hon. R.I. LUCAS: But not for multicultural affairs.

The Hon. P. HOLLOWAY: No, I do not think that is the case.

The Hon. Carmel Zollo interjecting:

The Hon. P. HOLLOWAY: I assume that it would be up to the minister being represented to arrange for transport. I guess that, if any member were representing me at a function, that would be the arrangement. What was the other question?

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: As I have already indicated, the Hon. Carmel Zollo travelled to the third International Conference of Rural Women. She led that delegation on my behalf and so my department did contribute to the cost, which was approved by cabinet. It came to a little less than $10 000; the honourable member also provided some of that cost through her travel budget. As well as travelling to that conference, she also acted as Convenor of the Premier's Food Council and she took the opportunity to have meetings in relation to her duties on the Food Council and, I suspect, she will be reporting to the Food Council at some stage in the future.

The Hon. J.S.L. DAWKINS: The minister, when concluding the second reading debate, said that the Hon. Carmel Zollo will occupy either an office or suite of offices in the minister's—

The Hon. Carmel Zollo: Perhaps you should come and visit me in my office.

The Hon. J.S.L. DAWKINS: The minister has said that space was vacant. What was that space previously used for?

The Hon. P. HOLLOWAY: I assume that, prior to my becoming minister, the ministerial officer had a larger staff. However, I can only make that assumption. It would be fair to say that my colleague, in her role as parliamentary secretary to date, finds it much more convenient to work out of Parliament House, with the access here, than from my ministerial office. The use of the office is restricted to when she has meetings, and so on, around the building. That office can also be used for any visiting ministerial liaison officers and so on, who may, from time to time, visit my office and need to make phone calls and so on.

Clause passed.

Remaining clauses (2 to 5) and title passed.

Bill taken through committee without amendment; committee's report adopted.

Bill read a third time and passed.

FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): 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.

This bill is a key plank in the government's 10 Point Plan for Honesty and Accountability and I would briefly like to quote the government's policy in this area:

> Labor will set new and higher standards. These standards will not be vague statements of intent, but will be enforced, and key elements will be made law. A good government does not fear scrutiny or openness. Secrecy can provide the cover behind which waste, wrong priorities, dishonesty and serious abuse of public office may occur. South Australians have learned from bitter experience how detrimental secret dealings can be to the public interest.

This policy is fundamental to the conduct and direction of this government. Our belief in openness and accountability has driven the bill that is now before the House.

In setting these high standards we are aware that as a government we are potentially 'creating a rod for our own back'. But we know it is the right thing to do and so does the community. It is good public policy, which will bring credit to the government and credit to all of us in this Parliament.

This policy explains the government's support for similar principles expressed in the Compact for Good Government.

The Compact aims to promote open and accountable government, it makes particular reference to FOI legislation and commits the government to *'rebuild FOI legislation to give full and proper access to government documents'*.

The Compact specifically refers to restrictions relating to Cabinet and commercial confidentiality. We are pleased to report that this bill satisfies government policy and the issues identified in the Compact.

Our review of the current FOI regime has highlighted the fact that access to government information is only one aspect of the broader question of how agencies deal with members of the public.

The government has developed a two-pronged response, the first being the legislation we have today. The second is an examination of public sector culture in which decisions are made and the government intends to make an announcement shortly on non-legislative measures which address these issues.

It is our intention that this bill assists in establishing a culture of openness, which will make a contribution to the restoration of confidence in government and the political process.

To support this objective and to provide a more responsive and accountable FOI regime, the bill proposes significant changes to the *Freedom of Information Act*.

In undertaking this review, extensive consideration was given to alternative Freedom of Information regimes in other jurisdictions including the New Zealand regime.

The proposed bill is, in many respects, more advanced than the New Zealand Act particularly in relation to Cabinet and Executive Council documents and commercial confidentiality, to which I will refer shortly.

In preparing this bill, consideration has also been given to the Legislative Review Committee report into FOI, which was tabled in September 2000 by the Hon Angus Redford. Whilst I acknowledge that the previous government introduced an amendment bill, it failed to act on many of the Committee's recommendations.

The Legislative Review Committee report identified that the external review process was slow and cumbersome creating a perception that existing mechanisms were being used to deliberately obstruct access to documents. The government agrees with this statement and has streamlined the external review process.

The Committee suggested the Cabinet exemption can be used as a device for refusing to release documents that have only a peripheral connection to the Cabinet process, and that it was used to avoid release under FOI. This has also been addressed in our bill.

Witnesses before the Committee also submitted that exemptions concerning documents affecting commercial and business affairs were too broad. This too has been addressed by this bill.

The Committee recommended that the right of appeal to the District Court be limited to errors of law and we have adopted that recommendation.

Now, turning to specific amendments proposed in the bill.

The bill proposes significant amendments to the status of Cabinet and Executive Council documents and the use of the commercial in confidence exemption. There are further amendments in other key areas, which I will also address.

A most significant reform is proposed to the status of Cabinet and Executive Council documents, which are currently exempt from disclosure for good reason.

Confidentiality of Cabinet and Executive Council is an essential mechanism for the effectiveness of Executive Government, however it is true that not all documents contain sensitive information. Our view is that disclosure of some Cabinet and Executive Council documents will not always result in adverse consequences for the working of government.

Hence, after much consideration, the bill proposes to disclose Cabinet and Executive Council documents, which Cabinet and Executive Council have approved for disclosure. The Minister responsible for the cabinet submission will consider the possible release of the document and then recommend to Cabinet that access should be given to the document.

In practical terms, this means that a Cabinet cover sheet would include a mechanism for Cabinet to endorse whether a document is to be approved for access or not. In this way the attention of Cabinet is directed to considerations of disclosure but Cabinet retains ultimate control over its deliberations.

In addition the bill proposes to delete reference to official records of Cabinet and Executive Council.

It became clear, in the government's consideration of the Act, that nobody really understood the intended purpose or application of the reference. Furthermore, it was considered that sufficient protection already existed for Cabinet documents. The amendment intends to eliminate the confusion as to the definition of official records of Cabinet and Executive Council.

Importantly the bill also clarifies the status of documents attached to submissions for consideration by Cabinet or Executive Council.

There has been great concern that a practice existed under the former government where a document, which would not normally be exempt from FOI legislation, would be attached to a cabinet submission in order to give it exempt status. This is clearly unacceptable.

In order to receive exempt status a document must be specifically prepared for submission to Cabinet or Executive Council. Merely because a document is attached to a submission is not enough to give the document exempt status. The bill reaffirms this by further limiting the potential for abuse of the cabinet confidentiality exemption.

The second area of significant reform is that of commercial confidentiality. Again the previous government's use of this exemption was cause for serious concern within the community.

A fellow Minister recalls an interesting story where as an Opposition frontbencher he repeatedly called for information from the government about the nature of financial payments made by the government to a company undertaking business in Adelaide. The former government refused on the basis that the information was "commercial in confidence". It was with some surprise that the Minister found the very same information while flicking through the company's annual report.

I think the moral of the story is that in the case of the previous government, it became standard practice to invoke the commercial in confidence exemption without any real consideration of its necessity.

Currently documents that contain confidential material, trade secrets, and commercially valuable information are exempt from disclosure. The last is subject to a public interest test.

The bill proposes to limit the application of these exemptions by requiring that all contracts signed after the commencement of the bill will be disclosed when requested by a FOI application.

However, the exemption from disclosure will still apply if it contains a confidentiality clause, which has been approved by a Minister.

This proposal only affects the actual contract and not pre-contractual documents or documents generated in the course of the administration of the contract. Additionally, the confidentiality clause may only apply to specific provisions of the contract, leaving open the option for confidential material to be omitted and the remainder of the contract disclosed.

With this amendment, we have sought to balance the practical issues associated with negotiating contracts and the desire for full disclosure. If, for instance, a company was to argue, and it could be demonstrated, that the publication of certain information could jeopardise an important contract, a Minister could choose to approve a clause keeping the information confidential.

The government's proposal complements the Contract Disclosure Policy currently followed by agencies and represents a major step towards openness and accountability. Other amendments to the bill include the following:

Objects of the Act:

The Objects of the Act have been amended to clearly reflect and articulate this government's preference for disclosure of information over non-disclosure. Whilst one may argue that the Objects already favour disclosure, we are concerned it has not always been applied by agencies when making determinations.

The Objects have also been amended to explain that the purpose of the Act is to promote openness and accountability in government and to emphasise the importance of government held information being made available to the public.

Ministerial and Agency Certificates:

The bill removes the means to issue Ministerial and Agency Certificates. Currently a Minister or a non-government agency (local councils and universities) may issue a Certificate, which will render a document exempt from disclosure. In my view this provision introduces an unnecessary layer of secrecy into the system.

Review Authorities:

The bill proposes to alter considerably the powers of the review authorities such as the Ombudsman and Police Complaints Authority.

The review authority will have the ability to make a decision in substitution of the determination of the agency. Currently the review authority can merely direct an agency to make a determination. To enable applications to be finalised in a timelier and less costly manner the review authority's decision may only be appealed to the District Court on a question of law.

Currently, an appeal can be directed to the review authority or the District Court on merit. This gives an appellant two nearly identical appeal opportunities. Further a lack of a direct right of review can delay the process of review by requiring two steps to an eventual decision instead of one, resulting in an unjustified use of resources.

This bill also addresses areas in the Act where clarification and confirmation of certain matters is necessary to protect privacy of individuals and to ensure that the decision-making processes of government are not impeded.

For instance:

- Protecting the personal privacy of individuals is important to this government and not only in the area of FOI. We are currently progressing reforms to protect individuals in the land data sales area of government.
- Currently protection from disclosure of personal information is limited to 30 years. The bill proposes to protect documents affecting personal affairs for 80 years after the document was created, a period more likely to cover the lifetime of most individuals.
- This bill clarifies that the Act will not apply to documents or information held by an officer of an agency other than in the person's capacity as that officer. Accordingly, personal emails and other non-official documents would not be disclosed under FOI. Whilst this reflects the current situation, the bill provides more clarity for those using the legislation.
- An internal working document of government is exempt if it contains information reflecting opinion, advice, recommendations, consultation or deliberation which has been part of the official decision-making function and the disclosure would, on balance, be contrary to the public interest. This bill places emphasis on the need for opinions, advice or recommendations to be expressed freely and frankly and ensures that this consideration is given due weight in applying the public interest test.
- This bill proposes to exempt from disclosure documents prepared in the course of, and preliminary to, laying estimates of receipts and payments before the Parliament in support of an annual appropriation Act. This exemption will not require that disclosure be contrary to the public interest. There is presently an exemption available for some documents, which are relevant to the ability of the government to manage the economy, and for documents,

which might confer on someone an unfair advantage if prematurely disclosed. Currently they are only exempt if disclosure would be contrary to the public interest. Upon consideration, a clearer guide for agencies dealing with sensitive budget documents is necessary.

- Currently Members of Parliament are given access to documents without charge unless the work generated by the application exceeds a threshold presently set at $350.00 per application. I am advised this threshold is applied inconsistently across agencies and in some cases, not applied at all.

The government does not see why politicians should be treated differently from the general public. It is difficult to explain to an ordinary member of the public that they have to pay their $21.50 but that the Leader of the Opposition, whose salary is quite substantial, gets it for free. The government does not see how constituents of Members can be disadvantaged by this move as they can apply to invoke the hardship provision to seek a remission of the fee in appropriate circumstances.

Therefore, this bill contains a provision removing the ability for Members of Parliament to receive access to documents without charge. Members will be aware that this proposed change has been the subject of considerable comment in debate on this measure in the other place, and the government undertook, in the course of that debate, to consider further options in relation to this issue. I look forward to constructive debate on the issue in this House.

Finally, to ensure our commitments on Freedom of Information are upheld, the bill proposes to introduce regular auditing and reporting functions of agency performance in administering the Act. This is complementary to the administrative changes to which I have already referred.

In closing, the government welcomes the contribution of all groups and individuals who have an interest in this bill, including the members opposite. I look forward to progressing this bill to the final stages in the interests of the community of South Australia which I believe will make a small but significant contribution to restoring trust in government and the political process.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Substitution of s. 3

This clause substitutes the current objects provision with two new provisions separately setting out the object of the measure and what are described as "principles of administration". The new provisions are aimed at achieving a simpler and clearer statement of the matters currently expressed in section 3.

Clause 4: Amendment of s. 4—Interpretation

This clause amends the interpretation provision of the principal Act to—

- make it clear that the term "agency" does not include an "exempt agency";
- to remove the definitions of "agency certificate" and "Ministerial certificate" (consequentially to other measures included in the bill);
- to make it clear in the definition of "exempt agency" that an agency does not have to be entirely exempt (ie. it can be exempt in respect of certain functions or categories of information);
- to make it clear that the term "personal affairs" when used in the principal Act, only refers to natural persons;
- to make it clear that the Act only applies to official information and not personal information of agency officers (consistently with the objects of the Act).

Clause 5: Amendment of s. 20—Refusal of access

This clause removes the requirement to refuse access where a document is subject to a Ministerial or agency certificate.

Clause 6: Substitution of Part 5

This clause substitutes a new Part 5 dealing with external reviews and appeals.

PART 5

EXTERNAL REVIEW AND APPEAL

DIVISION 1—RIGHT OF EXTERNAL REVIEW

39. External review

This clause retains the power of the Ombudsman or Police Complaints Authority (the "relevant review authority") to conduct a review but changes the nature of the review and gives the relevant review authority various new powers.

Currently the relevant review authority reviews an agency's determination and then can issue directions to the agency in relation to that determination. Under the proposed provision, the relevant review authority is empowered to make its own determination in relation to the matter the subject of the review (based on the circumstances as at the time of the review) and may confirm, vary or reverse the determination of the agency.

In addition the relevant review authority is empowered—

- to extend the time for making an application for review;
- to require an agency to sort or compile documents or undertake consultations relevant to the review;
- to review all applications relating to restricted documents;
- to publish reasons for a determination if it considers that to be desirable.

A relevant review authority does not, however, have the power to determine that an exempt document be released (although it can offer reasons why the agency might decide to do so) and, if an agency's determination was based on the public interest (as specified in various clauses contained in Schedule 1 of the principal Act) and the Minister makes known to the relevant review authority his or her assessment of what the public interest requires in the circumstances of the case, the relevant review authority must uphold that assessment unless satisfied that there are cogent reasons for not doing so. This is consistent with the general approach to review of administrative decisions and with the provision dealing with District Court appeals (detailed below and currently expressed in section 42(2) of the principal Act). In addition, consultation and notification requirements consistent with the requirements imposed on agencies under Division 2 of Part 3 are introduced into the provision.

DIVISION 2—RIGHT OF APPEAL

40. Appeal to District Court

Under this provision, appeals to the District Court (by either the agency or any other person who is aggrieved by the determination) will be limited to questions of law. In addition, an appeal can only be made after a review by a relevant review authority under proposed section 39. The provision in current section 42(2) of the principal Act (dealing with the determination of the "public interest") is limited to the Minister making known to the court his or her assessment of what is required in the particular case (current section 42(2), by contrast, extends this power to councils in appropriate cases).

41. Consideration of restricted documents

This clause—

- allows the District Court to declare a closed court for the purpose of considering a restricted document on an appeal; and
- allows the court to require production of such a document; and
- requires the court to allow the Minister a reasonable opportunity to appear and be heard in relation to an appeal involving a restricted document.

Clause 7: Repeal of s. 46

This clause repeals section 46 which deals with Ministerial and agency certificates.

Clause 8: Amendment of s. 53—Fees and charges

This clause would remove paragraph *(b)* of subsection (2). That paragraph currently requires the regulations to provide for access to documents by Members of Parliament without charge (unless the work generated by the application exceeds a threshold stated in the regulations).

Clause 9: Amendment of s. 54—Reports to Parliament

This clause repeals subsections (2) and (3) consequentially to the removal of Ministerial and agency certificates from the Act and the insertion of section 54AA (discussed below).

Clause 10: Insertion of s. 54AA

This clause inserts a new provision requiring agencies to provide information to the Minister.

54AA. Provision of information to Minister

This proposed clause requires agencies to provide the Minister with information for the purpose of monitoring compliance with the Act and for the purpose of preparing reports to the Parliament under section 54.

Clause 11: Amendment of Sched. 1

This clause makes various amendments to schedule 1 of the principal Act (dealing with exempt documents) as follows:

- Clauses 1 and 2 are amended to clarify the meaning of the clauses (by making it clear that an attachment to a Cabinet or Executive Council submission that would not otherwise be

exempt does not become exempt merely by being so attached) and to allow Cabinet or Executive Council to determine that a document that would otherwise be exempt under either of those clauses may be released.

- Clause 6 is amended to extend the exemption relating to person affairs to 80 years from the date the document was created (from the current 30 years);
- Clause 7 is amended so that contracts entered into by an agency or the Crown after the date of the amendment are not exempt under this clause.
- Clause 9 is amended to clarify the application of the public interest test to internal working documents.
- Clause 13 is amended so that contracts entered into by an agency or the Crown after the date of the amendment are not exempt under this clause unless it is a term of the contract that disclosure (of the contract or of parts of the contract) would be a breach of the contract and that term has been approved by—
- in the case of a contract entered into by the Crown—a Minister; or
- in the case of a contract entered into by a state government agency—the Minister responsible for the agency; or
- in the case of a contract entered into by a non-state government agency (ie. a Council or a University)—the agency.

A Minister may delegate the power to approve a term of a contract (but such a delegation may be made subject to conditions or limitations and may be revoked at any time).

Where such a term of a contract has been approved, the Minister or agency who gave the approval must notify the Minister administering the principal Act and the number of such contracts must be stated in the annual report to Parliament under section 54 of the principal Act.

- Clause 14 is amended to specifically exempt documents prepared for the purpose of processes involved in preparing the estimates of receipts and payments laid, or to be laid, before Parliament in support of an annual Appropriation Act (within the meaning of the *Public Finance and Audit Act 1987*).

Clause 12: Transitional provision

This clause makes provisions of a transitional nature—

- to apply the amendments contained in the measure (other than proposed new Part 5) to applications, reviews and appeals to be determined after the commencement of the measure; and
- To ensure that the amendments to clause 6(4) of Schedule 1 (which increases the duration of the personal affairs exemption from 30 years to 80 years) will apply to a document that is more than 30 years old if the application for access, review or appeal relating to the document is determined after the commencement of the measure.

The Hon. R.D. LAWSON secured the adjournment of the debate.

HOLIDAYS (ADELAIDE CUP AND VOLUNTEERS DAY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 1181.)

The Hon. M.J. ELLIOTT: I rise on behalf of the Democrats to support the second reading. I am not a great fan of the horses; I go to the races probably about once every three or four years. It is usually a reasonably entertaining day and I do at least $20 with the bookies and that is all they get for the next three years. I suppose that if I have had the great joy of doing that at the Adelaide races then why should people in country areas be denied their opportunity to do their money with the bookies as well?

This is a very egalitarian state that we are moving towards, and the right to lose money to bookies should be entrenched in our constitution. I note that it is a decision which still has to be made at a local level, and if people are keen to keep the Adelaide Cup holiday they should be able to do so. The government at this stage has suggested that it be trialled only in Mount Gambier, but I note there is a proposal for the West Coast and I cannot see any problems with that. I cannot imagine that there would be many people driving over to the Adelaide Cup, and those who do would come anyway, I am sure. For the local people to have a holiday which is more appropriate, with something happening locally, seems to me to make some sense. The Democrats support the second reading of the bill and indicate support for the proposed amendment.

The Hon. R.K. SNEATH secured the adjournment of the debate.

GAMING MACHINES (GAMING TAX) AMENDMENT BILL

The House of Assembly agreed to the amendments suggested by the Legislative Council to the bill without any amendment and amended the bill accordingly.

ADJOURNMENT

At 4.58 p.m. the council adjourned until Tuesday 12 November at 2.15 p.m.