

LEGISLATIVE COUNCIL

Monday 2 June 2003

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.15 p.m. and read prayers.

STATUTES AMENDMENT (ROAD SAFETY REFORMS) BILL

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I have to report that the managers have been to the conference on the bill, which was managed on behalf of the House of Assembly by the Minister for Transport (Hon. M.J. Wright), the Attorney-General (Hon. M.J. Atkinson) and Messrs Buckby, Goldsworthy and Such, and there they received from the managers on behalf of the House of Assembly the bill and the following resolution adopted by that house:

That the disagreement to the amendments of the Legislative Council be insisted upon.

And thereupon the managers for the two houses conferred together and it was agreed that we should recommend to our respective houses:

As to Amendment No. 1:

That the Legislative Council amend its amendment by leaving out the word "anniversary" and inserting in lieu thereof the words "and third anniversaries".

and that the House of Assembly agree thereto

As to Amendment No. 3:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 4:

That the Legislative Council amend its amendment by leaving out paragraph (a) and inserting in lieu thereof the following paragraph:

(a) in the case of a licence issued to a person under the age of 19 years—

(i) if the person incurs one or more demerit points before he or she turns 19—

(A) until he or she turns 20; or

(B) until 2 years have elapsed, whichever occurs later; or

(ii) in any other case—

(A) until he or she turns 19; or

(B) until 2 years have elapsed, whichever occurs later;

and that the House of Assembly agree thereto.

As to Amendment No. 15:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 17:

That the Legislative Council do not further insist on its amendment.

As to Amendment No 27:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 33:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 35:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Page 17—After line 7 insert new clause as follows:

Insertion of section 110AAA

32B. The following section is inserted after section 110 of the principal Act:

Annual report by Minister on speed management

110AAA. (1) The Minister must, on or before 30 September in each year, prepare a report on—

(a) the adequacy of laws governing speed-limits and the need for any changes to those laws; and

(b) the criteria for determining the appropriateness of speed-limits applying on arterial and non-arterial roads; and

(c) the effectiveness of court and expiation processes in minimising the use of court resources for the enforcement of speed-limits; and

(d) priorities and strategies for the enforcement of speed-limits; and

(e) technologies for the detection of speeding offences; and

(f) the use of road infrastructure to manage speed.

(2) The Minister must, within 6 sitting days after completing the report, cause copies to be laid before both Houses of Parliament.

(3) This section expires on the third anniversary of its commencement unless, before that anniversary, both Houses of Parliament pass a resolution declaring that this section will continue in operation after that anniversary.

and that the House of Assembly agree thereto.

And that the following consequential amendment be made to the bill:

Clause 15—Leave out subsection (2) of section 81C and insert in lieu thereof:

(2) If a person expiates an offence to which this section applies, the Registrar must give the person written notice—

(a) that, commencing on a day specified in the notice, the person is disqualified from holding or obtaining a licence or learner's permit for—

(i) if the person has been convicted of a second offence—3 months; or

(ii) if the person has been convicted of a third offence—6 months; or

(iii) if the person has been convicted of a subsequent offence—12 months; and

(b) that, if the person holds any licence or learner's permit at the commencement of the period of disqualification, the licence or permit is cancelled; and

(c) if the person has been convicted of a third or subsequent offence—that, despite the disqualification imposed under this section, the person will, on application made to the Registrar at any time after the half-way point in the period of that disqualification, be entitled to be issued with a licence or learner's permit subject to the alcohol interlock scheme conditions for the required period (in addition to any conditions otherwise required).

Clause 23—Insert in subsection (4) after the words "purposes of this section" the words "(other than subsection (5))"

Clause 23—Insert after subsection (5):

(6) In determining whether a category 1 offence is a first offence for the purposes of subsection (5), any previous offence against subsection (1) or section 47(1), 47E(3) or 47I(14) for which the defendant has been convicted or that the defendant has expiated will be taken into account, but only if the previous offence was committed or alleged to have been committed within the prescribed period immediately preceding the date on which the offence under consideration was allegedly committed.

(7) For the purposes of subsection (6), the prescribed period is—

(a) in the case of a previous offence that is a category 1 offence—3 years;

(b) in any other case—5 years.

and that the House of Assembly agree thereto.

Consideration in committee of the recommendations of the conference.

The Hon. P. HOLLOWAY: I move:

That the recommendations of the conference be agreed to.

I will make some comments in relation to that conference. The conference was productive and all members who attended the conference from both houses took a constructive attitude to trying to resolve the issues involved in the bill. They are doing their best to improve road safety in this state. All of us would be appalled at the terrible tragedy this weekend on the roads, particularly amongst young people; it underlines to us all that we still have a lot of work to do in addressing this issue of road safety.

It was a very constructive conference. There was some give and take on both sides. It is difficult to resolve the question of road safety versus civil liberties. Everybody approached the conference from different perspectives but, in the end, we came up with a formula which will be positive for road safety and will get the balance right in relation to these issues. As we go through the specific recommendations on the issues, I will say a little more. However, I want to make the initial comment that, from the point of view of the government and the Minister for Transport, we appreciate the constructive way in which all members have approached this conference and helped resolve this issue.

The Hon. CAROLINE SCHAEFER: I simply want to reiterate what has been said by the minister. Compromise has been reached at this conference and, as with all compromise, one can agree that no-one is completely satisfied or that everyone is partially satisfied. A number of issues have been debated. With regard to hidden speed cameras we have had the assurance that the minister will provide further signage which will have the effect—as is the case in a number of other states—of pointing out to people that they may be entering an area where concealed speed cameras are operating. We have come to a compromise agreement on the issuing of P-plate licences. As the committee will recall, the council insisted that P-plate licences should be issued after two years, regardless of the age of the driver. The House of Assembly preferred that a person reach a minimum of 20 years of age before being issued with a full licence. The compromise position is that a person may apply for a full licence at the age of 19 years if, during the time of holding their P-plates, they have not had imposed upon them any demerit points. There are a number of further compromises, the details of which we will discuss at a later date.

The Legislative Council did not insist on the presentation of licences. We asked for photographic identification and a signature to be taken and verified at the police station. We had asked for greater penalties for drivers travelling in excess of 45 km/h above the speed limit. We believed both of these to be further safety measures. The government has given us a commitment that those issues will be considered in the next tranche of road safety measures as they become available to the parliament. I think they are the main issues that were discussed and I commend this compromise position to the committee.

The Hon. NICK XENOPHON: I agree with the Leader of the Government that the recent tragedies on our roads, particularly involving young people, will focus our minds very sharply on the issue of road safety. I am pleased that this legislation has been passed, but I am particularly dissatisfied—and I want to put that dissatisfaction on the record—that the government did not see fit to support the formation of a speed cameras advisory committee. I say that, having supported the government in terms of its legislative reforms so that we will now have a new legislative regime in place which will ensure that someone caught speeding by a speed camera will lose demerit points. It is a radical shift from what has occurred in previous years. We are now at least in line with other states and, whatever differences I may have with my colleague the Hon. Terry Cameron as to the use of speed cameras, I think that I can say that we do have a common ground as to the importance of their use, their effectiveness and their being subjected to appropriate scrutiny, which was what the speed cameras advisory committee was all about.

It was about ensuring a degree of independent scrutiny on the use of speed cameras, having representatives not only

from the minister and the Commissioner of Police but also from the Motor Accident Commission, the Road Accident Research Unit, the Royal Automobile Association and the Local Government Association of South Australia. The compromise that was inserted—that is, having an annual report by the minister on speed management—goes some way to dealing with those concerns, but, in many respects, I see it as a cop-out.

I think it is important that the use of speed cameras be accountable in terms of the motoring public of South Australia. I support their use. I support the use of demerit points. However, I would have thought that this government could at least support something such as a speed cameras advisory committee which would have made the use of the cameras more accountable and more transparent, with a primary aim of reducing the road toll, rather than revenue raising. It is for that reason that I am very disappointed that the government has not gone down that path and instead has dished up what I consider to be a much watered down compromise position that I do not think will go anywhere near as far as it should on the issues of transparency and accountability of their use.

The Hon. T.G. CAMERON: Every time the Hon. Nick Xenophon gets up in this chamber to talk about speed cameras, he talks about the difference of opinion that he has with me on speed cameras. One of these days I would like him to tell me what that difference of opinion is, because I do not know what it is; he has never told me. The reason I say that is that he then supports everything I say about speed cameras. I did want to support what the Hon. Nick Xenophon has said about his amendment. The annual report by the minister on speed management is not only the worst but also the least of any option that we could have considered. Whilst I did not originally support the Hon. Nick Xenophon's amendment for a committee on speed camera management, it certainly would have been a hell of a big improvement on the proposition that we have carried. I understand deadlock conferences are all about compromise—and there is no doubt that we certainly compromised our position in relation to the amendments that we had on this bill.

I still have one query with the proposition set out under amendment No. 4, which provides that, if a person incurs just one demerit point before he or she turns 19, or until they turn 20, or until two years have elapsed, they will have to wait for a longer period before they can come off their P plates. While I understand what people are after in relation to that provision, I think it is a nonsensical compromise and its application will be somewhat discriminatory and arbitrary. A person could be doing 100 km/h through a red light while on P plates and this provision would apply. But it would apply also, for example, if a person was doing a left-hand turn and waiting for pedestrians to cross and—it has happened to me; I do not know whether it has happened to other members—they flick the indicator and then realise that the indicator is not working. A person would be penalised under this provision for such an offence, where there was no wilful or deliberate intent, the same as they would be if they deliberately drove through a red light at 100 km/h. That does not seem to be treating our young men and women who are trying to get a licence very fairly.

The Hon. SANDRA KANCK: These conferences survive because of the spirit of compromise, and that was certainly demonstrated in this conference. We sat down for 3½ hours to work through all the disagreements, and we have come up with the compromises that we see before us. Obviously, as

part of the compromise, none of us is wildly happy about the outcome but we all recognise this is what compromise produces.

In that regard, I address the issue of the P plate drivers and teenagers. I remind the committee of my amendment for those young people who had been on P plates for two years to be able to undertake and pass a defensive driving course as a means of coming off their P plates earlier. I think among young people in the community, even among parents, there will be amazement when some of them find out that that option was rejected by this place, simply on the basis that not all people could afford it and not everyone would be able to get to a centre where the course would be offered. That happens with university. People have to come to Adelaide to go to university and not everyone can afford the fees, but it does not stop people putting their name down to go to university. That is the one thing to which I still take some exception about the bill: the fact that that amendment was not able to get up.

I congratulate everyone who was part of the deadlock conference, because of the spirit of compromise that was shown. I also congratulate parliamentary counsel for taking note of our intentions and what it was that we wanted. Sometimes I think we were reeling off things at a rate of knots. It was very clever of parliamentary counsel to interpret what we wanted. What has come out of the deadlock conference very much reflects what was said during that time.

The Hon. R.K. SNEATH: This was my first deadlock conference, and I found it very interesting. I was pleased that everyone who was there representing the opposition, the Independents and the government was after the one thing, namely, saving lives and getting up a safety package that will work to save lives.

I must say that I too was disappointed that the Hon. Sandra Kanck's amendment was not successful. I think that the weekend's fatalities show for sure that young people could do with a defensive driving course. I heard some of the arguments against it, such as that perhaps poor families would not be able to afford such a course; but if you compare it with two pairs of Reeboks, I would say it would be about the same cost. We are all about saving people, not only from poor families but from rich and middle class families, too, and I am sure that parents would help a child do such a course, if they cared about their kids, when they entered the P-plate phase of driving.

It is pretty hard for people. I have a son who was recently involved in an accident, having been a passenger in a vehicle when it hit a tree. There is no doubt in my mind that if that driver had had some defensive driving instruction along the way he might have been able to correct that car. Those single-car accidents involving cars hitting stobie poles and trees are accidents where cars get out of control before they hit those obstacles, and it is inexperience in overcorrecting, or not knowing how to correct, that results in their hitting solid objects and people being killed. So, I did support that and thought it was a very good amendment by the Hon. Sandra Kanck. I hope that something similar to that is successful in the future.

The Hon. DIANA LAIDLAW: I have taken a great interest in these issues of road safety reform legislation and enforcement matters for a number of years. A number of the amendments that were moved and passed in this place arose from amendments to a Liberal government bill that the Legislative Council passed a number of years ago. They have now been dropped as part of the conference compromise. I

was not aware until a few minutes ago of what had been agreed at the conference, and I would like to make a suggestion that, in terms of the presentation of papers from the conference, in future more information could be provided to members rather than just a reference to, say, amendment Nos 1, 3, 4, 15 or 17, and whether or not the conference agrees to them.

I can now make some sense of what happened at the conference because I asked for and have received the schedule of amendments. But, as an outline of the conference conclusions, it makes no sense at all without supporting papers. As I say, on request I received them. They are clearly available and, for members of parliament generally to follow an issue as important as road safety, the debate about which occupies so much time in this place, it would be helpful as a matter of course in future to be provided with the outcomes plus the schedules to which those outcomes refer.

As a parliament, and particularly as a Legislative Council, we have done well in this road safety reform package. No longer will the government be able to pursue its wish that anyone driving over .05 should automatically lose their licence. It is a good thing that the Legislative Council continued to insist on that position and I think that, overall, the council should be pleased with the success rate of the amendments produced in this place. The *Advertiser* and some of the other critics of this place may not wish to acknowledge anything that we do as worthwhile, but if you look at the care and the debate and the research with which—

The Hon. Sandra Kanck: They are running another agenda, I think.

The Hon. DIANA LAIDLAW: They are clearly running another agenda, but I wish to place on this agenda that, if we look at the outcome of this bill in terms of the gains and changes that the government has agreed to arising from amendments made in this place, we can be duly proud of and pleased with the work we have done here. I do not expect that to be reported as a positive.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: No; I do not live in a fool's world, so I do not expect the *Advertiser* to report positively on that. Finally, in respect of the speed camera issues that the Hons Nick Xenophon and Terry Cameron mentioned, I remind the Hon. Mr Cameron that he has moved a motion for a select committee on speed cameras which the opposition has supported. I am not sure whether you now wish to progress that select committee, because—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Yes, but it may be that we could establish the select committee and let the government know. It may have rejected our amendment to establish a statutory committee, but we could at least pass this select committee. We do not need to meet immediately, but it would be there to address the issues that are of concern to the majority of members in this place.

The CHAIRMAN: The honourable member knows that she should not be talking about something that is on the *Notice Paper*.

The Hon. DIANA LAIDLAW: I will not pursue the issue further. I wish to place on the record that generally we have done well. I pray that this measure will have a positive benefit to road safety and ultimately see fewer deaths and crashes, particularly amongst young people, younger men and in the country.

The Hon. P. HOLLOWAY: I wish to make a couple of points. First, it was my understanding that 35 amendments

were sent from this place to the House of Assembly, of which only eight were ultimately disagreed to by the House of Assembly. It needs to be put clearly on the record that, of the 35 amendments from this place, the vast majority were accepted and, with this compromise, others have been accepted either in full or in part. Also, two consequential amendments will improve the drafting of the bill. I also wish to correct for the record that the amendment that the Hon. Nick Xenophon referred to was not actually part of the conference but was something that was defeated in this place earlier. At least, it is my understanding that it was not one of the issues discussed during the conference.

The Hon. NICK XENOPHON: Very briefly, just for the record, my understanding is that this amendment in relation to the speed camera advisory committee was passed in this chamber and was part of the deadlock conference.

The CHAIRMAN: Before I close this committee, the Hon. Ms Laidlaw raised the issue with me that it was very difficult for someone not involved in the conference to know precisely what went on. My friend and colleague the Clerk reminds me that you all have a schedule in your bill folder which provides details about amendment No. 4. Given time I am sure you could all cross check that, but I would point out that, when members come back and report the outcome of a conference where they disagreed with an amendment and substituted another lengthy amendment, it is difficult for members such as me who were not at the conference to know what it was about. It is your responsibility to report back to this council. You go as delegates of this committee and this council, and a fuller report would make it much easier for all members to understand the deliberations of the conference. I would ask members to keep that in mind for future conferences.

The minister expressed the opinion that we were going to handle each amendment one at a time. Procedurally, that is not the way that we complete the business of the conference, so it is incumbent on the delegates to the conference to report back as succinctly as possible and to provide the relevant information so that all members can form considered opinions and conclude the business more readily.

Motion carried.

SELECT COMMITTEE ON RETAIL TRADING HOURS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I bring up the interim report of the committee together with the minutes of evidence and submissions.

Report received and ordered to be published.

RADIOACTIVE WASTE

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement made by the Hon. John Hill, Minister for Environment and Conservation, on South Australian government plans to stop the commonwealth establishing a nuclear waste dump in South Australia.

SEXUAL OFFENCES

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a

ministerial statement on the removal of pre-1982 sex offence immunity, made by the Hon. M.J. Atkinson, Attorney-General, Minister for Justice, Minister for Consumer Affairs and Minister for Multicultural Affairs on 2 June 2003.

QUESTION TIME

STATE BUDGET

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government in the Council a question on the impact of the state budget.

Leave granted.

The Hon. R.I. LUCAS: The incoming Labor government enjoyed the benefits in its budget, and so have the South Australians, of a buoyant South Australian economy, and the just-released budget papers indicate that, for example, in the last two financial years, 2001-02 and 2002-03, the South Australian economy, as measured by growth in gross state product, grew at about the same rate as the national economy over those two years. In 2001-02 the growth was 3.7 per cent, whilst nationally it was 4 per cent, and in 2002-03 the growth was 3.25 per cent in South Australia, whilst the national growth was only 3 per cent. Similarly, in that period, employment growth in South Australia mirrored the employment growth nationally.

Some commentators have noted the very bleak forecasts for state growth and employment growth under the Labor government for the next 12 months, as outlined in the budget. For example, employment is predicted in South Australia to grow at just over half the national employment growth rate—1 per cent in South Australia compared to 1.75 per cent in the national economy. Similarly, the economic growth rate in South Australia is significantly below the economic growth rate of the national economy.

My question to the Leader of the Government in this chamber is: can he explain why, in just 15 months, the state Labor government has managed to put the South Australian economy into reverse, thus reversing a trend where employment and state economic growth was growing at the same level as national trends? As I said, employment growth for the next 12 months is now listed to be just over half the national employment growth.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The Rann government has certainly not put economic growth in this state into reverse. Over its first 12 months—it is now 14 or 15 months—of being in office, this state has performed remarkably well by any standard. If we look back at some of the growth forecasts under the previous government, we find that often they were not necessarily met in one way or the other. They might have been exceeded on occasions in the past—after all, they are just projections—but I think we can understand why there might be cautionary projections in the current climate, because we are now in probably the worst drought in 100 years. The previous treasurer—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Well, they are only projections. Let us wait and see what the results are. In my opinion, Treasury officers have been very prudent in looking at the current situation when we are in the middle of the worst drought for many years and, clearly, that must have an impact on a state such as ours.

The Hon. R.I. Lucas: So are the eastern states, and the other states.

The Hon. P. HOLLOWAY: For the benefit of the Leader of the Opposition, more than any other state this state depends on its rural exports for income. In the past year we had less than 4 million tonnes of grain compared with over 9 million tonnes in the previous year, so it might be expected that in those areas there will be some impact on the economy. Nevertheless, this government is committed to the economic growth of this state and, through the Economic Growth Summit, it has taken a number of important initiatives, which will—

The Hon. R.I. Lucas: You've turned it backwards.

The Hon. P. HOLLOWAY: Well, we haven't turned it backwards at all. These are just projections. This government will ensure that this state performs remarkably well—as I am sure it will—in the future, regardless of the prevailing conditions. I think it is also important to note that in the 15 months that this government has been in office the Australian dollar has been revalued by 30 per cent, which means that our exports have increased by 30 per cent relative to the US dollar and a number of other important measures. So, it is not surprising that there should be some prudent projecting for the future, but the important point is that this government has produced a very responsible budget.

Members interjecting:

The Hon. P. HOLLOWAY: Members opposite are saying that they would be spending a whole lot more on all sorts of non-productive areas, if one can believe what the opposition says. They had their chance. We know what the previous government did. We know what the former treasurer's priorities were: wine centres and sports stadiums, and so on. The priorities of this government are about assuming a sound economic—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: The Hon. Angus Redford was extremely fortunate—and I am sure he would like to take credit for this—that in the year 2001 we had the most favourable seasonal conditions for the rural economy than we have probably ever had in our history, and, in the past 12 months, we have moved from that position to some of the worst conditions. Clearly, that will have an impact on our economy. However, notwithstanding that, what the government has achieved in this budget are very sound basic financial parameters which will enable this state to grow in the future.

The Hon. R.I. LUCAS: I ask a supplementary question. Does the Leader of the Government accept that the emphasis in the last budget and in this budget of increases in taxes and charges (contrary to commitments made during the last election) is a disincentive to small and medium-sized businesses in South Australia to employ more South Australians?

The Hon. P. HOLLOWAY: As the leader would know, any charges increased by this government have been at the CPI rate, which is the same way they were increased under the previous government.

An honourable member interjecting:

The Hon. P. HOLLOWAY: You want to talk about mining royalties! We are talking about two years' time. They will continue; in fact, they will be holding the same. I do not think that we should let the previous government get away with trying to change history. We all remember the emergency services levy. That tax increase would far exceed any other

increase that a government in this state has made over the past decade.

The PRESIDENT: Order! I think a drought on interjections would be most welcome.

CRIME PREVENTION CUTS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Attorney-General, a question about crime prevention cuts.

Leave granted.

The Hon. R.D. LAWSON: The budget papers just released show that for the second successive year the Labor government has reduced expenditure on crime prevention. The figures show that in the last year of the previous government some \$3.2 million was spent on crime prevention. As members will recall, last year the Rann Labor government reduced that expenditure by \$893 000 to \$2.3 million, and substantially cut local crime prevention programs. This year, a further cut of \$577 000 is made. This will reduce by 24.7 per cent the amount to be allocated this year for crime prevention. The same budget papers show that the Attorney-General's Department has as its first target for 2003-04 'Establish regional crime prevention programs in a number of areas involving local government as a keen partner'. My questions are:

1. Given that it is proposed in the targets to establish new crime prevention programs, will the Attorney identify which existing programs are to be cut to allow for that target to be achieved given the reducing budget?

2. Last year, the cuts resulted in the sacking of a number of crime prevention officers and the cutting of crime prevention programs in a number of councils. What areas of crime prevention will be axed this year as a result of the latest budget cuts?

3. What consultation has occurred with local government and those interested in crime prevention about the current cuts?

4. When can I expect to receive an answer to my question regarding the Semple review of crime prevention?

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

FARMBIS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about FarmBis.

Leave granted.

The Hon. CAROLINE SCHAEFER: For the past 12 months I have continually asked questions as to the cancellation of various FarmBis courses throughout the state. Some that come to mind are shearing, shedhand, beef handling and bookkeeping courses, and I am sure there are many more, if only I could remember them. There is a budget line called 'Portfolio program management services', which includes initiatives such as the food council issues group, the food scorecard and a number of others that were introduced by the Liberal government.

There is a massive difference in spending on that budget line of \$9.5 million actual expenditure by the Liberal government compared with last year's estimated result of \$814 000. That is a difference of \$9.5 million. It is also a

\$6 million underspend from this government's own budget. The only financial commentary is that there was a lower than anticipated uptake for FarmBis courses and grant assistance. My contention is that there was a lower than expected uptake because the courses were cancelled and therefore they could not be taken up. What is the real reason for such a massive underspend in an area that is so important to the betterment of rural South Australia?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I am not sure to which particular page the honourable member is referring in the budget documents. Perhaps if the honourable member gives me the reference, I will come back with a more detailed reply. In relation to FarmBis, as I have pointed out to this chamber in the past, when this government came to office there was a provision in the budget for two years' funding of a program that was to be a three year program. There was no funding for the final year of that program, which is the year we are now about to enter, 2003-04. As a result, the government did make some alteration to the FarmBis program to ensure that money would be delivered across the full three years of that program without increasing the overall allocation. As a result, some changes were recommended by the state planning group. FarmBis money is federal money matched one for one by the state. There is a state planning group that is—

The Hon. Caroline Schaefer interjecting:

The Hon. P. HOLLOWAY: Yes, but the money that goes to FarmBis has to be spent according to the guidelines for the FarmBis program. A state planning group oversees that particular program and makes recommendations and, in relation to some of the particular courses which the honourable member has mentioned in the past, the group in charge of that program has, for various reasons, recommended that they not be the priority areas. To extend the use of FarmBis money, at some stage the government increased the amount that it expected the farmers to contribute towards some of these courses from 25 per cent to 50 per cent to ensure that the money would reach a larger number of farmers. I have covered all those matters in answers to questions in the past.

The important thing is that, in relation to the take-up of that particular program this year, the main reason has probably been the drought. It is because of the pressures of the drought both financially and otherwise that obviously a number of farmers have not been in the position that they normally would be to undertake the sort of courses available. That is why one would expect that there will be a greater take-up in the current year. However, in relation to that particular item, if the honourable member can give me the reference, I will check up on that.

However, I suspect that, although FarmBis would be one part of it, the major reason why there has been some carrying over in payments would be as a result of the cash flows also for the Central North-East program and the Riverland Rural Partnerships program. They would reflect the fact that a significant proportion of the \$5 million drought package of the government will be paid in the next financial year; and that was always expected to be the case because the drought package was meant to aid reseeded and restocking by farmers once the drought ended and they were to look at the new season with confidence, and inevitably much of that money would be paid very soon but in the new financial year. That is probably one reason why there has been carryover in that particular area. If the honourable member gives me the reference, I will provide as much financial information as I can to explain the breakdown.

HORTICULTURAL SPRAY RESEARCH

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about horticultural spray research.

Leave granted.

The Hon. CARMEL ZOLLO: Fruit and vineyard crops are susceptible to diseases that affect quality, as well as total crop output. This necessitates the application of sprays to control those diseases. Will the minister advise the council what research the South Australian Research and Development Institute has undertaken to improve the efficiency of the application of sprays used by horticulturalists?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): It is true that spraying is one of the major costs of growing fruit and grapes, but with a new fan and multihead sprayer machine these costs will reduce significantly. The South Australian Research and Development Institute, with the support of industry, has developed a fan and multihead sprayer machine that will use 30 per cent less power or, alternatively, increase air flow by 30 per cent. Some 1 300 fans have been manufactured and will be distributed for use around the world. The fan uses less energy to deliver better air flow. It has been designed so that it also improves coverage; has a higher work rate, resulting in lower labour costs; and has the flexibility for both high and low spray volumes. It also has a low power requirement to enable multi-row spraying without the loss of coverage.

For many situations the reduction in power will reduce the cost of these sprayers because simpler and cheaper drive systems can be used. It is anticipated that there will be improvement in the control of diseases as a result of the better coverage and dose efficiency of the new machine. It is likely that the improvement in the control of diseases, such as powdery mildew and botrytis, will be dramatic, resulting in economic benefits to industry. I congratulate SARDI and the officer concerned who, I believe, is located at the Loxton research centre, for the important work he has conducted. Yet again, the state will benefit from the results of SARDI's research.

MIDWIVES

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 Health, a question about the need for midwifery refresher courses.

Leave granted.

The Hon. SANDRA KANCK: In its quest to address staff shortages in our hospital system, the government is encouraging nurses who have not worked for a number of years to re-enter the system, and nursing refresher courses are being offered to assist and encourage this course of action. However, a similar refresher course is not being offered for midwives. At the present time, there are 4 000 midwives on the midwifery register of the Nurses Board, but only approximately 1 200 full-time equivalents are working in the system. The Australian College of Midwives is concerned that the remaining 2 800 midwives, like the nurses, might need a refresher course. The college's understanding is that, just as there is a shortage of nurses in South Australia, there is also a shortage of midwives. My questions are:

1. Is there a shortage of midwives in this state; if so, how many extra midwives is the government aiming to attract back into the system?

2. Does the minister consider that there have been changes in midwifery to any extent over the past five years or more that would justify a non-practising midwife being asked to undertake a refresher course; if so, why is a midwifery refresher course not being offered?

3. If the minister chooses to argue that the nursing refresher course will suffice to update a non-practising midwife, which aspects of the nursing refresher course would apply to midwifery and which advances in midwifery practice would not be covered?

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

STATE BUDGET

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries questions about the state budget.

Leave granted.

The Hon. T.G. CAMERON: The Premier is currently claiming in taxpayer-funded television ads that the government will be tough on crime and tough on the causes of crime in the state budget. However, the budget figures show that not one extra police officer will be employed. This is despite South Australia's having the worst figures in the nation per capita for homicide (2.68 per 100 000), the worst figures in Australia for motor vehicle theft (802.4 per 100 000), the second highest rate for assault (928.3 per 100 000) and the second highest rate in Australia for sexual assault. Unlike this government, other states have increased the number of police on the beat in their recent budgets.

For example, Victoria provided for an extra 150 police officers while Western Australia provided for an extra 80. Listening to Radio 891 the other day I heard Peter Alexander complaining that the budget provided for no more police numbers here in South Australia. There is no doubt that South Australians want more police on the streets and they would be wondering why this has not occurred.

The Hon. Caroline Schaefer: Tough on crime but not on crime prevention.

The Hon. T.G. CAMERON: Exactly. That is why I therefore direct this question to the minister as leader of the government in this council. Considering the unacceptable figures for homicide, car theft and assaults, including sexual assaults, and notwithstanding the Premier's claim about being tough on crime, can the minister (as leader of the council) explain why the government has failed to increase the number of police on the beat, and when can South Australia expect to see an increase?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer the question to the Minister for Police to get some statistical information, but it would be useful if one were to look not just at the absolute number of police but at the number of police per capita in this state compared with other states.

The Hon. T.G. Cameron: More broken promises.

The Hon. P. HOLLOWAY: It is not a broken promise at all. One of the things that this budget does in a very tough budgetary climate is maintain and, indeed, increase the police budget in a number of areas, but those are matters for the

Minister for Police to communicate, not for me, and I will certainly obtain that information for the honourable member. I would remind people that, notwithstanding the massive budget surplus for this year, when the proceeds from the so-called bad bank and so on have enabled us to have a huge accrual and cash surplus, for the forthcoming financial year this state will still have a small accrual deficit. So, for those members opposite who seem to be suggesting that there is plenty of money around to spend on things, it is time they started explaining what their fiscal—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: You mean things like wine centres and sports stadiums? They were their priorities: that is where the opposition was spending money. This government has quite properly given its priorities to the areas of health, education and also police. This government is quite happy to defend its record, but I will obtain the information, because I am sure the Minister for Police will be able to provide information on at least some of the new initiatives the government is taking in the law and order area.

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the minister representing the Treasurer a question about the budget black hole.

Leave granted.

The Hon. A.J. REDFORD: Last week the Treasurer described the budget as 'the budget of our dreams.' In the budget statement contained in Budget Paper 3 the Treasurer makes a number of comments regarding SA Water and its future outlook, and I refer to page 614 of Budget Paper 3. It states:

The future profit outlook for SA Water is less certain. In particular, the ongoing drought is likely to have a material impact on SA Water during 2003-04 and possibly in subsequent years. Restrictions on extractions for the River Murray were announced on 20 May 2003. SA Water may lose revenue from any reduced water sales, with a 10 per cent reduction in water use representing an indicative profit reduction of around \$15-20 million (lost revenue plus advertising and enforcement costs less savings in pumping and water treatment costs). This estimate could vary substantially, depending on the nature and timing of the restrictions

In other words, the impact of the water restrictions and increased power costs will reduce profits by as much as \$20 million. In addition, the Treasurer acknowledges—

An honourable member interjecting:

The Hon. A.J. REDFORD: They are totally different. In addition, the Treasurer acknowledges other problems, including the fact that the current high level of development activity will not continue and will reduce SA Water's projected profit. The actual figures set out at page 6.3 indicate that total revenue or net profit, including the income tax equivalent, is an increase of \$6.2 million. In other words, on the face of these figures, the \$435 million of revenue may well be only \$410 million, some \$25 million short. Interestingly, the Treasurer says in the papers:

Treasury and Finance and SA Water will be reviewing these and other . . . cost pressures during 2003-04 as part of a more general review of SA Water's dividend policy. . .

In light of this \$26 million difference or black hole, my questions to the minister are:

1. Is the Treasurer dreaming when he expects us to believe that SA Water will increase the return to taxpayers by \$6.2 million when in fact the taxpayer is likely to get \$20 million (or more) less?

2. How many other budget figures are subject to review, and how can we rely on the figures set out in the budget?

3. Will the Treasurer rule out a doubling of the River Murray tax in order to recoup the \$20 million black hole?

4. How can we expect a AAA rating from the rating agencies when the Treasurer presents figures as rubbery and qualified as this? Will he not have a credibility problem with the rating agencies?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I would have thought that the credibility problem would be with members opposite. What we are talking about here is a budget and predicting what will happen during the next 12-month period. I wish I could be as sure as the Hon. Mr Redford seems to be in relation to what will happen to the River Murray over the next 12 months. Having been a member of the Murray-Darling Commission, what I do know is that, in the period from November last year to April this year, the amount of run-off into that catchment was 15 per cent lower than has ever been recorded in the history of the Murray-Darling Basin catchment, which is why this state is facing an unprecedented situation in relation to flows down the Murray River.

It is exactly why this week we will be debating a bill to impose emergency water restrictions in relation to the Murray River. If between now and October we do get significant inflows into the head waters of the Murray-Darling system, that might be greatly eased. Of course, with regard to the financial situation, I will put the question through to the relevant minister, but to me all that statement appears to be suggesting is that, given that we face some uncertainty in the Murray-Darling Basin this year, there could be an impact upon revenue. I think most members of the public would be able to understand what that was. Yes, we are facing very uncertain times in relation to the flow down the Murray, but we will not really know until October exactly what that situation will be. I will refer those questions on to the relevant minister.

The Hon. A.J. REDFORD: As a supplementary question: will the minister acknowledge at least that there will be some profit reduction in so far as SA Water is concerned in relation to the figures presented in the accounts?

The Hon. P. HOLLOWAY: That is something for the minister to say. I can only repeat the point I made, namely, that the flow down the Murray-Darling Basin could alter dramatically, depending on the rainfall at the head waters of the Murray over the next three months.

The Hon. A.J. REDFORD: As a further supplementary question: is the minister ruling out a subsequent reduction in the amount of total receipts from SA Water over the next 12 months?

The Hon. P. HOLLOWAY: That is really something for the minister responsible to reply to; in fact it really should have been asked through my colleague the Hon. T.G. Roberts, but I will take the question to the minister responsible, the Hon. Jay Weatherill, in another place. SA Water supplies water to a number of places in this state, and I believe that there are many factors that will impact upon the dividend that that institution ultimately pays. It is appropriate that that minister should provide a reply.

Members interjecting:

FRUIT FLY

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food

and Fisheries a question about fruit fly inspections at Adelaide Airport.

Leave granted.

The Hon. J.S.L. DAWKINS: On 1 April this year I asked the minister questions relating to random fruit fly inspections and monitoring of fruit deposit bins at Adelaide Airport. On 1 May I received a reply from the minister detailing the number of disposable bins, the weekly monitoring of the bins, and the results of contracted random checks by the AQIS detector dog teams, and I thank the minister for that response. However I have been advised by a constituent that the television news service of 30 May showed the Collingwood Football Club arriving at Adelaide Airport with some players clearly carrying bags of fruit. My constituent, who is concerned about any possible threat to the fruit fly-free status of our export produce industry, was upset to see this obvious ignorance of the restrictions on bringing fruit into South Australia. My questions are:

1. Will the minister take action to ensure that PIRSA advises sporting groups such as AFL clubs that fruit is not to be brought with them to Adelaide?

2. Will the minister take action to ensure that the level of publicity concerning the need to surrender fruit at Adelaide Airport is upgraded, both within the airport and outside?

3. Does the minister agree that television footage of high-profile footballers bringing fruit into South Australia is most unfortunate, given the vital importance of continued fruit fly-free status to the South Australian economy?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I am certain that, if anybody were seen bringing fruit into this state, be they high profile AFL footballers or anybody else, it would be a matter of concern. It is my understanding that the program that is conducted at the airport in relation to these random inspections is based on information and intelligence gathered by the officers. They obviously cannot check every arrival of every aircraft but they do target their operations for what they determine to be high risk groups coming in. Unfortunately, along with the Hon. Caroline Schaefer, I was at the Resources Industry dinner on Friday night so I did not get to see the footballers either arrive or perform—or not perform as the case might be.

The Hon. A.J. Redford: A glorious moment in the history of my club.

The Hon. P. HOLLOWAY: Well, I am sorry that I did not see the game. Nevertheless, it was a very important occasion that I attended. I will ask the department to have a look at whether, in fact, those visitors were bringing fruit into the state and whether that is obvious from the television footage. I will check the information. If the honourable member can provide me with any further information, such as on what station that news service was, it will probably help track this down. If it can be ascertained, I will ensure that the appropriate action is taken. I agree with the honourable member that we face far too much of a risk to allow people to bring possibly infected fruit into this state.

The Hon. CAROLINE SCHAEFER: I ask a supplementary question. How many fewer fruit fly inspectors does the minister anticipate as a result of a cut in real terms of 3 per cent in the number of compliance officers in this budget?

The Hon. P. HOLLOWAY: I do not know where that figure of 3 per cent comes from, but I can say that one of the good news items in this budget is in the fisheries compliance area. The previous government introduced a three-year

program for fisheries compliance officers, but it did not fund that program beyond three years. One of the things I am pleased to announce in this budget is that the government will ensure that funding for those fisheries compliance officers will continue in the future. This will enable us to provide full-time positions for officers in fisheries compliance.

I am not sure where the honourable member gets her information, but she would be well aware that there has been a debate with, for instance, the produce markets where we are seeking to continue the program begun by the previous government to ensure that we have proper cost recovery in relation to services provided by PIRSA. The commonwealth government's Productivity Commission has prepared its own report in relation to cost recovery in agriculture, and those principles which have been around for some time and which were being put into effect by the previous government will continue under this government. So, it is not necessarily a question of a reduced number of inspectors; rather one of a higher level of recovery from industry in relation to those services, such as import fruit inspection.

ABORIGINAL HEALTH

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about Aboriginal health.

Leave granted.

The Hon. R.K. SNEATH: The Australian Medical Association's recent report by Professor John Deeble on Aboriginal health found indigenous people to be more prone to kidney disease, diabetes and general injury and that they visit hospitals twice as many times as other Australians. Although the report found that some improvements have been made, the health of indigenous Australians is lagging far behind that of other Australians. Given this distressing situation, my question is: will the minister inform the council of any positive improvements in South Australia in regard to these health issues?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question and for his ongoing interest in matters involving Aboriginal affairs. The AMA report highlights a disturbing situation in relation to Aboriginal health. According to this report, kidney disease, diabetes and general injury are much higher in indigenous Australians than in the general population. Some research indicates that Aboriginal people are sick three times more than the general population, and their life expectancy is 20 years below that of the general population. This is a disgusting statistic, as I am sure members on both sides of the council would agree, and it must not continue.

Some of the problems associated with kidney disease and diabetes involve lifestyle issues and some involving kidney disease relate to the poor grade of water that is available in some of the communities. There are other issues in relation to nutrition and diet, which we have made some commitment to change. In the midst of all these issues there are some positive stories starting to emerge as a result of the continuation of funding of Aboriginal health services in the general community.

The Port Lincoln Aboriginal Health Service was established nearly 10 years ago. It is of great importance to the local community, and it has grown from its beginnings of 13 people working in a small office to 38 employees assisting 1 400 clients, who come from Port Augusta and Ceduna and

all places north. The relationship between good health and a functioning community is evident in sporting and academic achievement and employment.

The honourable member mentioned Collingwood footballers allegedly bringing fruit into South Australia. The Port Adelaide and Port Power football clubs are well serviced by West Coast Aboriginal families, including the Burgoyne's who have two players; the Johncocks of Port Lincoln have one son playing for the Crows; and there are probably others who are playing for the black and white Magpies. So, they are producing good young footballers for the AFL and the South Australian National Football League.

However, overall, Aboriginal people in this state are not what we regard as healthy. Services offered by the Port Lincoln Aboriginal Health Service include: chronic disease self-management, women's health, immunisation, school health programs and diabetes management. In the first year of this service, immunisation numbers increased by 80 per cent, with similar figures for Nganampa Health. The Port Lincoln Aboriginal Health Service is building links across government and service providers with a 'whole of' attitude towards health, which we would like to use as a model for other communities.

Much of the credit for this should go to Jackie Ah Kit, the Director of the Port Lincoln Aboriginal Health Service, and the staff whom she leads. I would like to pay tribute to some of those staff members who put a lot of time, energy and effort into getting the results that I have indicated. Current board members of the Port Lincoln Aboriginal Health Service are: Robert Dann, Brenton Richards, Nigel Burgoyne, Jackie Ah Kit (whom I have mentioned); David Dudley (chairman), and Cecelia Coaby.

There is no doubt that Aboriginal health is lagging far behind that of non-indigenous Australians, and more effort is needed to address this imbalance. However, there are many community service providers out there who are working tirelessly to improve the situation. I congratulate the staff of the Port Lincoln Aboriginal Health Service and all those people who struggle, poorly equipped with resources, in the metropolitan area and other regional and remote communities who are trying to do as good a job as possible with the resources they have.

GENETICALLY MODIFIED FOOD

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries a question about genetically modified crops.

Leave granted.

The Hon. IAN GILFILLAN: In speaking to my Gene Technology (Temporary Prohibition) Bill last month, the government nearly showed its hand in relation to its position on the introduction of genetically modified crops. After being pressured with direct quotations from Labor's election material, the minister continued to hold what is generally regarded as an ambiguous line stating that he was not the shadow minister at the time when the promises were made and, in fact, negating those promises. On 16 October 2002, the minister stated:

I was not one of those shadow ministers responsible for this policy at the time it was released before the election, so I cannot answer the part of the question the honourable member asked in relation to whether those statements by that group were an accurate reflection of the policy at the time.

These next words I emphasise:

More important is the government's policy now.

This apparently 'more important current government policy' turned out to be to do very little but wait for the results of a select committee into GMOs. That committee has yet to bring down its report. However, on 13 May this year the veil began to lift with these words from the minister:

It is the government's intention to introduce legislation if that is consistent with the advice given by the select committee, and the government does have the core principles of any necessary legislation already established.

I repeat: 'The government does have the core principles of any necessary legislation already established.' The minister continues:

These principles do not endorse a moratorium approach and provide a more flexible approach to the management of GM crops such as is being taken by the Genetically Modified Crops Free Areas Bill being introduced in Western Australia.

The bill to which the minister refers was introduced in the Western Australian parliament on 7 May 2003. It is:

A bill for an act to prohibit the cultivation of certain genetically modified food crops in designated areas of the state and to provide for their destruction in certain cases.

The words 'designated areas of the state' are significant. It is of considerable concern to many farmers that this is the model that the South Australian government is seeking to follow. Not only does this indicate that only certain sections of the state will be protected from GM crops but the proposed legislation would allow the continuing practice of crop trials in areas that have been designated GM free. As well, the bill leaves the decision on the establishment and revocation of GM-free zones purely in the hands of the minister.

The minister has indicated that issues of World Trade Organisation compliance will have to be investigated in the development of a legislative approach to GM moratoriums or GM-free zones. In a recent letter to me, the minister stated that, aside from decisions made at the Primary Industries Ministerial Council to investigate the issue further:

... South Australia had already arranged to convene a workshop of states, territories and the commonwealth in early May 2003 to examine in detail the legislative strategies needed in any legislative initiative taken by jurisdictions under section 21(1)(aa) to ensure WTO compliance—whether for GM or GM-free production.

I ask the minister:

1. What areas are being considered for the establishment of GM-free zones in the light of the indication of the similar WA type legislation?
2. When did the WTO workshop—as mentioned in his letter to me—occur?
3. What were the legislative strategies and initiatives examined at the meeting either for GM or GM-free production?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): In relation to the latter question, it is best that I arrange a briefing for the honourable member from the senior officer within my department who led that workshop. That is probably the best way to convey that information. In relation to the first question asked by the honourable member, the question of GM crops very much turns on the constitutional options open to this state, and I have explained those to this council on a number of occasions in the past. Our role is limited to that permitted under the Commonwealth Gene Technology Act 2000. That, in turn, depends on the development of the policy principle, which I understand is yet to be finalised, although all states have now agreed to the draft and it simply needs to be confirmed

by all the states and the commonwealth, and that could happen very shortly.

The approach that the government is considering at this stage depends on the recommendations of the select committee. At the last election the government promised an inquiry in relation to GM crops. In the end, we established a select committee of the House of Assembly to do that, and we await with interest the recommendations of that committee. It has worked on getting information from such important players as the ABB and the AWB regarding their perceptions of what the impact of GM crops will be on the international marketplace. That will make a very important contribution to the debate on GM crops not just in South Australia but Australia wide. The recent publicity that has been given to the views of the AWB and others has directly come about as a result of its appearing before the select committee.

In relation to specific zones, the government is looking at the risks that might be posed by GM and also by other crops. It needs to be pointed out that threats are posed in terms of the handling and segregation. It is not just a GM/GM-free divide; there are other crops such as the so-called biodiesel fuels, which one would not want to get into a food chain. That is not a GM canola—or rape oil, I think it is called—it is not a GM-free plant. However, if one is using it to make diesel, it is not exactly the sort of plant one would want in the food chain. Some issues in relation to segregation of crops would need to be addressed not on a GM versus GM-free basis but the basis of particular characteristics. It is that approach that the government is looking at, and it is that approach that we believe, in constitutional terms, would provide the most likely beneficial outcome.

The Hon. IAN GILFILLAN: As a supplementary question, I take it that the minister is not aware of strategies and initiatives that came from the WTO workshop, or is it confidential information?

The Hon. P. HOLLOWAY: The purpose of that workshop exercise was to try to get all the states of Australia to agree, as much as they can, to a unified approach so that, whatever decision is taken by any of the states in relation to GM crops, it should be consistent with our international obligations, and it should as far as possible coincide with the efforts of other states. That workshop has been successful in reaching that understanding. It would be unfortunate if each state were to go its own way in relation to this and, as a consequence, some states were to breach international obligations which could create all other sorts of problems in relation to our trade. That would not be helpful.

Rather, the states want to be able to deal with this problem in such a way that it does not impact on those international obligations we have in relation to the WTO and other treaties. However, of course, the states also have their own objectives. In particular, in the short run I am sure that they do not wish to see their current industries compromised by the introduction of GM crops before those states are ready to have that happen.

The Hon. J.F. STEFANI: As a supplementary question, will the minister give an undertaking that the government will conduct a survey of the three areas named in the election policy paper of the Labor Party in relation to the farmers who operate in those areas as to their views about GM crops, and publish the results of that survey so that the council can be properly informed as to the views of the farmers within the three green and clean areas named by the Labor Party prior to the election?

The Hon. P. HOLLOWAY: I know that a group on Eyre Peninsula has been endeavouring to keep that area GM free. If I recall correctly, some money was provided through the federal government to enable that group to do some pioneering work in relation to segregation and other issues associated with GM crops. I will get some further information in relation to that. One of the issues I would have thought that the select committee would undertake would be to look at the viability of GM-free zones in areas such as Eyre Peninsula, Kangaroo Island, and so on—those areas that were nominated. I am not really sure whether the select committee is able to undertake that work. We will know when that report comes down.

I take the point made by the honourable member that, ultimately whatever action the government takes in this, we would need to consult with farmers in those and other regions of the state to ensure that they are well informed. One of the last terms of reference for that select committee was to ensure that the views of South Australians were consolidated—I think was the word used in the terms of reference—on this issue. If the select committee does not perform that work, certainly the government will consider the needs of those areas in relation to any policy we develop.

CHILD ABUSE

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question about child abuse.

Leave granted.

The Hon. A.L. EVANS: In response to a question on child abuse I asked of the government last year, I was informed that currently over 400 staff in Family and Youth Services provide services to children, young people and their families where issues of abuse and neglect have been notified. The government advised that this figure is inclusive of social work, youth work and supervisors' and managers' positions. Half the staff is dedicated to front-line work; the other half is responsible for working with children and families where court orders are in place or with young people in contact with the juvenile justice system. My questions are:

1. Of the 400 FAYS staff providing front-line services to children and their families, how many of that number are located outside the metropolitan area?
2. Of the 11 203 reports received of suspected child abuse or neglect for the 2001-02 financial year, what are the proportion of calls received from metropolitan and country regions of South Australia?
3. Will the minister advise the ratio of administrative staff to those carrying out direct child protection duties in Family and Youth Services?

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, and I thank the honourable member for his continuing attention to the issue.

TRANSPORT SA, INSPECTION SERVICES

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about Transport SA inspection services.

Leave granted.

The Hon. DIANA LAIDLAW: Prior to the delivery of the state budget last Thursday, the Public Service Association called on the government to broaden the law and order focus to include a wide range of public sector inspection and enforcement services, including Transport SA marine safety and road inspection services. I was not necessarily surprised to hear this plea, because I recall when I was minister of transport I gave approval for the employment of some additional 14 road inspectors, an approval which the current minister subsequently withdrew. Therefore, I was interested in the Treasurer's reply to the PSA's plea last week when he said, 'This will not be a budget that will address all their concerns'. My questions are:

1. Will the minister confirm the number of inspectors now employed by Transport SA to conduct marine safety and road inspection services, and in each instance where are these officers located across the state?
2. Will the minister also confirm in each category how many more inspectors did the Public Service Association argue were required to ensure Transport SA adequately addressed the marine and safety inspection tasks that it is required by statute to undertake?
3. If arising from the 2003-04 state budget, will the minister confirm whether or not any further positions are targeted to be cut from Transport SA's marine safety and road inspection work force as part of the agency's requirement to cut 150 jobs over the next 12 months?
4. If job losses are envisaged in Transport SA's marine inspection and road services over the next 12 months, what is the justification for the cuts and how will the minister be satisfied that the agency is meeting its statutory responsibilities?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those questions to the minister in another place and bring back a reply; and I will post the replies to the honourable member given that she will not be in the council to hear them.

SHOP TRADING HOURS (MISCELLANEOUS) AMENDMENT BILL 2003

Adjourned debate on second reading.
(Continued from 29 May. Page 2494.)

The Hon. T.J. STEPHENS: Today I acknowledge that I will be supporting this bill (with Liberal amendments), but I do so with a heavy heart. Many members in this chamber, and many of my friends and colleagues from the private sector, are well aware of my view in relation to shop trading hours; that is, deregulation is both unnecessary and damaging. Unnecessary because, from my travels, I have seen both sides of this debate in practice and there appears to be little difference in economic terms for us as a state when you consider the proposal on its own merits. In social terms, we will pay a dear price for this so-called competition. Families will suffer from having parents and children working long hours just to compete with large retailers. There is an indication that some jobs may be created amongst the large retailers, but I ask: 'At what cost to small business?'

As you would be aware, Mr President, I come from a small business background and take a strong pro small

business stand on issues that come before this parliament. In private conversations, I have always made myself clear that competition must not make small business an extinct species. Having the background that I have, I am very aware of how hard it is to build up a small business and how little time the small business person has to spend with their family while they are making their small business successful, bearing in mind that others are not so lucky in their endeavours and they struggle to make ends meet for many years—in fact their whole lives sometimes. For some of these small business people, their only reprieve is that they do not have to compete with large supermarkets.

In my capacity as a member of this council, I also have a responsibility to the state of South Australia. Unlike my colleagues in another place, I do not have a small electorate to look after and my electorate is the whole state of South Australia. Again, this is one of the many positive things about the Legislative Council, namely, it gets to view legislation as it affects people in the whole state, not just a small area. It is with this in mind that I consider the National Competition Council payments to South Australia.

South Australia is not a large state, so we do find ourselves relying on payments from the federal government and its agencies. Payments to South Australia are too large and too important for us to ignore. I believe the issue of industrial relations will need to be addressed. Deregulation will be a heavy burden to bear, but, having an industrial relations structure that is inconsistent with it, is a slap in the face to small business. In short, I will support this bill with Liberal amendments, not because I believe it is of benefit to small business and not because I have a belief that competition is a cure-all for the economic problems of this state and country. I support small business and I recognise the need for working families to be protected. When we are being blackmailed, as we are, I have no choice but to indicate my support, subject to our amendments.

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

CORONERS BILL

Adjourned debate on second reading.
(Continued from 13 May. Page 2286.)

The Hon. CARMEL ZOLLO: I will make a few comments in relation to this legislation. I remember the legislation being debated in this chamber in 2001. There was then, as there is now, recognition that the position of Coroner is important in our society and that it is necessary to rewrite and update the existing legislation to reflect that importance. The legislation formally establishes the Coroner's Court with the provision of staff, in particular counsel assisting, as well as greater flexibility to accept evidence from children under the age of 12 years or from persons who are illiterate or who have intellectual disabilities. The Coroner's Court is a special court in that it is not adversarial and can become more involved in the investigation before it. As well as formally establishing the Coroner's Court with its practices and procedures, the legislation clearly defines reportable deaths, in particular it sets out the administration of the coronial jurisdiction in South Australia.

The previous legislation passed this chamber after lengthy debate, but then lapsed in the other place as a result of the calling of the election. Hence, its reintroduction. The provisions in the legislation have been well described by the

minister and the Hon. Robert Lawson, so I will try not to repeat them, other than to say that the court must act according to equity, good conscience and the substantial merits of the case and, importantly, without regard to technicalities or legal form. The institution of state Coroner is an old and respected one which performs functions of which many are not aware until it impacts on their life—including, regrettably, the death of loved ones—often in the form of an autopsy. The recommendations from an inquest will often find their way into the legal process. In fact, I find that, as well as generating debate in the community, this manner of bringing about change is certainly one that has ownership by the community. I suspect that the media attention that is given to findings serves to focus attention on those issues.

The Coroner's Court is required to hand down its findings as soon as practicable. As is currently the position with coronial inquests, the court is prohibited from making any finding of criminal or civil liability. The court has the power to make recommendations that might prevent or reduce the likelihood of the recurrence of an event similar to that which is the subject of the inquest. I believe the community is best able to relate to that. It is able to reveal difficulties in our system and to bring closure in many people's lives. Both the state Coroner and the Coroner's Court are given extensive powers of inquiry. I think it would be fair to say that in our community the findings are usually well accepted, with a view that the office does its best on the evidence available and performs its role efficiently and without great controversy. I add my support for this legislation

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

STATUTES AMENDMENT (NOTIFICATION OF SUPERANNUATION ENTITLEMENTS) BILL

Second reading.

The Hon. T.J. STEPHENS: I move:

That this bill be now read a second time.

This bill was introduced by the member for Davenport in another place, as a result of a situation of which he was made aware by a constituent. The constituent had been a member of a superannuation scheme for many years. He left the Public Service at the age of 46 and went into private enterprise and continued to work in private enterprise. When he was approximately 55½ years of age, he was contacted by the superannuation fund and asked why he had not taken his superannuation. He replied that he thought he was ineligible because he was working in the private sector. He was informed that he was eligible and, therefore, applied. In simple terms, superannuation is paid from the time of application, so he actually missed out on six months worth of superannuation, or approximately \$12 000.

This bill requires superannuation fund managers to write to members of the fund when they are 54½ years of age, that is, six months before the entitlements are due. In this way, members are fully aware of the process before the entitlements are due and members do not lose any of their hard earned entitlement. This information is actually contained within the annual reports of the funds, but few members of the community read these reports from cover to cover. The bill will ensure that the notification process is clear for all superannuation funds and that members are notified six

months before the entitlement is due. I urge members of the council to support the bill.

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

CORONERS BILL

Adjourned debate on second reading (resumed on motion).
(Continued from page 2516.)

The Hon. A.J. REDFORD: I will be very brief, for these reasons. We are given a *Notice Paper* at the commencement of question time and we discuss the order of business prior to coming into this place. On today's *Notice Paper* we were to give priority to dealing with gas and electricity followed by shopping hours, and I have not been in any position to prepare my contribution to this bill. With those few words, all I can say to this place is that I support the bill. There may well be some questions during committee. I try to cooperate with the *Notice Paper* but, as an ordinary backbencher, it is exceedingly difficult for us to be organised if these whipping sheets that are handed around bear no relationship to reality.

The PRESIDENT: I do not know how much of that actually needed to be in *Hansard* but I take the point.

The Hon. A.J. Redford: I get called in: I make assumptions. It is just not fair.

The PRESIDENT: Take those matters up with the whips.

The Hon. J. GAZZOLA secured the adjournment of the debate.

SUPPLY BILL

Adjourned debate on second reading.
(Continued from 27 May. Page 2402.)

The Hon. R.I. LUCAS (Leader of the Opposition): I support the second reading of the bill. As members will be aware, the Supply Bill is required to enable the Public Service to continue to operate and public servants to continue to be paid between now and the ultimate passage of the Appropriation Bill. As you know, Mr President, that process can take a number of months with the Estimates Committees in another place, final debate in the House of Assembly and then debate in the Legislative Council as well. I want to address some of the broader issues as they relate to this bill.

The bill appropriates a significant sum of money for the operations of the public sector, and we can appropriately address issues covered by the supply of public services in the state paid for by the Supply Bill. One of those areas that is obviously of critical interest to all South Australians is the issue of the growth in our state's economy and the employment outcomes in the economy. I also want to address some of the issues in relation to the payments from supply for superannuation issues and, in particular, our unfunded superannuation liabilities. I raised briefly in question time today the issue of the predicted employment outcomes. We see a significant reversal of the state's economic performance being predicted by this government over the coming 12 months.

After many years of lagging behind the national economic performance, in the past two to three years South Australia has performed admirably when compared to the national economic performance. In particular, the budget papers outline that the state's growth in the past two years has been

at approximately the same level as the national economic growth and, more importantly, employment growth has been at around about the same level as the employment growth in the national economy. Certainly, for the years prior to that it was not possible to report in that fashion. That has been the result of a comprehensive economic development program by the former government to ensure that our state's economic performance and employment performance came closer to the national economic and employment growth performance levels.

These things do not just happen by accident, and I guess that is why I am concerned at some of the writing down (if I can use that phrase) of South Australia's recent economic performance by some media commentators, some leading business people and some members of parliament, in particular members of the current government when they were in opposition, in terms of the state's recent economic performance. It is why I am also concerned, although I will not go into detail on this occasion, about some of the figures being used in the 'State of the State' report by the Economic Development Board where in a number of cases the statistical series they used finished in the year 2000-01, rather than looking at the current updated figures of 2001-02 and the early part of 2002-03 to give a contemporary view of the state's economic and employment growth performance. I will perhaps address the detail of those issues on another occasion.

When one looks at the supply and appropriation bill debates, one needs to look at how the state spends its money to further the economic and employment objectives of the state. A quick look at the state budget reveals obvious grave concern that this government is not giving the priority to employment and jobs growth that the former government gave in its spending programs. When one looks at the revenue side of the budgets, the massive increases in taxes and charges represented by this state government in just two state budgets are an indication that they are not concerned with the economic impact of their revenue raising decisions. For example, in just 12 months the cost of running a six cylinder car in the city is being increased by \$85 per car up to a cost of about \$640 per year. If you are an individual running a family budget, that is a significant additional impost. If you are a business running a number of cars and vehicles, that sort of range of increase in costs is an additional impost on running your business.

The new Rann water tax at \$30 per family and \$135 per business, which I am sure we will debate in the near future, is a further example of additional imposts on families and businesses. Again, we will have a greater and more detailed debate when that bill comes before the chamber, but there is the old notion of equity in taxation, that you might be more familiar with, sir, than are some of these new whippersnappers running the Labor Party these days, who believe that in some way a struggling working class family in Salisbury or Port Pirie should pay \$30 for the Rann water tax and Robert Champion de Crespigny should pay \$30—

The Hon. CARMEL ZOLLO: I rise on a point of order, sir: I believe the Premier should not be referred to in such a manner, and that there is no such thing as that particular tax.

The PRESIDENT: I am sorry; I missed your point.

The Hon. CARMEL ZOLLO: He kept talking about the Rann something or other.

The PRESIDENT: I do not think there is a point of order. It may well be inaccurate, but I do not think it is a point of order.

The Hon. R.I. LUCAS: Thank you, Mr President. The sensitivity of the government to the Rann water tax is evidenced by the point of order from the Hon. Ms Zollo in relation to that. If we cannot refer to the Rann government, the Rann water tax, the Rann policies or the Rann whatever, there will have to be some significant rewriting of *Hansard* from the past 10 years. The point that I am making is that a struggling working class family in Salisbury or Port Pirie is paying \$30 and at the same time Mr Champion de Crespigny or the wealthiest business person in Springfield, Burnside or North Adelaide or wherever pays \$30 as well. How—

The Hon. Nick Xenophon: That's a flat tax.

The Hon. R.I. LUCAS: It is a very flat tax. It is very true; it is a poll tax. Some argued that we should call it the Rann poll tax, but we are sticking with the Rann water tax as the best descriptor of this. I am sure that equity will be an issue of concern to you, Mr President, as you debate this in the caucus but, equally, one looks at economic growth.

If you are a struggling small business in the northern or southern suburbs or the Upper Spencer Gulf region and you are asked to pay an extra \$135 and you look over your shoulder at the most successful, profitable business in South Australia, whether it be Holden or one of the wine companies that are doing well (as opposed to one that is not) and it is paying \$135 as a single business, you may wonder where the equity is in all that. I am sure that some of the old-time, long-term Labor Party members are slightly bemused by this new notion of equity from this new Labor government.

You can look at that and at the increases in the Rann training tax. You can look at the fact that, for example, under this budget an apprentice hairdresser will pay an extra \$160 per year to undertake training up to \$480—a 50 per cent increase in the training fee. That affects not just apprentice hairdressers but all apprentices and trainees, whether they be carpenters, plumbers, electricians or fitters and turners; right across the board, those trainees are facing a 50 per cent increase in their training costs. How this in some way is meant to represent some notion of equity and fairness but also how as part of the supply and appropriation bill debate this can in any way be justified as being directed towards employment growth in South Australia is impossible to understand.

I turn to the 40 per cent increase in royalties. I must admit I was bemused to see in the *Sunday Mail* and *Advertiser* on the weekend a reference to a 'small increase' in royalties. I am not sure how the mining industry would view a 40 per cent increase in royalties in South Australia. I do not know the history, but I suspect that it is probably the most significantly increased impost on the mining industry by way of royalties for a very long time and possibly ever. I do not know the history but, certainly, nothing springs to mind in recent memory like the 40 per cent increase in royalty imposts in South Australia as part of this budget. The spending and revenue decisions of this budget and this government are geared towards policy and directions which I guess they will have to explain, but they are certainly not directed towards economic and jobs growth in South Australia.

We had today the Leader of the Government in the Council, a senior member of this ministry, unable to defend this budget's estimations or say how it is that, having enjoyed strong growth in the last two to three years at the level of the national economy, they have managed to put the economy into reverse for the next 12 months, so that our employment growth will plummet to just over half of the national employ-

ment growth. There was the feeble excuse from the leader talking about droughts, as if the drought does not exist in other states, as if the drought only imposes itself and its costs on South Australia's economy, when we all know that most of Australia is suffering from the terrible imposts imposed by the drought on those other state economies as well. The second feeble excuse, as he clutched at straws, was talking about the changes in the value of the dollar. The changes in the value of the dollar, I inform the leader, actually do impact on all the other states as well. The changes in the value of the dollar do not just impact on the South Australian economy.

The point I am making is that for the first time after two or three years we are seeing a budget which is not being geared towards economic growth and jobs growth. Contrary to the claims made by leading business people and politicians involved with and supporting the government, that what they were going to try to do was to reverse the problems of the past in terms of the economy, we are seeing the performance reversed. The Treasurer himself has had to confess that the state's economic performance has been admirable, compared to the national performance in the last two to three years, but now having had just on 12 months of this government they are looking at a significant reduction in gross state product growth and employment growth compared to the national average.

When we get to the detailed discussions of the appropriation bills we will be able to go through some of the other impacts in the spending, but as we look at the Supply Bill debate we know that much less is going into things like the Regional Development Infrastructure Fund, a fund which by its very name indicated support for regional infrastructure, to try to ensure that some important regional growth prospects got up and going. I have to say that I was fairly conservative within the former government in terms of arguments for industry assistance. Wearing the joint hat in the last couple of years of being treasurer and minister for industry and trade was an interesting paradox, and the former premier Olsen and others were much more strongly supportive of the industrial incentives that we offered.

However, I have to acknowledge that in a significant number of cases in relation to the Regional Development Infrastructure Fund my initial concerns were not the majority views, and in particular I refer to some of the support that was provided to the abattoir industry in terms of the national and state restructuring of that industry. This was an area that I did internally express some reservations about, if I can perhaps understate the position. However, in some of those areas the proof of the pudding was with the majority view, and in some South Australian regional economies we have seen extraordinary growth in terms of employment opportunities. When one goes to Murray Bridge or Naracoorte, or a number of the areas of regional South Australia, one sees that some of the strategic restructuring decisions that the former government took using the Regional Development Infrastructure Fund have meant significant growth in those regional economies.

So much so, for example, that in some areas of the South-East there are significant housing problems, as the Leader of the Opposition (Rob Kerin) has highlighted, with people trying to work in businesses in those areas that do not have enough housing available to accommodate them. In the South-East, for some time, people had to be bussed in from the western districts of Victoria because there were not enough people available to work in some of the industries. There are many other examples which I will not list, but it is an example of strategic spending by the state government,

using the funds available through the Supply Bill and the Appropriation Bill, which has led to significant regional economic development and significant regional job growth.

This new government, sadly, for political reasons I suspect, has gutted the operations of the Regional Development Infrastructure Fund. It has one or two members from regional South Australia in the caucus, and it also has its latest Labor recruit, the member for Mount Gambier. Ostensibly he is there to defend regional development but, as we have seen in this budget, he has certainly not achieved as much as perhaps his early period in the government indicated. He has achieved a significant amount for himself, but the question certainly remains as to what if anything he has achieved for regional development. The reversing of the policies that were outlined in last years' budget has certainly been continued in this year's budget.

When one looks at those policies right across the board, we are seeing policies that are geared towards lowering the employment growth in South Australia. I will conclude my comments on the job aspects of the Supply Bill and the Appropriation Bill debates by indicating that, when we come to measure the success or otherwise of the Economic Development Board in this government, it will not be as Premier Rann has said—laughably, I might add—that hard goals will be attained by doing certain things by 2015 or 2020. There is nothing hard in relation to those objectives or goals, because they are the easy goals—the 10, 15 or 20 year goals—for the future. This board and this government will be judged by their performance over the next three years—up until the next election. On an annual basis it will not be a judgment as to whether or not 80 per cent or 85 per cent of the Economic Development Board recommendations were approved. It will be a hard judgment about the state's economic performance.

In 1994, we inherited from the former 'minister for unemployment', Mr Rann, a 12 per cent unemployment rate and a 42 per cent youth unemployment rate. At the end of 2002, that 12 per cent unemployment rate had been almost halved to just on six per cent. In 2002, for the first time in a long time, the state's unemployment rate was below the national unemployment rate. That is a hard economic objective. This is not just a long-term objective, which we all support, or a medium-term objective, but a short-term economic objective. This government, and the Economic Development Board process, will be judged in 2006 on whether or not this state's unemployment rate is still below the national unemployment rate, or even, hopefully, on whether it has improved the position achieved by the former Liberal government.

So it is not a measure of the number of recommendations agreed to by the government from the Economic Development Board report: it is a hard economic objective of the performance of this state and its economy for this year, next year and the following year. In 2006, this government will be held to account on whether or not our state's unemployment rate is still less than the national unemployment rate or has improved on the position that was achieved by the former Liberal government. We also hope that, after this reversal in employment growth in this state in the coming 12 months, it will mirror national employment growth and that growth in gross state product will mirror growth in gross domestic product of the national economy as well.

I have highlighted a number of questions, but I just want to place on the record again where our money goes in terms of supply and appropriation. I am referring to the massive increase in unfunded superannuation liabilities under

Treasurer Foley in his first 15 months in office. Just 15 months ago (January 2002), during the election campaign, Treasury estimated that the state's unfunded superannuation liabilities in June 2003 would be \$3.3 billion. That is a significant sum, but the former government, having embarked on a 40 year repayment program, by about nine years into that program had reduced the level of unfunded superannuation from \$4.3 billion to \$3.3 billion—a \$1 billion reduction by the former Liberal government. In just 15 months, under this Treasurer and this Premier we have seen an increase in the state's unfunded superannuation from \$3.3 billion to an estimated \$4.9 billion in four years (2007)—a \$1.6 billion increase in unfunded superannuation.

The Hon. Bob Sneath occasionally likes to squawk about the \$42 million sale of the TAB. Every time the Hon. Bob Sneath wants to talk about that \$42 million, I will remind him of the \$1.6 billion increase in unfunded superannuation in just 15 months of his government.

The Hon. R.K. Sneath interjecting:

The Hon. R.I. LUCAS: Well, you can add all of those together and you won't come to anything more than a minuscule percentage of the increase in the unfunded superannuation liability under this Treasurer and this government, supported by the Hon. Bob Sneath. We are happy to talk about economic performance and economic integrity on every day of the week with the Hon. Bob Sneath and members of this government. The projections in this budget paper indicate an increase in the estimates for June 2003 from \$3.3 billion to \$4.5 billion and, as I said, that \$4.5 billion is then estimated to increase to \$4.9 billion in 2007.

Looking at the budget papers for last year and this year, the explanation is given in part that negative returns are expected on investment outcomes in two years out of every eight. We have seen negative returns for the last two years under this government. What Treasurer Foley needs to explain is why we will continue to see a further blow-out in unfunded superannuation for each year for the next four years as well as for the preceding two years. I assure members that that issue will engage the government and the opposition in significant ongoing debate over the coming three-year period.

Regarding the credit rating that the state used to enjoy, the policies of Treasurer Foley (as senior adviser to former premiers Arnold and Bannon) again threw the state into reverse—from a triple-A to a double-A rating. The former Liberal government saw an improvement in the credit rating from double-A to double-A plus, and we certainly laid the foundation for regaining our triple-A rating in the medium to long term. Any policies of the current government that are geared towards a medium to long-term regaining of our triple-A credit rating, if they are sensible, will be supported by the opposition. With those remarks, I indicate the opposition's support for the second reading of the Supply Bill, and we will support its speedy passage through the upper house.

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

SHOP TRADING HOURS (MISCELLANEOUS) AMENDMENT BILL 2003

Adjourned debate on second reading (resumed on motion).
(Continued from page 2516.)

The Hon. NICK XENOPHON: I rise to support the second reading of this bill. At the outset, I would like to congratulate the minister responsible for bringing this bill to the parliament. I was not here last year (owing to illness) when the first reform bill was brought before the parliament, so I did not have an opportunity to contribute to the debate. I congratulate the minister for raising this issue and for causing a review by a select committee of this parliament of issues relating to shop trading hours. That review involved the major players, and I note that Graeme Samuel of the Competition Council gave evidence. It is interesting to note that Mr Samuel (now the acting head of the ACCC for at least the next 12 months) only yesterday said in the media that he considered that the issue of the power of supermarket chains ought to be looked at by the ACCC.

This is very reassuring. There was a lot of scepticism amongst the small business end of town as to how Mr Samuel would conduct himself as chairman of the ACCC. His initial comments and comments that I heard yesterday on Radio National's *In the National Interest* program indicate that Mr Samuel takes his job seriously, that competition and consumers are to be defined broadly for the benefit of all consumers, and that competition is something that needs to be considered in a way that also looks at the interests of small retailers.

Having congratulated the minister fulsomely, I also congratulate the shadow minister, because he had the courage only a few weeks ago to get up and say that he was about to change his position on shopping hours; that, having heard the evidence, considered the issues and looked at the issue of competition payments, he was prepared to reconsider his position. So, the shadow minister (Hon. Iain Evans) ought to be congratulated as well for looking at a number of the key issues that have made the issue of shopping hours so vexing in this state for so many years.

In the context of the big picture, the Premier (as opposition leader) quite rightly made the point that the issue of bipartisanship is important on issues that affect this state and that there ought to be a bipartisan approach. This is a perfect opportunity for the government to embrace some of the opposition's suggestions—because it appears that they are both travelling in the same direction in dealing with this issue of shopping hours—and to take on board and welcome (rather than spurn) the opposition's new approach in relation to shopping hours.

I am old enough to remember the days when shopping hours were relatively restricted. In fact, I should declare that I paid my way through a number of years at law school by working at John Martins on Friday nights and Saturday mornings when the shops would close at 11.30 on Saturday mornings, and that was in the late 1970s.

The Hon. J. Gazzola: Where is John Martins now?

The Hon. NICK XENOPHON: I do not think that it could be fairly said that John Martins' demise was anything to do with liberalised trading hours—

An honourable member: Or your leaving.

The Hon. NICK XENOPHON: Or my leaving.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! I do not think the honourable member needs any assistance. The honourable member should not be diverted.

The Hon. NICK XENOPHON: The Hon. Caroline Schaefer is being quite uncharitable by suggesting that John Martins' demise had anything to do with my working there. Its demise occurred some years later. Opposition members can blame me for all sorts of things, but I do not think that

they can blame me for John Martins' demise. I think you need to speak to Mr Peter Wilkinson, the former chairman of David Jones in relation to that.

The ACTING PRESIDENT: Order! I suggest that the honourable member would be wise to return to his text.

The Hon. NICK XENOPHON: Mr Acting President, I have my notes and I will stick to them, and thank you for your protection. Whatever we may think of the competition council and about the issue of sovereignty of the states in dealing with issues such as shopping hours, unfortunately, for better or worse, we have competition payments to consider. That is something we simply cannot ignore. A number of people in this chamber—including me—wish we did not have those sorts of imperatives, that the competition council would not stick its nose in matters that many would feel are strictly within the province of the states. However, for better or worse—and this process emanated from the Hawke/Keating governments of a number of years ago—we have to consider the issue of competition payments. At stake is a payment of \$57 million with respect to competition payments. My understanding of the message from Mr Samuel, in his capacity as head of the competition council, is loud and clear: unless we deal with this issue, there is a very real risk that we will lose those competition payments.

I stand corrected, and with the forbearance of the minister in this council I will put a question on notice as to whether the government has allowed for those competition payments in relation to any liberalised shopping hours and whether they have been allowed for in the budget. My reading of the papers is that there is some reference to the competition payments in a broad sense but nothing particularly specific in what is dealt with in terms of competition payments. Has the government allowed for these competition payments in the budget; if so, to what extent and, if not, why not?

At issue here is how we deal with a change that appears to be inevitable, given the position of the government and its bill, and given the opposition and its amendments in terms of dealing with this issue. I note the arguments. A number of days ago, I had a meeting with a number of key players, including Mr John Brownsea from the State Retailers Association who many would say represents the smaller end of the retailing sector. I also met with Mr Stirling Griff from the Australian Retailers Association, Mr Ian Horne from the Motor Traders Association and Mr Christopher Rankin from the Newsagents Association of South Australia.

The message I got from meeting with those individuals is that they appreciate that change is coming but that they want the change to be managed in a way that is as fair as possible for their members. Having said that, I am also aware of the concerns of the union movement, and I have spoken to Mr Don Farrell of the SDA in relation to this. For the benefit of members on this side of the council, I indicate that, when I was a shop assistant, I was a member of the SDA.

An honourable member interjecting:

The Hon. NICK XENOPHON: Have you finished? Good. I have always been of the view that unions have a very important role to play in the workplace. I was a very proud member of the SDA in the years that I worked at John Martins. A number of claims and counterclaims have been made in relation to the shopping hours debate, and I note that the former fair trading alliance, which as I understand it has been disbanded, made reference to its concerns about liberalising shopping hours.

One of the key players in the fair trading alliance was Independent Grocers of Australia (IGA) in terms of its South

Australian stores. It is worth putting on the record what the IGA has said in trade publications interstate. An open letter from the IGA was placed in an advertisement in Victorian trade publications. It was dated 20 September 2002 and was headed, 'Thank you Victoria' from Darryl Watts, the State Manager of IGA Distribution Pty Ltd. The letter starts off by saying:

Dear partner

On behalf of IGA Distribution I would like to thank everyone for making the Victorian Independent industry so successful over the last few years. Together with our retailers, supplier partners, customers and all of our stakeholders we have each experienced tremendous growth and profitable results.

This growth has seen sales increases of 12% on a like to like basis and a total growth of 28.3% over the last year.

There are now over 348 IGA stores, 77 AUR stores, 71 FoodWorks stores and 37 Foodwise stores across the state. The number of Independent stores continue to grow. Store investments and refurbishment is at an all time high. And confidence to develop and expand is directly attributed to the positive performance of the entire business.

They are the first three paragraphs of that letter. My understanding is that there was deregulation of shopping hours in Victoria some time in December 1996. Of course, I might be corrected by my colleagues in that regard. That ought to be placed on the record.

There was a similar letter, dated 2 October 2002, to IGA stores in New South Wales. That again appeared in trade publications. Reference was made there that its growth had 'seen sales increases of 8 per cent on a like for like basis and a total growth of 51 per cent over the last year'. It is fair to say that the independent retailers who initially were so opposed to change in other states where there has been deregulation have said quite clearly that it has not been the disaster that was predicted. Having said that, I am concerned about the impact on small businesses and on employees in the sector.

I have tabled an amendment, to be dealt with in committee, the effect of which is that a business advisory service be established as part of any changes to shop trading laws to provide the best possible professional advice to those small businesses that are affected by change so that they can get the best legal, accounting and related advice to deal with change. That ought to be dealt with. As I understand it, when a question about that sort of hotline or advisory service was put to the Premier a number of days ago, he expressed some sympathy for it. I would like to think that the government would consider that favourably. If the government is going to collect about \$57 million in competition payments, setting up this sort of advisory service—a hotline or even on a face-to-face basis—would cost only several hundred thousands dollars a year, and it would be a wise investment to assist those small retailers who would be affected by the change. It seems that, given the imperative of competition payments—however unpalatable some of us may find them—the issue now is how we manage that change in terms of how it is dealt with.

The Business Advisory Service is an issue I took up with Mr John Brownsea of the State Retailers Association. When I spoke to him about that a number of days ago, he was supportive of that. He understands that that sort of professional advice would be important in assisting businesses to cope with transition and change.

I know one of my colleagues on this side of the chamber did raise the issue of the employees and I think that is important. I know that the Liberal Party in changing its position on shop trading hours considered the issue of

competition payments. It has also been consistent in saying that there ought to be a review of the award process. I note that there is an amendment on file which ensures that there be a review of the award. As I understand it, the amendment is identical to that moved by the Hon. Iain Evans in the other place, which was defeated. The amendment is that parliament direct that there be a review of the award. Before I comment on that—

The Hon. R.K. Sneath interjecting:

The Hon. NICK XENOPHON: I will not be distracted by members on this side of the chamber, because I am listening to your directives, Mr Acting President. Let us look at what the Industrial and Employee Relations Act says in terms of the objects of the act. Section 3 lists the objects of the act including:

- (b) to contribute to the economic prosperity and welfare of the people of South Australia; and
- (c) to facilitate industrial efficiency and flexibility, and improve the productiveness of South Australian industry; and
- (d) to encourage enterprise agreements that are relevant, flexible and appropriate.

Paragraph (n) provides:

to encourage and assist employees to balance their work and family responsibilities effectively through the development of mutually beneficial work practices with employers.

Of course, it relates to issues of fair remuneration which are set out in the objects of the act and, indeed, I think it would be fair to say that it is an underlying theme in that piece of legislation.

One of the concerns of small retailers is that in a deregulated environment they would be at a significant competitive disadvantage by comparison with, for instance, the major retailers such as Coles and Woolworths in terms of awards and the like. In terms of what the Hon. Iain Evans has proposed, that is, that parliament direct that there be a review of the award, as I fairly understand it, the concern of members of the government is that it is not for the parliament to direct the commission to deal with these issues. I think that is something that is quite axiomatic for many with a trade union background and I can understand that concern.

I indicate to members of the opposition that, whilst what they are proposing would not compromise the independence of the Industrial Relations Commission—because, at the end of the day, the commission is independent; it can be told to take a whole number of matters into account (and I will not go through all the matters raised in the amendment to be moved, as I understand it, by the Hon. Robert Lawson in this place)—it is descriptive of the process that occurs in any event under section 99 of the Industrial and Employee Relations Act which deals with the review of awards. Section 99(1) provides:

The commission must review each award at least once in every three years.

My understanding is that the appropriate award for shop employees has not been reviewed in the last three years, so, if a review is triggered, it is an appropriate time, but it is the manner in which it is triggered to which I will refer shortly—and I am very pleased to have the Hon. Robert Sneath's attention. Section 99(3) provides:

On a review under this section, the commission may vary an award to ensure that the award—

- (a) is consistent with the objects of this act—

That is worth emphasising: any review cannot take place unless it is consistent with those objects and the objects are wide ranging.

It takes into account a number of factors in terms of efficiency, but it also takes into account concerns in respect of balancing work and family obligations, which I agree is very important. I believe that paragraph (d) is quite pertinent to this particular industry, given the changes being debated in the context of shopping hours legislation. Paragraph (d) provides:

is consistent with industrial, technological, commercial and economic developments applicable to the relevant industry.

Any changes in shop trading hours are clearly matters that fall under section 99(3)(d) of the act. It is a matter that needs to be considered. If members look at section 99 it states that any review must be consistent with the objects of the act but, as I understand it, the government has an issue with parliament's directing—

The Hon. R.K. Sneath interjecting:

The ACTING PRESIDENT: Interjections are out of order.

The Hon. NICK XENOPHON: I know objections are out of order, but I think it would be fair to say that some members are of the view: why bother with the Hon. Robert Lawson's amendment which mirrors the Hon. Iain Evans' amendment in terms of the review? There is apprehension amongst small businesses about change. One of those concerns is dealing with the transition, getting the appropriate advice and having a Rolls Royce business advisory service, which, on estimates from Mr John Brownsea, would cost no more than \$400 000, to provide a first class service to businesses needing advice on change. I think that is a very small price to pay, given the \$57 million in competition payments. That is an important issue, given that there will be changes and given that there is some bipartisanship on behalf of the government and the opposition in liberalising shop trading hours, given the imperative (whether or not we like it) of competition payments.

In terms of the review of the awards, I can indicate that my preference is not to support the opposition's amendment in its current form because it may be misconstrued, even though I do not consider it to be sinister, as some on the government side would say it is in terms of directing the commission to deal with this issue. A more appropriate amendment may be that, if a party which has a right of standing to seek a review of the award makes an application to the commission and there are certain matters to be considered, they are matters that can be set out in the legislation in a descriptive sense so that there is absolutely no way that they can be considered to be prescriptive. I think that puts it at arm's length in terms of parliament's describing the process in legislation, and if it gives some reassurance to the small business sector, then I see nothing wrong with that.

I also do not think it is unreasonable that there be a reasonable period in which any review takes place. The opposition will move an amendment that there be a review by the end of the next financial year, or that it be dealt with by the end of the next financial year. Unless I hear anything to the contrary from the government, I cannot see what is particularly objectionable about having that sort of time frame, because it does give some reassurance to the small business sector but, at all times, it preserves the integrity of the review of the award process in dealing with a particular issue. It is also worth putting on the record some of the concerns expressed by my friend and colleague the Hon. Ian Gilfillan, relating to the Tasmanian market.

I have seen statistics from the Australian Bureau of Statistics suggesting that the Tasmania retail market has been depressed for some time compared with other states, which reflects some particular issues in that state's economy. I have obtained a table which sets out food retailing and which compares Tasmania with the rest of Australia. It is headed, 'Seasonally adjusted, Annual % Change Compared' and it indicates that between April 2001 and April 2003, effectively, prior to deregulation Tasmania performed poorly compared with the rest of Australia. In fact, there has been a slight pick-up, albeit there is a differential between Tasmania and the rest of Australia. It is worth considering that in the context of this debate. The commentary from Tasmanian Independent Wholesalers states:

TIW acknowledges that it is too early to assess the true impact of deregulation on small business in this state. . . The results represent a 'snapshot' of where the survey participants stand at this point in time.

I note that some questions in relation to a consumer poll could be argued to be leading. For example, questions were asked as follows:

Is unregulated trading hours hurting small shop keepers? Would you support some restrictions on shop trading hours which assists independent traders?

I think these matters can be fleshed out in the committee stage in terms of the impact but, given the imperative of the competition council payments, whether or not we like it, it is a question of coming up with a package that is fair to both small businesses that are concerned about this change and employees in the retail sector. That is why I will be fighting hard to get through my proposed amendment for a business advisory service. That is why I think there ought to be some acknowledgment in the legislation in a descriptive, rather than a prescriptive, sense to let small retailers know there is a mechanism in the act to deal with the award, which is consistent with the objectives of the act and which will ensure the interests of both small retailers and employees of small retailers can be fairly balanced.

I see nothing wrong with an approach that would be seen to, if not facilitate that, at least describe it and give some comfort to the small retailers. I see that as being quite consistent with my view that it is important to have an award system. It does not undermine the award system in any way, and I challenge members of the government to point out how it would undermine that. I do not think it is unreasonable to have a time limit, given the significant changes that will come to the retail sector. That is why I think it is important for members to consider an amendment in that light.

I propose to deal with other issues as they arise in the committee stage, but I think it is important to take a leaf out of the Premier's book (when he was opposition leader, although I am sure he mentions it from time to time) in relation to bipartisanship. We ought to acknowledge the important contribution made by the Hon. Michael Wright in dealing with these issues. He brought it to the forefront. The opposition last year did not come to the party, but, all credit to the Hon. Iain Evans (the shadow minister) in acknowledging there must be change. But let us have change that is fair to all parties involved so that we can bring about change; so we do not miss out on the competition payments, but at least have transitional change that is fair to the parties involved, including not only the employees but also the small business sector in the state.

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

STATUTES AMENDMENT (WATER CONSERVATION PRACTICES) BILL

Adjourned debate on second reading.
(Continued from 29 May. Page 2504.)

The Hon. CAROLINE SCHAEFER: I begin by declaring an interest in as much as my family has a vineyard in the Clare Valley and will be affected by the outcome of this bill. In some ways that can be a difficulty but, in other ways, it can sharpen one's interest in a particular debate. On the surface, this bill is easy to construe as a bill about an emergency situation, in which the state sees itself at the moment as a result of horrific droughts, particularly in the eastern states and the catchment areas of the Murray-Darling Basin. It is not, however, a bill substantially about the River Murray. The River Murray Bill, in itself, construes huge powers to the minister.

This bill extends those powers to water use throughout the state. I acknowledge that the bill has been substantially amended—and for the better, in my view—in the House of Assembly. I further acknowledge that it is absolutely necessary that we pass the bill at this time. However, I express my concern that, in spite of the amendments in the lower house, many powers are confirmed on a permanent basis. The lower house has moved amendments whereby emergency powers are construed for a year and conservation measures for three years before returning to this place. I understand that section 17A, for instance, remains in place in the bill as it is presented to the Legislative Council. As shadow minister for primary industries, I think it is important that there be further debate on some of these measures. The parts of section 17A that remain provide:

- (1) For the purposes of this section, water conservation measures may do one or more of the following:
- (a) prohibit the use of water for a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;
 - (b) prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used.

This section has been substantially amended but, in spite of that, it gives the minister the power to withdraw irrigation rights from someone who may be already irrigating or alter the quantity of water they may use. Further, he may order that a dam be filled in. I can see nothing in this bill that exempts use of water for stock and domestic purposes. If that is the case—and I hope it is not—it is the first time, I think ever, stock and domestic water have not been exempted from measures such as this.

It can indeed mean that the minister may impose on an irrigator when they may irrigate and by what means. I think there would be no irrigator in this state who would not convert to drip irrigation or one of the more modern and efficient methods of irrigation if they had the capital to do so immediately, but that is not always the case, and those people may be put out of business by such a draconian measure. As I see it, under subclause (6) the minister also has the right to dictate the type of crop that may be irrigated on any irrigated area—not just for those using Murray water but any water.

So, under the guise of conservation the minister may proclaim that certain ground water may not be used, what

crop it may be used on, what type of irrigation may be used, when watering may take place as well as, of course, how much water may be used. I will read subclause(6)(a), because I think it is important that people understand this. It provides:

- A regulation or notice under this section may—
- (a) apply in relation to any water—
 - (i) That forms part of the water resources (whether prescribed or not) of the state—

so this may well apply to someone in the north of the state, someone at Melrose, at Kimba or at Lock—

or

- (ii) That is available for use within the state (including through a water reticulation system) but subject to the operation of subsection (5);
- (b) Apply in relation to the whole or any part of the state;
- (c) Apply any measure for a specified period or periods, or indefinitely. . .
- (d) Apply any measure in relation to specified classes of persons or bodies, or generally;
- (e) Specify conditions or provide for exemptions;
- (f) Otherwise make different provision according to circumstances specified in the notice.

As I see it, this means that a regulation or notice can apply to any water, not just River Murray or irrigation water but any water anywhere in the state, even in an un-prescribed area. Under this bill it appears that the minister has the right to restrict water as he or she sees fit if 'supply is likely to be diminished.' Under clause 33A the corporation, which is nominated by the minister, may with the approval of the minister, by notice published in the *Gazette*, do one or more of the following. And, again, this needs to be stressed:

- a. Prohibit the use of water for a specified purpose, or restrict or regulate the purposes for which water can be used;
- b. Prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or means by which, water may be used;
- c. Prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used.

This is a far broader debate than has been brought to most people's notice. This is about permanent control and power over all water usage within this state. This is not, as one would be given the impression, because it was introduced as a matter of urgency, to be debated as a priority as a matter of urgency, so a lot of people in the general public believe that this bill was brought in in order to react to the very grim water supply situation we currently see ourselves in. As such, as I have said, no-one would argue that the bill must pass. But the broader debate needs to be had as to whether any minister or any government should have, does have or in the future will have almost complete power over the use of water, both domestic and commercial, not just in times of emergency but permanently in this state.

There are a number of differing opinions as to how our water should be used. Within my own party there are a number of views as to how water should be used. There is a view in the general public that any control over water use after the prescription of allocations impinges on the right to farm, and that water allocations for ground water should remain with the property that the water is actually under. There have been many examples of both public and private debates in that direction over the past few years. The contra view is that we have a limited and finite resource and that it must be apportioned for the greatest sustainable economic good of the state. That view subscribes to the idea that, if water is not being used but is actually being hoarded, if you like, then there should be access to it for other people who wish to develop.

It is not my position and certainly not my intention to express an opinion but, rather, to alert people to the fact that this bill is not what it seems. This is a bill about very complete control of water resource usage throughout the state and, as such, I believe a much broader and more public debate should take place before this bill is rushed through. As I have said, there is a degree of urgency about restricting water usage in a fair and equitable manner, and none of us would object to that, although initially my queries in this speech were going to be about the manner in which those restrictions are to be prescribed and the manner in which a 20 per cent reduction in use is going to be brought about.

As I have publicly pointed out, many of the irrigators, particularly in the Upper Murray, have already effected quite amazing efficiencies in the past few years. Many of them are using half their allocation: others are using all of their allocation but are producing double what they were producing a few years ago. If a 20 per cent reduction is to be imposed on those people who have already implemented efficiencies, they will be far worse off than those who have not implemented efficiencies. The simple rule of thumb I use is that, if someone who is currently using 50 per cent of their allocation is cut back by 20 per cent, they will in fact have imposed on them a huge reduction in ability to irrigate because they are already at maximum efficiency, and they will be left with 30 per cent of their allocation.

Others who are using 100 or 80 per cent of their water will suffer only a 20 per cent cut also, and they therefore will be left in a far preferable position. I would ask that any reduction be made on a fair basis and that those who are to be most affected in the short term be consulted in a genuine, open fashion. The majority of the growers that I have spoken to are very willing to undertake a temporary restriction in water use. They understand the urgency of the situation.

What I am concerned about is the underlying implication that this bill will solve all the state's water problems and that this minister will solve all the state's water problems (certainly, he will have the power and the responsibility to do so in this bill as it currently stands), and that this far-reaching power appears to be bestowed on him by him—let us not forget that he is also the Minister for Environment and Conservation and also the Minister for the River Murray—without proper public consultation, under the excuse of the emergency created by the current drought. I support the second reading, but I give notice that I will be asking a number of questions as this bill goes through and that I certainly reserve my right to move some amendments, should my party desire that that happen.

The Hon. A.J. REDFORD: I support the second reading of this bill, with some reservation. In introducing the bill the minister said that the government has limited power to ensure that water is used wisely. As members would be aware, over the past years Australia has undergone considerable economic reform through COAG and the national competition policy. This was a policy initiated by former prime minister Paul Keating in partnership with the Bannon government. The reforms have continued apace and, generally speaking, they have had the support of successive governments. One of the cornerstones in so far as water was concerned was the demand to create a water right—a property right. This was embraced by the former government and by the current government, both since taking office and prior to its being elected.

Disappointingly, however, the recognition of the use of water for agriculture and other non-domestic purposes in the guise of a property right has been marked by a theme, that of arbitrary interference with that property right. In that respect I emphasise the word 'arbitrary'. I have become increasingly concerned that the 'wise' use of water can be translated into a policy of the government picking winners. I accept, however, that the government has the right to seek a legislative fiat to ensure that the use of water is (a) fairly available for domestic consumption and (b) environmentally sustainable.

In introducing the bill, the minister further qualified the bill to state that there is a need for 'temporary or short term controls'—

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The level of audible conversation in the chamber is interfering with my ability to hear the honourable member.

The Hon. A.J. REDFORD: In introducing the bill, the minister further qualified the bill to state that there is a need for 'temporary or short-term controls' in response to changing conditions and 'permanent or baseline' controls to ensure minimum levels of water conservation practices. Put in those terms, I cannot criticise the sentiments. However, in my view, I am not sure that these legislative amendments reflect those sentiments accurately, and I am not sure they will not enable the minister or, more particularly, his bureaucrats the tendency—

The ACTING PRESIDENT: Order! I ask that the conversation that is taking place in front of the member on his feet be taken somewhere else, please.

The Hon. A.J. REDFORD:—to attempt to pick economic winners in the allocation of and access to the water resource. The distinction between affecting access for environmental purposes and affecting access for economic purposes may obviously become blurred from time to time. It is difficult. However, the challenge to the government and the parliament is to at least attempt to distinguish between the two, or we are likely to get into the business of picking economic winners. The latter is a path paved with good intentions and disaster.

I now turn to the bill itself. Clause 17A(1) defines a water conservation measure. In my view, the definition of a water conservation measure is flawed in that it will allow the arbitrary determination of 'purposes', 'manner' and 'periods' of use, all concepts inconsistent with the creation of a property right. However, it is tempered in that the measures can be challenged by parliament as a consequence of a regulation-making process, as opposed to an arbitrary decision by the executive government. However, I still have some concerns and qualms about this provision. In that respect I would be grateful if the minister could advise us what were the regulatory options that were suggested to him in dealing with the matters that he particularly wishes to address in relation to this bill.

Secondly, clause 17A(5) sets out some precursors before a regulation can be made, and they are issues that I am sure the Legislative Review Committee, chaired by the Hon. John Gazzola, will take into account should anything happen pursuant to the regulation-making power that will be granted with the passage of this bill. In particular, I would be interested to hear from the minister as to whether he might consider an amendment to that clause to include words to the effect that, in considering the making of a regulation, the minister would have regard to the property rights of water licence holders who might be affected by water conservation

practices. I say that in the context that a water property right is recognised in other provisions in the principal act.

The third issue I would like to raise concerning this bill is clause 17A(7)(d). In this sense, this clause provides that a regulation can apply a measure in relation to specified classes of persons or bodies generally. I have to say that I would view that provision as providing some significant protection to the private property rights of water licence holders, because the section is expressed so that it would apply only to a class, and I think that that is entirely appropriate when one considers the statements made by the minister in justification of this legislation. I would be extremely concerned if the minister was given the right to affect water rights, entitlements or access to a property holder which might be applied arbitrarily or individually.

I know that clever lawyers can define a class to be so small that it might only affect one individual, and I suspect that might be a matter that the parliament or the Legislative Review Committee might consider if a regulation is passed in relation to this bill. However, I would be interested to hear from the minister as to what is meant by classes of persons or bodies and how, generally speaking, he would expect the Legislative Review Committee and the parliament to distinguish the regulation dealing with an emergency or general issue that is not seeking to attack an individual's property rights that COAG reforms were dealing with.

There are also provisions in relation to the Waterworks Act which I have no objection to, but I think I ought to raise them in this context. The access to water provided pursuant to the Waterworks Act is more akin to a consumer or customer relationship with a provider; that is, as a household-er I purchase water from SA Water for my domestic use. I have no proprietary right or property right. I did not pay any capital sum for the purpose of securing access to that particular right, so in that sense I have no objection to the minister being able to make declarations under the Waterworks Act by way of gazette.

I want to make some very general comments about the way in which we regulate the use of water in South Australia and some of the concepts we are dealing with, because there was some discussion about that in another place last week. Water is provided to people in South Australia through two legal means. One is under the Waterworks Act through the device of a customer purchasing water from a water provider (in this case SA Water, but I know there are some parts of South Australia or even the metropolitan area where water is acquired from a private company), and what we have there is a supplier-customer relationship. The second means is by way of property rights, where a person acquires a right to secure access of some description (and I will talk about what sort of access that might be shortly) to a water resource—that can be categorised as access to water by way of a property right.

I believe there are some who hold these property rights who misunderstand the nature and extent of the property right they hold, and I put it in this context. The government is entitled to fairly secure sufficient water to enable domestic consumption to continue, and the legislation as I see it protects that position, and indeed extends it to allow stock in dry-land grazing access to water. The government also quite rightly reserves the right to ensure that access to water, pursuant to a water right, is environmentally sustainable. I do not challenge those two principles. However, I note with some concern that some irrigators (particularly in the South-East) seem to think that if they are given access to water then

they are entitled to a specific volume of water irrespective of the environmental conditions. I believe in those circumstances irrigators are simply asking for that which cannot and should not be delivered.

I believe irrigators are entitled to a specific proportion of the water, but they are not entitled to a specific volume. I have always argued that a share of the water access should be defined in a specific way, and that each year the government should be entitled to gazette what that share would entitle them to, having regard to the environmental conditions such as rainfall, etc. However, there are some places where we have gone to volumetric measurement, and I would argue that, if the government would seek to change the access to water in those cases, there ought to be a formula applied that is across the board. In other words, we do not get into the game of picking winners—we will cut water access for this particular horticultural use but not for that particular horticultural use. I say that because to do otherwise would be to put the minister and the bureaucrats in the position of picking winners.

I know there are a lot of ministers who would hate to get themselves in that position because they know their limitations, but I have to say that there are some bureaucrats who actually relish the idea of using someone else's capital and indicating where they think that capital is best applied. That is a consistent theme of bureaucracies across many portfolios in a significant period of time. I read with some concern the comments made by the minister in another place the other day.

The member for MacKillop raised this issue of water property rights and the impact these emergency powers and other general powers might have on an individual water right. I must say, I read with stunned amazement the comments made by the minister, because while the minister is indicating to us that perhaps he was not the formidable political operative that we, at the commencement of this government, might have thought he was, he has done our judgment of his intellectual capacity no good, with a couple of the comments he made. He said, 'The member talks about water property rights but that is not a phrase I would care to use.' He then goes on to say, 'I do not support the notion of property rights.' I have to say, where was the minister over the past decade? We have had property rights in water for a decade or longer. Yet the minister says that he does not believe in them. I can say this: the legislation incorporates water property rights. I must say that, at the time, I did not agree with it. But I accepted the parliament's decision and I have endeavoured, in debates that have ensued, to recognise the will of parliament in relation to this issue.

The minister's demonstrating such a flagrant ignorance of the way in which water operates in this state sends a chill up my spine, particularly when we look at the powers we are giving the minister in relation to this bill. Indeed, I have a further question. I would be very interested to hear from the minister representing the minister in this place what the minister meant by the statement: 'I do not support the notion of property rights.' I assume he was saying that in the context of water property rights. He then talks about property right and land and he says this, 'Property right and land is certainly a stronger right.' Every time this minister opens his mouth, he demonstrates greater ignorance about the very nature of what a property right is. I would have thought that if one aspired to be a minister of the Crown one would understand the notion of a property right.

I would suggest that the minister would be well served by taking a couple of hours off a week, going down to the Adelaide Law School and sitting in on the Law of Property lectures. They will give him an understanding of what is meant by property law and what it means and what it does not mean. My recollection of my property lectures is that property right is a right to exclude. That is the general definition. In other words, to exclude other people from having access to whatever that might be.

In terms of land, we regulate the use of land in many different ways, a primary objective being that of environmental outcomes. No one argues with that. No one says that because we pass a planning law or some other law that restricts the use of land we are taking away someone's property right. Yet the minister, I have to say when one looks at the contribution he made, seems to misunderstand that completely. I would hope that he would go on a quick course and undertake a very fast learning curve—given the nature and type of bureaucrats that exist in his department, and I have had some dealings with them. They certainly do not understand what a property right is, either.

The Hon. Diana Laidlaw: Or do not wish to understand.

The Hon. A.J. REDFORD: The honourable member interjects: 'Or doesn't wish to.' If that is the case, if some of the things I have done assume even more sinister inferences, then that is extremely concerning.

I am grateful that the member for Chaffey seems to have an understanding of what a property right is, because, in a very polite way—much more politely than I—she made a number of pertinent observations. I commend the minister to read them over and over again and, if he has any questions, that he come to see me or the member for Chaffey to get a bit more of an explanation of the nature of this right because, as the member for Chaffey quite correctly observes:

The property rights of water, whilst they might be fluid (excuse the pun), are also a tradeable right, and in a lot of instances we are working in quite a mature market in South Australia in respect of those tradeable rights, and considerable amounts of money have been paid to access that resource.

The member for Chaffey has it absolutely correct when she makes that observation; an observation which seems to have escaped the attention and the understanding of the minister in relation to his comments.

If I can give the member for Chaffey a bit of gratuitous advice—because she has not had some of the dealings that some of us have had in the South-East—I suggest that she watch this very closely because she will see many of her constituents arbitrarily affected by some of the decisions that are likely to be made in the future unless there is a good understanding of what is a property right in relation to water. I will give members a bit of an example of that in the South-East in a moment. The member for Chaffey correctly observes:

A considerable amount of money is invested in purchasing access to that resource, and any thought of a claw-back would need to take that into consideration.

This legislation, if it is not applied with some degree of commonsense, may well be abused and used to take people's property rights away from them. If we are not successful in convincing the minister and do not take him through a small education process about what is a property right, he may well be putting the member for Chaffey's seat at risk—and that would be disappointing because it has certainly had an adverse electoral impact in the South-East.

I will give members an example of how the department operates as far as this minister is concerned. Mr President, you may well remember that there was considerable debate about the implementation of COAG principles in the South-East as far as water was concerned. There was regular debate as we got legislation going backwards and forwards over a period of time. Minister Hill sat on the select committee which dealt with some of these issues relating to South-East water property rights. After a considerable period of time and a lot of debate some legislation was brought into this parliament. We sought to allocate all the remaining unused water in certain parts of the South-East to all people on a pro rata basis, that is, in accordance with the amount of land that they held. Because it was suggested that these people were not going to use water, it was anticipated that they would pay a nominal licence fee which would reflect the administrative costs of such a scheme: that is, a scheme to hold a water holding licence.

It was envisaged that, if these people wanted to transfer their water holding licence into a licence which gave them access to the actual water resource, there would be an application, a hydrological survey would probably be done, and then that holding licence would be transferred into a water taking licence. That is my understanding of how it was to work. I also understood that the people who held a holding licence would pay a nominal fee. I am sure the Hon. Terry Roberts, who took close interest in this debate, will interject if my understanding of this scheme is wrong, but I think that is what was agreed to by the parliament.

I will tell members what happened, and this is why we need ever vigilant ministers and probably a completely distrustful parliament because of the way in which certain bureaucracies operate. We all knew, as I explained, that water holding licence holders would pay a nominal fee. Mr President, do you know what this department—aided and abetted by this minister (I assume out of ignorance)—has done? It has imposed a water licence fee for a holding licence at exactly the same rate as a water taking licence.

When one looks at the legislation, it is arguable whether the department has the power to do that, but it claims it has, and I am sure that its officers have trotted off to the Crown Solicitor's Office and he has said that that is not objectionable, and I am sure they have gone back to the minister and felt very proud of themselves. I am absolutely disgusted with the way in which this department has obviated the obvious intention of a lower house select committee, the House of Assembly and the Legislative Council. I have absolutely zero (nil, none) trust in the bureaucrats in this department because they have thumbed their nose at the intentions of parliament.

I would be very interested to hear from the minister in another place in his reply—and I know he would be exceedingly disappointed having heard what I just said—why he allowed this department flagrantly to go against the spirit of what we all agreed (it went through this place unanimously) was the attention. As members of parliament, if there is one thing we have to do it is to protect our constituents and, on occasions, our ministers from the excesses of bureaucracy. Perhaps we need to have a very careful look at these provisions in the context of a department that completely goes against what was said to be the intent of parliament on an earlier occasion.

I endorse the comments of the Hon. Caroline Schaefer. I urge the minister to get some understanding of property rights, and I look forward to the minister's response to my concerns about this bill and whether we as members of

parliament can in any way trust his department with any discretion having regard to the fact that it seems to have little regard for the intent of members of parliament, evinced by what we say and, ultimately, as evinced by a difficult select committee. I am extremely interested to hear the minister's answers to some of the questions that I have raised.

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

DINNER ADJOURNMENT

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That the sitting of the council be suspended until the ringing of the bells.

Motion carried.

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 me to move that the motion moved for the suspension of the sitting be rescinded.

Motion carried.

ADJOURNMENT

The Hon. P. HOLLOWAY: I now move:

That the motion moved for the suspension of the sitting be rescinded and that the council do now adjourn.

We were to come back tonight to debate the River Murray Bill, but I understand that not all the members who can contribute to the bill—

An honourable member interjecting:

The Hon. P. HOLLOWAY: No, the people are ready. One of the members who has some amendments to move to this bill has informed the whips that they will not be available tonight. In that case, we will have to come back and deal with this matter tomorrow.

Motion carried.

At 6.02 p.m. the council adjourned until Tuesday 3 June at 2.15 p.m.