

LEGISLATIVE COUNCIL

Tuesday 24 February 2004

The **PRESIDENT (Hon. R.R. Roberts)** took the chair at 2 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

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

Regulations under the following Acts—
Electricity Act 1996—Electricity Supply Industry
Planning Council
Fisheries Act 1982—One Licence Restriction

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

Regulation under the following Act—
Survey Act 1992—Geodetic Datum.

DRINKING, UNDERAGE

The **Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries)**: I table a ministerial statement on the subject of underage drinking in clubs and pubs made by the Premier today.

EUROPEAN WASPS

The **Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation)**: I table a ministerial statement on European wasps made by the Hon. Rory McEwen.

QUESTION TIME

EXPORTS

The **Hon. R.I. LUCAS (Leader of the Opposition)**: I seek leave to make a brief explanation before asking the minister representing the Minister for Industry, Trade and Regional Development a question about exports and the Department of Trade and Economic Development.

Leave granted.

The **Hon. R.I. LUCAS**: Members will recall that over the Christmas and new year period there was a public debate about export figures in South Australia. Without going into the details, the Liberal Party highlighted some concerns from its viewpoint. These included a worrying drop in export figures. On behalf of the government and others, the minister took a different view about the issue. As part of that debate, on 3 January the minister issued a statement entitled 'South Australian government focusing on long-term export strategy'. In the statement the minister said the following:

It is important to understand that export figures fluctuate from month to month and year to year and the important thing is to keep our eye on our long-term strategy. The previous government never had an export strategy. The Rann Government has developed the first the state has ever had and it is one that is being industry-led.

Not being permitted to comment on those things, suffice to say that that is not a statement with which Liberal members in this chamber and elsewhere would agree. Nevertheless, we can debate it on another occasion.

I was told by a senior officer within the Department of Trade and Economic Development, the minister's own

department, when I asked for a copy of this 'first-ever' export strategy—which had been developed and personally led by the crusading Minister for Industry, Trade and Regional Development—that there was no existing document which could be provided to me.

The second part of the statement which I have quoted refers to the fact that the Rann government has developed the first export strategy that this state has ever had and it is one that is being industry led. A number of people have commented that that statement in itself is entirely inconsistent because it indicates that the Rann government has developed the strategy and then goes on to say that it is one which is being led and developed by the industry. To clarify, my questions are:

1. Will the minister provide the parliament and the opposition with a copy of what he claims to be the first ever export strategy developed in South Australia's history?

2. Can the minister clarify what he meant by his statement 'The Rann government has developed the first this state has ever had and it is one that is being industry led'? Was this export strategy, that he was going to provide the parliament with a copy of, developed by the Rann government or was it a strategy developed by industry?

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

JUVENILE JUSTICE ADVISORY COMMITTEE

The **Hon. R.D. LAWSON**: I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question about the Juvenile Justice Advisory Committee.

Leave granted.

The **Hon. R.D. LAWSON**: In the latest annual report of the Juvenile Justice Advisory Committee tabled in this place, the committee records some reservations it has about the funding provided to it by government. I remind the council that the Juvenile Justice Advisory Committee is established under the Young Offenders Act. It has functions which include: monitoring and evaluating the operation of the Young Offenders Act (including the giving of formal cautions by police officers); collecting data and statistics in relation to the administration of juvenile justice; to advise the minister, in this case, the Attorney-General, on issues relevant to the administration of juvenile justice.

The report records that, on 5 March 2003, all members of the committee met with the Attorney-General and discussed with him whether the role and responsibilities of the committee could properly be fulfilled by it having regard to the part-time nature of the membership of the committee and also the absence of resources and direct support. My questions to the Attorney-General are:

1. Does he agree that the Juvenile Justice Advisory Committee fulfils an important function?

2. Is the government prepared to provide resources to the Juvenile Justice Advisory Committee such as to make its operations effective and, if not, why not?

3. Does the Attorney-General support the continued existence of the Juvenile Justice Advisory Committee, or does the government propose amending the legislation to abolish it?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Attorney-General and bring back a response.

FRUIT FLY

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

Leave granted.

The Hon. CAROLINE SCHAEFER: My colleague the Hon. John Dawkins over the past few months—if not years—has continued to ask a series of questions in regard to random inspection for fruit flies entering this state. Over a long period of time, I have also been provided with information in relation to this matter. Recently, I was provided with correspondence between the Citrus Growers of South Australia, the Chief Executive of PIRSA and the minister dating back over the past several months. On 23 December last year, the Citrus Growers of South Australia presented a proposal to PIRSA offering to provide part of the money towards a project entitled Data Collection of Fruit and Plant Material Movement into the Riverland of South Australia Project. The citrus growers presented that proposal to PIRSA, offering to provide part of the money towards the project themselves and seeking matching funds from the South Australian government and Horticulture Australia.

The aim of the project is to initially survey the travelling public to identify major sources of fruit fly host and other prohibited plant material illegally entering the sector and to evaluate the effectiveness of current and proposed quarantine activities and public education programs. The project outlines a number of specific issues, which include: the effectiveness of roadside signage; the effectiveness of hours of operation of the current roadblocks; the level of risk posed to South Australia by the increasing fruit fly outbreaks in the New South Wales Riverina area and north-west Victoria; the effectiveness of metropolitan Adelaide quarantine areas; the effectiveness of the tri-state fruit fly public awareness program; and the effectiveness of the South Australian Phylloxera Board's public awareness program.

As I said, the proposed project was to be funded over a three-year period, concluding in June 2006, using voluntary contributions from the Citrus Growers of South Australia, the Citrus Board of South Australia, the Riverland Wine Grape Growers and the Riverland Fresh Fruit Growers, with equal contribution from the South Australian government and Horticulture Australia. Initially, this project was to commence in October 2003, but there have been inordinate delays in progressing the project and finalising any contractual arrangements with PIRSA and Biometrics South Australia. Commencement of the project is now sought for July 2004.

The initial requirement was for the commencement of mobile random roadblocks throughout the region but, in spite of PIRSA advertisements stating that random roadblocks operate in South Australia, no such roadblocks have commenced. In desperation, the citrus growers have even offered \$5 000 of their own money to progress such mobile roadblocks. After almost two years, the roving roadblock caravan is still not completed and the excuses as to why are quite innovative, to say the least. The citrus growers and other peak bodies are increasingly cynical as to the government's commitment to this project. My questions to the minister are:

1. Can he explain the obvious delaying tactics of PIRSA in implementing this project?

2. When, after nearly three years of negotiation, does he anticipate the random roadblocks caravan will be completed?

3. Is PIRSA delaying in order to introduce full cost recovery for fruit fly inspection, as is feared by the growers in the region?

4. Does the minister agree that biosecurity for plant material includes protection from fruit fly and therefore is a major priority for his department? (It is even part of both the ALP platform and policy.)

5. If so, what action does he, as minister, intend to take to see that the project, as outlined by the citrus growers, is progressed as a matter of urgency?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The fruit fly program is, indeed, very important to this government. I think we spent in excess of \$5 million on the biosecurity program, and there is very little cost recovery indeed from that program, even though the industry is nevertheless a significant beneficiary—as are also, of course, the domestic fruit growers within the city.

I think one should comment at the outset, while talking about fruit fly, on just how successful the programs have been in recent years. Last year was the first year in many when we went through almost the whole year without an outbreak. One occurred very late in the year—I think in May or June; certainly, it was very late in the season. So, in fact, the program has been relatively successful in this state and, of course, just yesterday I announced a further development in relation to the ongoing progress of the fruit fly program, and that is that we will release over one million sterile fruit flies per week in the Unley region and endeavour to gauge the dispersal of fruit flies and the effectiveness of that strategy in terms of dealing with outbreaks.

So, this government has had an ongoing, very strong commitment to the fruit fly program. It is a very expensive program and there has been limited contribution in the past by the principal beneficiaries of that industry. Members will know that in 1996 the former cabinet signed up to a cost recovery program for horticulture and, of course, the shadow minister has criticised me in recent days for implementing the very policy that her colleagues introduced in principle back in 1996. However, the government recognises that this is a significant program for the entire community and has been happy to fund it.

But there are a number of issues involved in the best way to deal with the potential threat from fruit fly. In her question the honourable member talked about the tri-state agreement. There are obviously issues in relation to that. As the shadow minister correctly pointed out, there is some concern about outbreaks within the New South Wales sector and the commitment of that state to those agreements.

Nevertheless, those states, such as New South Wales, do recover significantly higher costs from their industry in relation to the operation of some of those programs. The honourable member would be aware that last year there was a trial program in relation to random roadblocks. The Hon. John Dawkins asked me a number of questions about that and about the results of it. I think that I supplied him with those results that were looking at how much fruit was taken into the Riverland region from the city because, of course, that does present a very significant risk to one of this state's most important horticultural regions. The produce that we export from the Riverland region is worth some hundreds of millions of dollars to this state.

Certainly, as a result of the information that we gained in that instance, PIRSA has been looking at the options for the future. However, I come back to the point I made at the start of the question: there has been significant success in relation to the fruit fly program in this state—significant success. In fact, the number of fruit fly outbreaks here has been relatively low in the past year or two, and I hope that that remains the case. As for the future, obviously, we are looking at a number of those options and they will be considered, like all other proposals, in the budget context.

However, a limited amount of money is available to the government in all these areas. There is no shortage of demand but there is a shortage of available resources. Within the very significant biosecurity budget that is put up within the Department of Primary Industries and Resources of South Australia, we will ensure that that money is spent as wisely as possible to get the best results. If that requires some extension to random roadblocks, that is what we will do. If it is considered that the money is better spent with the existing arrangement, we will continue with that arrangement.

The Hon. CAROLINE SCHAEFER: As a supplementary question: why have the citrus growers of South Australia received no reply to their offer on 17 November last year to pay \$5 000 of their own money immediately to implement random roadblocks at that critical time of the year?

The Hon. P. HOLLOWAY: Sadly, \$5 000 would not go very far. As I explained earlier, the government spends about \$5 million in its biosecurity and plant quarantine programs, and the fruit fly programs are a very significant proportion of that. Some random checks were made last year, and that was with some contribution—

The Hon. J.S.L. Dawkins: It was actually about two or three months after you were elected.

The Hon. P. HOLLOWAY: Sorry; it was 2002. That was funded by the industry and, as a result of that information, we have been assessing it. I think that the answer is that governments—as the honourable member should know as a former minister—just do not have idle funds available. Any new programs need to be assessed within the budget process. That is standard government practice. With respect to the future of our fruit fly program, I have had a number of discussions with the citrus growers about these issues, and I am sure that I will have plenty of discussions with them in the future as they will be discussing it with the department.

We are always looking at ways in which we can make our biosecurity programs more effective. Let me say that fruit fly is not the only issue at the moment in relation to the plant biosecurity area. We have been discussing other issues with the citrus growers in relation to further plant quarantine measures to protect the industry in this state. In fact, we are in accordance with developments in other states. We are examining the whole plant quarantine area to ensure that we can get some more effective and up-to-date systems which cost less to implement but which are more effective. That is what we have been working on with those particular industries, and the citrus industry is a key part of those discussions.

The Hon. J.S.L. DAWKINS: As a supplementary question: given the obvious concern demonstrated by industry groups, will the minister indicate whether he will ensure that the implementation of random fruit fly roadblocks occurs as soon as possible?

The Hon. P. HOLLOWAY: Again, it comes back to the point that, if we are to operate within the significant existing

resources that are available in this state in the plant quarantine area, will we put those resources in there, or will we take them from somewhere else? If we are to do that, we need to ensure that the random roadblocks will be more effective than any alternative. We are considering what we can do.

I also indicate that obviously some other industrial and other issues need to be settled as part of any changes, and we are considering those, too. As far as I am concerned, we have to see whether there is evidence that random roadblocks will have a better result (and remember that we had only one outbreak in the previous season, and this year we have had only one, so the record has been very good in recent years). There are other ways of addressing these problems, such as sterile fruit flies, which we are trialing at the moment. Roadblocks really have to prove themselves in the range of weapons that are available to government.

Members interjecting:

The Hon. P. HOLLOWAY: Well, we did have the trial and we have the results. However, if we had to take resources away from existing areas to put into that measure, we have to ensure that we get an improvement.

LOCUSTS

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about locusts.

Leave granted.

The Hon. G.E. GAGO: A potentially serious locust outbreak, which generally occurs around January, is developing after heavy and widespread rain over much of southern Queensland and northern New South Wales. I understand that these locusts, if they are not controlled where they are now, could migrate and pose problems to other states. My question to the minister is: can he advise the council whether there is any likelihood that this situation will affect South Australia?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for her question. Following on from my answer to the previous question, I think this illustrates that significant quarantine and biosecurity issues face this state. Unfortunately, they seem to be growing in strength all the time and putting a greater demand upon the budgets of all state governments.

Specifically, in answer to the honourable member's question, I can tell her that the Australian Plague Locust Commission has just issued another locust report, and the situation is deteriorating. The commission has now had a chance to survey previously very wet areas, and it reports very significant locust populations in south-west Queensland. This area is a traditional source area for locust problems in South Australia. Currently, there are estimated to be 1 000 square kilometres of targets in this area and further surveys are likely to indicate more infestations.

The commission has commenced control activities, but access to many targets is difficult as a lot of water still remains in creeks and rivers. The Australian Plague Locust Commission's current prediction states:

There is a high risk of major swarm migration from south-west Queensland into other areas of Queensland and adjacent states (New South Wales and South Australia) from mid March.

Based on this information, I am now advised that the risk is now medium to high of an invasion into South Australia this autumn and a spring plague. At this stage, the strategy is:

(1) liaise regularly with the Australian Plague Locust Commission about the situation in Queensland's channel country;

(2) wait until there is evidence of movement of the locusts, possibly in late March or April. The existing network of pastoralists and feedback from the commission will stand us in good stead in this regard;

(3) if locusts arrive in areas such as Quorn or Hawker, etc., PIRSA will carry out autumn surveys; and

(4) by early May all survey information and any other details will be assessed to make a decision on planning for a spring campaign. This would leave May to September to plan.

Of course, as events unfold, the strategy would be altered to take into account any change in circumstances. In addition, the severe locust problem that occurred in 2000 will provide a sound framework on which to mount any future campaigns, as that program dealt with the problem very successfully. So, we will monitor the situation.

DRINK SPIKING

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Justice, a question about drink spiking.

Leave granted.

The Hon. SANDRA KANCK: In November last year the Australian Institute of Criminology set up a national research project aimed at investigating the nature and extent of drink spiking in Australia. Drink spiking has also been identified as a priority by the ministerial council on drug strategy. In West Australia a drink spiking investigation project—a partnership between police, hospital emergency departments and pathology laboratories—has been established. The purpose is to improve hospital protocols in dealing with drink spiking and improve testing procedures in order to find the forensic evidence to confirm drink spiking.

Symptoms of drink spiking mimic drunken behaviour. Medical staff may not suspect other substances are present and, as a consequence, patients are treated as if they are simply intoxicated by alcohol. A young man who had his drink spiked at a private party in a community venue told me that he did not suspect drink spiking until he felt a little better the next day. Despite having attended an accident and emergency department while affected, they gave him no indication that drink spiking could have been involved. When he contacted the hospital again he was merely told that no tests were available in South Australia to check for substances which could have been used to spike his drink. My questions to the minister are:

1. Have details on the number of South Australian cases which have been reported to the national drink spiking project been provided to SAPOL?

2. How many reports of drink spiking have been made to police in South Australia over the past three years?

3. What screening tests are currently available for people attending public hospitals who believe that their drink may have been spiked?

4. What strategies are in place to prevent drink spiking incidents, increase reporting of such incidents, and provide effective treatment to victims?

5. Are sexual assault cases monitored for client reporting of suspected drink spiking? If so, how many such cases have been reported in the past three years?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for her important questions. I will seek a response from the Minister for Police or other relevant ministers and bring back a reply.

The Hon. NICK XENOPHON: I have a supplementary question. Would the minister also refer to the relevant minister: what is the protocol in public hospitals if a person believes that they have had their drink spiked? Is that matter investigated as a matter of course?

The Hon. P. HOLLOWAY: I will also refer those questions to the relevant minister.

THINKERS IN RESIDENCE PROGRAM

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Premier, questions regarding the Adelaide Thinkers in Residence program.

Leave granted.

The Hon. T.G. CAMERON: In March 2003 the Premier launched the Adelaide Thinkers in Residence program. This program brings world leading thinkers to live and work in Adelaide to assist in the strategic development and promotion of South Australia. The thinkers undertake residences of between two and six months, during which time they attempt to assist South Australia build on its climate of creativity, innovation and excellence. The thinkers are meant to provide the state with strategies for future development in the arts and sciences, social policy, environmental sustainability and economic development.

The Department of Premier and Cabinet provides about 50 per cent of the funding required to meet the costs associated with the appointment of thinkers, with the rest coming from sponsorships. I understand \$500 000 a year has been set aside for the program in the first term of the Labor government plus an additional equivalent coming from private industry. So far four appointments have been made including Professor Susan Greenfield, a leading expert on the human brain; Charles Landry, an expert in urban renewal and development; and Herbert Girardet, a specialist in making cities sustainable.

While I support the 'Thinkers in Residence' concept and believe that their ideas may well be imaginative, I would like to know whether the government is intending to act on any of them, or whether this program is simply window-dressing. The Institute of Public Administration (IPAA) president, Mr Gary Storkey, was quoted recently in the media as saying that, while the idea has merit, whether this was being spun into successes was another question. He said:

We've got the thinkers coming into Adelaide and we need to make the most of these people. How do we concert that into implementation in order for South Australia to succeed? That is where we think the gap is. We need to focus on turning these innovations into outcomes. It is good to have this, but it's no good for these people to go away and have nothing happen.

Therefore, my questions to the Premier are:

1. What are the recommendations each of the thinkers in residence has provided to the government?

2. Of these, which recommendations have been implemented, which ones are under consideration and which ones have been rejected and what were the reasons for the recommendations, acceptance or rejection?

3. Will the government be releasing an annual progress report or any report on the success of the program and will it be tabled in the parliament?

4. Which companies have donated to this campaign and how much have they donated?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his detailed question. The government certainly takes the reports from thinkers in residence very seriously and acts on the recommendations, and has done so in relation to a number of those thinkers in residence already. I will get further details for the honourable member. One thinker in residence the honourable member did not mention was Maire Smith from the University of Manchester, who runs one of the big biotech units in that particular region. Her visit to this state was sponsored in part by PIRSA, my department, and she will be returning to the state later this year. I found that her recommendations in relation to advancing bioscience in this state and gaining the economic benefits from that very important indeed.

I will be taking action in relation to some of those very useful and important recommendations that Maire Smith made as a result of her visit. I look forward to her return visit later this year. The thinkers in residence is a great idea that has been instituted under this government and will have very important benefits for this state, not just from the recommendation these thinkers make but during their presence here they meet a number of our local leaders in business, universities and government and have a significant input.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: That is not the case. That is the sort of comment you would expect from the Hon. Angus Redford.

The Hon. T.G. Cameron interjecting:

The Hon. P. HOLLOWAY: And the Hon. Terry Cameron.

The PRESIDENT: We could do with a few more thinkers in residence here and a few less talkers.

The Hon. P. HOLLOWAY: The sad thing is that that sort of cynicism has dogged the state for so long and one of the things that the Rann government, the Economic Development Board and everyone else is trying to turn around is that sort of cynicism that South Australia is no good and cannot do anything. We will turn that around and this is one of the very good ways we are doing it. Many of those recommendations will be adopted by this government.

PUBLIC SERVICE ASSOCIATION STRIKE

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Corrections, representing the Minister for Industrial Relations, Racing and Sport, a question on the topic of the Public Service Association strike.

Leave granted.

The Hon. T.J. STEPHENS: Today the Public Service Association escalated its industrial campaign against this government, with services being disrupted in the State Library, Housing Trust, Lands Title Office, state dental clinics and vehicle inspections. This comes on top of actions affecting government revenue such as mobile speed cameras and affecting the personal safety of people through disruptions to correctional services, hospitals, pharmacies and public housing. The council will also recall that last year was one of the worst in a long time for industrial disputation across a variety of sectors and this year appears to be heading the same way. My questions are:

1. When will the minister settle this dispute so that valuable government services can be delivered with some sense of normality?

2. Why is the minister allowing his union buddies to run rampant with disruptions to important public services?

3. Given that the minister is also the Minister for Racing, what odds does he give himself of surviving the ministerial reshuffle?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): Someone said the Hon. Angus Redford had only one good line, but he had two, given his interjection on his colleague. I will refer those questions to Minister for Transport in another place and bring back a reply.

The Hon. D.W. RIDGWAY: I have a supplementary question. Will the minister compensate businesses that are having long delays in vehicle inspections because of the current industrial action?

The PRESIDENT: What part of the answer did that supplementary question relate to?

The Hon. D.W. RIDGWAY: As much as the answer, Mr President.

The PRESIDENT: The supplementary question must relate to the answer.

The Hon. T.G. CAMERON: I have a supplementary question. Will the minister for labour seek some advice from three former trade union secretaries that he has sitting here in the Legislative Council?

STATE PROCUREMENT LEGISLATION

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Administrative Services, a question about the state procurement bill.

Leave granted.

The Hon. J.M.A. LENSINK: The government's state procurement bill was tabled in the House of Assembly on 12 November 2003. In his second reading explanation, the minister stated that the objective of the bill is to:

... modernise the legislation to take account of the increased complexity of today's relationships between the government and the private sector.

I emphasise 'the government and the private sector'. The government has acknowledged that the previous Liberal government amended the State Supply Act 1985, but the Labor Party had concerns which it raised in October 2001. They are as follows:

... no comprehensive across-government policies and procedures... had been developed...

Presumably, in government, this is what the Labor Party thinks it has done. I have been contacted by people in the community services sector, which falls under the responsibility of the Minister For Social Justice, who believe that their specific concerns regarding the appropriateness of the application of the new bill were not able to be incorporated because nobody asked for their opinion. These are concerns that relate to issues specific to the community services sector (I cite aged care and foster care as two good examples), whereby contracts are not just about the price per unit of service but a whole range of complex issues regarding quality of service delivery and client outcomes.

I am informed that, within the Department for Human Services, the Strategic Procurement Unit was consulted and its views incorporated but that neither the Minister for Social Justice nor any unit within her department (such as housing or FAYS) were consulted. My questions to the minister are:

1. Did the government actually consult with all sections of the government affected by this bill before tabling it in parliament last year?

2. Did the government consult the Social Inclusion Unit?

3. Have any non-government organisations expressed concerns or reservations about this bill?

4. Have any of the above-mentioned sought amendment to the bill?

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

FISHERIES, COMPLIANCE BOATS

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

Leave granted.

The Hon. CARMEL ZOLLO: The fisheries patrol vessel, the *Tucana*, is a relatively old vessel. It is important for the adequate enforcement of fishing laws that fisheries officers have appropriate vessels with which to operate. My question to the minister is: what plans does the government have for the replacement of the *Tucana*?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Members may have noticed a request for a proposal for the replacement of the *Tucana* in yesterday's *Advertiser*. I am pleased to tell the council that South Australia's fishery compliance officers will soon have a new surveillance boat. Primary Industries and Resources SA is seeking tenders to replace the 12-year-old patrol vessel *Tucana*. The new boat and its crew will provide offshore surveillance, services to the state's commercial fishing industry, to commonwealth fisheries managed by the Australian Fisheries Management Authority, and to the recreational fishing sector.

The operation of the offshore patrol vessel is an essential component of PIRSA Fish Watch compliance operations aimed at ensuring the sustainability of fish stocks for future generations, for the benefit of industry and the recreational sector and to the community in general. With the predicted growth of the fishing industry over the next decade, the role of the offshore patrol vessel is expected to become even more strategically important in managing the resource.

The current role includes general surveillance of fishing zones, as specified under service level agreements with industry and other agencies; a tactical surface response to reports of suspected illegal fishing activity, including Fish Watch reports and follow-up to the vessel monitoring system; an operational presence in fishing zones based on analysis of gathered intelligence; assisting in the collection of intelligence with respect to suspected illegal fishing activity; patrolling the state's marine parks and contributing to the maintenance of their integrity; contributing to the education of fishers in the community in all aspects of fisheries management and fisheries legislation; and, finally, to provide a deterrent to illegal fishing. This role will continue with the new boat and allow them to carry out these activities further off shore.

The new fisheries patrol vessel is to replace the *Tucana*, which has had considerable ongoing maintenance costs in its upkeep due to its age. The boat also is inadequate in terms of speed and capability compared to vessels suspected of engaging in illegal fishing activity. So, this is just another contribution that the Rann government will be making to improve the fisheries compliance.

I think it is appropriate at this point to remind the council that the new fisheries boat for the Whyalla region will soon be ready. So, as well as letting this contract for this important new offshore vessel (which will be some 20 to 22 metres, I think, for deep sea surveillance), as well as this major new vessel that is being added to the Fish Watch fleet, we are also, of course, building a new boat for the Whyalla region. The new vessel will be used to patrol waters in the top end of Spencer Gulf, and will have the capacity to work from Whyalla across the gulf to Port Pirie and Port Broughton and northwards to Port Augusta.

The vessel will be supplied on a custom-built trailer and, therefore, will also be towed to other locations to be part of other coordinated fisheries patrols. The Whyalla fisheries compliance officers live and work in Whyalla and the new boat under construction (which is a 6.7 metre vessel) will be housed in a new purpose-built facility at Whyalla. This will ensure the fastest possible response time to investigate alleged offences against fisheries legislation in the Whyalla region.

So, the insinuation last week by the shadow minister that fisheries officers who operate the boat will be based in Adelaide is completely without foundation—just like some of the other things that we heard last week. The shadow minister has not had a good week. She was wrong about the fisheries officers in Whyalla, she was wrong about the off shear lice treatment and she was also wrong about the Mining Act review, which did not happen under the previous government. Perhaps Rob Kerin was wrong to make her a shadow minister. I thank the honourable member for the opportunity to provide this information to the council about the very significant contributions that the Rann government is making to greater fisheries compliance with the construction of these new vessels.

SUMMARY OF ENVIRONMENTAL LEGISLATION: PRIMARY PRODUCTION IN SOUTH AUSTRALIA

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries a question about the Summary of Environmental Legislation: Primary Production in South Australia.

Leave granted.

The Hon. IAN GILFILLAN: On 20 February 2004, an article entitled 'Law of the land. New 'plain English' advice for farmers' appeared on page 21 of *The Border Watch* (the South-East/Mount Gambier newspaper). The article stated:

A new 'plain English' report has been released to help South Australian farmers understand environmental laws for the state's farms. The 'Summary of Environmental Legislation: Primary Industry in South Australia' will give producers current advice and a clear explanation of legislation applying to farming and natural resources on farms.

Agriculture, Food and Fisheries Minister Paul Holloway said the report identified critical areas facing farmers in environmental management, along with the minimum requirements required by law. 'Farmers can often be faced with a huge volume of detailed legislation, so we wanted to make the report a concise guide to good

agricultural practice, remove a lot of the overly legal and technical terminology and make it reader friendly,' Mr Holloway said.

He also goes on with a very interesting and worthwhile description of this document, as follows:

The document is available by contacting PIRSA's Elliot Dwyer at PIRSA on—

It then gives the telephone number and an email address. A constituent of mine sent an email to that address stating:

Referring to article on page 21 of *The Border Watch* on 20th. Feb. Could you please send me a copy?

The reply came back:

Hello Ron. Thank you for your email. The Summary of Environmental Legislation for Primary Production in South Australia covers SA and Commonwealth legislation, and is available on CD (HTML format) for \$77.00 per copy including postage—

of course—

handling and GST. It is also available—

and this is the good news part—

in hard-copy/paper form (about 300 pages) for \$330.00 (incl p, h and GST). Could you let me know what form you would prefer?

My constituent emailed to me the following:

Well blow me down. The article in the paper says Mr Holloway has released a farmer 'plain English' report to assist farmers but is only available if we pay. Did the department do a market survey before spending hundreds of thousands of dollars producing the document? I thought we already employed the department to provide a service.

My questions to the minister are:

1. Does he believe that it is a 'reader friendly service' to provide this document at either the option of \$77, if you are going to use a computer, or \$330?

2. Did the media statement (that I assume the minister put out, because there are some very comprehensive quotes) indicate that there would be a cost to farmers? If so, what detail was included in the media statement? If not, why not?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will check on the press statement: it is certainly my understanding that it did have the cost in it. The plain English versions that have been developed by Rural Solutions have obviously taken a very significant amount of time and effort because they are such a comprehensive coverage of all legislation that would have an impact in the primary sector. In fact, there are something like three volumes of them in the hard copy version.

If one were to get information in the form of a plain English guide to other areas of the law—and they are available commercially from various bodies—one of course has to pay for them to recover the significant costs involved in their preparation. So, what is being offered here is really no different to what has been provided in other areas. But I think those documents will be particularly useful to those who can benefit from their services, which will be most people in the rural sector. I think that it is only appropriate that Rural Solutions, which has prepared these documents, should recover its costs in relation to them. As for the first sector—

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

The Hon. P. HOLLOWAY: That remains to be seen, but I suggest that the honourable member should look at the documents, and I am sure he will be most impressed by them. As I said, certainly I was aware that those costs applied, and I believe that they were mentioned in the press statement. I will check that and get back to the honourable member.

The Hon. T.J. STEPHENS: I have a supplementary question. Given the exorbitant cost, how many copies have been sold to date?

The Hon. P. HOLLOWAY: I do not believe that the costs are exorbitant for the calibre of the publication and the amount of effort that was involved. But of course, they have only just been released.

An honourable member: Well, how many have been sold?

The Hon. P. HOLLOWAY: As I said, they have only just been released, as the Hon. Ian Gilfillan said, in the past few days. I do not actually track the sales, but I will look at that. I think this is an unfortunate question, when my department has produced a service for which there is obviously a need. I do not think anyone would suggest that the laws in relation to primary production are anything other than complex.

Members opposite are always complaining to us about how difficult and complex legislation is for the farming community to understand and then when we provide a service at significant expense we are criticised for it. Members opposite are just a total mob of knockers and whingers. Is it any wonder they were thrown out at the last election, and they are unlikely to come back for a long time.

The Hon. A.J. REDFORD: As a supplementary question: will the minister advise how much he has budgeted to receive from sales of either the hard copy or the downloaded copy?

The Hon. P. HOLLOWAY: I will take that question on notice.

The Hon. J.F. STEFANI: As a supplementary question: will the minister advise how many hard copies were printed, and also the number of the others that were printed, and would he indicate whether I could obtain a copy for nothing?

The Hon. P. HOLLOWAY: I will get that information and consider whether they should be provided to members of parliament because, obviously, many members opposite have a lot to learn and could greatly benefit from having a copy. I will consider that.

ABORIGINAL SPORTS COMPLEX

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Premier, a question about the construction of a multipurpose sport and recreational facility for Aboriginal young people?

Leave granted.

The Hon. A.L. EVANS: As part of the government's response to the SA Drugs Summit, a range of 14 new initiatives was announced last year. One of the initiatives announced under the government's 'Prevention through Building Resilience' was a prevention strategy to create safe environments for young people in relation to sports and recreational activities. Under this initiative the Department for Aboriginal Affairs and Reconciliation will lead a process with other Aboriginal organisations in investigating the feasibility of establishing a multipurpose facility for Aboriginal sport, recreation and education in the Adelaide metropolitan area. New funding to the amount of \$100 000 has been made available to complete the work. My questions are:

1. Will the minister advise when the feasibility study is scheduled to commence?

2. Will the minister advise of the completion dates for the feasibility study?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I am not 100 per cent certain who the responsible minister is, but I will ensure that those questions receive a prompt reply.

GLENELG TRAM

The Hon. D.W. RIDGWAY: 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 the proposed Glenelg tram upgrade.

Leave granted.

The Hon. D.W. RIDGWAY: In planning a trip to Glenelg with my children and intending to take the tram, one of my children asked me when the new trams would be available. I logged onto Transport SA's web site and discovered that it was in October last year that the government announced a \$56 million plan to convert the Glenelg tramline to light rail, and an assurance that the project would be finished by the end of 2005. Given the transport minister's inability to manage his department financially, my questions are:

1. Will the minister give the parliament an assurance that the Glenelg tram upgrade will be delivered on time and on budget?

2. I also notice that in its 2002-03 annual report the department listed as having employed the consultancy agency KPMG at a cost of \$22 000 at the time of reporting, but this cost was expected to be considerably higher. This cost related to consulting on the Glenelg tram. Will the minister inform the council how much has been spent on consulting and consultants for the upgrade of the Glenelg tram?

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

RAPID ROULETTE

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Gambling, questions about approval of a game at the Adelaide casino.

Leave granted.

The Hon. NICK XENOPHON: Late last year I received complaints from constituents about the Rapid Roulette game at the Adelaide casino. This game involves an electronic touch screen to select numbers linked to a note acceptor and an actual roulette table. Section 42B of the Casino Act prohibits any gaming machine being linked to a note acceptor. Gambling counsellors, welfare agencies and gambling researchers are concerned about the increased turnover associated with note acceptor machines and the potential for increased levels of problem gambling. In the legislation, a gaming machine is defined as:

(a) a device that is designed or has been adapted for the purpose of gambling by playing a game of chance or a game combined with chance and skill;

(b) and that is capable of being operated by the insertion of a coin or other token.

My concern is that the approval of this game is certainly in breach of at least the spirit of the legislation. My questions to the minister are:

1. What report has he received from the Independent Gambling Authority on the approval of this machine?

2. Is he concerned about the approval of this machine and its potential to exacerbate problem gambling?

3. Will the government investigate changes to legislation to ensure that this type of machine is not allowed on the market?

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.

VOCATIONAL EDUCATION

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Education and Children's Services, a question about vocational education and training.

Leave granted.

The Hon. KATE REYNOLDS: My office has been informed that secondary schools are experiencing funding difficulties for vocational education and training. Until now, schools have received commonwealth funding from the Australian National Training Authority administered by the state. Last year, that funding was something in the order of \$1.2 million. However, the state office retains about \$.2 million to fund the software program and the administration of the data that forms part of the reporting process back to ANTA.

All funding is paid to schools in arrears on an annual basis, and this makes it difficult for schools and districts to plan a comprehensive curriculum. In addition, the funding model is currently being revamped, and this is creating additional burdens on schools. Apparently, schools and districts have been advised that schools will receive considerably less money.

The new funding model is expected to be divided into 50 per cent for funding direct to schools based on both the amount of VET (vocational education and training) that the school delivered during 2003 and the schools index of disadvantage (as yet, the mix is not determined); 35 per cent for funding to regions (the process for determination and distribution is not yet known); and 15 per cent for funding will be kept centrally for statewide industry based programs that have to be applied for. My office has been told that none of this is yet in writing and that schools do not yet have a base rate.

School principals are concerned that, unless their schools have a certain number of students enrolled in VET courses, they will have to finance programs out of their existing budgets. One principal who contacted my office said that some schools felt that they would have to stop offering VET programs because they simply would not have the funds to finance these courses out of their global budgets. However, I have also learned that some schools are weighing up the option of dropping other curricula so that they can continue to offer some VET programs. These schools fear that this is an attempt by the government to shift the costs back to local schools in a bid for the education department to balance its own books. My questions to the minister are:

1. Under what circumstances will schools be forced to pay for vocational education and training, which has been promoted long and hard by this government?

2. Can the minister guarantee that schools will receive enough funding to ensure that they do not need to cut other education programs in order to finance VET courses?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Minister for Education and Children's Services and bring back a reply.

SEWERAGE RATES

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Administrative Services, a question about sewerage rates.

Leave granted.

The Hon. J.F. STEFANI: On 12 November 2003, I asked questions about increases in taxes and charges imposed on the South Australian community by the Rann Labor government. In an answer that I received on Monday 23 February 2004 the minister advised me that the increases in tax rates are generating revenue which is not in excess of the CPI. In his answer, the minister confirmed that increased tax revenues reflect the level of economic growth experienced in recent years and the cyclical uplift in the property market.

I refer to page 59 of the Auditor General's Report for the year ending 30 June 2003, which shows that the revenue collected for rates and charges by the South Australian Water Corporation was \$513 million, up from \$467 million the previous year, representing an increase of 10 percent. In view of this substantial increase in rates and charges, my questions are:

1. Will the minister provide a breakdown of the sewerage charges levied and collected on all properties for the years ending 30 June 2002 and 30 June 2003?

2. Will the minister provide an estimate of the revenue to be collected from all properties for the provision of sewerage services for the year 2004?

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.

REPLIES TO QUESTIONS

CYCLING GROUPS

In reply to **Hon. IAN GILFILLAN** (4 December 2003).

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

1. *Is he aware of the frustration felt by both Bicycle SA and BISA in their ability to have any discussion with him?*

I am aware of the concerns felt by both of South Australia's cycling advocacy groups following the reductions in allocations for cycling in this year's budget. This year is being used to evaluate and re-focus the Government's efforts in support of cycling. Both groups are aware of the review that is underway and have been provided with a copy of the terms of reference for the review. I am also advised that the groups have provided information to assist. Meetings have been held with both groups with representatives from my Office and I recently met with Mr Peter Solley, Executive Director of Bicycle SA.

2. *Could he provide the house with an answer on how much time he has made available to consult with cycling advocacy groups and how does that compare with the amount of time he has made*

available for discussions with representatives of other forms of transport?

My Office does not keep specific records of time spent with each advocacy group by modal classification.

TRANSPORT PLAN

In reply to **Hon. D.W. RIDGWAY** (27 November 2003).

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

1. *When will the final plan be launched?*

The final Plan will be released in the first half of 2004.

2. *Will the minister indicate when the state transport conference is to be held?*

In the first draft of the Plan for public consultation, the idea of a State transport conference following the launch of the Plan was raised. The implementation of the Plan will involve not only the State Government, but the Commonwealth and Local Government, the private sector, and the community generally. Therefore, the Government is looking to maintain the interest and momentum created by the production of the Transport Plan over the longer-term. Rather than holding a single transport conference, the Government is developing an ongoing series of presentations and discussions that will be more effective in implementing the Plan.

TRANSPORT SA, ACCOUNTING PROCEDURES

In reply to **Hon. J.F. STEFANI** (26 November 2003).

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

1. *What steps has the minister taken to correct these important accounting problems?*

A private accounting firm has been engaged to review all reconciliation processes within Transport SA. This will result in improvements to the existing reconciliation processes applied in Transport SA. In addition, an additional staff member has been engaged temporarily to finalise the bank reconciliation.

In relation to asset capitalisation and work in progress, the Department of Transport and Urban Planning's (DTUP) internal audit area is leading a project team to recommend improvements with the accounting procedures associated with asset capitalisation and work in progress. It should be noted that the Auditor-General provided a qualified audit opinion in relation to the bank reconciliation only. A qualified audit opinion was not provided for the asset capitalisation and work in progress procedures, indicating that the Auditor-General was satisfied that DTUP's financial statements are not materially impacted by issues with these procedures.

2. *Will the minister investigate the reason why these errors and deficiencies have occurred in his portfolio?*

An investigation commenced immediately the Auditor-General notified the Department that a qualified audit opinion was to be provided on Transport SA's bank reconciliation. This was carried out by the Department's internal audit team.

In addition, a project team was assembled to investigate current procedures in relation to asset capitalisation and work in progress soon after becoming aware of the Auditor-General's view.

3. *Will the minister provide a full explanation to parliament as to the reason why such gross errors and inaccuracies have occurred?*

The assertion that "gross errors and inaccuracies have occurred" is refuted. The imbalance in the bank reconciliation represents less than 1 per cent of the cash held by DTUP. It is accepted that it is important to ensure that the cash figure reported in the financial statement is reconciled to the bank statement. However, the cash movement in each month for 2002-03 has been reconciled to the Department's general ledger indicating that it is highly likely that the issue rests with the reconciliation itself, rather than the financial statements of the Department.

In relation to the asset capitalisation and work in progress procedures, the Auditor-General did not qualify DTUP's financial statements on account of issues with these procedures.

TAFE FEES

In reply to **Hon. KATE REYNOLDS** (24 November 2003).

The Hon. T.G. ROBERTS: The Minister For Employment, Training And Further Education has advised:

1. *What was the reasoning behind the government's decision to increase fees by 50 per cent?*

TAFE fees continue to be capped at a maximum of \$1200 per year. The fees for apprentices and trainees were altered as they hold paid positions and were well below those paid by other TAFE students.

The rates per training hour for apprentices and trainees were changed from \$1 to \$1.50 from 1 January 2004 to achieve a more balanced contribution by all individuals undertaking vocational training. The rates apply to both private and public VET providers of apprentices and trainees and bring them closer to those rates charged to TAFE students.

TAFE course fees were not increased in 2001-2002 or 2002-2003 and have not been increased for 3 years. Rates for apprentices and trainees were approximately 50% below similar TAFE course fees.

Apprentices and trainees are employed and receive a regular wage, unlike many other TAFE students. They have the opportunity to gain a nationally recognised qualification that provides opportunity to develop a career pathway and potential sustainable employment with improved earning prospects.

The training fee increase enables additional resources to be freed up for pressing training priorities, including pre-employment/pre-vocational training programs for unemployed youth and school leavers.

By increasing the training fee to \$1.50, South Australian fees have moved to the mid range, comparable with most other States.

2. *What consultation was undertaken with the training sector and student bodies before this decision was made?*

Consultation did not occur with students prior to the decision being made. The changes have produced a fairer way of charging students, ie have been implemented at the same time as TAFE fees were capped and concessions increased. Maximum annual TAFE fees have fallen from as much as \$3 000 to \$1 200.

3. *What options are available for apprentices and trainees who are unable to pay the fees up front?*

Many employers pay the training fee and they receive Commonwealth subsidies well in excess of the annual fees.

If they attend a TAFE Institute, an apprentice or trainee who faces genuine hardship will be treated in the same way as all other TAFE students and will be supported to continue and complete their training. Student Services Officers are available at all Institutes to provide advice on the options for assistance that are available such as fees by instalment, waiver of fees, the Smith Family's TAFE Learning for Life Program, the Wyatt Trust Further Education Awards. As appropriate, assistance can be provided to help individual apprentices and trainees meet their obligations.

WORKCOVER

In reply to **Hon. A.J. REDFORD** (13 November 2003).

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

1. Speakman & Associates were paid approximately \$21 890 in connection with the search for a new CEO.
2. I was clear at all times that I wanted a first class CEO appointed as quickly as possible.
3. No. WorkCover did not consider that appropriate. The work undertaken was used in the continuation of the search.
4. No.
5. I refer to the answer to question 2.
6. I have given evidence to the Parliamentary Committee.
7. The questions have been answered.

RURAL ROADS

In reply to **Hon. D.W. RIDGWAY** (10 November 2003).

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

1. *Will the minister provide details of why these specific sections of road have been targeted for the speed limit reduction? Is it a safety or an engineering problem?*

The State default open road speed limit is 100 km/h. There is clear evidence that speed affects both the risk of a crash and the severity of any resulting injuries.

As committed by the Government, a review was undertaken of all Transport SA maintained roads with an existing speed limit of 110 km/h. The review took into account each road's safety performance, along with the road's width, alignment and roughness and the amount of roadside development, traffic volumes and number of intersections.

The Department of Transport and Urban Planning (DTUP) consulted local government, the RAA and SAPOL regarding the review results.

2. *Will the minister provide evidence on the effectiveness of the speed limit reduction in the light of the state's increased road toll—134 compared to 121 at this same time last year?*

The number of fatalities for 2003 was 156, an increase of 2 when compared to 2002, but 3 fatalities (or 2 per cent) fewer than the previous 5-year average of 159.

While there has been a slight increase compared to 2002, the increase in fatalities has predominately occurred on metropolitan arterial roads that have not been affected by the change in speed limit.

Rural fatalities decreased by 5 per cent in 2003 when compared to 2002.

3. *Will the minister reveal whether the government has any plans to fix the problems on these roads so that they can again be used at 110 kilometres; if so, when will these improvements occur and at what cost, and when will the speed limit on these roads be reinstated?*

Several of the roads that reverted back to the default speed limit of 100 km/h may be targeted for improvements such as shoulder sealing or overtaking lanes in the future. The speed limit would be reviewed following any future road improvements significant enough to warrant review.

Prospective improvements have not been scheduled at this stage, other than a section of the Port Wakefield to Ardrossan coastal road where \$1.5m is being spent on shoulder sealing, and \$300 000 of Federal Black Spot Program funding is being invested. On completion, the improvements should support a further review of the posted speed limit on that section of the road network.

GENETICALLY MODIFIED CROPS MANAGEMENT BILL

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill for an act to provide for the designation of areas of the state for the purposes of preserving for marketing purposes the identity of certain food crops according to whether they are genetically modified crops or non-genetically modified crops; to provide for the segregation of genetically modified food crops and their products in appropriate cases; to provide for associated regulatory powers; to provide certain protections with respect to the spread of genetically modified plant material; and for other purposes. Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

This bill will give effect to the government's commitment to ensure that genetically modified crops are regulated in South Australia. This is necessary to protect existing and future markets for farm produce until supply systems are developed to provide the necessary segregation and identity preservation of crops.

The bill implements the key recommendations of the report of the Select Committee on Genetically Modified Organisms tabled in another place in June 2003. The bill addresses negative market impacts that could arise as a result of inadequate segregation and identity preservation along the production and supply chain. The government's legislative strategy is shaped by three other important factors: first, this legislation needed to be consistent with the Commonwealth Gene Technology Act 2000. Section 109 of the

commonwealth constitution renders invalid and inoperative any state law to the extent that it is inconsistent with the commonwealth law. Some care was needed in ensuring that this bill worked in harmony with the Gene Technology Act 2000.

It was important for all states to agree to the adoption of the Gene Technology (Recognition of Designated Areas Principle) 2003, so that state law could operate within a national regulatory framework. This principle became operational in August 2003. Secondly, the legislation needed to be consistent with trading obligations under the World Trade Organisation Technical Barriers to Trade Agreement to which Australia is a signatory. Thirdly, the legislation needed to be compliant with national competition principles.

The Genetically Modified Crops Management Bill is the result of extensive consultation at the select committee stage and subsequently when a draft of the bill was made available for consultation in November-December 2003, when 266 people and organisations responded to the consultation process on the draft bill, with a total of 142 separate submissions. The bill has the primary purpose of permitting the regulation of genetically modified food crops in order to prevent adverse market outcomes that may otherwise occur from the unregulated introduction of GM crops into the state's agricultural production systems. In accordance with the commonwealth-state regulatory framework, the bill's purpose is not to regulate GM crops for reasons of human or environmental safety or as foods for human consumption.

The bill provides the power to make regulations that establish defined areas in which the cultivation of GM crops may be regulated to achieve market outcomes clearly related to product integrity. The regulations may: inhibit the cultivation of GM food within a zone; prohibit the cultivation of GM food crops within a zone, except any prescribed crops which may be grown; prohibit the cultivation of prescribed GM crops within a zone but permit non-prescribed GM crops to be cultivated; or prohibit the cultivation of a prescribed GM crop in any place other than a specified zone. The bill will apply only to the cultivation of food crops. This refers specifically to the cultivation of those crops directly consumed by humans, such as grains or oils and crops and includes pastures that are consumed by livestock, the products of which are then subsequently consumed by humans. This restriction is fully consistent with the objective of preventing adverse market impacts and also provides a measure of consistency across jurisdictions in that the New South Wales legislation also applies only to food crops, plus the legislation does not apply to non-food crops such as ornamental flowers.

The bill provides a mechanism in section 5 for granting blanket approval by ministerial notice to cultivate a prescribed GM crop or class of crop, but only under stringent conditions, enabling coexistence with non-GM crops to be maintained. Decisions to prescribe GM crops must be based on extensive public consultation and the recommendations of the GM Crop Advisory Committee, the establishment of which is also provided for in the bill. This independently chaired committee will be comprised mainly of supply chain experts and will be required to provide advice to the minister on matters relating to the declaration of areas and the prescription of GM crops. The composition and perceived neutrality of this committee was a major area of public comment.

The bill pursues the select committee's position that this is an expert committee and not a representative one. How-

ever, the public's comments will be taken into account in the final composition of the committee. The bill provides a mechanism (section 6) for ministerial exemption to be made to the limited scale cultivation of GM crops in specific circumstances and with the imposition of specific conditions. This will ensure that the cultivation is contained and kept completely separate from the production and supply chains of conventional produce. This mechanism is intended to apply to research and development trials.

The bill provides for the appointment of inspectors to enable monitoring and compliance to be undertaken. They will have powers to take certain actions in relation to preventing spreading or contamination by GM crop materials. The bill, while giving government the regulatory power to establish declared zones for various marketing purposes, does not specifically address the special cases of Kangaroo Island and Eyre Peninsula. The select committee recommended that these two areas had a greater chance of establishing themselves as GM free areas through a process of self determination.

It is the government's intention to introduce regulations under the bill's transitional provisions to prohibit the cultivation of GM food crops in both these areas due to potential market impacts. This will provide a three-year window of opportunity to undertake this determination. The transitional provisions provide for initial regulations to be made without the need for the otherwise stipulated public consultation process and examination by the GM crop advisory committee. The transitional provisions in this instance may apply for up to three years.

The bill also proposes that a review of the act be completed within three years. The three-year time frame has been chosen to provide the opportunity to understand and respond to two significant events. The commonwealth Gene Technology Act will have been reviewed during 2005-06 and implications of any changes to the national regulatory framework, including the potential for changes to the scope of the regulator's licensing powers, will have become known. The New South Wales Gene Technology (GM Moratorium) Act 2003 expires on 3 March 2006 and the implications of potentially unregulated GM grain production in the major grain producing state will also be understood and may need to be accommodated in changes to South Australia's legislation.

A matter widely raised by farmers and advocacy groups through the consultation process was the legal liability issues that might arise as a consequence of the cultivation of GM crops and the entry of GM products into the supply chain. Some protection is proposed for growers of non-GM crops regarding any legal risk of infringing a South Australian law through the inadvertent and unauthorised cultivation of any GM seeds present in non-GM seed. The bill now includes a section which provides some immunity from legal action. I commend the bill to honourable members and seek leave to have the explanation of clauses incorporated in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause sets out definitions of words and phrases for the purposes of this measure. In particular, *cultivate*, in relation to a genetically modified food crop, includes—

(a) to breed, germinate, propagate, grow, raise, culture, harvest or collect plants, or plant material, for, or as part of, that crop;

(b) to spread, disseminate, deal with or dispose of any plant or plant material that has formed part of that crop;

(c) to undertake any other activity brought within the ambit of this definition by the regulations,

but does not include—

(d) the use of a product derived from a crop as feed in prescribed circumstances; or

(e) any other activity excluded from the ambit of this definition by the regulations.

A **food crop** means a crop which, or any part or product of which, may be used—

(a) for human consumption; or

(b) for livestock consumption, whether or not after processing (and including as an ingredient for human consumption or livestock consumption).

A **genetically modified food crop** means a food crop that consists of or includes plants—

(a) that are genetically modified organisms; or

(b) that are derived or produced from genetically modified organisms; or

(c) that have inherited from other plants particular traits that occurred in those other plants because of gene technology.

A number of other definitions, such as the definitions of **genetically modified organism** or **GMO**, **gene technology** and **GMO licence** have the same meanings as in the *Gene Technology Act 2001*.

4—Declared thresholds

The Minister may, by notice published in the Gazette, declare a threshold relating to the presence of GMO in crops and, by further notice, vary or revoke such a declaration.

Part 2—Preservation of identity of crops

5—Designation of areas

Subclause (1) provides that the Governor may, by regulation—

(a) designate an area of the State as an area in which genetically modified food crops of a specified class may not be cultivated or where no genetically modified food crops at all may be cultivated;

(b) designate an area of the State as an area in which a genetically modified food crop may not be cultivated unless it is a genetically modified food crop of a specified class;

(c) designate an area of the State as the only part of the State in which genetically modified food crops of a specified class may be cultivated.

The Governor must not make such a regulation except on the recommendation of the Minister who must follow certain procedures (such as public consultation) before making any such recommendation.

If the Governor has designated an area under subclause (1)(b) or (c), the entitlement of a person to cultivate a genetically modified food crop within the area (as provided by the relevant regulation) is subject to the requirement that the cultivation must be within the ambit of a declaration of the Minister (and cultivation must not occur unless or until this requirement is satisfied).

The Minister may in relation to a specified class of genetically modified food crop, by notice published in the Gazette, make a declaration if the Minister is satisfied—

(a) that appropriate and effective systems have been developed to ensure the segregation of any genetically modified food crop of that class, or of any GM related material, from other crops, materials, products or things in order to preserve the identity of those other crops, materials, products or things; and

(b) that persons involved in the cultivation of a genetically modified food crop of that class, or in any process associated with such a crop or with any GM related material, can reasonably be expected to comply with the systems contemplated under paragraph (a); and

(c) that an assessment has been undertaken of the likely impact (if any) that the cultivation of crops of that class within the relevant designated area will have on relevant markets (including markets for other forms of crops, materials, products or things) and that, in the circumstances, it is reasonable for cultivation of crops of that class to proceed in that designated area.

The Minister must before making a recommendation or a declaration under this clause consult with the Advisory Commit-

tee and take into account any advice provided by the Advisory Committee in relation to the matter.

The Governor may, by regulation—

(a) designate criteria that the Advisory Committee must take into account for the purposes of giving advice to the Minister under this clause;

(b) prescribe requirements that must be complied with if a person is involved in the cultivation of a genetically modified food crop or in any process associated with any such crop or with any GM related material.

A person is guilty of an offence if—

(a) the person cultivates a crop in contravention of subclause (1) or (4); or

(b) the person contravenes, or fails to comply with, a requirement under subclause (11),

the maximum penalty for which is \$100 000.

6—Exemptions

The Minister may, by notice published in the Gazette, confer exemptions from the operation of clause 5 for limited scale cultivation, which may be subject to conditions.

A person is guilty of an offence if the person contravenes, or fails to comply with, a condition of an exemption under this clause, the maximum penalty for which is \$100 000.

7—Related matters

The Minister may, before taking any action under this proposed Part seek advice or submissions from any person or body or take such other action or initiate such other investigations as the Minister thinks fit.

The regulations may prescribe fees or charges in relation to the assessment of applications, proposals or submissions furnished or made to the Minister with respect to the taking of any action (whether by the Governor or the Minister) under this Part.

The Minister may require that any application, proposal or submission made for the purposes of this Part be made in a manner and form determined by the Minister.

Part 3—Administration

Division 1—GM Crop Advisory Committee

8—Establishment of the Advisory Committee

It is proposed to establish the GM Advisory Committee (the *Committee*.)

9—Membership of Advisory Committee

The Committee is to consist of between 9 and 11 members appointed by the Governor.

10—Terms and conditions of membership

11—Remuneration

Clauses 10 and 11 contain the usual provisions relating to terms and conditions of membership and remuneration etc.

12—Disclosure of interest

A member of the Advisory Committee is exempt from the application of section 6L of the *Public Sector Management Act 1995* in respect of an interest in a matter shared in common with the public or persons engaged in or associated with the industry in which the member works generally, or a substantial section of the public or such persons.

13—Validity of acts

An act or proceeding of the Advisory Committee is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

14—Procedures

This is the usual clause providing for committee procedures.

15—Expert and other assistance

The Committee may seek expert or other advice in connection with the performance of its functions.

Division 2—Inspectors and powers of inspection

16—Appointment of inspectors

The Minister may appoint persons to be inspectors for the purposes of this Act.

17—Powers of inspectors and related matters

This measure is to be read as if Part 11 Divisions 3 to 5 (inclusive) and 7 to 11 (inclusive) of the *Gene Technology Act 2001* were incorporated into this measure, subject to any modifications, additions or exclusions prescribed by regulation, together with any definitions contained in the *Gene Technology Act 2001* of terms used in those provisions.

Part 4—Miscellaneous

18—Orders for destruction of crops or material

The Minister may, by instrument in writing—

(a) order the destruction of a crop if the Minister is satisfied that the crop has been cultivated or dealt with in contravention of this measure;

(b) order the destruction of any GM related material if the Minister is satisfied that the material has been produced, used or dealt with in contravention of this measure, or is associated with any crop that has been cultivated or dealt with in contravention of this measure.

19—Power of delegation

The Minister may delegate to a body or person (including a person for the time being holding or acting in a specified office or position) a function or power of the Minister under this measure.

20—False or misleading information

It is an offence (attracting a maximum penalty of \$10 000) if a person furnishes information for the purposes of this measure that is false or misleading in a material particular.

21—Proceedings for offences

Proceedings for an offence against this Act may only be commenced by the Minister, the Chief Executive of the Department, an inspector or a person acting under the authority of the Minister.

22—Offences by bodies corporate

If a body corporate commits an offence, each member of the governing body, and the manager, of the body corporate are guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that the principal offence did not result from failure on his or her part to take reasonable and practicable measures to prevent the commission of the offence.

A person may be prosecuted and convicted of an offence under this section whether or not the body corporate has been prosecuted or convicted of the offence committed by the body corporate.

23—Continuing offence

This clause provides for a continuing penalty to be incurred in relation to a continuing offence against this measure.

24—Orders on conviction for an offence

This clause provides for the orders that a court can make against a person who is convicted for an offence against this measure that are in addition to the imposition of a penalty for the offence.

25—Evidentiary provision

This clause provides that, in any proceedings, a certificate executed by the Minister as to certain events will be proof of the matters so certified in the absence of any proof to the contrary.

26—Immunity from liability

This provides for immunity from liability for actions taken under this measure in the administration of this measure if they are done (or omitted to be done) in good faith. Any liability instead attaches to the Crown.

27—Special protection from liability for the spread of genetically modified plant material

If—

(a) genetically modified plant material is present on any land; and

(b) the existence of the material on the land is attributable to the spread, dissemination or persistence of the material; and

(c) the original introduction of such material to the land was not knowingly undertaken by or on behalf of any person who is, or who has been, an owner or occupier of the land, then no action may be brought in a South Australian court or under South Australian law against a person who is an owner or occupier of the land on account of the fact—

(d) that the material is present on the land; or

(e) that the person has dealt with the material.

That does not apply if the relevant court is satisfied—

(a) that a person who is an owner or occupier of the relevant land has deliberately dealt with a crop knowing that genetically modified plant material was present in order to gain a commercial benefit; and

(b) that, in the interests of justice, another person's rights with respect to that material should be recognised or protected.

This clause extends to any case where genetically modified plant material was present on land before the commencement of this Act.

28—Regulations

Regulations may be made for the purposes of this measure.

29—Review of Act

A review of this measure must be undertaken within 3 years of its commencement and a report on the review be laid before Parliament.

Schedule 1—Transitional provisions

The Schedule provides for transitional matters consequent on the passage of this measure.

The Hon. IAN GILFILLAN secured the adjournment of the debate.

PUBLIC FINANCE AND AUDIT (HONESTY AND ACCOUNTABILITY IN GOVERNMENT) AMENDMENT BILL

In committee.

Clause 1.

The Hon. P. HOLLOWAY: During the last session of parliament two public finance and audit amendment bills were before the council, one requiring a charter of budget honesty and pre-election report (the honesty and accountability bill), and the other increasing the powers of the Auditor-General. The honesty and accountability bill passed the lower house and was before the Legislative Council. The council had passed five of the seven clauses in the bill. The opposition leader in the Legislative Council filed amendments to this bill on 23 September 2003 in relation to clauses 6 and 7, which would require additional information in the proposed Under Treasurer pre-election budget reports relating to any differences in assumptions between the Under Treasurer and the Treasurer, for example, future wage settlements, and which would require the Under Treasurer to be available for questioning by the Treasurer and a nominee of the opposition leader.

The two counter amendments to be moved by the government have been the subject of discussion between Treasury officials and the Leader of the Opposition, and it is understood that he agrees that they meet the objectives of his first three amendments. There is to be no disclosure of future wage settlement assumptions to protect the government's negotiating position, other than and only to the extent of differences between the Under Treasurer's and cabinet's assumptions.

The Hon. Rob Lucas also proposed a fourth amendment requiring the Under Treasurer to be available for questioning on his pre-election report by the Treasurer and the opposition after this pre-election report is released. I indicate that the government is opposed to this amendment for the following reasons: we believe it is not appropriate to have verbal discussions, with the Under Treasurer becoming a political football; written communication will be necessary and would involve delay within the election period and would still involve a politicisation of the Under Treasurer; and the government's bill proposing a pre-election report is a major reform in itself—it is a significant move without going to further extremes.

The Hon. R. Lucas also previously filed amendments to clause 6 with the effect that the pre-election report should be released within 10 days rather than 14 days after the issue of writs for a general election. The government also opposes this amendment. An independent process must take place during the caretaker period, and the government believes there must be adequate time. We believe that, if it is 10 days rather than 14, it will reduce the quality of any report produced. I hope this places the debate before us in context.

The Hon. R.I. LUCAS: I thank the leader for that indication. The opposition has been prepared with its

amendments on the table since September 2003; it has been five or six months. I want to place that on record and the Leader of the Government has acknowledged it. There has been ill-informed criticism from some government ministers in another place about the Legislative Council delaying passage of government legislation. That is not the case as we have been prepared since September last year when the opposition had its amendments. As the government has indicated, it has come back with a variation which impacts upon some of the opposition amendments.

It is the Liberal Party's intention to support the two amendments from the government as far as they go. We have had redrafts in the last 24 hours. The opposition's amendments make them consistent with the wording and structure of the government's amendments, but we will be pursuing amendments in three broad categories; one is the essential requirement for access to this information as soon as possible—this is a timing issue; second, the requirement for a discussion if a question is to be able to be asked of the Under Treasurer 24 hours after the release of the pre-election budget update report; and, third, the issue of public sector wage increases also needs to be pursued.

When we last debated this in the middle of last year, I highlighted the issue that prior to the release—assuming the election is as is intended in either the second or third week of March—this pre-election budget report will be released in late February. At that time, I indicated that it had been past practice for several years that the mid-year budget review released by the Treasurer, based on 31 December results, was always released around the early to middle part of February. Last year it was released about mid-February. This year, the mid-year budget review was released, I think, prior to Christmas. My question to the leader is: given that this year's mid-year budget review was released before Christmas, what was the cut-off point for revenue and expenditure estimates from departmental agencies to enable a mid-year budget review to be produced prior to Christmas?

The Hon. P. HOLLOWAY: It is our belief that it was at the end of October; we will need to check on that. I undertake to check and confirm the precise date with the leader.

The Hon. R.I. LUCAS: I am happy with that. It is not something with which to delay today's debate. The point I want to make, whether it is the end of October or November, is that it is a change of approach from the government for this current financial year. From the Liberal Party's viewpoint, our concern is that, for example, if it is at the end of October, it means you are having a mid-year budget review being conducted on the basis of only four months of the financial year. It is true that the commonwealth and some of the states have traditionally produced mid-year budget reviews at an earlier stage, but we have had the good sense and advantage in most of our time to do a mid-year budget review on the basis of the mid-year results, that is, the end of December.

Treasury's advice to treasurers was that it would take most of January to look at the mid-year results as of the end of December. We are then in a position, by early to mid-February, to say: we are halfway through the financial year and this is where the budget is heading and where we are up to. If it is now to be done on the basis of the end of October results, it is a different approach and not one that my initial inclination would be to support. If that does not impact on anything in the short term, it may well do so in the longer term. I accept the fact that the leader will take advice on whether it is the end of October or November, but is it the government's intention that the next two mid-year budget

reviews will be released before December and, similarly, on the basis of the end of October or November results?

The Hon. P. HOLLOWAY: All I can advise the leader is that there has been no stated intention of the government that this should be the procedure in future years. It would be fair to say that it depends upon the success of this year. To some extent it is linked to time and internal budget processes and where they are at. If Treasury is not occupied with mid-year budget reviews, it will be involved in other elements of the budget process. That is part of the interplay. The short answer is that there is no defined intention at this stage to alter it.

The Hon. R.I. LUCAS: Before Christmas?

The Hon. P. HOLLOWAY: We have not decided yet. It was brought forward this year; the commonwealth does it and I gather it is fitting in with various changed budget processes. I assume there will be some determination for next year based on the success, or considered success, of government policy next year.

The Hon. R.I. LUCAS: What was the reason for bringing it forward from the traditional mid-February to before Christmas for this year?

The Hon. P. HOLLOWAY: I am advised that there is no longstanding tradition. It is not a particularly long process. I think the former treasurer was there when we introduced May budgets. Anyway, it is not as though the process has been there for any more than 10 years. I am advised that the mid year budget review has only fairly recently been introduced as a concept, anyway, so in that context there is no longstanding tradition.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: It had been the case but, as I indicated earlier, this year I think it was—

The Hon. R.I. Lucas: Someone must have made the decision to bring it forward.

The Hon. P. HOLLOWAY: I have already answered that by saying that I thought this year it was considered important to begin the budget process earlier; it was considered to be an important part of it.

The Hon. R.I. LUCAS: What does the leader mean by 'begin the budget process earlier'? The budget process commences way before Christmas, anyway. The budget process is commenced well and truly prior to Christmas, even when the mid year budget review comes out in February. Certainly, during the term of the former government, there were two rounds of bilateral meetings—one prior to Christmas and one after. I understand that, under the new government, that might not be the case; it might only be a round of meetings after Christmas. It is not a question of when the budget process starts. The budget process is an ongoing process and, certainly, in terms of discussions with ministers under the former government, it had commenced way prior to Christmas.

The Hon. P. HOLLOWAY: I am advised that the numbers in the mid year budget review are an important element in determining the basic budget parameters for the ongoing budget, and it is considered that the earlier they are bedded down to give some indication of the budget outlook the better that would be for the budget process. It is a matter of judgment, I guess, that governments will make from time to time. There is no particular convention, as such, of which I am aware, that would dictate that. The answer I have given is that, if it is considered appropriate to change it next year, or change it back next year, or whatever, I guess that judgment will be made by the Treasurer at the time.

The Hon. R.I. LUCAS: I do not want to labour the point too much longer, but it is an important issue. In terms of trying to monitor the progress of the budget, if a mid year budget review is being conducted at the same time each year, there is some element of consistency in terms of being able to measure one year's mid year budget review against that of another. For example, if the mid year budget review is produced, as it has been, on the basis of figures produced at the end of December and it comes out some time in February, as one looks at each year's mid year budget review as it compares to the budget, one is in a position to be able to see the extent of the variation and the difference.

The Leader of the Government either does not know or does not want to indicate what the real reason is, and I will not delay the committee from that viewpoint, but I just want to explain why it is important. If one is trying to monitor the progress of a budget, at least having that element of consistency in it assists parliamentary consideration of the progress of the budget, and community consideration for those who might be interested in the progress of the budget. It is not an issue that is determined by this debate but, as I highlighted during the second reading, it is an important issue, because when we come to the election period we will have two documents.

We will have, in February, a document produced by the Under Treasurer, which will be his or her document and not a document that is produced by the treasurer of the day. Either a month or a couple of months prior to that, we will have the Treasurer's document, the mid year budget review. Our amendments today are about trying to look at any differences between the two documents and the reasons for those, so that there can be some public understanding and debate about it.

The issue of the mid year budget review is important in the context of this bill and also the pre-election budget update report. If the government of the day can willy-nilly move it around and use different bases for the production of the mid year budget review—that is, one year it will be based on October figures, the next year on December figures—who is to say that it is not produced on November figures or August figures or September figures, or whatever it is, to ensure that there is just no element of being able to look at a degree of consistency between the mid year budget update reports?

As I said, the minister is not going to answer the question to any greater degree of satisfaction for those of us who are interested at this committee stage. I accept that we will not receive an answer. I therefore do not intend to labour it any longer, but I highlight the reasons why it is important that the nature, structure and timing of the mid year budget review is understood by members of parliament and, in particular, parties who might be in government after an election. That sort of information is important in the context of understanding the condition of the state's finances to those who have either Treasury or finance responsibilities.

The Hon. P. HOLLOWAY: I appreciate that the member does not want to labour the point too much, but whether we have a five-month mid year budget review—which is, after all, a prediction of the outcome for the full year, so whether it is based on six month's data or five month's data does not make—

The Hon. R.I. Lucas: Or four.

The Hon. P. HOLLOWAY: —or four; we will check that out. It will still be a prediction. But the important point as far as this bill is concerned is that, under the new clause

that the government is moving, it will have a full reconciliation of any difference between the estimates in the report and the estimates that appeared in the last state budget or mid year budget review. If it was done after five months and this report is done in February, it will have a two or three month update. If it was done at the end of December, it would be a one or two month update. Either way, it would be updated to the information available at the time. I do not really see that, in terms of this bill, the timing of the mid year budget review really is of all that much relevance.

Clause passed.

Clauses 2 to 5 passed.

Clause 6.

The Hon. R.I. LUCAS: I move:

Page 5, line 13—Leave out '14' and insert:

10

This is a relatively simple amendment. The current proposal in the government's bill is that the Under Treasurer would prepare the pre-election budget update report within 14 days after the issue of the writs. The Liberal Party's proposition is that that ought to be 10 days rather than 14 days. There are two principal reasons for that. It has been so long ago since I offered my second reading contribution that I cannot remember all the states, but I do know that the commonwealth (and I think I listed one or two of the other states in my second reading contribution) abides by a 10-day time frame for the pre-election budget update report, or something along those lines.

In my second reading contribution, I offered those as part reasons why, if it is possible for other jurisdictions to produce documents within 10 days, certainly, it would be possible for the South Australian treasury and finance department to produce a document—in particular, if it is possible for the commonwealth to do it, it will be possible for a smaller jurisdiction, such as South Australia, to produce a document. As the Treasurer and various Treasury officers have outlined over many years, the federal government has many more levers that it pulls in terms of the national economy in respect of revenue projections, etc. The state has a relatively modest number of levers, in terms of revenue, that it needs to estimate as a result of changes over the years and, in my view, it is certainly not as complicated a process for a small regional government such as South Australia's to produce a document like this as it certainly would be for a national government.

The second reason is (and, again, I do not have the exact numbers with me) that the minimum time for a state election in South Australia is about 25 or 27 days: it is just under four weeks, according to my recollection. I think you can call an election on Sunday, Monday or Tuesday and hold it 3½ to 3¾ weeks later.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Xenophon thinks it is 25, and that is my recollection. So, it is a very quick process. In the federal arena I think it is a longer period; I think it might be a period in the low 30s. Again, I do not want members to hold me to this but my recollection is that it is a longer period in the federal arena between the issuing of writs and the holding of an election. So, if for example it is 25 days in the state arena or something like that, if this document does not have to be released—

The Hon. Ian Gilfillan interjecting:

The Hon. R.I. LUCAS: We have the Hon. Mr Gilfillan on this one—if it does not have to be 14 days and there are

only 11 days for public and community debate about the issue. But the Hon. Mr Gilfillan says we have got him, and I will not speak any longer.

The Hon. IAN GILFILLAN: I can confirm that the leader is accurate in his interpreting of the signs and signals. The Democrats support this amendment.

The Hon. P. HOLLOWAY: I express my disappointment at that. The reason the government supported the 14-day proposal is that that was considered, on the advice of Treasury, to be the time that would be reasonable within which to prepare the most accurate document, which is what we would want. This has not been done before in this state and it is an important reform that the government is proposing—that is, that we have pre-election budget updates—and 14 days, on the advice that has been given to us, is a reasonable time within which to do that. Obviously, if it is 10 days I guess that can be done but, clearly, the quality of the report will be that much lower.

The less time available, obviously, the lower the quality of the work will be. But certainly in every election that I can recall in this state it has usually been called for one day less than four weeks. They have usually been called on the Sunday for the Saturday three weeks after. That is about halfway through the period, which still gives a couple of weeks for any debate, and I would have thought that would be long enough. But I appreciate that the government does not have the numbers on this. It is regrettable and I believe that the reduced time would reduce the quality but I guess that if that is the wish of the house we will just have to live with it. But I wish to record my disappointment about that.

The Hon. NICK XENOPHON: I indicate my support for the amendment. I would have thought, given the amendments to the Constitution Act passed during the previous parliament so that we have fixed terms, that this is not an onerous requirement. In a sense, it puts us on a par with the commonwealth and I would have thought it not unreasonable for the government to undertake the review within the time frame stipulated by the amendment of the Leader of the Opposition.

If I can indicate generally with respect to the matters raised by the Leader of the Opposition, I certainly support the government's bill and, in so far as the bill may be improved in terms of issues of accountability, that is a good thing. But I want to make it clear to the government that it should not misunderstand my position. My preference is that the bill should be strengthened and, in so far as the amendments of the Leader of the Opposition do that, I support them. But I am concerned that the government should not misinterpret my support for improving the bill as being opposition to the bill, and I think it is important to put that on the record.

The Hon. P. HOLLOWAY: I guess the only other point I would make (and I do not think it is worth spending much time on because, as I said, it is really just about the quality of the report) is that, whereas the honourable member is correct in that we have fixed terms for ordinary elections, I remind the committee that it is still possible to have an election called within that four-year period. There is still the opportunity for that to happen. If it did happen, of course, there would be no warning in relation to the preparation of such a report. I think that is when the greatest difficulty would arise under this amendment.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 5, after line 21—Insert:

- (ba) information relating to any situation where assumptions made by the Under Treasurer conflict with a

decision made by the cabinet or the Treasurer and communicated to the Under Treasurer;

- (bb) a full reconciliation of any differences between the estimates in the report and the estimates that appeared in the last state budget or mid year budget review (whichever is the more recent), and an explanation as to those differences;

I have already made some comments in relation to this amendment. These clauses came out of the negotiations with the opposition and I believe they clarify the information that would be provided by the Under Treasurer in his report and, as such, improve the bill. I hope that, as a consequence of these amendments being carried, we will end up with a bill which the government can accept and that will introduce this very important reform to South Australian public finances.

The CHAIRMAN: The Hon. Mr Lucas may want to move his amendment now and we will deal with the two of them, as they are sequential.

The Hon. R.I. LUCAS: I move:

Page 5, after line 21—Insert:

- (baa) in relation to the assumptions about public sector wage settlement costs for the current financial year and the following three financial years—information about any differences between the assumptions used and those already agreed by the cabinet and the reasons for those differences;

I will speak to both amendments. At the outset, I indicate that the Liberal Party will support the amendment moved by the Leader of the Government. Certainly, the Liberal Party supports the changes as far as they go. I think during the debate on the second reading in the middle of last year we highlighted the fact that, if the Under Treasurer was to be producing documents and information which were significantly different from information which had been produced by the Treasurer just a month or so before in the mid year budget review, it would be important for that information and the reasons for the differences to be highlighted. So, in so far as they go, we support the amendment moved by the leader to the two subclauses.

The reason the Liberal Party persists with its amendment in relation to public sector wage increases, and I want to speak about that and provide a bit of information to members, is that the government's amendment to subclause (bb), which the government believes covers the issue that the opposition is raising, in our view does not do so, because the amendment to subclause (bb) says:

a full reconciliation of any differences between the estimates in the report and the estimates that appeared in the last state budget or mid year budget review, whichever is the more recent, and an explanation as to those differences.

The way that has been drafted specifically means that there would be no reference to aggregate public sector wage costs, which is the issue that the Liberal Party is interested in, because there is no specific provision in the mid year budget review or the budget papers for aggregate public sector wage costs: they are absorbed within various departmental budgets and agency costs as part of total expenditure. That is one of the reasons the opposition has moved its amendment.

Why is it important? First, it is important because public sector wage outcomes and costs in aggregate are a critical part of any budget. They are very important for a state as small as South Australia, obviously. Again, I do not have the exact figure with me but it is of the order (and the leader's adviser will probably have a more accurate figure) of 60 per cent or 70 per cent of our total costs that are tied up with wage and salary costs for the people we employ.

The second reason this is important is that soon after the last state election there was a public debate—and, again, I am trying to summarise it quickly—because the new government claimed a mysterious black hole and, obviously, the former government denied that. That was the subject of much debate for a period of time.

The new government released a series of statements, documents and other information on the public record to try to indicate why it believed there had been this mysterious black hole that had been left by the former government. Part of the claim was that the former government had not adequately, in aggregate terms, made provision for public sector wage costs, in particular, teachers, but the Metropolitan Fire Service and some other sectors were also mentioned. Mr Chairman, as you will recall, the Treasurer in the House of Assembly went as far as saying that the former government had not provided any money at all for teachers' wage increases, and that we had the view that teachers should not be given any wage increases.

I am forever amazed as to how that was never followed through in the processes that we see on other issues in terms of privilege in the House of Assembly, but it is not for me, on this occasion anyway, to comment at great length about that. That claim by the Treasurer was wrong and, of course, documents that I then released on the public record indicated that there was significant provisioning in the forward estimates for the teachers' wage increase. The Under Treasurer had a view, as eventually the new government did, that we should have paid the teachers more than the former government wanted to, and that is entirely the province of the new government, certainly.

I am not sure whether it is the province of the Under Treasurer, and that is the issue in this debate. I think that these decisions, ultimately, are made by governments; but it is completely the prerogative of the new government to say, 'The former government did not want to pay the teachers as much we want to pay them.' It was not only about pay but also conditions and other agreements; and, therefore, the new government wanted to put more money into that particular area. It may well be that the new government also wants to pay fire officers and the public sector and PSA employees at a higher level than the former government provisioned for.

Again, that is its prerogative to do so. This whole issue, obviously, was a critical part of the debate through 2002. Therefore, the reason for the amendment is that if the Under Treasurer has a view that, in aggregate terms (that is, in tens of millions of dollars or hundreds of millions of dollars), not enough money has been set aside in the forward estimates for aggregate public sector wage increases, the Under Treasurer can make that judgment, and it is our contention that that ought to be reported. I know that government advisers and members have been running the corridors indicating that if this amendment were to pass it would be a shocking set of circumstances because it would give away the government's negotiating position.

As I have indicated to a number of members who have been kind enough to indicate to me what they have been told, the opposition does not want to see the government's negotiating position with Jan McMahon, the Australian Education Union or whatever it is publicly released. We do not want, through this amendment, to hear the Under Treasurer saying, 'We are going to provision for a 4 per cent wage increase for teachers instead of 3 per cent, which is in the forward estimates', or '5 per cent for the PSA instead of the 4 per cent.' That is not what the opposition is arguing.

As I said, I know that is what the government advisers have been claiming in corridors, so I want to place on the public record what this government put on the public record in relation to wage negotiations so that members are aware of the sort of information that is already on the public record in relation to the current round of negotiations. On 27 May 2002 the Treasurer wrote to all members of parliament and enclosed some tables and information, and the Hons Mr Evans, Mr Cameron, Mr Xenophon, Mr Gilfillan and others would have a copy of this in their files.

In that document, which was released publicly by the Treasurer, the Treasurer went much further than the opposition is seeking in this amendment. Attachment A of that document released by the Treasurer for public consumption indicates 'cost pressures identified in action brief. Teachers' enterprise bargaining for the year 2002-03, an extra \$19 million; for 2003-04, an extra \$42 million; and, for 2004-05, an extra \$72 million.' The Treasurer then went on and listed 'wages parity enterprise bargaining agreement', which is the PSA agreement and which is currently still the subject of intense negotiations.

The Treasurer publicly released information in relation to that wage claim and said that an extra \$2 million needed to be provided in 2002-03, an extra \$5 million in 2003-04 and an extra \$9 million in 2004-05. Further on in the justice section, the Treasurer released the SAMFS (Metropolitan Fire Service) enterprise agreement, which indicates that an extra \$1 million was required for 2002-03, \$2 million was required for 2003-04 and \$3 million was required for 2004-05.

The Hon. Ian Gilfillan: It is a very good amendment, though.

The Hon. R.I. LUCAS: You are warming to it?

The Hon. Ian Gilfillan: I have already warmed to it.

The Hon. R.I. LUCAS: Have you? Well, I will shorten this up very considerably then. I do need to put this on the public record, though, because I know what has been said to a number of other members. Attachment 3 is the teachers' enterprise bargaining agreement, which states:

Unavoidable cost pressures include a whole of government analysis. Teachers' enterprise bargaining agreement: \$18.4 million in 2002-03; \$41.7 million in 2003-04; \$71.6 million in 2004-05; and \$187.9 million 2005-06.

And then, under the heading 'Under-provisioning for wages parity enterprise bargaining', \$2.3 million in 2002-03; \$5.4 million in 2003-04; \$8.7 million in 2004-05; and \$12.1 million in 2005-06. There are a number of other examples which I will not go into as a result of the indication of the Hon. Mr Gilfillan and some others in terms of where they are heading. However, that is the sort of detail the Treasurer has already placed on the public record in relation to the confidential discussions—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Then you do not have a problem with this amendment?

The Hon. P. Holloway: We do have a big problem.

The Hon. R.I. LUCAS: The honourable member cannot have it both ways.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, you will have your chance in a minute. That information has been put on the public record. The opposition is not even seeking that level of detail. I can understand why the government put that on the record, because it still does not indicate the total lump of money which is available for the teachers' EB, the fire service EB or for the wages parity EB. If the government chose to release

information that way, without releasing its negotiating position, that would be a judgment for the Under Treasurer. We respect the fact that the negotiating position for the government should not be revealed by this amendment or the requirements of this amendment.

Obviously, the government has not felt that its negotiating position was restricted by that release of information. If, for example, there is \$200 million in next year's budget for all the public sector wage increases and the Under Treasurer says, 'That is not enough. We think it should be \$250 million', that would not reveal the negotiating position in relation to the PSA or the AEU because it would be an aggregate cost. There are a number of ways in which the Under Treasurer could structure the information which would not reveal the negotiating position.

However, it would provide the essential information that is required for members and the community to get behind any assumption that the Under Treasurer had made that a government of the day had under-provisioned, and the Under Treasurer believed that there needed to be an extra \$100 million, \$50 million, or whatever it is, in the forward estimates for public sector wage increases.

The Hon. P. HOLLOWAY: I want to indicate why the government opposes this amendment, and if it is carried with the subsequent amendment why it will be the end of pre-election efforts. That would be very sad because I think this is a very important reform. Every other state in Australia has been able to do it. Let me comment first on the total hypocrisy of the Leader of the Opposition as the former treasurer. He did not provide any information whatsoever in relation to any of these matters. He consistently and repeatedly refused. Now, when the government has put forward a substantial reform, he is trying to wreck it and wreck it in a rather surreptitious way.

The honourable member's amendment seeks to insert a paragraph (baa), which provides:

in relation to the assumptions about public sector wage settlement costs for the current financial year and the following three financial years—information about any differences between the assumptions used and those already agreed by the cabinet and the reasons for those differences;

I think we really need to read that with the leader's next amendment which, of course, requires the Under Treasurer to make himself available and to answer questions for two hours. Obviously, we oppose both of those amendments because, if they are passed, what will come out, inevitably, is the information on wage settlements (information about which the previous treasurer did not release any information whatsoever).

That simply totally undermines any government's bargaining position. That is why, if these amendments are passed, it would be the end of the pre-election budget update if this council were to make such a reckless change as is proposed in this amendment, and that would be disappointing. The point is that if one knows the gross amounts in forward estimates in relation to wage settlements, it is not particularly difficult to work back through previous years and to start to dig into those figures to find out the sort of information that would indicate exactly what the government's forward wage projection policy would be.

It is an insane suggestion that that sort of information should be put on the public record. It is one thing to have a difference of opinion with the Treasurer about the assumptions, and the amendment that I have moved caters adequately for that. It provides:

Information relating to any situation where assumptions made by the Under Treasurer conflict with a decision made by the cabinet or the Treasurer and communicated to the Under Treasurer. . .

Certainly, that information should be on there. That is an historic precedent and has never happened before in this state—and it should happen. However, if we carry the opposition's amendment, it will dig down into that information to such an extent that the assumptions in relation to future wage settlements will, we believe, be revealed, and that will be an intolerable situation for any government. That is why we must oppose the amendment moved by the Leader of the Opposition.

The Hon. IAN GILFILLAN: I indicate Democrat support for this amendment, but that support does not necessarily apply to any that may follow.

The Hon. P. Holloway's amendment carried.

The committee divided on the Hon. R.I. Lucas's amendment:

AYES (15)

Cameron, T.G.	Dawkins, J.S.L.
Evans, A.L.	Gilfillan, I.
Kanck, S.M.	Lawson, R.D.
Lensink, J.M.A.	Lucas, R.I.(teller)
Redford, A.J.	Reynolds, K.J.
Ridgway, D.W.	Schaefer, C.V.
Stefani, J.F.	Stephens, T.J.
Xenophon, N.	

NOES (6)

Gago, G.E.	Gazzola, J.M.
Holloway, P.(teller)	Roberts, T.G.
Sneath, R.K.	Zollo, C.

Majority of 9 for the ayes.

Amendment thus carried.

The Hon. R.I. LUCAS: I move:

Page 6, line 17—Leave out 'seven' and insert '5'.

This amendment is consequential on an earlier amendment.

Amendment carried.

The Hon. R.I. LUCAS: I move:

Page 6, after line 20—Insert:

(9) The Under Treasurer must, on the day immediately following the release of a pre-election update report under this section, make himself or herself available to meet for a period of up to two hours, at a mutually agreed time and place, with each of the following persons in order to discuss, and answer questions in relation to, the report:

- the Treasurer;
- a person who is, or who immediately before the issue of the writs was, a Member of Parliament, nominated by the Leader of the Opposition.

I believe that what this amendment seeks to do is important for this whole process; that is, for the first time ever in South Australia, as the Leader of the Government has indicated, a public servant (a senior public servant, I acknowledge—the Under Treasurer) will produce a document which will obviously be a very significant document in terms of the conduct and processes relating to the next and future state elections. That is, the Under Treasurer will produce a document which will indicate his or her views on the state of the state's finances.

The Under Treasurer has to make a number of assumptions in the production of that particular document and, as we have highlighted before, it may well be that the Under Treasurer has a different view to the government of the day in relation to issues as significant as public sector wage outcomes. The other example that I will give is the issue of

whether agencies who overspend ought to be required to repay that over a four-year period.

There are two fundamental, but differing, views. It was my view—and the view of the former government—that, if an agency was given a lot of money and it overspent, it should not be rewarded for that overspending. It should be required to repay that overspending over, say, a four-year period. The new government has taken a different point of view; and it is its prerogative to indicate that it is prepared to adopt a different position in relation to that.

The second issue, which we highlighted before, is public sector wage increases. The former government took the view that, for example, the teachers should be paid a particular lump of money in aggregate wage cost terms. The Under Treasurer obviously had a different view. The new government—and, as I said, it is completely the prerogative of the new government—can take a different point of view and say, ‘Okay, we are going to settle this wage claim even though it costs us an extra \$50 million or \$100 million a year.’

Both those options are clearly the prerogative of the elected government. What we have in this set of circumstances is, for the first time in South Australia, an unelected senior officer who will have to give his or her view on fundamental issues such as that. I accept that there are no black and white answers to some of these questions; they are judgments. But at least in the case of treasurers, shadow treasurers and former treasurers they are elected, and at election time the people can indicate—one way or another—whether they agree with the judgments that elected officers put on the public record. There is not that same oversight, I might say, in relation to the position of Under Treasurer.

As I said, what we have in this set of circumstances is—for the first time—an Under Treasurer who will be required to produce a document which may, in some areas, vary significantly from explicit cabinet decisions. The Leader of the Government has acknowledged that—even by his amendment, which he has picked up from amendments that we have moved—it may well be that the Under Treasurer produces a document which is completely opposite to explicit decisions of cabinet and of ministers. The opposition believes that it is important, where that has occurred, that there be some opportunity for a one-on-one discussion between the Treasurer, the Under Treasurer and the alternative government’s treasurer in relation to these particular issues.

As anyone who has had a look at the midyear budget review-type documents would be aware—and the pre-election budget update report will be similar to that, one assumes, if one looks at the interstate documents—they are remarkable for their capacity to, if they want to, basically cover and conceal whatever they want to. That is no criticism of government’s Liberal or Labor and other states and jurisdictions, or indeed Under Treasurers. It is a complicated process in terms of trying to reduce all the budget processes down to one particular document at one particular point in time, and to make judgments which may be different to the judgments of the government and the cabinet of the day in relation to, for example, a public sector wage claim. Nevertheless, this will be a critical document and, certainly, the Liberal Party believes that once this document comes out there has to be the capacity to be able to—in a sensible way—ask questions and seek clarification of the person who produced the document. It has not been produced by the Treasurer: it has been produced by the Under Treasurer.

I want to go back to the period of the last election campaign and highlight some factors from the debate that went on at that time which, I think, impact on this particular debate. On 23 January 2002 the then shadow treasurer, Mr Foley, released a press release which said:

Kerin Liberals ban Labor meeting Treasury head.

Shadow Treasurer Kevin Foley has questioned what the Kerin Liberals have to hide by banning Labor from meeting with the head of the Department of Treasury. ‘The Treasurer personally intervened to ensure I could not meet with the head of his department. The Liberals must be incredibly nervous about the integrity of their budget figures to take such drastic action to keep them secret. Recently, the head of the Department of Premier and Cabinet, Warren McCann, met with myself and Labor leader Mike Rann to assure us that, should we like to meet with the heads of government departments, under caretaker conventions we are entitled to do so. I took up Mr McCann’s invitation and contacted the head of Treasury for a meeting, but Treasurer Lucas clearly panicked, blew a fuse, and suddenly the meeting was cancelled.’

It goes on for another four or five paragraphs. I guess the impact of the then shadow treasurer’s position was—and he repeated this in a number of interviews—that he indicated that it was imperative that the shadow treasurer be able to meet with the Under Treasurer to talk about the mid year budget review, and various budget documents, and the like.

The current government’s position is quite clear. The position that I adopted as the then treasurer was that there was no document released by the Under Treasurer under the former government. The documents that were released were released by the Treasurer. The mid year budget review—as has been highlighted—is a document produced by the Treasurer; he takes advice, and the cabinet takes advice, and then they produce a mid year budget review. The person responsible for that document is the Treasurer, and the Treasurer has to answer questions in relation to that document from the shadow treasurer, the media and, indeed, from all members of parliament and others.

We now have a changed set of circumstances. What we have now is not a Treasurer’s document, which is the mid year budget review: we have a senior public servant’s document, the Under Treasurer’s document, which is the pre-election budget update report. And this document is the responsibility of that particular officer. It is a different set of circumstances and, in our view, it requires a different response. If this had occurred when I was the treasurer—that the Under Treasurer produced a document which differed from the views of the Cabinet on, for example, public sector wage costs or whether an overspending department should repay—I would have sat down with the Under Treasurer and said, ‘Why have you come out with this different set of numbers? Explain to me what you have done in your numbers which means they are different to the document that the Treasurer has produced.’

In our current circumstances there are two people who, potentially, will be responsible for the books of government after an election—the Treasurer or the shadow treasurer—and the shadow treasurer, similarly, should be able to sit down in an ‘away from the public gaze’, one-on-one meeting with the Under Treasurer and say, ‘Can you clarify what you mean when you say this in your document, and can you clarify what this means in your document?’

I accept the fact that as the shadow treasurer I have no coercive powers to require answers to information from the Under Treasurer. We can go out and publicly complain if we do not get an answer but we have no coercive powers and, if the Under Treasurer plays a straight bat and refuses to answer questions and is generally uncooperative, there is not much

the shadow treasurer—after two hours—is going to be able to do about that other than complain that he has been unable to get the answers that he wanted to his questions.

It is certainly our very strong view that under this new set of circumstances, where you have an Under Treasurer producing a subjective document based on his or her own assessments of some of those complicated issues, both the Treasurer and shadow treasurer should have the opportunity to seek clarification on some of these issues in a one on one session. Properly a question was put to me as to why all members of parliament or all parties should not have access and I contemplated that. An amendment could have the Australian Democrats, SA First, Family First, No Pokies, the National Party and every other party included. In my judgment, in the current circumstances it is likely that only two people and two parties will be in charge of the Treasury books after an election.

You may have a number of other people elected to various positions, but either the Treasurer or the shadow treasurer will have to handle the books, answer the questions and produce the budget after an election. Therefore, on balance, it is the view of the Liberal Party that it ought to be restricted to both the Treasurer and shadow treasurer. Certainly from the shadow treasurer's viewpoint, if there are concerns about this issue they will be in the public arena and every other member of parliament immediately will be made aware of any concerns the shadow treasurer or Treasurer may have about assumptions or aspects of the preparation of the document that might be important.

There are a thousand issues that might need to be clarified. I have asked questions today and I accept that the senior Treasury officer and Leader of the Government could not give me an immediate response, but on what date was the cut-off for revenue estimates for gambling taxes, for GST income and for land taxes in terms of the preparation of the mid year budget review? We want to see the same thing clarified in a pre-election budget update report. Those sorts of things can be important and the only way they can be clarified is if both the Treasurer and shadow treasurer are able to ask the Under Treasurer and his senior officers, 'What was the cut-off date for revenue estimates; why have you done this in this way; what are your general approaches in relation to these issues?' We do not have coercive powers and if the Under Treasurer says that he refuses or cannot give that information, grudgingly and reluctantly the shadow treasurer would have to accept it.

This is a difficult issue and, even when there was not an Under Treasurer's document and it was the Treasurer's document, it was the position of the Treasurer, Mr Foley, that the shadow treasurer should have access to the Under Treasurer in an election period. He made great play of that during the last election campaign and that was his position in relation to the issue of shadow treasurers having access to the Under Treasurer. I have explained why in those circumstances the Liberal Party did not believe it was appropriate because it was a Treasurer's document and not an Under Treasurer's document, but now that it is an Under Treasurer's document no reason can be proffered as to why both the Treasurer and shadow treasurer should not have access to the Under Treasurer to ask him or her important clarification questions about the construction of what could be a pivotal document in the conduct of an election campaign.

All members would be aware of the significance of a mid year budget review or document like this. For example, if the government in its mid year budget review were to say it had

balanced budgets for the next four years in an accrual sense, the Under Treasurer comes out a month later and says they are not balanced, that it goes into deficit in the second or third year or whatever, then I imagine both the Treasurer and shadow treasurer should be able to ask questions of the Under Treasurer as to what are the different assumptions, what are the reasons, and whether he can clarify how he has come to this conclusion. Under treasurers and Treasury officers are not infallible. I have the greatest regard for the majority of senior public servants who work within Treasury and Finance, but they would be the first in their most private moments to acknowledge that they make mistakes, as indeed do we as politicians. Sometimes they make horrendous mistakes in terms of forward estimates.

Sometimes as I sat around a budget bilateral briefing I would say, 'Why is that \$14 million in that portfolio now being incorporated as an additional cost, is it a new expenditure?' 'No, Treasurer, it was omitted from the last set of accounts.' 'Why was it omitted?' 'It was just an honest human mistake.' I make no criticism: it is impossible to be infallible in relation to these issues. On a number of occasions as treasurer or shadow treasurer one is in a position to be able to say to an Under Treasurer, 'Hold on, this doesn't add up. You have this, this and this, and yet when you look at this other set of accounts that is not consistent—are you sure you haven't made a mistake in relation to these issues?' If the government wants to come to me and say that Treasury is infallible and that the Under Treasurer is always right, frankly not only will I not believe it but no former treasurer could accept that set of circumstances.

It is not a criticism of the senior Treasury officers, but surely to goodness as elected officials a treasurer and shadow treasurer should have the capacity on an important document like this to test the assumptions and check for some of the mistakes. I am hoping that this parliament will pass this and we may end up being in a conference of managers, but from my memory and any leaked documents I might have I will be able to indicate some of the significant errors made by Treasury officers and under treasurers in recent times.

I highlight to members that this is not an infallible process, not a process where the Under Treasurer knows everything and whatever he says is 100 per cent right because, if we get to the conference of managers, some of this information can be shared with some people in relation to honest errors made by honest officers undertaking their tasks as best they can. It is with some passion that I support this. I hope it can pass this chamber on this occasion so we can, hopefully, see a change of heart from the government. If it wants to look at changed parameters in relation to the requirements of the meeting, I am happy to discuss them. If it passes this chamber the issue may need to be resolved between the houses through the accepted processes and the opposition is happy to enter into those negotiations and discussions.

In relation to the drafting of the public sector wage increases, if there is some wording there that can meet the same end and some of the concerns the government has, I place on the record the opposition's willingness to enter into constructive discussion to ensure that, given that the government has taken this decision about the bill, we have a workable piece of legislation that increases public accountability and assists the public and parliamentary capacity to question the budget processes.

The Hon. P. HOLLOWAY: The government will strongly oppose this amendment as it will render the whole process inoperative. Whether we can repair the amendment

just passed is one thing, but to accept in principle that the Under Treasurer, a senior public servant, will, if this bill is passed, be required to make a pre-election budget update report and be involved in verbal discussions would inevitably result in the Under Treasurer's becoming a political football and it is intolerable. It is totally inconceivable that you could have a situation—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: It is one thing to have discussions with the Treasurer, but if this is passed it will be required by law that the Under Treasurer will answer questions in relation to the report for a period up to two hours. It makes the whole thing a political football.

It is one thing to have formal briefings; it is another thing to pass a law which specifically requires the Under Treasurer to answer questions about particular points. It will totally politicise the entire process, rendering it useless. This is why no other jurisdiction has anything like this, nor do I suggest that they would be stupid enough to contemplate anything like this. What hypocrisy from the Leader of the Opposition, who was the most secretive treasurer South Australia has ever seen. He is a person who would give absolutely nothing; he would only give away boomerangs and homing pigeons in terms of information about the budget.

We are talking about a major reform; it is about providing information never before provided. What the opposition wants to do, if the amendment is carried, is turn the entire process into a political football. The issue of the two hour meeting with the Under Treasurer will take over the entire election process if the opposition has its way. One can imagine the sorts of stunts that would be pulled by the Leader of the Opposition if he happened to be the shadow treasurer involved in those sorts of discussions. I urge all members of the Upper House to reject this concept as it is ludicrous and offensive to the political process.

The Leader of the Opposition spoke for some length about Treasury officials making mistakes; yes, they do make mistakes, but is anyone seriously suggesting that within this two hour meeting somehow or another mistakes are going to be revealed and pointed out? The fact that the report is to be done in 10 days rather than 14 days will increase the likelihood that there will be mistakes; I concede that point. However, it would have been better if we had had the extra time to do it properly. It is ludicrous that this discussion becomes a political football. I do not need to say much more. The fact that no other jurisdiction would contemplate this or would be silly enough to do it speaks for itself. I can only plead with members of this parliament to support the government.

What is being put up by the government is a very important reform. We have made a number of changes to the terms of reference of the pre-election update reports so that information is provided by the Under Treasurer as to where he might disagree with government assumptions. In relation to wage outcomes, it is not a question of, as the Leader of the Opposition was trying suggest, that the Under Treasurer might believe that public servants should be paid more money, and whether the under-Treasurer thinks the assumptions are reasonable given relative wage movements in other jurisdictions. If the police in other states get a wage rise—if, in every other state, their provision is in excess of what is provided in our state—and if the relative pay of those officers is lagging, I believe it adds to public knowledge for the Under Treasurer to make that comment.

It is clear that with the change of government the previous treasurer, to make his budget figures look good, deliberately kept down what were reasonable estimates of wage outcomes. Those outcomes could never have been delivered. Wage outcomes ultimately go to the industrial court, which, to some extent, is the arbitrator. These decisions are beyond the control of governments; we all know that. That is why the assumptions are so important. All we are asking is that the Under Treasurer provide the aggregate basis upon which those assumptions are made. That is why these reforms are so important. If we get to the stage where the Under Treasurer is cross-examined under this process and required by law to answer questions, this episode will detract from the benefits of this very important reform, and therefore the government cannot accept it. Again, I urge the committee to reject this amendment.

The Hon. IAN GILFILLAN: The Democrats oppose this amendment. We see it as a recipe for chaos. It is hard to imagine that, within a fortnight of an election, the public can expect to have rational and balanced responses from the Treasurer, with no opportunity to have a justification of those statements by the poor benighted Under Treasurer. I think it is totally unfair to impose on any person, as Under Treasurer, this pressure cooker situation.

Why should the mover of the motion assume that the only people who are vitally concerned with and entitled to a briefing from the Under Treasurer should be the Treasurer and the pretender to the throne, the alternative treasurer? This is not necessarily relevant to this amendment, but if we are looking at open and good accountability from the Under Treasurer to all of us who are concerned, not just the privileged two, why do we not move for such a procedure to take place at least six months before the scheduled election date, so that we can all—including, eventually, the public—benefit from the wisdom and answers to questions from the Under Treasurer? I do not think that this measure will have any constructive end result, and I believe that it should be opposed.

The Hon. T.G. CAMERON: I have some reservations about this amendment, but for slightly different reasons, or with a different emphasis from the Hon. Ian Gilfillan's. I am not so concerned about the prospect that only the Treasurer and a person who would, I expect, be the shadow treasurer would interview the Under Treasurer. My concerns revolve more around what this process would trigger off in the middle of an election campaign. We have already seen from the last election that, irrespective of whether we have a clause such as this, or whether the Treasurer and the shadow treasurer do meet the Under Treasurer, attempts will be made to play politics with the issue and, if possible, to create political chaos or uncertainty. On the last occasion, that was the now Treasurer. With the members of the former government now being in opposition, I do not know that we could expect them to behave themselves completely during an election period. One would expect that they would do the same, or at least attempt to make some political mileage out of it. What concerns me is this (and the Hon. Ian Gilfillan touched on it): where does the Under Treasurer go after he has had a meeting with the Treasurer and the shadow treasurer and there is some disagreement about who said what or what was said?

An honourable member interjecting:

The Hon. T.G. CAMERON: I was just going to come to that. There is no indication in the amendment that a transcript would be kept. The amendment is not entirely clear as to whether or not the Treasurer and the shadow treasurer would

be meeting the Under Treasurer separately or together. One would assume that it would be separately. I am sure that members of this parliament would appreciate that, even if an individual says the same thing to 10 of us, we will not all end up with exactly the same opinion as to what he said. If we are then asked to assert that opinion at a later date, it will then start to change even further. The communication that takes place between human beings is an unavoidable process. We do not always receive the same message even though the words are the same and then, when we have to interpret it and restate that message, it can change—and it can change significantly.

My concern is: where would we be, and where would the Under Treasurer be, if the Treasurer and the shadow treasurer walked out of the meeting and made two completely different assertions? Would the Under Treasurer then be required to comment publicly on who was right and who was wrong? I am not sure. The Leader of the Opposition may wish to clarify—

The Hon. Ian Gilfillan: How secure would his job be?

The Hon. T.G. CAMERON: The Hon. Ian Gilfillan asked, ‘How secure would his job be?’, which I guess raises a question of whether he would go and look up the latest opinion polls before he gave his answer to who was telling the truth, the Treasurer or the shadow treasurer. Whilst I can see where the Leader of the Opposition is going—one can only assume that he is attempting to de-politicise this process during an election campaign—I am not sure that, at the end of the day, this amendment would achieve that outcome. It may well be a recipe that could create a whole deal of uncertainty about who said what and who did not say what—‘That is not what he told me.’ We would not have any record of it. I am not certain that we would not end up with an even greater mess than we had at the last election. Perhaps, if this amendment is successful, during the next election campaign, at the appropriate time, the Leader of the Opposition can issue the current Treasurer’s statements when he was seeking briefings, and so on, at the last election. I still remain to be persuaded: I do have some reservations.

The Hon. NICK XENOPHON: I have some questions for the Leader of the Opposition. I note the comments of the Hon. Ian Gilfillan and the Hon. Terry Cameron in relation to their concerns about this matter. As I understand the leader’s intent, it is to make sure that the process is more transparent. But is there not a danger that a senior public servant will be put in a very difficult position—in a highly political position—so close to an election period? First, has the leader considered it being away from the middle of an election campaign in terms of a time frame; and, secondly, how would it work in a practical sense so that there is not a dispute as to who said what? Would there be a mechanism to ensure that it was recorded with the consent of the various parties and that a transcript was provided? I would imagine that it would be an important conversation in the context of an election campaign. Can the leader address those two questions at this stage? I understand the intent, but I am concerned about the practical implications.

The Hon. R.I. LUCAS: I am happy to respond to that question and the concern that the Hon. Mr Gilfillan has highlighted. This was one of the issues that I raised during my second reading contribution many months ago. It is not this proposal for a meeting that places the Under Treasurer, as the poor benighted public servant (as, I think, the Hon. Mr Gilfillan referred to him), in a difficult position. Once one makes a decision to put a senior public servant in the position

of producing the pre-election budget report on his or her own assumptions, that is the decision that puts the poor benighted public servant (to use the Hon. Mr Gilfillan’s phrase) into the public arena. That was the issue that I raised last year. I said that this is the trend, and I accept the fact that this is the trend. However, one of the criticisms and concerns is that, by doing this, one exposes a public servant who is meant to be working efficiently and effectively for one government and soon afterwards is meant to continue to work efficiently and effectively for another government if there happens to be a change of government. One places that public servant in a very difficult set of circumstances through this process.

My response to that is that it is not this process of the meeting that will place the Under Treasurer in a position of potential political conflict. Even if we do not have this amendment (and I hope that, at least to allow further consideration, it gets through this chamber and we can have a discussion between the houses), let me assure members that the Under Treasurer will be the subject of political disputation and debate during the election period.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: In my view, it will not make it worse, and we might all have different views about that. But, if this amendment is unsuccessful, the Under Treasurer will already be the subject of political disputation and conflict during an election period because of the decision this parliament will probably take to say, ‘You should make your own decisions in relation to pre-election update reports. If you happen to disagree with the decisions that a duly elected cabinet has taken about what public servants should be paid or whether or not over-spending government departments should be required to repay, and have a view which is different to the views of a duly elected cabinet and treasurer, that is fine. Incorporate them into a document and we want you, in the middle of an election campaign, to release it.’ That is the decision that leaves the Under Treasurer in a position of potential political conflict and disputation.

I accept, for a variety of other reasons—the majority in the parliament, and the parliament ultimately (indeed, our own party is accepting)—the notion of the charter of budget honesty even though we did not push for it when we were in government. We accept that this is the trend and this is where we are heading. But it is that decision which leaves the Under Treasurer in that situation. So, whether or not this amendment is passed, do not go away from this place saying, ‘I have successfully defeated this amendment and protected the Under Treasurer from potential political conflict and disputation’, because I can assure members that they will not have done so and we will not have done so, because the decision has already been taken to involve a senior public servant in this debate during the heated part of an election campaign.

The second part of the Hon. Mr Xenophon’s question was whether it can be done at another time, and I think the Hon. Mr Gilfillan mentioned six months before or something. The answer is that you cannot do that, really, because the worth of the pre-election budget update report is that, as at February or March 2006, this is the state of the budget—as it is now. To take up the Hon. Mr Gilfillan’s suggestion of six months prior to that, September 2005, we can all sit and chat with the Under Treasurer, which might be lovely, but ultimately he will not be in a position to indicate what his pre-election budget update report will be in September 2005.

If this is going to be of any worth, it will be to clarify. It can do one of two things. It may well be that the shadow

treasurer or the Treasurer—but more likely the shadow treasurer—will have some grave concerns about what is in the pre-election budget update report. The Under Treasurer answers the question and clarifies it and the shadow treasurer has to go off on a different tack and attack something else. I am sure the shadow treasurer—of whatever political persuasion—will find enough things to attack the government of the day about. But it may well be that the meeting with the Under Treasurer is able to clarify certain issues which will then mean that they are no longer issues for public debate and disputation.

I accept the point the Hon. Mr Cameron raises that it is quite possible that, having asked questions of the Under Treasurer, the shadow treasurer will march out of that meeting and say, 'We have just asked these question and he won't answer.' The leader says he will be required to answer—

The Hon. T.G. Cameron: You wouldn't do that if you got this amendment through, would you?

The Hon. R.I. LUCAS: I wouldn't, I am sure, but there may well be other shadow treasurers. The Leader of the Government says that he will be required to answer questions. The standing orders require the Leader of the Government and the Hon. Mr Roberts to answer questions. That has not stopped them for two years from not providing information in answer to questions. As I said, the shadow treasurer does have coercive powers, sitting across the table from the Under Treasurer, to say, 'You must answer these questions and, if you don't, you will go to gaol', or something like that. There is nothing that requires that. The Under Treasurer can play a straight bat, and I am sure this Under Treasurer has played and future under treasurers will play straight bats in the future to questions that are asked of them. But it is possible the shadow treasurer will say, 'They refused to answers the questions. We asked this, this and this. We tried to highlight problems and concerns and they refused to answer questions', or, 'We have asked the questions and we believe we have highlighted a mistake in their calculations and they have rejected that.' They may be the circumstances that arise as a result.

In relation to the third question the Hon. Mr Xenophon asked about a record, that would not worry me. There is nothing here which indicates that but, if the Under Treasurer decided he wanted to tape the meeting or have Hansard record it or have an audio tape of it, it certainly would not be of any concern to me should there be a deemed view that that would be a benefit.

The Hon. Nick Xenophon: Would you or your party object to that?

The Hon. R.I. LUCAS: No, I would not, and that would be a protection, at the very least, from the situation of 'He said this' or 'He did not say that.' As the Hon. Mr Cameron says, even with the same set of words you disagree about the impact of them, and there have been many examples of that in the past, not just in the finance area. But at least that would end a debate about exactly what words were used and both parties could go away with an audio tape. It would be a bit like an interview that you do in the courtyard. You, the politician, might have your own tape of it and the journalist has his or her own tape of it, and you can say, 'Okay, this is exactly what I said. Even though you claim that I said something else, here is my tape of it.' So, I think that would be useful for clarification.

The Hon. Mr Xenophon asked the fourth question in relation to what the practical processes are of this. I would

envisage that the day afterwards the shadow treasurer or Treasurer would say, 'I want a two hour meeting; let's agree on tomorrow', or whatever it is. The shadow treasurer would sit down with the Under Treasurer, with his or her senior officers, and would ask a series of questions (it may well be that both sides tape the meeting to clarify the issue that the member has highlighted), and that would be the end of it.

The Hon. Mr Cameron asked a proper question which I think can be asked even if this amendment is not passed, and that is: if this amendment is not passed, what is the role of the Under Treasurer in defending his or her document throughout the campaign, anyway? So, even if this amendment is not passed, does the Under Treasurer just release the document, and if the media or someone says, 'We think you have got it wrong because you have miscalculated this' or 'you haven't calculated that' or 'your numbers do not add up', or something like that, does the government intend that the Under Treasurer can respond to those sorts of things in a public way? I think that is a reasonable question that should go to the Leader of the Government before we vote on this. I think that is a fair question the Hon. Mr Cameron has put, but I think it is a fair question as the bill is drafted now in addition to this amendment if it goes through.

I think the Under Treasurer will be in the same position whether or not we have this meeting—that is, there may well be people who challenge the accuracy of what he has done, and the government will have to decide whether it will let the Under Treasurer go out and publicly defend and answer his document. I think that is a question that only the Leader of the Government can answer.

The Hon. P. HOLLOWAY: I think the comments we have just heard from the Leader of the Opposition demonstrate exactly what would happen if this amendment were to be passed and how it would politicise totally the role of the Under Treasurer. It is one thing for the Under Treasurer to prepare a report which is made public about his views on the accuracy of the government's assumptions about the financial position of the state. The reason this is proposed is that it is a democratic check and balance, if you like, that the senior public servant responsible for the finances of the state prepares a report that checks the assumptions that are used in the financial position so that the voters generally can be well informed about the financial position of the state.

However, this is taking it one step beyond that situation. There is a convention that applies to the conduct of public servants during election campaigns. What will happen, inevitably, is that the Under Treasurer and this meeting will become part of the political theatre, and I think the Leader of the Opposition has just indicated how that would take place. It will be part of the political theatre, and I suggest that is very much not in the interests of democracy. It is one thing to have a report that verifies or, as the case may be, disagrees with the economic assumptions underlying the financial position of the state, but it is another matter entirely to have this piece of political theatre involving meetings with the Under Treasurer. What the government is proposing does require the Under Treasurer to be involved in a role that he has not been involved in before but, after all, it is essentially the Under Treasurer and his officers preparing a report indicating the financial assumptions on which the forward financial projections of the state are based. It is different entirely having this piece of political theatre. So, again, I ask the committee to reject the amendment.

The Hon. T.G. CAMERON: I thank both the Leader of the Government and the Leader of the Opposition for their

comments. It would appear that we are going to have increased political theatre during the next election campaign as a result of this bill. Whether or not we are going to have more political theatre in addition to this bill as a result of the Leader of the Opposition's amendment, I suspect, boils down to a judgment decision. But, whilst listening to the two speakers, the thought did cross my mind that if the Under Treasurer submits a report and that report becomes a public document—

An honourable member interjecting:

The Hon. T.G. CAMERON: As it will; it will become a political document—what will the role of the Under Treasurer be in relation to how he responds to media questions without the Leader of the Opposition's amendment being carried? One can see that, under the amendment of the Leader of the Opposition, there is some process for both sides—at least privately and then publicly—to discuss with the Under Treasurer any differences of opinion or supposed errors that may have been made. I do not see that as a perfect process, but election campaigns are not perfect processes.

If anyone believes that this is really a bill about public finance and audit honesty and accountability in government I do not know what they would believe in. It is certainly not about that: it is about the fulfilment of a promise that was made during an election campaign about honesty and accountability in government. However, that is not the judgment that some of the minor parties and Independents have to make in this place. The judgment we must make is: if the political theatre is going to be unleashed during the election campaign in any case by the carriage of this bill, will the Leader of the Opposition's amendment add to that political uncertainty or detract from it?

Initially, I was of the view that it would detract from the political certainty, but now that the report will be a public document anyway, I would be interested to hear from the government just how it sees the role of the Under Treasurer in responding to the media's queries; particularly media queries which may relate not only to the report he has issued but also to disagreements that will eventually occur between the Treasurer and the shadow treasurer. Will the Under Treasurer be able to release a further report? Will he be able to speak freely to the media? Will the Under Treasurer be able to respond to criticisms or queries coming from the media about the Treasurer's response to his report, and vice versa—the shadow treasurer's response to the report?

It seems to me that, by the mere carriage of the bill (as was asserted by the Leader of the Opposition), we will ratchet up the political theatre. The question is: will the Leader of the Opposition's amendment assist in that theatrical process or detract from it? I would be interested to hear what the minister has to say.

The Hon. P. HOLLOWAY: I thank the honourable member for his comments. Conventions do operate during election campaigns. I am sure that all members are aware that heads of departments observe certain codes of behaviour, if I can call them that, during an election campaign. By and large the heads of departments will stay out of political debate; they will not be involved in politics and political comment during the course of the campaign. It is true that, if this bill is passed, the Under Treasurer will have to release this report. However, it is one thing to have a report that has been prepared by senior Treasury officers that will, I imagine for the most part, be a fairly dry economic document.

Mid-year budget reviews scarcely hit the best seller list. The interest, I guess, during a campaign will be any com-

ments the Under Treasurer might make in relation to the state of the economy. I am sure that any Under Treasurer who has the task of preparing the report will choose his or her words very carefully to minimise any political impact they might have on the campaign, while at the same time putting forward their fair and objective view on the assumptions that underlie the particular document, and that is what we are asking that person to do. However, in relation to being involved in debate that would come out of the report, I would expect that would be very little.

Obviously, it would be a matter for the Under Treasurer to determine. I would expect that if conventions are followed, which have been followed in the past, the Under Treasurer would not become involved in political discussion. It is a matter of his putting out this report which sets out, in fairly technical terms, the assumptions on the state of the economy, and I would think that any role he might have in publicity would be very strictly confined to those particular matters.

The Hon. R.I. Lucas: Did he answer the question for you?

The Hon. P. HOLLOWAY: It is a matter of the choice. I am saying that it is a matter, ultimately, for the Under Treasurer. I mean, what do public servants do now if they are asked questions in relation to their function? The convention is that, during election campaigns, they stay out of political issues; and one would expect that, to the extent possible, the Under Treasurer would do the same. Ultimately, it is his decision how much comment he would make in relation to this report.

The Hon. T.G. CAMERON: I am afraid that the response by the Leader of the Government to my questions did not have the desired effect of pushing me in his direction. I had a great deal of difficulty understanding exactly what it was he was saying to the council, particularly in relation to the nub of my question, which was: what access will the Under Treasurer have? As I understand it, the carriage of this bill will mean that the report will be issued and there will be media comment on that report. As dry as the document is, the media will find some way of trying to beat up a story about it.

If we have reached that point during the election campaign, then the report has been released, the media has got hold of it, they ask the shadow treasurer for a response, the Treasurer disagrees and they wish to seek some clarification from the Under Treasurer. Will they or will they not have access to him? If he does happen to disagree with the Treasurer, will the Treasurer have further access to him, and vice versa? It appears to me that, under either proposal with which we are being required to deal, once we let the lion out of the cage we do not necessarily have it on a leash.

The contribution made by the Hon. Nick Xenophon clarified some of the reservations I had, namely, that transcripts could be kept of each of the meetings and that those transcripts could be made available to the media, but then what happens after that? Will the media want to speak to the Under Treasurer again about a query they have got? I guess that it gets a little difficult for a government to label a bill 'Public Finance and Audit (Honesty and Accountability in Government)' and then seek to limit, or in any way restrict, the access the media may have to the author of the report.

That seems to be a self-defeating mechanism to introduce if we are going to have the lion out of the cage and roaming around and without some clarification from the government as to precisely what the Under Treasurer's role will be. To whom can he speak? What can he say? Will he be able to

comment honestly and openly, for example, if there is a disagreement between the Treasurer and the shadow treasurer? Could we find the Under Treasurer being requested to participate in a three-way debate on just who is telling the truth in relation to the report?

The Hon. Ian Gilfillan interjecting:

The Hon. T.G. CAMERON: Well, I suppose the ultimate judge of the Australian Democrats will be the voters. They will be the final arbiters. The Leader of the Opposition must be chiding himself for not at least incorporating the Australian Democrats in the meeting with the Under Treasurer. One might have elicited a different response from him had that been the case, because that seemed to be the nub of his objections. The lion is out of the cage. In the absence of any clear undertakings from the Leader of the Government, if this amendment is defeated, the Under Treasurer would have a full, unfettered and clear right to speak with whomever he wished in the media without fear of any repercussion. I am leaning in favour of the amendment; however, I will give the Leader of the Government further opportunity to respond.

The Hon. J.F. STEFANI: I want to add some observations about the amendment and the government's proposal to have the Under Treasurer prepare and table or present a report. It seems to me that we are placing a very senior public servant in a very difficult position—a political position. I say that because, as has already been mentioned, there will be differences of interpretation—and perhaps including the figures—that may emerge in the climate of a political campaign.

It also seems to me that we are forgetting that, ultimately, public servants are responsible to parliament and not to the government of the day. They are responsible to the parliament, and the parliament is responsible to the people, and we represent the public. I know that once an election is called all the committees are dissolved and parliament is gone. However, if there were some way that the Under Treasurer could present the report to parliament and there were an opportunity for a standing committee in a public forum, where parties are represented and where the media and all those interested can be present and be able to hear the report analysed or questioned (and perhaps Hansard could record the proceedings), we would take away the atmosphere of the public arena in an election campaign that puts the senior public servant in a position of being a quasi politician.

I have some concerns about that, because I do not think that is the role of any public servant. I do not think it is the role of any senior officer or public servant to be placed in a position of having to be lobbied or used in a political context, particularly during an election campaign. I have some difficulty in coming to terms with that. I understand the process. I understand that this Rann Labor government wants the Under Treasurer to prepare a report for everyone. That is my difficulty in coming to terms with a process that takes away the political heat from a public servant who has to deliver, to be honest and to be upfront. Yet we are involving that person in a political process that I am sure he or she would not enjoy.

The Hon. P. HOLLOWAY: I will try to address some of those issues. I think that the Hon. Julian Stefani really answered his own question when he said that part of the problem, of course, is that parliament would be dissolved and, since we would be facing an election, we would not have any members of parliament during an election period. Fundamentally, that is the problem we would have. However, let us return to what the pre-election budget update report is

really all about. If we read the legislation, we see the answer, as follows:

(1) The Under-Treasurer must prepare and publicly release a pre-election budget update report. . .

(2) The purpose of a pre-election budget update report is to provide an updated statement of the current and prospective fiscal position of the government.

We have the mid year budget review, and that will be not much before an election held at the ordinary time, that is, a fixed four-year term. We know that. There will be a difference of only two or three months, but big changes may have happened in the economy during that time, and I am sure that the Under Treasurer will be very professionally alert as to what they are—whether they are on the up side or the down side. The bill provides:

(3) A pre-election budget update report must contain the following information:

- (a) updated state government sector fiscal estimates for the current financial year and the following three financial years;
- (b) the economic and other assumptions for the current financial year and the following three financial years that have been used in preparing those updated fiscal estimates;
- (c) any other information or explanation that should, in the opinion of the Under-Treasurer, be included in the report.

In answer to the Hon. Terry Cameron's question; yes, it does involve a public servant in a different role—essentially, the Under Treasurer and his staff (I am sure he will not prepare the report by himself), and a significant number of Treasury staff will be involved. The Treasury is involved in preparing mid year budget reviews and budget papers all the time, so the task that it is being asked to undertake is not particularly unusual or difficult. It is simply a matter of providing that updated information so that the government of the day, of whatever persuasion, cannot withhold from the public changed economic circumstances about which the public should know before making their choice at the election.

Essentially, that is the background to this bill. I will repeat the answer I gave earlier for the Hon. Terry Cameron. If the Under Treasurer prepares this report, we would expect him to behave in the same way as every other public servant in other states where they have this report—namely, simply to release the report and to confine their remarks or comments to that. We would not expect the Under Treasurer, or any other senior public servant for that matter, to play a political role during an election campaign and become involved in day-to-day politics. That is the convention under which our senior public servants operate—and long may that continue.

In other states where they have these reports we do not have television cameras and political theatre involved when the Under Treasurer meets with either the Treasurer, the shadow treasurer, or anybody else, during an election campaign. All we are talking about with this bill is the release of a report that will provide updated information about the state's financial position over the three or four years of the forward estimates. That is all we are really talking about.

We have had suggestions that these meetings might be taped. Who knows? I think that the Leader of the Opposition's amendments raised a lot of issues that should not be raised. If we are talking about a report, that is one thing, because the report will be there for everybody to read, but these meetings proposed by the Leader of the Opposition are another matter entirely. They will take on a life of their own, and some of the issues that have been raised by others, such as whether these meetings would be taped, indicates how ill thought out this amendment is in respect of the dangers in going down this track.

Having a report is one thing; other states have it. It does not involve the Under Treasurer of those states in unnecessary political controversy, but I have no doubt whatsoever that, if the Leader of the Opposition's amendment is carried, that would be the consequence for the future politics of the state.

The Hon. J.F. STEFANI: I have a couple of questions for the Leader of the Government. Are the figures that are going to be used by the Under Treasurer to produce this report likely to be available for audit? I realise that the audit would not be possible in the time frame in which he or she would be required to produce the report, but would they be available, as a proper process of substantiation, for an audit to be carried out by the Auditor-General at a later stage?

The Hon. P. HOLLOWAY: I appreciate the question that the honourable member is asking. First, let us understand that we are talking about forward projections here and how you audit forward projections is, itself, a difficult concept. We are talking about what might happen rather than the sorts of things that the Auditor-General might look at, which is what has happened.

The Hon. T.G. CAMERON: I am sure our Auditor-General would.

The Hon. P. HOLLOWAY: Well, I do not think that he would. Our Auditor-General makes it very clear that he sees his role as reporting on what has happened rather than on what might happen. But that is another issue. Let us look at what is required under the new measure. Clause 6 provides:

A pre-election budget update report—

(a) must, insofar as is reasonably practicable, be prepared according to the fiscal standards that apply to a state budget; and

(b) insofar as particular information required to be included in the report is unchanged from information previously reported on in a statement of the Treasurer under section 40, may summarise that information and state that it is unchanged from what was set out in that earlier report; and

(c) does not have to include information that the Under Treasurer considers should not be included because—

(i) it is confidential commercial information; or

(ii) its disclosure in the report could prejudice the interests of the state.

So, there are those conditions and the most important one is paragraph (a) which, as I said, says that it must be prepared according to the financial standards that apply to a state budget. I again make the point that the Under Treasurer and his officers make these reports all the time. They do them every six months with the mid year budget review and with the budget process.

The Hon. J.F. STEFANI: I have a further question. I assume that the Under Treasurer will take a very scrupulous approach to producing accurate forward estimates, because otherwise his or her credibility would be totally shot, and so this report will contain as accurate forward estimates as can be produced. But I guess that some things can influence and change the scenario in terms of a particular outcome. So, what mechanism will be available to identify monthly year-to-date outcomes after the election so that the parliament is advised of deviations from the forward estimates in a timely manner?

The Hon. P. HOLLOWAY: If the election is held on the third Saturday in March, or whenever that time would be, then I guess the pre-election budget update would be based some time in February. There would be a mid year budget review that would provide similar information and that would come out either just before or just after Christmas. You would then have the budget that would come out—if we continue

with the convention—on the last Thursday in May, which would have projections for the end of the year. Some time later we would have the final outcome for the year when that was prepared. So there would be plenty of times during the year when those figures would be available. But I think that we can see from recent budgets of all governments that there can be quite large and significantly different outcomes that can eventuate even between the budget in May and the final outcome on 30 June. But the important point is that at all times one would expect that the Under Treasurer would use his or her best professional judgment.

But we are talking here about estimates. I would have thought that it was not so much the figures that were important in themselves but that it was the assumptions that were the key things. And that is why—with the Leader of the Opposition's amendments earlier and the government's amendments—so much time has been paid to the assumptions because, in my opinion, it is probably the assumptions that are as important as the figures themselves.

The Hon. NICK XENOPHON: I have some reservations about the Leader of the Opposition's amendment, but I believe that the conundrum here is that the Under Treasurer's role has, in a sense, been elevated by virtue of these reporting requirements. And I understand the government's intent in terms of improving the degree of accountability in the context of the Under Treasurer's report regarding the budget process. But there is a conundrum in the sense that, I think, the Under Treasurer is in the fray—to a degree—by virtue of his or her role.

So my position is this: with reservations I will support this amendment but I want to make it absolutely clear that I do so in order to allow further negotiations to take place, and that I reserve my position at the end of those negotiations between the government and the opposition.

The Hon. T.G. CAMERON: My position is the same.

The Hon. A.L. EVANS: I am very pleased with any bill that brings things out in public because I believe very much in openness. I believe that it creates, in our community, a climate of trust in politicians. I think that so many times in the past we have made promises and then, after the election, there is always some financial reason why these promises cannot be kept. So, I believe this bill has a lot of good things in it and has great merit.

As I looked at the amendment I felt that it was strengthening this openness and that it therefore had merit, but I have listened to the other arguments and there are certain concerns that I still have. There is no guarantee in this amendment that there will be a transcript of the meeting, and without that transcript all kinds of different views will be presented as to what happened. This transcript—if there were to be one made, and it should be in the amendment—should be made available to all parties and all Independents because, even though we are small, we do have a very strong vested interest in making sure that the financial affairs of this state are in good hands.

My other concern is that I am always cautious in the breaking of convention. I think that when something has been a convention for many years we ought only to break it in extreme circumstances. When we involve a public servant in the political process, that is of concern to me. I am also not sure whether it is going to make any difference because, as I have observed, with the political spin that is put on by all of us it is hard to know whether that really makes the picture any clearer. With those few words I endorse what Mr

Cameron and Mr Xenophon have said: I would like it to be looked at again and then brought back for a final decision.

Progress reported; committee to sit again.

TEACHERS, COMPUTER SKILLS

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement on the subject of computer skills of teachers made by the Minister for Education and Children's Services today.

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 February. Page 1052.)

The Hon. A.L. EVANS: I rise to speak against this bill. The extension of liquor trading by two hours into the early hours of Good Friday morning may seem a trivial matter to some members of parliament, but in fact this issue touches on a matter of great principle for our society. I urge members to contemplate carefully the underlying principles at stake in this debate.

It is said that we live in a multicultural society, characterised by pluralism of religious beliefs and practices. That is all very well, but it would be good for members to contemplate the reasons for this multiculturalism. In the days of our greatest migrant intakes, both in South Australia and the wider nation, this bill would not have been contemplated. Multiculturalism was made possible in this country because of the constitutional freedoms and principles of tolerance and respect that lay at the heart of our institutions. The great respect for and observance of the principal holy days in the Christian calendar was founded on the religious faith underlying the development of our society and shared by most of the citizens.

However, this respect went beyond the requirements of religious observance. Australia was considered a working man's paradise for at least half of the twentieth century. There were a number of reasons for this, but one of them was the importance our society placed on the family and the social fabric. As such the principle of keeping Sundays and the principal Christian feasts also reflected a fundamental respect for the family and an almost universal acknowledgment that as a society we would not bow to the commercial imperatives of the business world. Sundays would be a day of rest and would be protected from the incursions of business and the working world.

Because of our constitutional and religious heritage our days of rest were founded primarily on days of Christian or national significance. What is wrong with that? No-one seems to take exception to Christmas because of its underlying Christian foundation. Are the proponents of this bill taking issue with the religious significance or insignificance of Good Friday, or are they simply seeking to dispense completely with the last vestige of the Australian stand against commercial pressure? Why cannot South Australia have at least some days left when they can say to business, 'You're important, but you're not the be all and end all of our society.' There has been a debate about the significance of Good Friday to Christian observance and practice. I am part of a Christian tradition that does not place emphasis on the observance of particular feast days. But I do respect the traditions that do, and the presence of holy holidays has symbolic value

nonetheless. The Easter events are the foundation of our faith, as they are for all Christians.

Many traditions regard Good Friday and Easter Sunday as the most important days in the liturgical year. A number of these traditions have significantly and solemnly observed Good Friday. Some Catholics or Anglicans spend a great deal of time at church for the evening of the holy Thursday and the mass of the last supper, perhaps followed by a vigil at the altar of repose. Many are back at church at 9 a.m. or 10 a.m. and return again for the 3 p.m. ceremonies. Some will attend special services of vespers and many will be fasting throughout Good Friday. I have always acknowledged the pluralism that characterises religious belief and practice in our present society, but it is safe to say that Christianity, in its various denominational guises, is the religious belief or allegiance of a clear majority of South Australians.

Good Friday has continued to be an important sign and acknowledgment of the western Christian heritage we share. Its protection and status as a real day of rest from normal commercial activities makes it a powerful symbol of our esteem for spiritual values. Its status can be a sign to non-Christians that spiritual values are important to our society. In our protection of Good Friday we can also acknowledge the religious values and beliefs at the heart of the ceremonies of the eastern and Greek Christians, even though their Easter periods do not coincide with that of western Christianity.

If we look at other religious groups we see that the time frame under consideration here coincides closely with the most sacred festival of the Jewish year. It is also noted that Muslims and Baha'is do not drink alcohol at all and many devout Buddhists are known for their asceticism. Ever expanding opportunities to sell or consume alcohol in public could not be justified with the excuse of religious pluralism.

On a more mundane note, I predict that if the liquor industry is allowed this concession it will seek further extensions of trading hours, producing even greater erosions of the values I have discussed. I note that my colleague Mr Lucas is seeking to expedite this process. I urge members to draw a line against those base commercial imperatives driving this proposed legislative change. There are higher values at stake here.

The Hon. D.W. RIDGWAY: I rise to support the bill and to make a brief contribution to it. The intent of this bill is not to offend Christians, nor is it to offend those who do not observe Easter: it merely seeks to extend the existing trading hours. All licensees who wish to trade on Good Friday will still need to apply for a licence to do so. Some people see Easter as another long weekend, and those people should be allowed to continue celebrating if they wish to do so. What is the difference between 12 a.m. and 2 a.m. on Good Friday? People are not forced to stay and drink until 2 a.m.: they can leave at midnight if they choose and under this bill they will have the choice to do so.

In many other countries they do not impose such trading restrictions on Good Friday. Recently under this government we deregulated shop trading hours and our shops are open on Sunday. This falls into a similar category. I do not wish to delay the bill any longer and indicate that I will support the bill.

The Hon. T.J. STEPHENS: I intend to be more brief than my colleague the Hon. David Ridgway. Whilst I indicate my support for the bill, I point out that I respect the varying views on this issue. Most importantly for me there is nothing

in this legislation that forces any patron to stay for those extended hours. In this day and age young people tend to head out at a time in my day when I was certainly looking to be heading home. I have discussed this issue with my teenage daughter, who seems to think this measure is quite draconian. I would be disappointed if my daughter did not celebrate Easter in a proper Christian way. I do not believe that she will participate in a way that is not proper. With those few words, I indicate my support. I would also be interested to hear about an amendment that the Hon. Robert Lucas may well present to further encourage a bit of fun on Thursday night.

The Hon. CARMEL ZOLLO: I was not going to make a contribution but, given some of the opposition's comments, I will place my views on record. From my point of view, there are two reasons why this legislation will not cause any huge grief to anyone. Firstly, from a religious point of view, the time in the early hours of Good Friday morning is not likely to impinge, to any great extent, on those attending religious services. While it is no doubt true that different religious institutions will hold services and vigils to suit their own congregations, I believe most would adhere to the historical aspects of the Easter calendar. Any religious service on Holy Thursday evening, when the Last Supper is commemorated, is not likely to continue until the early hours of Friday morning. Good Friday is the time when the stations of the cross and the passion are enacted to remind us of Our Lord's crucifixion. I cannot imagine anybody celebrating mass or an enactment in the early hours of Good Friday morning. I believe that there is a general consensus that mid-afternoon is the time Christ was crucified: his resurrection is celebrated on Easter Sunday. I could be taken to task by those who claim that the entire day either is or is not respected. People do not have to attend religious services to feel that way.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The member does not require the help of either her backbench or her frontbench.

The Hon. CARMEL ZOLLO: It is now legal to serve drink to certain classes of people, and food to another class until 2 a.m. on Friday morning. All this bill does is permit hotels, clubs, entertainment venues and other licensed premises to apply to the licensing authority for authorisation to sell drink. It puts everyone on the same footing. I note the comments of the Leader of the Opposition. He is considering moving an amendment to see trading until 5 a.m., as we may have on any other day. He is entirely correct in speaking about the culture of our young. They certainly keep different hours than I did. I do not know whether it is because of their lifestyle changes, or whether they are simply catching up to Europe where the young have kept those hours for as long as I can remember. Apparently, nightclubs in some cities there do not open until 1 a.m. However, I would personally find it difficult to support this amendment if the Hon. Rob Lucas decides to go ahead with it.

I see the bill before us as putting all venues on the same footing without negating the respect with which Good Friday is viewed by those for whom religion plays an important part in their lives. We are still predominantly a Christian nation and I do not believe that this legislation will change anything for them. There is provision in the legislation before us, that if any premises wish to obtain a trading authorisation for any part of Good Friday, permitted by this bill, they would have to give 28 days notice. There is an opportunity for objectors, local government, police and neighbours to register objections and to participate in the licensing process.

The Hon. NICK XENOPHON: I indicate that I do not support this bill. It is not an issue that I oppose with any great vehemence, but I believe, on balance, I do not support it. I have been convinced by the arguments of my colleagues the Hon. Andrew Evans and the Hon. Caroline Schaefer in this place. It is a rare pleasure to be in agreement with the Hon. Caroline Schaefer on an issue. I also note the contributions of the member for Hartley, Mr Scalzi, and the member for Playford, Mr Snelling. It is a pity that—I may be corrected—Mr Snelling did not have the opportunity to have a conscience vote on this issue. My concern is that for me, as a practising member of the Greek Orthodox faith, it is rare for Orthodox Easter to fall at the same time as Easter in other faiths. It is an important time for reflection for significant sections of our society.

I am also concerned, in a broad sense, about hotel trading hours and the disruption it can have in various communities, having assisted constituents in a number of disputes, not in relation to extended hours, in various parts of the metropolitan area. With those comments, I do not support this bill. I am concerned about the impact upon communities. I believe there is something to be said in allowing Good Friday as a time of reflection for significant sections of our community.

The Hon. J.S.L. DAWKINS: I will be extremely brief. I rise to indicate my support for clauses 1, 2, 3, 7 and 8 of this bill, as indicated by the shadow minister, the Hon. Robert Lawson. However, clauses 4, 5 and 6 are conscience issues for members of the Liberal Party. Good Friday is now the only day of the year when hotels are not open. The government's proposal is to extend hotel trading hours from midnight on Maundy Thursday until 2 a.m. on Good Friday. I concur with the comments of the Hon. Caroline Schaefer in this place yesterday. It is my view that Good Friday should remain a day of special significance and distinction in South Australia, which is a state of a commonwealth formed on and strengthened by Christian principles and traditions. I oppose clauses 4, 5 and 6 of the bill.

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

ADJOURNMENT

At 5.58 p.m. the council adjourned until Wednesday 25 February at 2.15 p.m.