LEGISLATIVE COUNCIL

Tuesday 8 February 2005

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

TSUNAMI

The Hon. P. HOLLOWAY (Minister for Industry and Trade): By leave, I move:

That the Legislative Council acknowledges its deep sadness at the tragic human loss and material cost resulting from the devastating 2004 Boxing Day tsunami in southern Asia; mourns the loss of more than 200 000 people, including 17 Australians, of whom three were South Australians; commends the many South Australians who have displayed much compassion and support in assisting the relief effort; pledges the continued support of South Australia in helping to rebuild the devastated Asian region; and, as a mark of respect to the memory of those who died in this tragedy, the sitting of the council be suspended until the ringing of the bells.

On the morning of Sunday 26 December, a severe earthquake off the coast of Sumatra generated tidal waves that devastated communities across the Indian Ocean. The quake measured 9.0 on the Richter Scale, the strongest the world has seen in 40 years. On Boxing Day, when I was enjoying the fine sunny weather we had on that day, I first heard the news that there had been a tidal wave in Asia and I remember asking someone, quite innocently, whether anyone was killed.

As the days went by and as more television footage came in (particularly from the Aceh province of Indonesia), the immeasurable scale of this tragedy became more and more apparent. No-one will ever know the exact death toll but, in terms of the loss of human life, this disaster may well be the worst natural disaster ever recorded. Latest estimates are that around 250 000 people were killed.

Tens of thousands more were injured, separated from family, preyed upon by disease and left homeless. Besides the human cost, the effects on animals, property, homes and livelihoods were enormous. Night after night, we saw images of whole villages, towns and cities not just flooded but washed away completely. Whole families and entire communities simply vanished. As well as local residents, hundreds of tourists from around the world were amongst those swept away: 17 Australians have been identified amongst those who perished, and there are a further 10 Australians for whom there are still grave concerns.

Three of these people had a connection with South Australia. They were: the South Australian born, 24-year old Melbourne footballer, Troy Broadbridge; Dinah Fryer from the Adelaide Hills who was in Thailand when the tsunami hit; and Sujeewa Kamalasuriya, a Sri Lankan living in Adelaide, who died while visiting his homeland. I join honourable members in extending the sincere condolences of the council to the families and friends of these three fine South Australians, and to everyone who suffered a loss of some kind as a result of the tsunami.

Australians were shocked and appalled by the impact of the tsunami, but as with the Eyre Peninsula fire, we quickly transferred our feelings into actions. I think all honourable members would agree when I say that the grassroots response of Australians was extraordinary and unprecedented. Donations of money were rapid and generous. At the government level, the contributions were substantial and far-reaching; and they implicitly recognised that the relief effort would need to continue for months and years, not just weeks. Three days after the tsunami, the state government donated $500 000, split equally between Red Cross and World Vision. The federal government's contribution was outstanding: it included immediate funds totalling $60 million for Indonesia, Sri Lanka and the Seychelles, as well as for aid agencies; and on 5 January the Prime Minister announced the $1 billion five-year Australian-Indonesia partnership for reconstruction and development package.

The heartening thing is that all this 'institutional' assistance was complemented by ordinary South Australians selflessly giving their time, energy and expertise. An example was the 25-member medical team who mobilised when most of us were looking forward to a nice new year break. Led by Dr Hugh Grantham, the team put together 10 tonnes of equipment and medical supplies, and then flew off to Banda Aceh in Indonesia. Once there, they worked for long hours in appalling conditions. This practical demonstration of humanity and dedication was heroic. Other South Australians, including doctors, scientists and police officers were also deployed throughout the disaster hit region.

At home, many people sought to make a difference both as citizens and professionally. For example, staff from Centrelink, as well as other social welfare agencies, were stationed at Adelaide Airport to offer counselling to South Australians returning from the affected regions. Teachers from public, Catholic and independent schools voluntarily put together a comprehensive curriculum package on the tsunami. Musicians, performers, sportspeople and other prominent South Australians contributed their time to a concert in Elder Park on 16 January.

Our state public servants also responded magnificently, more than 400 of whom agreed to staff a Red Cross call centre within 20 minutes of the call for volunteers going out. Officers within my department came up with the idea of creating and selling a poster with the seismic record of 26 December—and a very dramatic representation that is—the proceeds of which will be donated to World Vision. Additionally, Alison McArdle, a seismologist from PIRSA, travelled to Canberra for two weeks to assist Geoscience Australia to process a backlog of data from the earthquake to further our knowledge of these events. Perhaps the most encouraging aspect of the tsunami relief effort is that it has maintained momentum.

The Boxing Day tsunami dealt havoc and destruction in a manner that seemed to defy belief. Sadly, it was all too real. Thousands of often idyllic communities across southern Asia will bear the scars for some time to come. In helping the people of Asia, South Australians demonstrated not only their generosity but also the energy, vigour and sound judgment that come with compassion. In supporting this motion I join the council in honouring those who died and those who suffered as a consequence of this immense tragedy. We also honour those who are continuing to rebuild shattered communities.

The Hon. R.I. LUCAS (Leader of the Opposition): On behalf of Liberal members I rise to support the motion and to endorse the comments that have been made by the Leader of the Government. The extraordinary nature and magnitude of the tragedy we are debating in this motion is borne out on many issues but, in particular, by the drafting of the resolution we are being asked to speak to. The drafting says that we mourn the death of more than 200 000 people. The Leader of the Government has indicated that his most recent advice was that the latest estimates were about 250 000 people; and early

last week the *Herald Sun* put one of the later estimates at 290 000 people presumed dead in last month's tsunami. I think that is an indication that we still do not know—and may well never know—the exact number of people who have died as a direct result of this tragedy.

The press report in the *Herald Sun* that listed the latest estimate of those presumed dead at 290 000—or 289 000 to be specific—indicated that 236 000 in Indonesia were listed as dead or missing. Sri Lanka was the second hardest hit by the catastrophe with the estimate there, according to the Centre for National Operations, being 30 957. The estimate for India, the third hardest hit country, was 16 389. That report, the 289 000 breakdown, noted that the figures included the 127 774 listed as missing in Indonesia and the 5 669 in India. The number did not include 3 071 people listed as missing in Thailand and 5 637 in Sri Lanka, who were not included in the estimate due to the possibility of double counting. As I said, an indication of the magnitude of the tragedy that we have before us is that more than one month after it occurred we still do not know the exact number of people who died as a direct result of that tragedy.

When one looks at the material and considers the enormous power that was unleashed by the earthquake near Sumatra, perhaps it is not surprising that we are talking about the numbers that the Leader of the Government and I have indicated. One scientist is quoted as saying that 'geological plates pressing against each other slipped violently, creating a bulge on the sea bottom that could be as high as 10 metres and as long as 1 200 kilometres.' David Booth, a seismologist at the British Geological Survey (Britain's geoscience agency), was quoted as saying:

> It's just like moving an enormous paddle at the bottom of the sea. . . A big column of water has moved, we're talking about billions of tonnes. This is an enormous disturbance.
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> Moving at about 800 km/h, the waves probably took about two hours to reach Sri Lanka.

So, it is not surprising that we mention such numbers when we talk about the nature of the event that occurred just off Sumatra and the power of the forces that were unleashed. Yesterday, all members were united in expressing grief at the loss of nine lives here in South Australia—rightly—and we unanimously passed a motion and expressed our grief. We are talking here in terms of approximately 300 000 people dead or presumed dead as a result of this particular tragedy.

As many of us said yesterday, the initial response has clearly been overwhelming as, indeed, we would have wished. But, again, as we said yesterday, the test in terms of the international response will not be just the initial response, which has been heartwarming, but also the quality of the medium and long-term response that will be required by the international community. I have seen some international reports coming out of the United Nations and other international agencies which have in a methodical way compared the commitment from nations around the world with the actual delivery over the years for previous tragedies. Sadly, in some cases, the commitment made by some countries and some nations and the actual delivery have not corresponded. One would clearly hope that that will not be the case in relation to the international response to this tragedy.

I think I would speak on behalf of almost all Australians in saying that there was an enormous sense of pride to be an Australian when we saw the response led by the Australian community and the Australian government in terms of its announcement. Soon after the event, the Treasurer (Mr Foley), the foreign affairs minister (Mr Downer) and I were in the United States at various functions and there was no doubting that whenever there was any reference to the response of the Australian community and the Australian government, in particular, it was recognised very warmly by American audiences and they were aware of the extent of the Australian response; and certainly any reference by the foreign affairs minister to the Australian government's response was greeted very warmly by the American people represented at those events. So, as I said, it was a time when we could all be proud to be Australian and to have acknowledged the response of the Australian government on our behalf.

I refer to the statement of the Prime Minister headed 'Australia-Indonesia Partnership for Reconstruction and Development'. He stated:

> I am pleased to announce that President Susilo Bambang Yudhoyono and I have together agreed to form an Australia-Indonesia Partnership for Reconstruction and Development. This is significantly different in scale and approach from any previous aid effort.
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> The partnership reflects the increasingly close relationship between our two countries and our desire to work together to help Indonesia recover from the tremendous human and economic damage it has sustained as a result of the tsunami of 26 December. It is a program of long-term, sustained cooperation and capacity building. It is focused on economic reconstruction and development.
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> The Australian government will contribute $1 billion over five years to the partnership. These funds will be additional to Australia's existing development cooperation program and will bring Australia's commitment to Indonesia to a total of $1.8 billion over five years. While there will naturally be a clear focus on the areas devastated by the tsunami, all areas of Indonesia will be eligible for assistance under the partnership. The $1 billion of new money will consist of equal parts of grant assistance and highly concessional financing.
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> The grant aid will be directed at areas of priority need in Indonesia. It can be expected to encompass small-scale reconstruction to re-establish social and economic infrastructure in affected areas, human resource development and rehabilitation. It will also include a large scholarship program, providing support and training in areas such as engineering, health care, public administration and governance.
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> The concessional financing component can be expected to be directed to reconstruction and rehabilitation of major infrastructure in the first instance. It will provide $500 million interest-free for up to 40 years with no repayment of principal for 10 years.
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> President Yudhoyono and I will jointly oversee the implementation of this package, with the advice and assistance of our respective foreign ministers, and an economic minister from each country. A joint commission will be established, with equal participation on its working groups and secretariat.
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> This is an historic step in Australia-Indonesia relations. It is the single largest aid contribution ever made by Australia, focused on the long-term and founded on partnership. In addressing the urgent humanitarian needs of those afflicted by the tragedy, it will also serve to bring our countries and peoples closer together. It is a strategic commitment to raise the living standards of the people of Indonesia.

The joint statement goes further, but I will not read the remainder. I refer to some examples of the press coverage of that announcement, and I think *The Australian* was typical of the coverage around Australia and, as I said, certainly in other parts of the world as well. In terms of the commitment from various governments around the world, the table indicates that Australia's $1 billion certainly compares very favourably with the contribution of $458 million from the United States and the $125 million and $104 million from Britain and Canada respectively. A number of other nations are listed in that table. As the article by Patrick Walters notes, unlike other donor countries, Australia's $1 billion package for Indonesia will be jointly administered by the two countries without UN involvement, and the Prime Minister's statement also refers to that aspect of the commitment.

As an Australian, I was proud of the government's response. I am sure I speak on behalf of all members of this chamber when I say that we were proud of the initial response of the Australian government and its elected leadership. The challenge is to ensure that this government, and, indeed, any future government—because the period of time involved may well outlast this government—commit to long-term assistance along the lines agreed in the statement I have read from the Prime Minister of Australia.

The Leader of the Government has indicated the extent of the response from the Australian community. The last estimate I saw was that almost $200 million had been donated to the various agencies. Some of us attended a function this morning, when Caritas (the organisation associated with the Catholic Church) indicated that it had received $12 million in donations, and it thinks that will reach $14 million in the next few days. The leader also referred to the contribution from others in terms of time, commitment and expertise in providing assistance to those impacted by the tragedy.

I conclude my remarks by again expressing support for the motion on behalf of Liberal members. We, too, support and endorse the statements and comments made by the Leader of the Government on behalf of the government in relation to this motion.

The Hon. SANDRA KANCK: I understand that on the weekend the death toll from the tsunami had risen to over 294 000 people. That does not take into account the people who were injured, the destruction of infrastructure, the loss of family breadwinners, the destruction of livelihoods or the grief of the survivors. This is an extraordinary tragedy which has brought out the best in so many people. We have seen an extraordinary response from so many Australians: ordinary Australians, corporations and the Australian government. In my case, a small group of about 10 of us went down to the hardcourt championships and rattled tins for UNICEF. In the space of about two or three hours we managed to collect more than $2 000. Some people put in $50 without blinking an eyelid. There were some who would not meet our eyes and did not put in any money, but obviously that was their right. In a fortnight, I will be involved in a musical event to raise funds for tsunami victims, and just yesterday I received another invitation to attend yet another event. They are popping up all the time; people are coming up with ideas for ways to raise money.

This generosity extends around the world. Looking at the web, I found information in the United States saying that three out of 10 people have donated to various agencies that are collecting money for tsunami victims. The agency, Medecins Sans Frontieres, had to close its books to donations because it was getting too many. It would have been beyond its means to deliver the services to go with those donations if it continued to accept them. In Australia, we saw the situation where money donated to aid agencies in a matter of three days exceeded more than those agencies would normally have been able to fundraise or collect in a year.

We in this chamber do not often get an opportunity to reflect on the situation in developing countries. I want to make some interesting comparisons. Each day in Africa 5 000 people die from AIDS. If you compare that to the tsunami, it equates to the tsunami death toll every two months or, to put it another way, six times in this coming year we will see this tsunami death toll. It is hard to get our head around figures like that. Of course, those figures do not include death from things such as malaria and malnutrition. I know there are a very hardhearted few in our community who believe that people who have AIDS bring it upon themselves, whereas it is all right to be sympathetic to the victims of the tsunami because they were innocent.

Let us get something like this in perspective. In South Africa alone, which is one small part of Africa, one in 20 children aged between two and 14 are HIV-positive, and in most cases that has occurred as a result of sexual abuse. So, these children, too, are innocents. I hope the wave of sympathy that the tsunami has brought about in Australia will also be extended to people in other developing countries. There is no doubt that the tsunami has opened the hearts and the purses of many Australians, including the Australian government which I congratulate for its generous financial contribution.

The tsunami was a consequence of a quake, but a quake of a different sort has happened as a consequence of the tsunami. Hostilities in Sri Lanka and Aceh have had to be put aside to allow the citizens of those countries to address the concerns of rescue and repair inside their borders. Suddenly, these people find that they have something in common. It has opened Aceh to the western world and to aid agencies for the first time in many years, and it is to be hoped that this openness that the tsunami has brought about will continue. Nearly 300 000 people dead within a matter of hours is really beyond our comprehension, and it will take decades to rebuild in these countries, which in the main are developing countries where people were living on the margins. It is going to be so much harder for them than it would be for us if it had happened on our coastline, for instance.

The Democrats thank all those who have donated to the cause. We commend all those who continue to be involved in raising money and in efforts to rebuild in the tsunami affected countries, and we extend our condolences to all the families in all the countries involved who have been affected by this disaster.

The Hon. A.J. REDFORD: I support the motion and in so doing acknowledge some of the events that I have been to over the past couple of months conducted by the Indonesian community, and as members would be aware my wife is an Indonesian national. I recall in September 2001 we moved a condolence motion following the tragic loss of life as a result of the Bali bombing, and in September last year a number of us spoke about the bombing of the Australian Embassy in Jakarta. Both events led to a tragic loss of life, and both events were caused by the hands of man.

All of that paled into insignificance when nature unleashed itself in the Indian Ocean on the coast of Indonesia, India, Sri Lanka, Malaysia and the Maldives. Recently, in the past 24 hours, media reports say that the number of people who have died has topped some 295 000, with the bulk of the loss of life of nearly 250 000 in Indonesia. Indeed, I recall as the media reports came in we received early death numbers from Thailand and from Sri Lanka, Malaysia and India, and there was a very strange silence—in terms of media reports—about the loss of life in Aceh and the northern part of Sumatra.

I recall my wife saying to me, 'That looks very sad. It looks bad', and I think the first number that came through was that it could be as many as 40 000 people. It took only a few days for her and her friends to start saying 'No, this is a lot more than 40 000. This is going to be more than 100 000', and it is quite a shock when you get to a figure of 250 000 people in Indonesia.

The response of the world was initially slow, perhaps because we did not understand the extent of this disaster, but the trickle to start with became an avalanche. I have never been so proud of being an Australian as when I saw our Prime Minister, who from time to time has been criticised about his relationship with Asia and about his lack of compassion, almost unilaterally announcing that Australia was going to give $1 billion in aid and that it was going to be administered jointly with the new President of Indonesia.

The response from Indonesians that I know and have met over the past six weeks to that announcement has been quite extraordinary. It has almost transformed the relationship at a personal level—and this does not happen very often when decisions are made at a national level—where the level of suspicion by Indonesians about Australians has diminished substantially, because they accepted the Prime Minister's offer as an offer of goodwill with no strings attached to it, and that is not something that Indonesians experience all that often.

So I was extraordinarily proud, and I know it is probably one of the great investments that this country has made, in terms of our relationship with our nearest and most populous neighbour, that we will see probably in our lifetime. Indeed, it was quite moving to see the Prime Minister of Australia and the recently elected President of Indonesia in a warm and long embrace in Jakarta. Such an embrace would have been hard to imagine even some few short months ago.

I know that 9 January was probably my tsunami day. My church had a specific service to commemorate and grieve over the tsunami deaths, and my wife who, as members would know, is not outgoing—she is particularly shy at times—was asked to make a couple of comments to the church, and I was delighted that she did so and that she did it with the normal Javanese dignity. It was not until later that day that people rang, and I recall that the Hon. Caroline Schaefer rang me, and asked whether Fina's family had been affected, and I said that I did not think so. After all, it is a long way from Java. To give members some idea of how big Indonesia is, for my wife's family, it was probably the equivalent of a cyclone hitting Brisbane and living in Adelaide. It is a long way away.

Notwithstanding that, I went to the Indonesian community function that afternoon, which was a vigil for the people of Aceh, North Sumatra. We all started talking and we began to hear about people we knew who were affected by this tragedy. The difficulty at the vigil was that we did not know how badly they were affected. As news comes through, we are starting to hear just how bad it is. It was an extraordinary commemoration in Victoria Square because we heard prayers from the Muslim community, from the Christian community and from the Balinese and Hindu community. It was a very moving vigil, conducted without politicians, without any political leaders or anything of that nature, and it had quite an impact. That evening, I had the opportunity to represent the opposition at the candle vigil in Elder Park conducted by the Buddhist community, and they were particularly affected in Sri Lanka, and I understand that more than 40 000 people died in that small country.

I have received some emails and copies of emails from different people and I will mention a couple of them. One email, addressed to Iqbal, came from Nila, and I will read parts of it, as follows:

> I am in Aceh right now together with 28 people from South Kalimantan Government. Please contact me as I couldn't contact you with my cell phone or with my friend's cell phone. I will stay in Aceh until the next 17 days. We went to Aceh about three days ago and after that there will be 50 people coming to replace me and friends.

She goes on to say that she had met five Australian volunteers and she talks about Kevin Donovan from South Australia, saying this:

> He works so hard to evacuate people and help me cooking in the kitchen. He lend me his laptop and here I am sending you email and I have just realised that Iqbal is from Aceh.

Iqbal is a student who received some publicity in the local Messenger. Nila continues:

> In Aceh people need more people to build a well, sanitation, they need more people to cook them food, also to serve and feed people who lost their arms. Contact your local authority to join as volunteers. . . We don't want any sightseers. We just want people here who can help.

Just to explain to members here, Aceh is a unique area of Sumatra. It is the most profoundly Muslim part of Indonesia. It is described as the veranda of Mecca and it is a very religious and very strongly Muslim part of Indonesia. The second thing to note, and this might surprise some members of the media who like to typecast followers of the Muslim religion, is that before Aceh became part of the Indonesian political scene it was a matriarchal society and its elected leaders have more often been women than men. That goes to show that the Muslim religion and women leadership can coexist. Finally, Aceh has the strongest dance culture in Indonesia and, if members have the chance to go to an Indonesian event, it is the Acehnese dance that Indonesians will celebrate most because it is quite spectacular. The women sit down and do all their dance with hands. It is fascinating.

Some of the statements that have been made of late about what has been happening in Indonesia need to be put in the context that the Acehnese and the Indonesians themselves are very proud people. They are not all that enamoured with foreigners and, given the history of Dutch colonisation and the attempted colonisation of Indonesia and Aceh by the Portuguese and others, one can understand that they are very suspicious of foreigners and foreigners attempting to exercise undue influence in their region. They were exploited, were the subject of slavery and have been engaged in a civil war since 1976.

When one reads some of the comments from the political leaders about Australians or foreign military having to leave in a short space of time, Australians should show understanding that these people are very proud and very suspicious of foreigners and have some reason to be suspicious. Some of the comments I have heard from Australians in response to some of the Indonesian statements that they would like foreign military power out of those areas as quickly as possible need to be understood in that context.

I also get a bit concerned when I hear some Christian leaders who have said that this is the wrath of God being brought down on a non-Christian community. I have equally heard and equally deprecate statements made by some local Muslim leaders who say that this is as a consequence of the wrath of God because the people of Aceh had not fully adopted Muslim law. I find it disappointing that some religious leaders would seek to use a disaster along those lines for those purposes.

The need for support continues. I know there are still huge numbers of people currently homeless. There is a huge local dispute going on over the government announcement to build barracks, with some people saying, 'Why are you building

barracks? We should just be giving them the materials to go back and build their houses.' I read of disputes about planning processes and how close people should live to the sea. I know those who watched *4 Corners* last night would understand as they showed it quite graphically. The coastline has changed. The coastline that was there before no longer exists. People go back and may even find their piece of land, but the road that went there or connected them to neighbours has disappeared because the sea has encroached into that area.

There is also an issue about unemployment. When you think about employment being an important part of society, the first demand of these people after they have sorted their shelter and immediate food needs is the need for employment. The Hon. Terry Cameron would know and agree, as he has been there on a number of occasions, that Indonesians are hard working and diligent people and will take up work if given the opportunity. A article in the *Jakarta Post* appeared over the past couple of days stating:

> Most of the Acehnese who have taken refuge in the many camps throughout the city are jobless, with nothing better to do than sleep and wait around for their daily rations of food aid from donors. Such a condition has obviously eaten away at their dignity and most human beings in such a situation could never feel whole.

Rosdiana says:

> I used to be a seamstress earning approximately 3 million rupee per month ($US333 a month) before tsunami literally swallowed up my store. Now I have nothing; now I AM nothing.

Her one consolation is that she did not lose her family as so many others did. Another fellow says, 'If I could just get a temporary job at least I could use the money to buy my wife and daughter some food that's a bit better than the daily rations we get.' Another gentleman says that he wants to try out his luck as a vegetable vendor. These people are not looking for much, and we are talking of the order of 600 000 people. We see arguments about planning, and about fishermen who simply want to get their boats back so they can get out into the water and start catching fish again.

We see the sorts of figures that are just frightening—for example, an article about there being 50 orphanages to accommodate up to 50 000 children. That is 1 000 children per orphanage. That is the sort of thing we are talking about replacing family. The challenges are still extraordinary. They are challenges that will have to be largely met by the Indonesian people. I am very proud to be Australian. I am very proud of the contribution made by Australians at a national level and fundraising level and, of course, the Australians who are on the ground. I think the Australian media has been extraordinary to send over crews to cover some of the tragedy, and I am very proud of that. With those words, I commend the motion.

The Hon. NICK XENOPHON: I, too, support the motion and extend my condolences and sympathies to all those who have been affected by this monumental natural disaster. I thought I would refer to some of the words written by Reverend Tim Costello, who, as we all know, is the Chief Executive of World Vision Australia. In an article in *The Age* of 2 January, just a week after this disaster, he wrote:

> This disaster has meant that people who have lost their loved ones are also being robbed of the opportunity to provide them with a dignified burial.

That is as a result of the nature of the catastrophe, and that adds to the sense of loss and the fact that many cannot grieve properly. He referred to his journey from Colombo to Galle where he spoke to Prashant, a fisherman, who had lost his 18-year-old sister; and all that Prashant could do was to stare despondently out to sea, a man completely defeated. He told Tim Costello, 'I can't even mourn and grieve properly, without anyone to convince me she is dead.'

That gives us some idea of the enormity of the disaster and that so many families cannot grieve properly because they have not been able to view the bodies of their loved ones. Tim Costello then said that he was very proud to hear how Australians were responding to the challenge with enormous generosity. We know since that time that the generosity has continued unabated, and I think all of us here agree that the response of the Australian government with its $1 billion aid package was generous, appropriate and to be universally commended.

In terms of the way in which we have responded as a nation, I cannot put it in any better way than Andrew Demetriou, the Chief Executive of the AFL, at an Australia Day function last month, when he said:

> But that disaster has brought out the best of us as a nation. We have been, and continue to be, the most generous of nations, giving so much to support the massive task of rebuilding communities ripped apart by a freak of nature. As that renowned philosopher Ron Barassi said: 'We have played well above our weight.'
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> This is the Australia I love: instantly reacting to the needs of others. We asked no questions, we reacted immediately, we provided everything we could.

There has also been media coverage in the past month about the tragedy in Darfur. It has been referred to as a forgotten catastrophe.

I know that the Hon. Sandra Kanck has made reference to the massive death toll from AIDS, preventable diseases such as malaria and other diseases that are continuing to rob millions of people, particularly young children, of their lives. I believe that our response to the tsunami has been magnificent. It has brought out the best of us as a nation, and I would like to think that, in a sense, it will be a tipping point so that our generosity will continue not just for the tsunami victims (and they will need our help for many years) but that it will also open our eyes and our hearts to the needs of many others in the world who are suffering and dying needlessly.

As awful as a tsunami is, I hope that it will be the beginning of a new era of increased generosity amongst nations such as Australia. I am very proud to be an Australian, given the response of the community and our governments in response to this terrible catastrophe. I support the motion.

The Hon. T.G. CAMERON: I do not have a prepared speech on this, but I rise to support the motion with a sense of humility. First of all, it would be appropriate to acknowledge the contributions made by all the speakers here today: the Hon. Paul Holloway, the Hon. Rob Lucas, the Hon. Sandra Kanck, the Hon. Nick Xenophon and, of course, the Hon. Angus Redford, whom I will make some short reference to later on.

I was in Indonesia at the time the tsunami hit Aceh, Sri Lanka, Thailand, India and a whole series of other low-lying islands and I do not think anyone anywhere at that time realised its magnitude and the impact it would have. Being in Indonesia then I was, naturally, in a situation where I came face-to-face with people who were personally affected by the tragedy: people who had lost loved ones, brothers, sisters, members of their own family. Like the Hon. Angus Redford's good wife Fina, knowing the area where the tsunami hit in Indonesia, one quickly recognised that the initial forecasts of 20 000 or 30 000 deaths would potentially blow out into the

hundreds of thousands. The death toll will almost certainly be well in excess of 300 000, notwithstanding deaths that may be a direct result of the tsunami.

Being in Indonesia at the time and being an Australian I can say that Australians were regarded with a degree of suspicion in Indonesia, particularly since the media reports that followed the demise of the Australian Labor government and the special relationship that Paul Keating had with President Suharto and the Indonesian government—which was a special relationship, and one that I believe served the people of Australia well. Notwithstanding that, it would be fair to say that there was a degree of suspicion in Indonesia, particularly amongst the elite and various other elements of Indonesian society, following John Howard's decision to go into East Timor.

Be that as it may, Indonesia is largely a Muslim, clannish society where life revolves around the family, and the nature of the tragedy that hit Aceh meant that entire families were wiped out. In some villages 90 to 95 per cent of the men, women and children were killed. Along with others here, I sat in this council yesterday and listened to the compassion and emotion that touched the voice of the Hon. Caroline Schaefer when she talked about the tragedy that hit here in South Australia in which we lost nine South Australians and a great deal of property. That tragedy pales into insignificance—and I do not mean that in any disrespectful way—compared to the tragedy that hit Indonesia.

I found it particularly heartbreaking at times talking to Indonesians. I am fortunate enough to be able to speak Bahasa Indonesian and the local Jakarta dialect, Betawi. I have been able to talk to people who could not talk English and in some way experience their outpouring of grief for what happened. In no way is this any attempt on my part to play politics, but I congratulate the South Australian government, the federal government and the Australian Democrats. They have not had an opportunity to speak, but I will congratulate in advance Andrew Evans and Nick Xenophon, and I congratulate everybody who spoke in support of this resolution.

I guess the federal government and John Howard deserve special recognition. The federal government's decision to jump in and support Indonesia (in particular the $1 billion worth of aid) has in one single step completely transformed the way ordinary Indonesians now view Australia—and not only Australia, but I think also it has transformed the way ordinary Indonesians see the rest of the world. The outpouring of support by countries all around the world and the Christian church and its movement I think in the first instance confounded ordinary Indonesians, many of whom had the view that Christian foreigners from other countries did not like Muslims and that was it.

I support the comments made by every speaker here today, and I think all Australians can be proud of the contributions made by all of our political parties—state and, in particular, federal—and our Christian churches in Australia, who have responded magnificently. That applies not just in Australia, but I think there has been a magnificent response from all over the world. I think one could be excused for claiming some credit for, or at least putting on the record, the fact that the per capita response from Australia, a country of 20 million people, has been unmatched, in terms of not only the support from the Australian government but also the support from ordinary Australians and South Australians.

I guess one of the benefits that may well flow from this tragedy is that it has provided a catalyst for the forging of a relationship between Australia and Indonesia that has been long overdue. Indonesia is our nearest neighbour. It has a different religion, but it is the fourth most populous country in the world, and I have long argued that the long-term future of Australia is inextricably linked to the long-term future of Indonesia. Perhaps, apart from the Hon. Angus Redford and the Hon. Nick Xenophon, who have both travelled to Indonesia, at first it can be a bit of a culture shock to travel through a country where so many people live in conditions which we consider to be dire poverty, and many of the hundreds of thousands, perhaps millions, in Aceh who were affected by this disaster lived in impoverished fishing villages.

In many of those areas, the people struggle to eke out a living to support their families. The tragedy which unfolded in Indonesia will probably go down as the greatest natural disaster ever to befall mankind in recorded history. The loss of life, the loss of property and, more tragically, the loss of community that occurred as a result of this disaster can be difficult for ordinary Australians to relate to and empathise with.

In conclusion, on behalf of all South Australians, I say that we can be proud of the compassion and the effort we have displayed in responding to help our fellow men and women. We have every right to be proud of the support we have given and of what has been achieved. I echo the sentiments of the Hon. Angus Redford: it is only a beginning. We have built a foundation for what presents itself as the best opportunity I have seen in my lifetime for this country to forge a proper relationship with its nearest neighbour—a relationship based on trust and compassion and a relationship based on, 'We're here to help you when you are in trouble.' If that relationship we have established is built upon, fostered and developed, the winners will be not only the ordinary men and women of Indonesia but also the ordinary men and women of Australia.

The Hon. A.L. EVANS: The Family First Party supports the government motion, and we would like to put on record our grief at the loss of 290 000 lives. This is the worst natural disaster in my lifetime for which there is no explanation. I am personally particularly grieved by these events, as I have given some service to improve the lot of the people in all the countries affected. Having been born in India, and having spent my first 11 years there, I returned recently to train their budding leaders and held seminars, attended by thousands of pastors, to lift their lot. I have done the same in Sri Lanka, Malaysia and Thailand. Twenty-five years ago, I sent a young couple to Indonesia to establish a pastor and teacher training school. The school, which started with eight students and now has almost 600, produces teachers and pastors with degrees, and many thousands of dollars have been sent to aid that work.

The great loss of life has moved me beyond words. However, the positive side is that the Australian people have risen amazingly and made sacrifices. In the areas of my influence, I am aware of a church in Sydney that gave $300 000 one Sunday and of a youth movement, involving young people in their teens and in which my youngest son is involved, which gave $100 000 in January. My own local church at Paradise gave $50 000 on the Sunday set aside by the Prime Minister as a day of mourning. Even a small congregation comprising 40 people, such as a church I visited recently in the South-East, gave $2 000, and the story could go on of the huge generosity in all walks of life of our society. This event has done something for the psyche of our

nation. So, out of the tragedy has come forth generosity of an extent never before experienced in Australian history. I trust this generosity will help to turn around this tragedy and that the scars that have been suffered by so many will turn to stars.

The Hon. IAN GILFILLAN: Anyone who saw the *Four Corners* program last night could not but be left with profound sorrow and empathy for the enormous suffering of the individuals involved. Therefore, this condolence motion is most appropriate for us to speak to and pass today. In acknowledging and appreciating the wonderful generosity of Australia, I think we should also gratefully appreciate that we are prosperous and that we have enough to enable us to be so generous. I believe that needs to be recognised when analysing how our generosity compares with that of other areas of the world. I hope that out of this tragedy and suffering will come a much larger and more profound sense of one world/one community.

This event has proven to be a catalyst for us to show our concern for, and our relationship with, Asia and South-East Asia (Indonesia, in particular), and I hope it adds momentum to the move by the G7 nations to consider the cancellation of the debt of the African nations—and the Hon. Nick Xenophon mentioned the situation in Darfur, Sudan. Maybe we are going to become a world that is conscious of not only the suffering caused by natural disasters but also the ongoing suffering caused by poverty and disease. If we can show that we have the resources to deal with this disaster, perhaps that will emerge as one of the aftermaths of the tsunami disaster, so that, in the long-run, those who have suffered may feel that the world is moving forward.

I hope I speak on behalf of all the people in this chamber—and I believe I do—when I emphasise what the Hon. Angus Redford identified. I reject utterly any concept that this disaster was the so-called will of God. It is a cruel insult to impose on the survivors, those who have suffered any sort of imposition, that they could have in any way been responsible for the disaster that occurred to them and the loss of their families. I hope that message is clearly sent through the passing of this motion.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I rise to add my support for the condolence motion, and I want to make one further point. While watching the scene unfold on television on Boxing Day evening I was surprised to some extent that no warnings were able to be given. Perhaps the disaster would not have been as large as it was had people, particularly in India and Sri Lanka, been given time to prepare themselves for what was unfolding. With natural phenomena such as earthquakes and volcanoes, we are able to measure the results of earth movements in places around the planet. We are also able to monitor whether a penny bomb goes off in Iran or Iraq. We are able to measure all sorts of unnatural, man-made phenomena in relation to atomic testing, and we can work out the number of neutrons that are involved in relation to those disturbances, but on that day we were unable to give any warning at all to anyone.

It is understandable that with Aceh being only a short distance away (perhaps half or three-quarters of an hour) that may have been more difficult but, when I think of the communication system that I was watching, using some of the satellite technology that is made available for me to watch from my lounge room, I would think some consideration could be given to an international style presentation of material to countries around the world in order to give citizens some sort of warning to allow for the option to evacuate or to take some form of avoidance action. In some cases, that may not be possible. My understanding is that the international community is looking at a warning system for the Indian Ocean. I am aware of one that exists in the Pacific Ocean. In New Zealand, also known as the Shaky Isles, within a whole range of community buildings and structures there are warnings and advice on what to do when and if there is a tremor or a quake, with which New Zealanders are very familiar.

I would hope that, in adding my endorsement to all other contributions, this will be one of the positive outcomes from the internationalisation of new relationships between countries, which allows for a sharing of information without paranoia in relation to these natural and unnatural movements of the Earth. I also saw some satellite vision, which other members may have seen, of the tidal movement across the Indian Ocean measured by the temperature of the water. The way in which the formation of that wave moved was filmed and distributed. I would hope that, as soon as possible, the cooperative feelings that we all have in trying to minimise the impact of natural and unnatural phenomena on nations bear fruit so that all nations around the world are able to take advantage of the applications of modern day technology to prevent any future disaster being any greater than the minimum.

Motion carried by members standing in their places in silence.

[Sitting suspended from 3.29 to 3.45 p.m.]

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Industry and Trade (Hon. P. Holloway)—

- Reports, 2003-04—
  - AustralAsia Railway Corporation
  - Australian Crime Commission
  - Courts Administration Authority
  - Murray-Darling Basin Commission
  - Public Trustee Office
  - South Australian Equal Opportunity Commission
  - South Australian Multicultural and Ethnic Affairs Commission
- Reports—
  - District Council of Mount Barker—Mount Barker Regional Town Centre Car Parking and Urban Design Plan Amendment Report by the Council
  - District Council of Tumby Bay—General Farming Zone—Coastal Zone—Residential Development Plan Amendment Report by the Council
  - South Australian Government—Final Budget Outcome 2003-04
- Regulations under the following Acts—
  - Criminal Law Sentencing Act 1988—Identity Theft
  - Electricity Act 1996—Aerial Lines
  - Liquor Licensing Act 1997—Long Term Dry Areas—
  - Long Term Dry Areas—
    - Hallett Cove
    - Peterborough
      - Port Adelaide
      - Port Lincoln
  - Short Term Dry Areas—
    - Christmas and New Year
- Motor Vehicles Act 1959—Refunds
  - Police Superannuation Act 1990—Salary
  - Superannuation Act 1988—
    - Commutation

Julia Farr Services
Rules of Courts—
Magistrates Court—Magistrates Court Act 1991—Insurance Claims
Rules under Acts—
Administration and Probate—Administration Guarantees
Determination and Report of the Remuneration Tribunal—No. 1 of 2004—Auditor-General, Electoral Commissioner, Deputy Electoral Commissioner, Employee Ombudsman, Ombudsman and Health and Community Services Complaints Commissioner
Determination and Report of the Remuneration Tribunal—No. 2 of 2004—Alternative Vehicle Request from Master Anne Bampton
Determination and Report of the Remuneration Tribunal—No. 3 of 2004—Members of the Judiciary, Members of the Industrial Relations Commission, the State Coroner, Commissioners of the Environment, Resources and Development Court
Determination and Report of the Remuneration Tribunal—No. 4 of 2004—Amendments to Determination No. 5 of 2001—Conveyance Allowances
Determination and Report of the Remuneration Tribunal—No. 5 of 2004—Amendments to Determination No. 2 of 2002—Travelling and Accommodation Allowances
Section 69 of the Public Sector Management Act 1995—Appointments to the Minister's personal staff
Section 74B of the Summary Offences Act 1953—Statistical Returns for Road Block Establishment Authorisations
Section 83B of the Summary Offences Act 1953—Statistical Returns for Dangerous Area Declarations

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

Reports , 2003-04—
Local Government Grants Commission South Australia
Public and Environmental Health Council
Regulations under the following Acts—
Education Act 1972—Nomination of Board Members
Environment Protection Act 1993—Waste Depot Levy
Freedom of Information Act 1991—Children in State Care Inquiry
Senior Secondary Assessment Board of South Australia Act 1983—Subjects and Fees
Teachers Registration and Standards Act 2004—Nomination of Board Members
Rules under Acts—
Authorised Betting Operations—Betting Exchanges
2007 World Police and Fire Games Corporation Charter for 2004-05 as at July 2004
National Health and Medical Research Council—Ethical guidelines on the use of assisted reproductive technology in clinical practice and research
By-laws—
Corporation—
Victor Harbor—
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
District Council—
Flinders Ranges—
No. 1—Permits and Penalties
No. 2—Moveable Signs

By the Minister for Correctional Services (Hon. T.G. Roberts)—

Correctional Services Advisory Council—Report, 2003-04.

COMMUNITY CORRECTIONS

The Hon. T.G. ROBERTS (Minister for Correctional Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. T.G. ROBERTS: Community service orders are made by courts and require offenders to perform work in the community as a way of repaying society for committing minor offences. One particular community service program involves selected offenders painting and performing maintenance work at schools. This program was commenced under the former Liberal government in 1997, and I am informed that since the year 2000 there have been in the order of 2 000 people doing such community service work in schools without any recorded incident.

However, I am informed that there has been a report of an incident at a primary school on Friday 4 February 2005. I understand that an offender, convicted of driving offences, was painting the school as part of his community service and allegedly touched the hair and back of three students. This matter has been reported to the police. I consider that one incident is one too many. I have ordered that this community service program be suspended and that the department review any similar programs. The program will not be reintroduced until the government is satisfied that there are improved checks, safeguards and supervision in place to prevent this type of incident occurring again. All participants must be thoroughly screened, and there must be ongoing reporting on arrangements in all cases.

The safety of the community is my overriding priority. I have also ordered that the administrative arrangement for community service programs in general be reviewed—it is some time since they have been reviewed. I understand that there may be a police investigation. If this offender is found to have acted inappropriately, I expect that he will be dealt with severely. Out of respect for the children involved and their families, I will not be going into any more details, but rest assured that this type of incident should not occur again because the program has been suspended and will not be reintroduced until there are sufficient safeguards in place.

CITIZEN'S RIGHT OF REPLY

The Hon. A.J. REDFORD: Mr President, before we start question time, I rise on a point of order.

The PRESIDENT: What is the point of order?

The Hon. A.J. REDFORD: Yesterday-and I have not had a chance to see this—Mr President, you permitted a citizen's right of reply to be inserted into *Hansard*. I have no objection to the orders being complied with, but I do have a concern. Members in this place are required to address each other as 'the honourable', or in a specific fashion, yet you, Mr President, enabled an ordinary citizen, an unelected person, to refer to the Hon. Robert Lawson, me and my leader, the Hon. Robert Lucas, by simply their surname. Is it your ruling that members of the public, in referring to members of this place, should be allowed to refer to us simply by our surnames, which is an anachronism that we ourselves are not permitted to use?

The PRESIDENT: Members of the public are not normally bound by the rules and conventions of the council. The passages to which I think the honourable member is alluding are in the statement made by Mr Bourne in response to his concerns about expressions that were made in respect of him by honourable members of the council. If it was written by a member of this council, I would expect that to occur. I can understand that a private member of the community would refer to each of you as Mr Redford, Mr Lucas and Mr Lawson. I take your point and in future, if

I am having discussions with anyone who wishes to avail themselves of that sessional order, I will have the Clerk, who normally does the consultation, point out to them that it is a convention of the council that honourable members are addressed in that fashion.

The Hon. A.J. REDFORD: With respect, Mr President, will you ask Mr Bourne to comply with the standing orders that we are obliged to comply with?

The PRESIDENT: No, I will not.

QUESTION TIME

LAND TAX

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the minister representing the Treasurer a question about land tax.

Leave granted.

The Hon. R.I. LUCAS: The official budget figures for 1997-98 through to 2001-02 show that land tax collections in the budget papers are recorded as $143 million, $133 million, $133 million, $140 million and $140 million. In general, the land tax collections averaged about $140 million for the last five years of the Liberal government. As we know, since 2001-02 land tax collections, as recorded in the budget papers, have increased significantly from that $140 million figure. The most recent estimates in the most recent budget papers indicate that land tax collections for this year will be $282 million, next year $296 million, the year after $299 million and, in 2007-08, $310 million. If one compares those projected collections with the average figure of $140 million per year that was collected by the former Liberal government, some additional $627 million in land tax will be collected, if one believes the last budget figures.

Yesterday the government announced changes in relation to land tax and has claimed that there will be some $245 million in relief, albeit only $20 million or so in this particular year of 2004-05. Significant questions are being raised about what the government's forward estimates for land tax will be in the forward estimate years, particularly given the likelihood of property valuations again significantly increasing this year at least, with perhaps modest increases in the out years. My specific questions to the Treasurer are:

1. If the government's changes are implemented as announced yesterday, what is the new estimate for total land tax collections for 2004-05, 2005-06, 2006-07 and 2007-08? So, for each of the forward estimate years, what is the new estimate of total land tax collections?

2. When the Treasurer claimed yesterday that there was $245 million in land tax relief, does any of that refer to notional land tax payments made by state government departments and agencies as part of the land tax equivalence regime of the state government?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): It is interesting that the Leader of the Opposition, in talking about what was raised in land tax under the last five years of the Liberal government, did not refer to the fact that just prior to that period his government, the Liberal government of the day, reduced the threshold for land tax. In other words, the threshold was reduced from $80 000 down to $50 000, thereby significantly increasing the revenue from land tax at that time and the number of people caught in the land tax net.

History shows that there have been two cuts to land tax in the past two or three decades. One was in 1990 when the Bannon government was in office; property values increased and land tax was significantly reduced by that government. The other was, of course, yesterday when the Rann government significantly reduced land tax. The government reduced rates yesterday, and not only was the threshold significantly increased but it was also doubled from the $50 000 (to which it was lowered by the Liberal Party) to $100 000. So there it was. It had been raised to $80 000 by the Bannon government, dropped to $50 000 under the Olsen government and now under the Rann government that threshold has been increased to $100 000, thereby removing the necessity to pay land tax for 44 000 South Australians.

It was not only a matter of reducing the threshold and the rates, but also the Rann government has taken the opportunity to correct a number of anomalies that had existed in land taxes for many years. I was particularly pleased that in his announcement yesterday the Treasurer referred to bed and breakfast operators, which was a real anomaly, which had been raised with me early last year and which I had taken up with the Treasurer. I was very pleased to see that the Treasurer has altered that so that bed and breakfast operators who run their business from a principal place of residence will be able to claim relief from land tax in direct proportion to the area used for the business. I was asked that question during the latter part of last year and I am pleased that anomaly was corrected.

Further, caravan parks and residential parks will be exempt from land tax. Also, the exemption test for land use for primary production in the metropolitan area will be relaxed. This is an anomaly that has existed for many years, and I know the South Australian Wine Industry Council, of which I am a member, has raised this matter on a number of occasions. It is my understanding that for some historical reason some of the vineyards in the McLaren Vale region have been included in the land tax net, whereas other viticulturalists in areas such as the Barossa Valley are exempt from land tax. That anomaly will be corrected. So, as well as reducing the rates, I am pleased that the announcement will also correct some of the longstanding anomalies that have been present in the land tax system for generations.

It is also worth pointing out that the land tax exemption that has been given by the government of $245 million in value over the next four years, in addition to the $360 million in tax cuts that were announced in the last budget, means that in this financial year alone, in 2004-05, something like $605 million worth of tax cuts over the four year period have been announced by this government. I suppose it is inevitable that the Leader of the Opposition would neglect to mention the fact that he was a member of the last government to increase land tax rates within this state. It is inevitable, I suppose, that he would fail to mention that. But also, of course, he seeks in his question to try to discredit the value of what this government has done in relation to tax cuts. I will refer the question to the Treasurer.

The Hon. R.I. LUCAS: I have a supplementary question, Mr President, arising out of the answer. Does the Treasurer now concede that he was wrong for the last six months when he indicated that the budget was not able to provide land tax relief when the opposition and, indeed, many others have been saying for six months that there was the capacity to provide land tax relief?

The Hon. P. HOLLOWAY: If one looks back at the budget papers for the last year, one will read that the expectation of revenue (that was at the time of the 2004 budget) was that there was negative growth in taxation in 2004-05, reflecting the impact of taxation measures introduced in the budget—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: I am reading what the budget papers say for the last year—as well as a projected weakening in property market conditions. That was printed in the budget last May. Nobody questioned those predictions at the time. Of course, as the mid-year budget review points out, the rise in property prices, contrary to the expectations of many economists, have continued and of course that is why this government has the capacity to act responsibly in providing tax relief. Those tax cuts are affordable and reflect the changed conditions in the budget.

The Hon. NICK XENOPHON: I have a supplementary question, Mr President. Do the forward estimates take into account projected changes in land values and, if so, to what extent, and does the announced $245 million land tax cut assume static land values?

The Hon. P. HOLLOWAY: I was just referring to what the budget papers said at the time of the budget in relation to the rising of land values. Obviously it is a matter of conjecture what will happen to land values in the future. As I just said, most economists had predicted that property prices would fall right across Australia, but fortunately the economy of this state has been performing so well against the tide of the rest of the nation that property values within this state have been increasing, but how long that will continue against the trend for the rest of the country remains to be seen. I think the question asked by the honourable member is essentially the same as that asked by the Leader of the Opposition in relation to forward estimates, and I will refer that to the Treasurer.

The Hon. T.G. CAMERON: I have a supplementary question arising out of the answer of the Leader of the Government. A property that people live in which is their principal place of residence, are they required to pay land tax on that? The Treasurer stated twice in response to questions on Radio 891 this morning that, in relation to people living in a property which is their principal place of residence, that property is not assessed for the value of land tax. Is that correct or false?

The Hon. P. HOLLOWAY: I will check this out with the Treasurer, but it is my understanding that the principal place of residence is exempt from land tax. It may well be—

The Hon. R.I. Lucas: The Tonkin government.

The Hon. P. HOLLOWAY: That was a long time ago. The last two reductions have come from the Labor Government. You were the last lot that increased it. You would have to go back to Tonkin, back into ancient history, to find the last time that you made those changes. Land tax is, as I understand it, not payable on the principal place of residence. Whether it is assessed or not is another question because, of course, if people have more than one property, the assessment will be made—

The Hon. T.G. Cameron: I look forward to your answer.

The Hon. P. HOLLOWAY: Well, the point is that the government has made a change in relation to caravan parks and residential parks whereby they will be exempt from land tax from 1 January, so it is retrospective. That should lead to reduced costs for the permanent residents of those parks. In the case of bed and breakfast operators, there was this anomaly which had been around for a long time that has been corrected with these changes where only the proportion of the property that is used for the business would be subject to land tax, and not as it exists at the present where a number of B&B operators have been caught up in the land tax net over recent years. I am pleased that that has been corrected. I am not quite sure I understand exactly what the honourable member is getting at in the question, but it is certainly my understanding that land tax on a principal place of residence owned by the residents is exempt.

The Hon. A.J. REDFORD: I have a supplementary question arising out of the answer given to the Hon. Mr Xenophon's supplementary question. Given that the budget was predicated on a weakening in demand of property, is there likely to be a substantial increase in the budget surplus this year and, if so, how much?

The Hon. P. HOLLOWAY: The mid-year budget review figures were out recently. I do not have those with me at the moment, but I am sure the Treasurer will supply those if the honourable member is not capable of finding them. They give the estimated budget outlook for this year based on the projections that existed at the end of December or thereabouts.

The Hon. T.G. CAMERON: I have a further supplementary question. Could the Leader of the Government outline to the council whether the significant rises that we have seen in land tax rates here in South Australia are attributable to the government increasing the rates of land tax or to an increase in land values?

The Hon. P. HOLLOWAY: In fact, the last effective increase in land tax was by the Brown government in, I believe, the mid-1990s when the lower threshold for land tax was dropped from $80 000 to $50 000. That was the last time that it was increased, and any increase since then has been due solely to the increase in property valuations.

ABORIGINAL HOUSING

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

Leave granted.

The Hon. R.D. LAWSON: On 23 December, a report appeared in *The Australian* of statements made by Clare Martin, the Labor Chief Minister of the Northern Territory. The article states:

> . . . she would like to see lease arrangements introduced in Aboriginal communities in the territory to allow individuals, not just communities, to own their own homes. 'Why not? I can buy one in Darwin, why shouldn't you buy one in Wadeye?' she said. . .

Ms Martin said that the introduction of leases in remote areas would also help to improve the poor state of indigenous housing. The article continues:

> 'We have to do it in a way that's sustainable and will work for the future, and looking at those leasing arrangements is one component in that,' she said. 'Traditionally, public housing has been provided in the bush, but we're looking at greater economic development (and) greater economic opportunity.'

The article reports that Ms Martin's comments back suggestions made by incoming ALP National President, Warren Mundine. Ms Martin refers to the basic right of home ownership. My questions are:

1. Does the minister agree that there is a serious housing shortage on the AP lands in South Australia?

2. Does he agree with Ms Martin that there is a basic right of home ownership, and, if so, does he agree that indigenous members of our community are entitled to exercise that right?

3. Will he support any proposal to allow individual home ownership by indigenous people on the APY lands?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I have noted that, throughout Australia, statements have been made by people looking at issues associated with Aboriginal housing. Some recommend lease ownership as a way of changing from public to private ownership. I understand that we have a home ownership equity plan running now, via the Minister for Housing, and it is bringing about benefits from buying homes outright, just as all other Australians can choose to do. The plan is direct assistance, through the model that has been prepared and is now in the field, and I will bring the detail of that to the council, together with the take-up rate of that assistance, and provide it to the honourable member. It is particularly important to metropolitan dwellers, and there is a possibility of extending it to regional buyers.

If the opportunity to buy public housing exists within communities, and the capacity of individuals to avail themselves of any of those programs exists, I encourage individuals and the government to use the same sorts of plans that are operating in the broader community. The Housing Trust buyback plan has worked to a degree in South Australia, and there has been a high rate of uptake. The real issue is the replenishment of housing stock, and that is a question with which the housing minister has to deal. I will endeavour to obtain those figures.

Regarding the question about the basic right to home ownership, if the strong possibility of foreclosure and eviction does not hang over the heads of Aboriginal people who do not have the same employment opportunities as the rest of the community, I would be very cautious about changing any of the public ownership plans. Regarding the application to the AP lands, that is the formula that would apply. There are very few income-earning opportunities for community members. That is one of the problems that we have on the lands.

Most Aboriginal people who are employed are employed on CDP, which is a base rate existence. It is not something that you could use to go out and buy a home or a brand new car; it is basically a welfare dependence cycle which we are trying to break by providing job opportunities. If there is a mining operation or venture or an avenue for remote communities to avail themselves of extra income, I would have no objection to private ownership of housing. Ultimately, it will be a government decision; it is in the province of the Minister for Housing.

I believe it is a basic right for housing to be available for individual members of the community, whether it be through ownership, lease or affordable rental. Those are the basic rights that I would apply. I do not have a blanket policy because, as I said, when Margaret Thatcher used the opportunity in the United Kingdom to sell off a lot of the public housing stock, many people were enthusiastic about the buyback plans, but in many cases it led to extreme poverty and, in the end, dispossession when people could not afford to keep up the basic payments.

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: I'm not too sure how to apply that. As it is an interjection, I won't. I will refer the remaining questions to the Minister for Housing in another place and bring back a reply.

BRANCHED BROOMRAPE

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the minister representing the Minister for Environment and Conservation a question about branched broomrape eradication.

Leave granted.

The Hon. CAROLINE SCHAEFER: We all know that part of the Labor government's compact with the Speaker (Mr Peter Lewis) was the expenditure of between $15 million and $20 million on the eradication of branched broomrape by fumigation with a very lethal chemical known as methyl bromide. Since that time, it has been discovered that branched broomrape can be very effectively treated with pine oil, which of course is a very safe and natural product. On 12 April 2003 minister Hill announced with considerable fanfare that he had obtained extra federal funding and that the program would now receive an additional $6.5 million and there would be an eradication program of $12.7 million from 2004 to 2006.

I have figures which indicate that in that time only about 400 hectares of land have been treated with anything and that only about $4 million of the supposed $12.7 million has been spent. We have less than 12 months for the expenditure of the other $8 million. My questions are:

1. When does the minister intend to spend the money allocated for the eradication of branched broomrape?

2. Will he undertake to increase the broad acre spraying, especially with pine oil?

3. Has he discussed with the Speaker why he has broken his compact?

4. Was the unspent money returned to Treasury and, if so, has it been earmarked again for the eradication of branched broomrape and, if not, has the additional federal grant been returned to the federal government?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her concern in relation to the compact responsibilities and I will refer that question to the Minister for Environment in another place and bring back a reply.

ATTENTION DEFICIT HYPERACTIVITY DISORDER

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, a question about attention deficit hyperactivity disorder.

Leave granted.

The Hon. SANDRA KANCK: The high rate of medication being prescribed to treat ADHD has again been reported in the media. An article by Amanda Banks in *The Australian* in November 2004 states:

> An epidemic of over-prescription and misdiagnosis of attention deficit hyperactivity disorder may be exposing thousands of children to unknown, long-term side effects of amphetamine based drugs.

I put a series of 10 questions on notice to the minister in late June, early July last year about ADHD and still await a response. My questions are:

1. How many South Australian children under the age of 10 are being prescribed medication for ADHD and have these levels increased or decreased?

2. Have there been any childhood deaths in South Australia attributed to the use of methylphenidate?

3. Has an independent working party been established to determine a standard for best practice in the diagnosis of ADHD?

4. When will my questions of seven months ago be answered?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will take on board those important questions that the honourable member has asked and refer them to the minister in another place and bring back a reply.

EYRE PENINSULA BUSHFIRES

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the Eyre Peninsula disaster recovery.

Leave granted.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Gago has the call.

The Hon. G.E. GAGO: Thank you for your protection, Mr President. Eyre Peninsula is home to a significant proportion of the state's Aboriginal community, and that community is a rich component of the region's character. As is the case with the entire Eyre Peninsula, the Aboriginal community suffered enormous loss as a consequence of this disaster. My question is: will the minister report to the council on the impact that the Eyre Peninsula fire disaster has had on the local Aboriginal community and what steps the government has taken to assist in their recovery?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her important question. Too often the Aboriginal community is seen as separate within some communities, but that is not the case in the Port Lincoln area. The representation of Aboriginal people in the Port Lincoln area is done very professionally and very well by PLACC, the Port Lincoln Aboriginal Community Centre. It is administered professionally and looks after many of the issues that Aboriginal people have to face upon a daily basis. It is also a centre of administration for cross agencies.

The Eyre Peninsula bushfire resulted in a loss of life within the Aboriginal community and damage to a number of Aboriginal properties, including two homeland areas. The Eyre Peninsula Disaster Recovery Committee has broad membership from the Port Lincoln community, including the Port Lincoln Aboriginal Health Service and the Port Lincoln Aboriginal Community Centre. DAARE and the ALT (Aboriginal Lands Trust) are currently working with this committee to ensure that indigenous organisations understand the role of the West Coast Recovery Committee and the process to secure immediate support and get involved in the work of that committee.

In the wake of the bushfire the South Australian government has established a disaster recovery committee to lead and manage the recovery process and to work with the Aboriginal communities affected. Representatives of DAARE, ALT and Forestry SA have toured the affected areas and begun implementing recovery plans and actions, and further discussions will take place to provide greater detail on the recovery needs on the Aboriginal lands in the region. Families who have lost property and personal possessions are receiving support through the recovery committee, and I have had nothing but praise for the administration of that committee. Although there were some delays earlier, which were understandable, I think the Aboriginal communities have worked well with the recovery committee to at least bring to the attention of the committee the problems they face as individuals within the community and as Aboriginal people within those homelands.

The Aboriginal land holdings in the region affected by the bushfires are the two homeland areas, Wambiri and Akenta, and the two major landholdings being Wanilla Forest and Poonindie. Wanilla Forest is land leased from the ALT to PLACC, and the community was trying to establish a small enterprise managing a heritage and eco-tourism project. The forest was at the core of the fire, suffering significant losses, both in property and landholdings. Poonindie is a historic site where an Aboriginal mission was established in the late 1880s. Property is leased from the ALT to PLACC, which manages the care and maintenance of the property. The damage to Poonindie included fences to the housing boundaries, car park, paddocks, driveway into Poonindie, above ground water pipes and vegetation along the riverbank. A tree nursery building, contents and minor capital equipment was also destroyed.

On 27 January 2005 a meeting was convened by the chairperson of Wangka Wilurrara Regional Council, Harry Miller, and was attended by officials from a number of commonwealth departments. The main outcome was ensuring that the commonwealth officials understood the role of the state and local recovery committees and the extent of the damage done to the Aboriginal properties and its impact on the families as a result. It was also agreed that PLACC was the main point of contact to coordinate the advice to the Aboriginal communities on Eyre Peninsula. The ALT and DAARE will continue to work with PLACC in identifying the damage and developing strategies to re-establish the area.

I visited the communities affected. I met with Peter Burgoyne and spoke to him about some of the issues at both the commonwealth and state level that needed attention. They were working their way through the issues. The complications of leasing arrangements were being attended to by the ALT and PLACC, and people were slowly working their way through the issues and trying to get their lives back in order. In closing, I offer my condolences to the Kay family, who suffered the terrible loss of Mrs Jodie Kay and her two children, Graham and Zoe. I attended that funeral, which was very sad, particularly as it involved children. The whole Port Lincoln Aboriginal community rallied around. There was a celebration of the lives of the three people involved—the mother and the two children. When I left that funeral I felt as though I knew them from birth to their tragic death. It was very well presented and the professionalism came from the repetition that occurred through the tragedy of the community having to live with a number of funerals.

I also take this opportunity to congratulate Jackie Ah Kit of the Port Lincoln Aboriginal Health Service, Peter Burgoyne from the Port Lincoln Aboriginal Community Centre, Harry Miller, the Chairperson of the Wangka Wilurrara Regional Council and George Tongerie, who travelled over. He is a very respected older member of the Aboriginal community, and it took a toll on him. However, he willingly gave his time to those people in their hour of need. I also thank John Chester of the Aboriginal lands for the leadership he showed in dealing with some of the issues that developed in the first days after the fire and clean up. They have

demonstrated, as have other members of the community, the resilience that country people have in dealing with adversity.

I congratulate and pay tribute to a large number of CDP and volunteers who worked tirelessly on the clean up. I also pay tribute to those other communities below the Goyder Line traditionally in South Australia who also have felt the impact of fire, particularly in the South East, the Mid-North and other parts of the state and who, as soon as the news came through, recognised all the symptoms and signs of tragedies within communities and rallied around and sent without request by anyone large donations of fodder and clothes, food and household items to the affected areas.

I make specific mention of the Wilurrara Range Council, along with the firefighters who were with the CFS and who volunteered their time, energy and effort by travelling over and living within the Port Lincoln district for some time while the mop up and destroying of stock was carried out. I add my admiration and thanks to the Aboriginal community in Port Lincoln for the cohesion that exists within that community between the leadership and the broader Aboriginal community in dealing with that tragedy.

ASBESTOS

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Leader of the Government, representing the Premier, questions about compensation cases for asbestos victims.

Leave granted.

The Hon. NICK XENOPHON: Along with the Premier, I and others are patrons of the Asbestos Victims Association of South Australia, and I feel very privileged to be associated with that organisation. On 8 December 2004, I asked a series of questions to be directed to the Premier in relation to the consequences of the 7 December High Court decision in the Schultz case, which took away Mr Schultz's right (a South Australian resident) to have his case heard by the specialist New South Wales Dust Diseases Tribunal. At the time, the Attorney-General was quick to dismiss calls for a specialist tribunal for asbestos victims in South Australia, despite the unique difficulties facing such victims, particularly the tragically short time between the diagnosis of mesothelioma and death.

The government, when in opposition, recognised the special circumstances of such cases brought by victims of asbestos diseases when it supported amendments to the Survival of Causes of Action Act to allow damages for pain and suffering to survive death. I note from information that I have been given that South Australia now has the highest per capita incidence of mesothelioma in the world; that, on average, victims live nine months from the time of diagnosis; that the disease is caused by exposure to asbestos products, in some cases, 40 to 50 years previously; and that this is unique in terms of other personal injuries cases in respect of classes of cases.

The Attorney-General, following the decision, was reported in *The Advertiser* by Sean Fewster as saying that asbestos cases could be heard at short notice. Today I have been made aware of a case involving a victim of mesothelioma in the District Court of South Australia. The man, who was an employee of the state, died before his case was finalised. It is now over a year since his death and the case has still not been finalised. However, a more recent report by the same journalist on 19 January headed 'Long trial delays prompt lawyers to speak out: We need more judges in courtrooms' reported that lawyers claimed the lack of judges in courtrooms had caused a blow-out in the waiting time for trials, with cases facing delays of almost a year.

Mr Fewster referred to the courts' spokesman who said that trials could still be listed in the District Court from October, while the Supreme Court had vacancies in May and from July. The Asbestos Victims Association lawyers acting in such cases have continued to express to me their very serious concerns of a fallout from the Schultz decision; that is, it could significantly prejudice the rights of asbestos victims and their families. My questions are:

1. What consultation has this government had with the Asbestos Victims Association and lawyers representing victims over the consequences of the Schultz decision? Further, what consultation has the government had with unions representing victims, particularly the AMWU?

2. Has the government had any discussions with the New South Wales government with a view to continuing to use the Dust Diseases Tribunal in a way that will not fall foul of the Schultz decision?

3. Given the delays in the court system referred to, how will the government ensure that cases for asbestos victims will be heard in their lifetime? Further, what steps are being taken to ensure judges will be available at short notice to expedite and hear such cases?

4. What steps are being taken to ensure that asbestos victims will not be forced by companies such as James Hardie and BHP Billiton to needlessly prove something that is avoided under the Dust Diseases Tribunal rules?

5. Why will the government not consider a specialist tribunal to deal with these cases as in New South Wales? Why in South Australia do asbestos diseases victims have to have delays that their New South Wales counterparts do not currently face?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer those questions to the Attorney-General and bring back a reply.

The Hon. A.J. REDFORD: I have a supplementary question. Will the Premier also approach the judiciary and liaise with them about fast-tracking these cases and, indeed, providing additional resources should that be required?

The Hon. P. HOLLOWAY: I really think that was bound up in the earlier questions, but I will ensure that is also referred to the Attorney.

The Hon. A.J. Redford interjecting:

The PRESIDENT: I think it was encompassed by the Hon. Mr Xenophon.

LAND TAX

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Treasurer, a question about land tax.

Leave granted.

The Hon. T.J. STEPHENS: My office was recently contacted by a gentleman who had a land tax bill sent to him. Unfortunately, this gentleman was lumped with a bill despite the fact that he owned only one property, that being his principal residence. Fortunately, however, he was aware enough to recognise that he should not be paying land tax. He subsequently rang the number listed on the notice and the person who advised him basically told him not to worry about it. My questions are:

1. Will the minister give details as to how many people have been sent land tax bills even though they have only one property?

2. Will the minister inform us how these bills are derived, given that there is only one property?

3. Are these people being washed from the system once it is known that they have been incorrectly charged?

4. In cases where people have paid land tax and subsequently discovered that they should not, has the government refunded this money in a timely fashion, and what is the extent of the liability?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I am sure that the money would be refunded to the people who are paying land tax inadvertently. I will refer the questions to the Treasurer and bring back a reply. I guess one thing we would all be pleased about is that as of yesterday 44 000 fewer South Australians will be paying land tax than previously.

SPEED CAMERAS

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Police, a question about the accuracy of speed measurement devices.

Leave granted.

The Hon. J.M.A. LENSINK: An article published last year by the Institute of Electrical and Electronics Engineers entitled 'Target Aspect-Dependent RCS: The Effect on Assumed Beam Angle' highlights that there may be some significant inaccuracies in a range of speed camera devices in use in Australia. Under freedom of information I have obtained a list of traffic speed analysers, and I will read them for the record: Slant Radar (AS Type VII); Slant Radar (AS Type VII) Photographic Systems; Direct Radar (AS Type III) Stationary; Direct Radar (AS Type IV) Mobile; and Traffic Speed Laser (Kustom Pro Laser II).

The article refers to a type of analyser called the Multanova 6F; however, I am led to believe that similar devices may be used in South Australia. The article states:

> Initially, the radar tolerance used to slant radar (radar that is placed at the side of the roadway and is aligned at a specified angle to the lanes of the roadway) was based on a standard originally produced by the National Highway Transport Safety Association. . . Many jurisdictions now use a standard that allows tolerances of measurement error that are less than the previously mentioned standards.

The article further states, in the section relating to testing of the device:

> The speed calculated and displayed by the radar may, in fact, be higher than the actual vehicle speed.

In the conclusions section, the article states:

> The standards currently used for these devices may therefore often be inadequate. The cosine errors allowed for in the standards relate to the radar setup, some roadway curvature, and vehicles travelling at a small angle to the laneway.

Withstanding the technical difficulties most of us who do not have physics degrees will have in understanding the content of this article, I am quite happy to provide it to the government. My questions are:

1. Is the government aware of such research, which states that speed measuring devices may be up to seven per cent inaccurate?

2. What level of accuracy is provided by each of South Australia's speed camera devices?

3. Does the government deploy any of the cameras referred to or anything comparable to that which was tested and referred to in the article?

4. Does the government plan to reduce tolerance, as has occurred in other states, and what liability will it accept if these devices are discovered to be inaccurate?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer those questions to the Minister for Police in another place and bring back a reply. Obviously, the government wishes that these devices are accurate, but I would like to point out that last year, thanks to the use of these devices (amongst other measures), we did have the lowest road fatality rate in modern times. So, obviously it is important that they be accurate. The honourable member's questions are important but, whatever one thinks about these devices, the runs are on the board in terms of reducing road fatalities.

I know it has been an issue in Victoria where questions were raised some time last year about the ways these devices are being used. I am sure that the police here are very diligent, but I will get a detailed reply from the Minister for Police.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI: I have a supplementary question. Can the minister advise how often the speed camera devices are checked for accuracy and, in fact, has any compensation been paid to any motorists who have been caught by faulty speed cameras, as was the case in Victoria?

The Hon. P. HOLLOWAY: I will refer that question to the Minister for Police in another place.

KALKAROO PROSPECT

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question regarding the Kalkaroo prospect.

Leave granted.

The Hon. CARMEL ZOLLO: On a number of occasions last year the minister undertook to keep the council informed on the exploration efforts of Havilah Resources at its Kalkaroo prospect. I noticed in *The Advertiser* just before Christmas that Havilah announced results of pre-Christmas drilling and also that it would have further results in January. Does the minister have any further information on exploration at the Kalkaroo prospect?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I am very pleased to be able to tell the council that there is, in fact, further news regarding Havilah and its Kalkaroo prospect, and it continues to be good news for the state. The Kalkaroo deposit, for those not aware, is located north of the Barrier Highway to Broken Hill just north of Olary. Havilah has released further encouraging assay results for several drill holes completed at the Kalkaroo copper-gold prospect immediately before the Christmas break. The highlights of these results are:

- Continued ore grade copper-gold intersections, including 42 metres of 1.28 per cent copper and 0.41 grams per tonne of gold in drill hole KKRC052. That is equivalent to approximately 4 grams per tonne of gold. That extends the mineralisation by a further 450 metres on the western side of the dome;

- Consistently strong copper-gold mineralisation has now been demonstrated over a total length of 2 000 metres, continuing to confirm a major poly-metallic discovery.

Notably, the most south-westerly drill holes are still within the strongly copper-gold mineralised zone. A feature of these holes is the long runs of low-grade gold mineralisation such as 78 metres of 0.8 grams per tonne of gold in drill hole KKRC055. In all cases the deeper holes on each section line are relatively well mineralised, indicating that economic grades of primary copper sulphide mineralisation are likely to continue to depth, giving considerable scope to expand the resource.

Ore grade mineralisation has now been intersected on 21 drill section lines over a continuous length of roughly 2 000 metres—that is, two kilometres—with mineralisation still remaining open in both directions along strike and down dip. With all drilling results for the 2004 program now available, Havilah proposes to update resource estimates for the total mineralised zone drilled so far and to evaluate the impact on mining economics under current metal prices. During January, Havilah plans to incorporate all assay results for the 2004 drilling program at Kalkaroo into an updated resource estimation and open pit mine scoping study.

The results of this study will largely determine the course of 2005 field activities at Kalkaroo, including the necessity for resource infill drilling, metallurgical sampling, geotechnical drilling and further exploration drilling to test the strike and down-dip extensions to the current mineralisation. Havilah's Kalkaroo prospect is a very exciting development for this state, and I look forward to further encouraging results of the updated resource estimation.

BARLEY MARKETING SINGLE DESK

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Premier, a question about the barley marketing single desk.

Leave granted.

The Hon. IAN GILFILLAN: The barley marketing single desk is estimated to be worth almost $10 million to our regional communities. However, pressure from the commonwealth has brought the future of the single desk into question. In the lead-up to the last federal election, the Premier made a public statement that he would fight for the barley marketing single desk, and I quote from his press release of 5 October:

> SA Premier Mike Rann will fight to save the single desk for barley marketing following meetings with the SA Farmers Federation President John Lush and CEO Carol Vincent.
>
> Mr Rann will seek an urgent meeting following Saturday's election with whoever the next federal Treasurer is to discuss the single desk issue and its link to competition payments.

The press release further quotes Mr Rann as follows:

> Following state cabinet today, agriculture minister Rory McEwen and I have resolved that we will not reintroduce the barley marketing bill unless the next federal government continues to insist upon enforcing the National Competition Policy penalties.

The Premier made it quite plain that he resented the Howard government's threatening to penalise South Australia financially by way of competition payments, and last financial year the state government was penalised $2.9 million by the commonwealth for not scuttling the single desk. The Premier, in his own words, said, 'We could not afford such a hit.'

It is interesting, as all members would know, that the Premier announced a $245 million cut in land tax yesterday. So, as the Premier has made it plain that the reason they could not take the $2.9 million hit was that it was going to cost schools and hospitals, I ask the Premier through the minister these questions:

1. Has the Premier met with the federal Treasurer since the last federal election (which he promised would happen as soon as possible) to discuss the barley marketing single desk? If so, what was the outcome? If not, why not?

2. Will the Premier commit to retaining the barley marketing single desk even if the commonwealth continues to apply the national competition policy penalties?

3. Does the Premier agree that it is inconsistent that he could find $245 million to provide a land tax break but does not have $2.9 million to allow a continuing injection of $10 million into our regional communities from single desk marketing?

4. Given the stated reason that the state cannot afford to lose $2.9 million because this money is needed for schools and hospitals, which schools and hospitals will be closed to fund the $245 million tax cut?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I would have thought that, if one were to take the logic of the honourable member's question to its conclusion, the state government can afford anything and everything that is asked of it at any time. The fact is that this state was very unfairly penalised by the federal government in its competition payments—not just the $2.9 million for the barley single desk but also, I am sure the honourable member would agree, in the penalty we faced for chicken marketing, as well as a number of other things such as shopping hours. We were very unfairly penalised by the commonwealth, I believe, and I would hope most members in this place would believe the same. I, for one, am very pleased that the Premier is standing up to fight against those abuses of competition payments by the commonwealth government.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Members opposite such as the Leader of the Opposition obviously support the commonwealth government's taking revenue that should be spent in this state. It is taking money out of the state's resources for no good reason. Notwithstanding the nonsense part of the question about trying to compare money in that way, nevertheless I think the honourable member's question is important in relation to what is happening—

An honourable member interjecting:

The Hon. P. HOLLOWAY: The question, as I said, is important in relation to the barley marketing single desk. I know the honourable member supports it. This government has made its position clear, and I will be very interested in the reply to the question from the honourable member in relation to the current commonwealth government attitude towards competition payments.

The Hon. IAN GILFILLAN: I have a supplementary question. Can the minister indicate what blows the Premier has struck on the federal Treasurer to win this particular battle?

The Hon. P. HOLLOWAY: That was the question asked by the honourable member and I will endeavour to get a reply for him and, as I said, I will look forward to it with some interest.

The PRESIDENT: Indeed, it was not a supplementary question: it was the same question.

PUBLIC SERVICE ASSOCIATION PAY CLAIM

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Treasurer, questions regarding enterprise bargaining and the Public Service Association.

Leave granted.

The Hon. T.G. CAMERON: The Rann government is currently involved in enterprise bargaining negotiations with the Public Service Association of South Australia. It is interesting to note that the negotiations have become bogged down on two key issues. The first issue is that the government made a pay increase offer of 3.5 per cent to members of the PSA, even though it recently agreed to effective rises of 5.5 per cent a year for the state's nurses and, if you include the reclassification structure, 9 per cent for the police. In the Police Association publication one can read Peter Alexander's article stating what a good deal they got.

Understandably, the government offer has been rejected by members of the PSA and the matter is now before the arbitration commission. I further understand that the PSA in its negotiations with the former Liberal government never had to resort to arbitration to sort out a claim. There must be times when the Hon. Robert Lucas sits in this council and thinks about, if his party were still in office and treating public servants in the same way, what howls of protest and what questions he might get from three former trade union leaders sitting on this side of the council. Their silence on the plight of public servants gives some indication of what they are really doing.

The second sticking point (and one which must warm the cockles of the hearts of all female members of the Australian Labor Party) is maternity leave. South Australian public servants are currently entitled to the fewest number of weeks of paid maternity leave of any state or territory or the commonwealth. Federal government employees have been entitled to 12 weeks' maternity leave for years, but South Australian public servants still receive just four weeks, whilst teachers and police get eight weeks and nurses get six weeks. No wonder many Labor supporters in this state, particularly public servants, are beginning to question this government's support for working people.

While the Labor government continues to deny salary justice to public servants, it might cast an eye over the seats of Norwood and Adelaide, whose members could quickly be ejected if public servants decide to reward the Labor government for its attitude towards their wages claim. My questions to the Treasurer are:

1. Considering all public servants have contributed to productivity improvements over the past few years, why, with respect to pay increases, is the government not treating them in the same manner as it has nurses and the police?

2. Will the government finally bring South Australian public servants into line with the rest of Australia with respect to paid weeks of maternity leave entitlements, and, if so, when?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I remind the honourable member that 3.5 per cent has been paid as a down payment prior to the arbitration commission's hearing the case, and discussions are continuing. I will refer those questions to the minister in another place and ring back a reply.

INDUSTRIAL LAW REFORM (ENTERPRISE AND ECONOMIC DEVELOPMENT—LABOUR MARKET RELATIONS) BILL

Adjourned debate on second reading.

(Continued from 7 February. Page 897.)

The Hon. D.W. RIDGWAY: I rise today to indicate my opposition to this bill—not only to the President and honourable members of this Legislative Council but also to the wider community and, in particular, the small business operators of South Australia, whose livelihoods will be threatened by its passage. Most honourable members would know that I operate a business and, as a business owner, I am dismayed by this measure. Not one individual, organisation or fellow businessman has encouraged me to support it, and I am not surprised. This legislation is anti-jobs, anti-growth and pro-arbitration.

In his second reading explanation, the Minister for Industrial Relations said that the reason that the government introduced a bill was that 'As a Labor government we want to make sure that everyone in the community benefits from economic growth.' That is all well and good, minister, but this industrial law reform will not make employment, or the bargaining process, any easier. On the contrary, it will lead to a downturn in employment, particularly in the small business sector, where employers will not see the need to put on extra staff under these trying conditions.

One of the greatest points of contention is the lack of background to this bill. The clauses contained within it are clearly a pay-off to the unions within the government's ranks. But where has the bill come from? There has been no public push for it, no media campaign for workers' rights and no editorial in any newspaper; even the unions have been silent. When will the government realise that this is very unpopular and unnecessary legislation? When I turned my attention to the finer points of the bill, I was shocked at the ambiguity of some of its so-called 'fair clauses'. The original title of the bill was the fair work bill. However, the word 'fair' refers to an outcome considered just by both parties, and that sentiment is not present in this bill whatsoever. It is clearly skewed towards the interests of unions at the expense of employers—and, in the long run, unfortunately, all employees and the state of South Australia.

This bill seeks to remove the rights of employers and employees to negotiate between themselves. It will create an environment of uncertainty and mistrust—perfect for third parties profiting from arbitration and union officials seeking to boost their flagging membership. There is nothing fair about a bill such as this. Clause 5 intends to make it an object of the acts to support the implementation of international obligations in relation to labour standards. However, it is not binding that Australian legislation be based on international labour conventions. These standards are designed to prevent child and adult exploitation. In a modern economy such as ours, it is not necessary to base laws on international conventions, where Australian federal and state laws already suffice.

In my opinion (and, indeed, in that of anyone who values civil liberties), one of the most grating clauses is the somewhat clunky definition of the word 'workplace':

> . . . .any place where an employee works and includes any place where such a person goes while at work but does not include any premises of an employer used for habitation by the employer and his

or her household other than any part of such premises where an outworker works.

The Hon. A.J. Redford: That's just about everywhere except Bob Sneath's office!

The Hon. D.W. RIDGWAY: My colleague interjects: that includes everywhere except the Hon. Bob Sneath's office. This will lead to an untold number of disputes. For example, if someone cleans a private home, as those who now clean articles or materials are now defined as outworkers, does that mean that union officials and inspectors will be allowed into private residences? The definition of 'outworker' and 'workplace' in combination will have the potential to allow unchecked access to private homes and lead to unneeded intervention in the Industrial Relations Commission. The changed definition of 'outworkers' to encompass cleaning will have a significant impact on whether cleaners are to be considered outworkers or contractors under the act. This could result in a lot of job losses within the cleaning sector, the majority of whom are contractors or subcontractors.

Another definition that will cause disputes is the now widened 'industrial matter' to include 'relating to the privileges, rights or duties of an employee or employees'. Theoretically, does it now mean that an employee can take industrial action if they dislike parts of their job or the company car they have been given? These definitions are impractical and will not protect the people they are intended to protect but merely create avenues for opportunistic people to exploit the industrial relations system.

The Minister for Industrial Relations stated that the Labor Party wants everyone in the community to benefit from economic growth. The point that he and many other members of the Labor Party seem to have missed is that this bill will curtail economic growth. Why would a small family business (for example, a newsagency or a gift shop) want to put on extra staff with the added risks they must assume? This bill will increase costs to businesses and decrease the creation of new jobs. This stagnation of employment opportunities will disadvantage the hardest working members of our society.

With regressive industrial legislation like this coming into effect, employees in South Australia will no doubt move to a more workable federal Australian Workplace Agreement system. Members will be aware that I have spoken on AWAs before as they are a flexible, easy and non-union alternative to the current award system. A major flaw of the federal Labor Party under the leadership of Mark Latham—and I suspect one of the reasons he lost the election—is that they did not offer Australians choice. They simply tried to impose a hardline, leftist agenda, which the electorate railed against.

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The member needs no assistance from his own bench.

The Hon. R.K. Sneath interjecting:

The ACTING PRESIDENT: The Hon. Bob Sneath is out of order.

The Hon. D.W. RIDGWAY: Thank you for your protection, Mr Acting President. The Liberal Party offers people choice across the board but particularly with regard to industrial relations: the choice to stay with the current award system or to create a workplace agreement; and the choice of whether to choose award pay or bargain for special conditions and remuneration. The Latham experiment should be a lesson for the states to listen to their constituency rather than what their factions want.

In addition to causing job losses, the complexity of this bill will undoubtedly cause the remaining casual employees to move to the federal AWA scheme. Unions should be afraid of this. Far from being a saving grace for flagging union membership, this bill will be its death knell.

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. R.K. Sneath interjecting:

The ACTING PRESIDENT: Order! I understand that the Hon. Mr Sneath will make a contribution shortly. We will look forward to that, but for now he can be silent.

The Hon. D.W. RIDGWAY: This bill may just be the death knell when employees realise that unions have not changed with the times and there is absolutely no advantage to union based bargaining when it comes to the bottom line. In order to change and retain members, unions have to realise that not everyone is looking for permanent employment. Due to changing demographics, many people do not want to work full-time (mothers with small children, students and contractors). They are the people who will be excluded from the mould under this legislation and sent to the Industrial Relations Commission.

This bill (and the Labor Party) assumes that all casuals want permanent employment. This is simply not the case. In my business over the past 30 years I estimate that we have employed between 900 and 1 500 casual employees, many of them every season. They do not want permanent employment. They are farmers' wives and university students on holidays, just wanting some casual work to fill in the gap or perhaps pay for a holiday.

The Hon. T.G. Roberts interjecting:

An honourable member: Speak for yourself.

The Hon. D.W. RIDGWAY: Speak for yourself, exactly. The Hon. Terry Roberts interjects that it was cash in hand. That is not the case. By granting minimum standards to casual employees, this bill will remove the reason that businesses choose to employ casuals in the first place. Businesses choose to employ casuals so that they are not bound to keep someone on for longer than they might wish (for example, if the circumstances of the business change). It is exactly the same in my case. There is a lot of seasonal work, and the business would fold if we were expected to keep on casuals on a permanent basis. Businesses forced to pay hundreds of extra entitlements to casual employees will make the only logical choice when faced with that kind of cost: they just will not employ them any more. There are many casuals who rely on work: mothers, teenagers and university students who value their financial independence. This bill will place all their jobs in jeopardy.

One of the provisions that most discounts the rights of individuals is section 4A—Declarations as to employment status. In giving the court the power to declare groups of persons employees, this provision ignores the details of how that will be done and the possible ramifications this change will have. How will people be notified that their particular class of workers is to undergo such a judgment? What if they wish to be part of this action? Declaratory judgments are unworkable and do not provide safeguards, as anyone may make an application: a peak entity (defined as either Business SA or the United Trades and Labor Council), a chief executive, an individual employee, or someone representing an individual or group of individual employees.

The declaratory judgments section of this bill needs a lot of work before it can have any practical application. The United Trades and Labor Council's Secretary, Janet Giles,

said in a press release following the bill's passage through the other place:

> For all the debate and delays by the ideologically panic stricken opposition, the bill has made it through. . .

Ms Giles could not be more wrong. The opposition is not at all ideologically panic stricken; we have never been more united in our opposition to this bill as it discourages employment, investment and economic growth. Ms Giles (in an interview with *The Adelaide Review* when the draft bill was released) said about the bill:

> It is. . . in line with the party's platform and in line with commitments made to affiliated unions prior to the election and commitments. . . to the people who helped them get elected.

If that is not an admission to a union payback, I do not know what is.

The Hon. R.K. Sneath interjecting:

The Hon. D.W. RIDGWAY: We will come to who is writing the Hon. Bob Sneath's speeches later. One of the hallmarks of the current government is its predisposition to allowing inspectors unprecedented access to workplaces and private property. The Natural Resources Management Bill dealt extensively with inspectors and their rights. This bill again gives inspectors unparalleled rights at the expense of the employer and the right to their privacy. In the case where records are stored in an employer's home, inspectors have the right to enter and view these records, and I am sure the Hon. Bob Sneath will remember his days in the shearing industry, where the farmers would have had a filing cabinet or the farm records stored in the farm kitchen or in a small office off the farm kitchen.

This will allow union inspectors access to people's private homes and right into their kitchens. Once again, there will be a highly paid bureaucracy to enforce this bill. At least it will create more possible union members for the ALP. Best endeavours bargaining is another clause that, despite intending to solve disputes, will only create them. Parties must use their best endeavours to adhere to a number of conditions outlined in the bill. If these are not met, the commission will be able to intervene and hand down a judgment, which then becomes part of the enterprise agreement.

Nearly all the conditions that both parties must meet in order to be considered for best endeavour are vague and will cause negotiations to break down even further. For example, 'Parties must meet at reasonable times.' However, there is no explanation as to what is a reasonable time, and what may seem reasonable to one party may not be reasonable to the other. Best endeavours bargaining will make it difficult to reach outcomes that satisfy both parties, and it will lead to lengthy, protracted negotiations and forced agreements.

In its submission to the bill passed in the other place, Business SA voiced its frustration with best endeavours bargaining. It said—and it is a sentiment I fully agree with—that agreements should be mutual and voluntary. Both parties should have the right to say what they do not want in an agreement. Neither party should be compelled to bargain. I cannot agree with a system that lets people attempt to bargain and then arbitrates for them to the dissatisfaction of both parties.

Workplace surveillance devices covered in clause 58 are also of concern. This bill will make it illegal for an employer to use a listening, visual or electronic surveillance device in the workplace unless the employee has been notified. This does not seem unreasonable and is designed to protect an employee's privacy. However, it becomes unworkable for different reasons when using such devices is considered. Employers have the right to protect their business investments, and surveillance is an easy way to do it, but the logistics of notifying all employees at some workplaces is nearly impossible.

For example, large-scale mining operations and airports, to name just two, are places where there are many contractors. Does this become the company's responsibility or the labour-hire company's responsibility? Notifying all employees would be a large, ongoing task and would be an unreasonable cost to impose on the employer. As I said earlier, this bill was the brainchild of the union influence within the Labor Party. It will not be good for South Australia.

The government has constantly championed its state strategic plan and the goal of trebling the value of South Australia's exports to $25 billion by 2013. While this is a worthy goal and one we should all be working towards, the Labor Party does not see it that way. How can you work hard to achieve export revenue on the one hand and erode business confidence on the other? It just does not make sense.

Further to this, the government has neglected to invest in strategic infrastructures promised in the state strategic plan. Without a strong economy, and the state strategic plan, with its lofty goals, it is useless. Jobs are the lifeblood of the economy, and this bill will seriously threaten businesses and the ability for them to provide a future for South Australia. In her contribution yesterday, the Hon. Gail Gago repeatedly told the council that Business SA was a cohort of the Liberal Party. The Liberty Party cares about protecting jobs and looking out for the rights of businesses as well as employees. As the honourable member can probably discern, these interests are clearly similar to those of Business SA. One key difference is that Business SA has recently advertised, 'The IR legislation—the bitter pill parliament will make us all swallow.'

The Hon. T.G. Cameron interjecting:

The ACTING PRESIDENT: Order! The Hon. Mr Ridgway has the call.

The Hon. D.W. RIDGWAY: Let me take this opportunity to make it clear to all South Australians and other states who deal with South Australian companies that not one Liberal member of the parliament supports this bill. Any downturn, hardship to your business as a small business operator or to the South Australian economy will be entirely due to the Australian Labor Party.

The Hon. A.L. EVANS: I wish to make a brief comment on this bill. The problem of how best to legislate for good industrial relations is one of the most challenging legislators can face. Rapid changes in the economy and workplace arrangements have added greatly to the complexity of the challenge. Economic and labour market conditions have a substantial impact on the formation and maintenance of stable families and relationships. These conditions have historically had direct impact on family decisions about child bearing and on the quality of family relationships. Our contemporary situation is no different.

Most of my constituents and most families in this state obtain their income from the management of small business or as employees. Many of these employees work in small business. Many constituents have involvement in the independent schools in this state. Generally our present industrial system is a realistic accommodation between the needs and desires of work force flexibility on the one hand

and the requirement for safety, certainty, equity and justice for both employer and employee. Our industrial relations legislation must accommodate competing interests and rights, along with the principles of natural justice, procedural fairness and the rights of all workers to receive a just wage while the entrepreneurs receive a just profit. The freedom of businesses and the role of markets to ration and allocate resources are also central aspects of this balancing act. Outcomes must reflect what is just and fair for all parties concerned in the light of economic constraints at the level of the business enterprise, the industry and the wider community.

Family First believes that the system of awards, Australian workplace agreements and enterprise bargaining generally meets the needs of Australian workplaces but acknowledges that many South Australian workers are missing out on adequate conditions because of their casual or outworker status or because they are in unregulated or low-paid industries. Family First policies support improved provisions of minimum entitlements such as sick leave, annual leave and family leave for employees who do not come under the previously mentioned agreements or awards.

However, the Association of Independent Schools has some reservations about the impact of the measures in the bill concerning the provision of minimum standards. The association points out the common practice in the sector of using essentially voluntary staff, such as coaches, who might receive some level of monetary acknowledgment or compensation. It asks whether these provisions will have unseen and negative consequences for the capacity of individuals and schools to continue to enter into such arrangements.

I have also been very much in favour of protection of the rights of workers and recognise the reality of the weak bargaining position in which individual workers can find themselves in employment relationships. However, I have also regarded freedom of association as crucial in healthy workplace relationships and justice, and I have also been of the view that there are many good employers who have sought to act justly towards their employees. I believe that compulsory unionism helped create a culture lacking authentic representation, advocacy and responsibility in the union movement several decades ago. I think that the union movement is still shaking off some of the bad reputation it gained in those times amongst many ordinary Australians.

In more recent times this country has seen a maturing of relationships between unions and employers and, for some time, there was a level of consensus about the important role unions played in equalising the bargaining power of employers and employees. This consensus is no longer such a strong feature of the industrial relations environment and, by and large, this is not a good thing. However, Australian workplaces have also over recent times made significant and consistent gains in efficiency and productivity. Greater flexibility afforded by industrial relations law reform has no doubt generally assisted in that development. Unions may also be able to lay claim to some contribution to this outcome.

In the present industrial relations landscape, unions can continue to be very effective advocates for workers in negotiations over terms and conditions. However, the union movement has acknowledged the significant decline in union membership and has committed itself to an adjustment to the modern economy and changed workplace conditions. A key objective is to work towards a return to much higher membership levels. I tend to the conclusion that effective representation and advocacy can be undertaken under the present industrial law regime in this state. Admittedly there are some constraints and difficulties. I think that all sides must work together towards a better accommodation of the range of new workplace arrangements that have so greatly contributed to flexibility and productivity gain.

In talking to a range of constituents, I have been informed of how specific industries have quite different needs and problems. Many have expressed concerns about the one size fits all approach of this bill. Innovative solutions to some of the difficulties and a willingness to look beyond the standard employment relationship model may arguably better deliver effective solutions that are acceptable to industry participants. Such constituents have argued that fair trading legislation may afford a more useful mechanism for dealing with some of the difficulties of outworkers. Many express concern that contractors working from home might be unnecessarily caught by the outworker provisions in the bill.

In the present day and under the present legal framework, unions are still the main employee organisations in the workplace that advocate for workers. They provide a valuable advocacy service in negotiation of enterprise agreements and awards. The unions clearly have considerable expertise and a proven track record in this area. This bill before us seeks to expand the rights of the unions in relation to workplace visits and potentially to other areas.

Many of my constituents have expressed strong concerns over the changes various key provisions will bring to workplaces and the management of small business and other organisations. In particular I have heard of the concerns many in the independent school sector have for the implication of such provisions as allowing union visits to non-unionised workplaces or the capacity to have enterprise bargaining arbitrated. The potential to have enterprise bargaining arbitrated may lead to the imposition of outcomes that are not acceptable to independent schools. Problems could arise where outcomes are in conflict with the objects or ethos of the institution.

A major concern of the Association of Independent Schools was the inclusion in the objects of the act of elimination of unreasonable discrimination in addition to elimination of unlawful discrimination. The capacity to discriminate in employment matters is vital to the existence and maintenance of the identity, character and ethos of many religious or cultural organisations, especially schools. Each member of staff contributes to that ethos and mission of enterprise through their personal witness and identification with the religious or other cultural or spiritual values implicit in the day-to-day life of the institution or organisation. The employment of those who do not identify with the mission and ethos of the organisation always involves a real risk of dilution of that religious or other special character.

Parents have a fundamental right to choose an education for their children that accords with their values and beliefs. Our governments have a fundamental responsibility to fund education. The provision of non-government schools actually saves governments money as parents elect to bear more of the financial burden of their children's education than they would if they sent them to a government school. The right of freedom in religious actions, service and education does not rest merely on the government's pleasure in the value of the service provided but on the freedom of religion so fundamental to Australian society. The inclusion of unreasonable discrimination may open up uncertainty and vagueness in relation to an independent school's capacity to discriminate. There are also many good reasons to include such an object,

but there may be a better way to address these issues without risking the appropriate freedoms of schools that seek to operate with a particular ethos.

With regard to declaratory judgments, a number of constituents, including the Association of Independent Schools, expressed concern about the capacity to make declarations for a class of persons. It was strongly argued that declatory judgment should be made only on a case by case basis. Some of these constituents felt there was a risk that third parties might have the capacity effectively to impose unwanted and inappropriate employment arrangements on some persons. Concerns were expressed with the changed emphasise on remedies for unfair dismissal. There was scepticism about the possibility of reinstatement ever being a realistic possibility in small organisations. Other concerns have been expressed.

Family First has great concerns about the impact of insecurity of work, of poor conditions or wages on family stability and sustainability. Adequate employment growth is also necessary for the well-being of families. Escalating costs and constraints on work arrangements in small business is also a significant problem for families. I acknowledge that there are many good reasons for the various provisions in the bill.

I have some sympathy for the needs of unions to have greater access to workplaces and to more easily advocate for vulnerable workers. I have real concerns for the more vulnerable workers in our community. I also have real concerns for the many small business owners who work hard to stay viable in an economic environment that favours the bigger players.

There has been much discussion in recent months about the apparent dichotomy between the concerns of pro-family groups and the issues of social justice in areas such as industrial relations. I am most reluctant to have such a dichotomy imposed on myself or Family First.

However, whilst various constituencies insist on painting pro-family agendas as the enemy, I feel constrained to support those who support us. While I look forward to hearing the debate in committee, I should at this stage indicate my inclination to vote in accordance with a number of the concerns raised by my constituents. I regret that the sorry state of political discourse is such that any considered or careful leadership I might undertake on this matter would go unacknowledged by many in the labour movement. Accordingly, I feel constrained to limit my support for a number of aspects of this bill. However, I support the second reading and will endeavour to consider carefully the debate in committee.

The Hon. T.G. CAMERON: Like the Hon. Andrew Evans, I, too, rise to support the second reading of this bill. I will probably jump around a little—

The Hon. T.G. Roberts interjecting:

The Hon. T.G. CAMERON: Be careful I don't jump on you. I will jump around a little in my address, but at the outset I do not intend to make a speech which would embrace some of the more flamboyant, flowery language that the opposition employed in its opposition to this bill. It is interesting to note that, if there was a Liberal government in office and it introduced amendments similar to what the federal government proposes with its amendments to the IR bill, the Labor Party would say that the Liberals were out to destroy unions and to make employees work for $1 a day and so on. The flip side of the coin is that if Labor is in office and it introduces amendments to industrial law, heaven forbid, business in South Australia will shut down tomorrow, it will move interstate and nobody will have a job. Unfortunately for both Liberal and Labor politicians, the rhetoric they sometimes employ when it comes to industrial matters is some way from the truth.

I do appreciate that either side has its obligations to court extra constituency—in the case of the Liberal Party, business; and in the case of the Australian Labor Party, the trade union movement. Most members of this council would be aware of the fact that, whilst I sit here as an Independent member, I am formerly from the Australian Labor Party, and, in the past, spent some nine years working as an industrial advocate for the Australian Workers Union. It is not fair to say that all trade union leaders are militant left-wingers who want to destroy the economy: no more accurately than it is to portray all business as unscrupulous employers who would drive their employees or their workers into the ground. The truth, as is always the case, lies somewhere in the middle. One can only hope that, when we deal with the amendments in relation to this bill, it will be a reasoned debate, rather than a debate where the rhetoric is designed to appease or please our supporters.

What I intend to do now is briefly run through some of the major points of the bill bit by bit. First, as I am sure have most members, I have been lobbied fairly intensively on this issue both at a personal level and with representations. One of the two groups that has concentrated on our office has been Business SA. I must state that I am disappointed with Business SA. It seems to me that it got its act together only at the eleventh hour in relation to this bill, and at one stage one could have been excused for believing that Business SA was supporting this bill. I would also place on the record the fact that the United Trades and Labor Council (according to my comrade on the left) is now SA Unions.

Janet Giles, the secretary, and Martin O'Malley lobbied me in relation to this bill. They are two people for whom I have respect and I thought their representations to me were balanced and reasonable, which contrasted slightly with some of the other representations made to me. In summary, the major points of the bill include changes to the objectives of the act; declaratory judgments as to whether workers are employees or contractors; changes to minimum employment standards, including the setting of a minimum wage; a pay equity provision in relation to awards; increasing the potential length of enterprise agreements from two to three years; multi-employer agreements; the introduction of best endeavours bargaining and the transmission of business provisions; the reintroduction of tenure for life for members of the Industrial Commission; changes to unfair dismissal provisions, including the emphasis on reinstatement, recognition of the size of business involved, protection for injured workers and the capacity for labour hire contractors to seek redress from host employers for their actions; restoring the powers of inspectors; changing the right of entry for union officials legislatively; and various protections for outworkers to ensure that they get a better deal.

Whilst they may seem fairly mild and straightforward matters, when it comes to industrial law and industrial matters the devil is always in the detail. Therefore, one needs to look in quite some detail at the various amendments that have been foreshadowed. In relation to the objectives of the act, basically the argument is to emphasise a collective approach, recognise the need for job security and flexibility for family responsibilities and establish safety nets. Its aims

are to prevent and eliminate unfair discrimination in the work force, including equal pay for men and women, and to support the implementation of international obligations.

It all sounds good so far and well-meaning. However, one has to look at what the detail of the implementation of those provisions means. In relation to declaratory provisions, the bill enables the industrial court to make a ruling about whether a particular person or a class of persons are employees or contractors. The applications can come from any peak entity. I have real reservations about the practical implementation of this clause and what it might mean for tens of thousands of South Australian workers who currently work under a subcontract arrangement.

Provisions not dissimilar to the declaratory provisions which have been outlined in the award have been tried in Queensland, and something similar has been tried in New South Wales, and subsequent appeals to local courts, the Federal Court and the High Court have seen them struck out. Another concern I have about the declaratory provisions is that a whole host of people who work on a subcontract basis and who do not fall within the ambit of being an employee do so because it suits them. They have exercised their rights to work under that arrangement. By no means does that mean that all the employers who engage people in this industry treat their employees fairly.

There are also new minimum standard provisions under this act, including a minimum standard for bereavement leave and five days sick leave which can be taken as carers leave. I have always supported the concept of carers and cannot see anything wrong with that provision. There is also a provision for the commission to set a minimum standard for severance pay, payable upon application to the commission. I would prefer to have seen minimum standards for severance pay set out in the act to provide a safety net for everyone rather than support the concept and then rely upon what decision the commission sets out.

It is also very difficult to argue against the concept of a minimum wage to be reviewed annually. One would have thought that in any civilised society, particularly one such as ours, no-one would have any problems in embracing the concept of a minimum wage; that is, a wage below which no employer can employ someone. As you would understand too, Mr President, having been an old trade union member and representative, sometimes you get a fair shake from the employer but sometimes occasions arise where employees do not get a fair shake and their only recourse is to their trade union. With this amendment the government is attempting to create a safety net. Whilst it does not establish a full legislative minimum wage or conditions, once again it provides for the commission to determine an appropriate safety net. It is very difficult to argue that in this instance we should adopt a position of setting the state government up as some kind of wage fixing authority to establish minimum wages. So, it is difficult to argue against the concept of the commission setting a minimum wage, to be reviewed annually.

I have had representations and arguments from people that this would be giving the commission unprecedented powers that could be abused. I think that is making a judgment about the Industrial Commission before it has acted. I would rather wait and be critical of it if it did abuse the power, but I do not expect it to do that at all. Business SA argues that the commission having the power to set standards is ultimately unsustainable; however, I do not agree with that argument.

The role of the Industrial Commission in Australia has been with us for nearly 100 years, and I have no doubt that one of the reasons we enjoy the kind of society that we live in today is, in part, due to the efforts of the Industrial Commission in helping both employers and employees resolve industrial disputes over the years. I know that when I was an industrial advocate it would not matter what representations you made to some employers; they were not going to give their employees one red cent increase. The only recourse you had as a union official in that instance—if you did not want to take direct action—was to go to the Industrial Commission. In my view, removing the Industrial Commission entirely out of the wage negotiation process would see us revert to the law of the jungle and I believe it would be the workers, unfortunately, who would lose—maybe not 20 or 30 years ago, but today the workers would lose.

In relation to pay equity, the principle of equal pay for both sexes is to be enshrined in the act. It will be interesting to see how the government plans to enforce this and, in particular, how zealous it is in enforcing it. In relation to enterprise bargains it seems to me to be commonsense for these to be set at three years, increased from two. Given the time it often takes to implement enterprise bargains with the two year time frame, as soon as you finish negotiating one it is time to start the other. Three years seems sensible, extending the limit, and it will take the pressure off both business and workers.

Multi-employer agreements would be permitted under this act. In the absence of any persuasive argument to the contrary it seems sensible to me that, if a number of small businesses conducting a like business can come together to create an enterprise agreement across their businesses, it would allow—

The Hon. R.K. Sneath interjecting:

The Hon. T.G. CAMERON: Well, franchisees in South Australia currently do work under enterprise agreements. McDonald's, for example, are franchise operators and they have an industrial agreement with the Shop Distributive Employees Union. I can understand concerns that may be expressed by the employers saying, 'Hang on a minute. If small businesses can get together it might create big enough pools of employment to allow the unions in the back door.' I cannot accept that argument. Unions have a legitimate right to represent their members, and one could only shudder at what kind of society we may live in today without the role of the trade union movement over the last 150 years.

I am concerned about the best endeavours bargaining which is included in the bill. It sets out prescriptive guidelines, in my view, as to how enterprise bargaining is to be conducted, and the commission will have the power to resolve a dispute about enterprise bargaining in limited circumstances. I am a little bit concerned that this might lead to some kind of enterprise award system. I know business groups are against this, because they believe it gives the commissioner power to intervene if negotiations break down. We need to be very careful in relation to this process of conciliation and arbitration, which I believe has served Australia well over the years.

We need to be a little bit careful about what we do to the playing field. We might create a situation where one side feels that at any time it can just sit there and say, 'Well, you're not negotiating in good faith. Let's refer the matter to the commission and seek an arbitrated decision.' I always remember that when I was an advocate for the trade union movement you would never say, 'The boss has not negotiated with us' or 'They will not sit down and negotiate with us.'

You always tacked on the word 'meaningfully': 'They will not negotiate meaningfully with us,' and that word was able to be used to good effect when you were addressing your members. I am a bit concerned about the terminology used for best endeavours bargaining.

In relation to the transmission of business, the rights and liabilities of an employer under an award will be able to be transmitted to a new employer if the relevant business or undertaking is transferred to that new employer. As I understand it, this has been part of federal law for some time, and it seems sensible to extend that to state law to protect workers' entitlements and employers' rights. In relation to unfair dismissal, reinstatement is listed as a preferred remedy for successful unfair dismissals. There is reference to the size of the business and the personal circumstances, etc. At face value, these provisions seem quite fair. Who could argue against trying to ensure that a dismissed worker should not be reinstated into their old job? But that concerns me.

Having represented many dismissed workers, both in negotiations and in the Industrial Commission and Industrial Court, I know that they do not always want to go back to work with their employer. I am concerned that this is a tinkering at the edges of the unfair dismissal laws to try to overcome what has been a fairly strident case by the employers against the existing unfair dismissal laws. My view is that the terminology that the government has used will make things worse for workers, not better. What are we going to do in the case of sexual harassment or some other untoward behaviour? I foreshadow that I have a problem with that.

I have some concern about the powers of inspectors but accept that, under the current provisions where inspectors can only investigate complaints based on non-compliance and with trade union membership these days in the private sector hovering around the 16 per cent, that leaves a hell of a lot of workers out there basically operating without any monitoring. The bill provides that inspectors will have the full power to enter any workplace or place where records are kept or work is done. Business argues that this is too much third party intervention. One would hope that there is some middle way between the positions that people have adopted in relation to that.

In relation to right of entry, once again, I believe that unions have a legitimate right to enter workplaces where they have membership. Some might argue that perhaps this goes too far in giving union officials unfettered rights to enter. I cannot see why we cannot sort out a compromise whereby, provided that proper notice is given, a mutually agreed time can be used. Of course, that might provoke a derisory howl from the trade union movement that that allows an employer to say no for as long as they like. Well, employers cannot do that.

We all know that, in the real world, it would be simply a matter of referring it to the Industrial Relations Commission to be sorted out. Allowing the commission to set specific conditions for children at work, or to determine that children may not work under an award, again does not seem unreasonable. Whilst I have a great deal of sympathy for the plight in which some outworkers find themselves at times, I do not believe that the way in which the government seeks to address this issue will do a great deal to resolve their situation. It may well put a lot of people out of work who are currently earning a reasonable wage and enjoying what they are doing.

I would also be interested in reading the code for outworkers before I give the government an unfettered right to pass legislation in relation to that issue. I understand that Kris Hanna in another place was successful in moving an amendment to ban an employer from using audiovisual recording or monitoring devices, and so on. I indicate my support for that amendment. I do not believe that any worker should be filmed or taped secretly, or their emails read by the employer, unless it is made quite clear to the employee. Allowing employers the right to set up cameras to spy on their work force all day is a recipe for industrial disaster.

A couple of amendments are on file in my name: one relates to the Employee Ombudsman, namely, that he or she may have their term renewed for one further term; another amendment inserts new clause 59A, which is an amendment to section 141, register of members and officers of association. My amendment relates to subclauses (1) and (2), which seek to amend sections 143 and 141. It is a fairly simple amendment, and merely requires that, as part of the information unions registered in South Australia provide to the register, they provide the number of financial and non-financial members of the association. This is a simple amendment and would be easily followed by everybody.

I refer to some submissions which were put to me by the Independent Schools Association and to which the Hon. Andrew Evans referred. Whilst I am not a religious person, you will always find me at the forefront of support for a person's right to express their religious views and to worship freely. I believe that one of the hallmarks and tests of any free and democratic society is to allow the trade union movement to flourish freely and support its workers. For the same reason, I support the role and right of any religion, regardless of what it wants to argue for, to practise and worship freely. That is where the independent schools sector comes in.

My reading of the amendments is that we would be creating a situation in which the independent schools, Christians schools and/or Muslim schools could be forced to employ people of a different religion, or of a religion that may directly oppose their own. To me, that would be an intolerable situation. I have a little more to say, but I can do so at the committee stage, and I look forward to a reasoned debate at that time.

[Sitting suspended from 6 to 7.45 p.m.]

The Hon. J.M.A. LENSINK: I rise, as nobody will be surprised to hear, to speak against this bill. Since the 1980s, Australia has seen massive industrial change, including the dismantling of the accord and centralised wage fixation. Even state Labor is in conflict with its federal counterparts, as federal Labor has stated that it supports enterprise bargaining as a key plus 'the flexibility of doing it workplace by workplace'. Those are the words of the recent leader, Mark Latham. Federal Labor has also acknowledged the importance of contractors and newer forms of employment. In light of its disastrous federal showing, it has even played footsy with AWAs.

Regarding the OECD report which was released last week, I note that shadow treasurer Wayne Swan blasted the federal government, saying that 'economic reform has slackened off and needs to be reinvigorated'. He then referred to productivity as an issue and 'a tax system that fails to reward hard work', which sounds to me like he believes in greater industrial flexibility. Under the title 'Policies to lower unemployment and raise labour force participation', the OECD has this to say:

It is especially important to improve incentives to join the labour force in the first place and to remain in it when older—

which we argue would be harmed by this bill—

and to further encourage participation and favour employment, the industrial relations system also needs to be reformed so as to increase the flexibility of the labour market, reduce unemployment transaction costs and achieve a closer link between wages and productivity.

There is none of that in this bill, which is all about locking in traditional forms of employment. It goes on:

Regulatory requirements for collective and for individual agreements should be eased so that they can replace awards. A major step in this direction would be another reduction of the number of available award matters, and the tightening of their definitions and specifications. 'Safety Net' award wage increases should be guided by the productivity and thus employability of low-skilled workers.

There is no trade-off in this bill that points towards productivity. It continues:

Further unfinished business includes harmonisation of federal and state industrial relations and the streamlining of regulations which minimise the incidence of unlawful industrial action. Finally the cost of dismissal procedures, including for employees who have been in firms for only a short period, is often cited by small businesses as a disincentive to hiring. The government is now in a position to address these issues and should proceed as soon as practicable.

My prediction is that, if this bill gets through, we will see a shift over time towards federal award coverage. This parliament will then be responsible for sending another plank of the state's responsibilities to the feds and giving the Australian government another opportunity to try to make the states irrelevant.

The European Union Employment Task Force said in 2004 in favour of on-hire employment that 'temporary agency work can be an effective stepping stone for new entrants into the labour market and hence contribute to employment.' It was also in favour of on-hire's ability to provide participants with a broad range of skills through the diversity of opportunities provided.

I will now refer to some of the specific clauses of this bill. Regarding clause 1 (the title), to me this is fiddling with semantics and reminds me of some of the nonsense changes in MBA programs that I have seen in both the business schools that I attended. The previous title was also unacceptable and tried to inject the sort of lowest common denominator silly emotion for which this government is becoming renowned.

With reference to clause 5 (the objects), while it states that it aims 'to meet the needs of emerging labour markets and work patterns while advancing existing community standards' it will do the opposite. In 2005, those people who expect to stay in the same job and/or career path for their entire working life are in a minority. A large number of key vocations which will employ our youngsters in 15 years' time do not yet exist. Patterns of work have changed, yet Labor remains locked in the past.

The object 'to promote and facilitate security and permanency' further demonstrates a fundamental misunderstanding of the modern job market and the desire of many people, that is, workers, to take advantage of the choice and convenience that casual employment provides. The true intent of this bill is revealed in subparagraph (ka), 'to encourage and facilitate membership of representative associations of employees and employers', which is inconsistent with existing subparagraph (k), which the Liberal Party would endorse, 'to provide for absolute freedom of association and choice of industrial representation'.

The proposed new subparagraph (o), which states 'to facilitate the effective balancing of work and family responsibilities', exposes the hypocrisy of this government, which through a climate survey of its own revealed that, apart from flexitime, less than 10 per cent of public sector employees were aware of voluntary flexible working arrangements available to them. It should clean up its own backyard before it attacks private sector employers.

Clause 6, definitions, contains some of the details that will cause confusion regarding contracts, industrial matters and workplaces. There is no doubt that this significantly expands the gambit over our existing laws and will muddy the existing systems, as will the next clause, clause 7. One of the most alarming aspects of this provision is that it does not set out the consequences of the making of a declaratory judgment. Where previously the parties to such actions have been clear, this clause opens the way for unilateral and open-ended actions. This uncertainty will surely dampen employment.

Clauses 8 and 46 relate to outworkers, and this is an area in which a couple of years ago I did some of my own research. The case of outworkers, at least according to a number of the Asian community organisations that I have spoken to (the people who come to mind when this issue is raised), work in the TCF industry. The typical profile of people who are being exploited by receiving under award wages or being paid per garment are newer arrivals with poor English language skills. I was regularly told that this activity is hard to monitor, the workplaces can materialise and disappear faster than a mirage, and that the most effective measure would be to place greater resources in English language training and to advertise in the relevant multicultural community papers in the languages that those people speak. I was told that they should be told that workers do have rights under Australian laws, that this is what they should be paid per hour, and so forth. The measures regarding outworkers in this bill are bizarre to say the least, starting with the exemption for TCF and the extension to cleaning and clerical workers who may be working under a legitimate contract.

Clause 34, best endeavours bargaining, represents another bizarre aspect of the bill. South Australia has had a good record on industrial disputes, which should indicate that we have an effective and stable system of resolution of wage and other disputes. This proposal undermines one of the key principles of our existing system, that agreements should be mutual and voluntary. It effectively holds a threat above the head of the parties: agree or else. I note that the Stevens report advised that this measure should only be used as a last resort, not as a key plank of our industrial system.

Clauses 46 and 51 to 53 create a liability for outworkers under the term 'apparent responsible contractor' and liability for on-hire employers under the 'host employer' concept. These measures give new meaning to the concept of buyer beware for those who subcontract. There is a very large risk that unpaid liabilities or unfair dismissal claims will lead to employer shopping by aggrieved parties. This will undermine our established and understood systems, turning them into a tangled web. It is also a cynical bid to place all liabilities with some/any employer regardless of whether they have behaved in good faith or had a good record of looking after their own employees. They may well be asked to pay for someone else's mistakes, and it is comparable to the insurance laws which led to massive blow-outs in public liability and which this parliament has in recent years sought to correct, that is, the issue of multiply liable parties leading to the chasing of

the deepest pockets. Of significant concern is that some of these proposals will not be subject to parliamentary redress.

On-hire service providers, such as agencies, etc., which are commonly used in the health and aged care sectors, are bemused at what has been put to me as 'using a sledge-hammer to crack a small walnut'. Independent research shows that, of all the casuals in Australia, only 10 per cent are employed through the on-hire industry. Of those people, 20 per cent are employed on a non-casual basis and 50 per cent receive continuous employment through contracts. So the case has not been made for why the Labor Party wants to attack the on-hire industry.

Clause 55 relates to sections 58B and 58C of the Workers Rehabilitation and Compensation Act. This is already a difficult area and I have received numerous examples of those difficulties. The provision of alternative duties and WorkCover's tertiary recovery actions are already issues which are causing grief for many employers. In many workplaces—the smaller they are the more difficult the problem—there is little diversity of tasks, making it difficult to provide alternative duties from those that the injured worker is unable to perform. A number of on-hire service providers now cannot obtain insurance to cover themselves against WorkCover's third party recoveries, which was recognised by the Stanley review and is yet to be acted upon some two years later by this government. Now the burden especially of unfair dismissals will be added to the equation and will blur industrial and workers compensation provisions. The farming and mining sectors, two of South Australia's major export employers, have said that they will now minimise the use of on-hire staff, and I understand that WorkCover has not even been consulted on this aspect which, if true, is very poor management by this government.

Other issues which I have not talked about in depth, but which the motivation behind is quite transparent, are as follows:

- replacement of the industrial relations and enterprise agreement sections with the new, so-called 'best endeavours bargaining'
- broadening powers of inspectors
- establishment of so-called minimum standards, which I might add is against the advice of the OECD
- forced transmittal of business provisions
- unnecessary scrutiny of business records
- workplace surveillance
- right of entry, which is open season (and widely recognised as such) for the recruitment of new members to the union movement, and may see such disputes as that which occurred in the aged care sector for membership between the warring Miscellaneous Workers Union and the Australian Nurses Federation for coverage of care workers, so workplaces will, in effect, become union turf wars.

I note the diversity of the large number of organisations that have made strong representations about this bill either directly to me or in the public arena, including Business SA, the South Australian Road Transport Association, the Independent Contractors Association, the Printing Industries Association, Robern Menz, Mini Jumbuk, Mitre 10, Bio Gro, Bowden Printing, the Association of Independent Schools of SA and the Recruitment and Consulting Services Association. I, like many other members, have not received any representations in favour of this bill at all, but a number of very concerned South Australians have spoken to me.

In the minister's second reading explanation in this place on 6 December he made a number of statements, some of which are erroneous and others are revealing. He said 'that part of our approach to delivering fairer outcomes is to bring forward proposals to change the legislation so that the law is better understood and adhered to'. In fact this bill will only confuse the system. He said, 'As a government we believe that collective approaches to industrial relations through membership of trade unions and employer associations is preferable and should be encouraged', which is, one presumes, why this government has provided open season on signing up members.

'An area of concern' he said 'to both employers and employees is the question of whether workers in a particular situation are contractors or employees'. I do not believe there is concern among employers and employees—it is just within the Labor caucus. He said:

> This proposal will assist the stakeholders in understanding how the existing law applies to them [that is, regarding contracts], because it provides the opportunity for the court to make the position very clear as it relates to their particular circumstances.

In fact, it will only lead to confusion and ambiguity. He said, 'All South Australians deserve a safety net, and this proposal gives them one.' I say that they already have one through the award. Further increases can be negotiated through the enterprise bargaining system. He said:

> Enterprise bargaining, whilst potentially very valuable, can be a resource intensive exercise. As such it is quite appropriate that when an agreement is reached it should be able to be for a three-year period as opposed to the current two-year period.

In my experience in the real world, enterprise bargaining agreements can last for three years. He said:

> In the unfair dismissal provisions it is proposed to increase the emphasis on reinstatement by making clear that it is a preferred remedy. That is not to say that it is the only remedy, but it is to be regarded as the preferred remedy.

I would say that reinstatement is already the preferred remedy under our current legislation.

The question has been put to me: is the government reacting to anecdotal or real evidence of perceived threats to traditional forms of employment? In many cases no evidence, such as statistics or cases, have been provided to demonstrate where our existing system is so fundamentally flawed. Exploitation of workers, because they are in a relative position of less power, will always be a real problem that demands laws providing strong protection, but in 2005 we have a system that has been developed over decades to address these very issues.

For those employees who are exploited, there are remedies. Some employers may slyly withhold the information that would assist employees access their legitimate rights. To members of the other political parties in this place who know of awful cases of exploitation of employees first-hand, so do we. On this side we also know of the unionists who already try to cause havoc in harmonious workplaces in the name of recruitment, of small operators who have been bullied by union reps or been subject to suspect WorkCover claims that they have chosen to pay out because they know it is cheaper (as does the claimant, often), of mums and dads trying to make a living in small business and struggling against the increasing on-costs of putting on additional staff.

I was very interested to read the Independent Contractors Association website, an article by Robert Gottliebsen who, in his usual way, has put things rather bluntly. In *The*

Australian of 8 November 2004 he made the following comments:

> Big organisations outsourcing IT and other service activities to small contractors in South Australia should seriously consider switching to contractors in other states if the South Australian parliament approves amazing legislation. Victoria has devised a way to make it more costly for small enterprises to employ people. Both actions are a result of union pressures that periodically make the Australian Labor Party do silly things. Mark Latham got caught the same way and John Howard was smart enough to respond by promising to insulate small enterprises from union attack. That played an important role in his historic Senate majority. The South Australian attack on its small enterprises uses two major canons. The first is to attack the widespread use of subcontracting.

He goes on to explain that by way of an example. He continues:

> South Australia's second canon is to give their courts the power to declare a company or trust an employee. This mind blowing power will cause chaos in a wide range of small enterprise areas. The Independent Contractors of Australia Organisation is, of course, trying to fight the South Australian attack on its small business community by alleging the state is in breach of international labour organisation requirements and common law. The ICA also claims the state is taking actions that will hit hard its housing, construction, renovation, IT, home-based business, accounting and many other areas, but the South Australian government has a much bigger agenda. In Victoria and most other states a small enterprise with a labour bill of about $500 000 is exempt from payroll tax. Both Victoria and New South Wales currently have sensible legislation, meaning that when a small enterprise uses labour through a labour hire organisation the $500 000 limit still applies. But the Victorians think they can raise $200 million by applying the $500 000 limit to the labour hire firm and not the individual enterprise. Their secret agenda is to make the small enterprises employ people direct so they are more liable to union pressure, although John Howard's legislation will help.
>
> New South Wales Premier Bob Carr is too smart to make that mistake. He has seen it in the states that tried that stunt. The staff in the major labour hire firms began starting their own businesses to establish myriad small labour hire companies to take advantage of the payroll tax limit. For example, Tasmania has the highest number of labour hire firms per head of any state. Naturally, the government's revenue suffers, labour conditions are harder to control and the cash economy booms. But the unions feel good.
>
> Victoria will learn the lesson the hard way. These situations underline the problem facing all Labor governments.
>
> The union supporters want to turn the clock back to the time when everyone worked for a big employer under a highly restrictive award. These days, those who work under contract represent an enormous part of the work force.
>
> Howard recognised that the game had changed and was rewarded with enormous powers to alter the IR landscape.

I finish with a comment from one of the Labor brothers, John Button, who wrote an essay in 2002 called 'Beyond Belief: What Future for Labor?' He made these comments in relation to the relationship between the Labor movement and the ALP. In 2002 he said:

> In 2002 things have moved on. What the ALP and the union movement have most in common now is a membership steadily declining, and for similar reasons. Both have been slow to adapt to changing social circumstances; both share, in various degrees, an aversion to democratic member participation; both have hierarchies often seen as out of touch. The ALP and the unions are like two old mates waiting at a bus stop on shaky legs, leaning on each other for support, reminiscing about the past and hoping something will turn up; a bus, an ambulance, or someone like Bob Hawke.

The Hon. A.J. REDFORD: I oppose the Industrial Law Reform (Enterprise and Economic Development—Labor Market Relations) Bill.

Members interjecting:

The Hon. A.J. REDFORD: I do. However, I want to make some general comments—

The Hon. T.G. Cameron: The contents or the title?

The Hon. A.J. REDFORD: That goes without saying. I want to make some general comments particularly in relation to the announcement yesterday by the Prime Minister (Hon. John Howard) that the coalition government in Canberra is considering backing a single national industrial relations system. Indeed, last night's television news was saturated with coverage that the involvement by the states in the IR system is to be abolished. I must say I have not looked at the Constitution. I am not too sure whether that is feasible under our constitutional arrangements, but that is the line which I am currently hearing from my federal colleagues—

The Hon. P. Holloway: Do you support it?

The Hon. A.J. REDFORD: You wait; just settle. This was also supported by the peak business spokespeople who pointed to the fact that we have a very complex industrial relations system. We have a system where there are literally hundreds of awards and hundreds of agreements, and there are far too many and it is far too confusing, and what we need is a central system run by a central body. I must say that, once I heard that, I was a little surprised because I have grown up as a Liberal and I have always been of the view that our policy was to encourage individual agreements, and if that meant that there were 10 million businesses in Australia, then that might well mean 10 million different agreements.

But, anyway, as I was watching television last night, I thought that I should think about it a bit more and perhaps try to find whether or not there was some Liberal policy in some of the announcements made over the past 24 hours. Before commenting, I point out that this federal government is probably the most centralised federal government that we have ever seen. Indeed, it started very early in this federal government's role when it decided that it would take control of guns; and recently, during the federal election campaign, we were promised a new system of technical secondary colleges, so we are now to have the first directly run commonwealth schools. We were promised direct funding to schools, rather than through state departments, and I must say that, over the past month or two, I have noticed federal members of parliament wandering around schools with cheques in their hands.

I have also noted that there was a unilateral scrapping of $2 billion earmarked for incentives for compliance with competition policy. They are just some recent developments. Indeed, we have seen the commonwealth (which has a budget of about $180 billion) and the states (which have a budget of $120 billion) engaged in what I have to say, quite fairly, is disappointing finger pointing about who is responsible for what, without engaging in reasonable consultation about who would deliver the best outcomes. Indeed, I have noticed—

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: If the Hon. Terry Cameron could just listen for a minute, he might even learn something.

The Hon. T.G. Cameron: I was wondering who you had a blue with.

The Hon. A.J. REDFORD: I have not had a blue with anyone; I just come from a position of principle. I noticed that some of my federal colleagues in this relationship, in terms of taking over various things, are now starting to make comments about abortion, and I have to say, speaking for myself, if the federal government wants to deal with abortion, it can have it, because it is pretty rough on us who actually have the constitutional responsibility for abortion to have to deal politically with some of the more irresponsible statements that have been made of late about abortion. We have had federal ministers talking about issues of literacy and,

until very recently, from what I have noticed, federal governments do not have any direct constitutional responsibility for running schools.

I have even seen comments from some of my federal colleagues that it would be best if the states had no responsibility in relation to the River Murray; that the commonwealth government should take that over. Centralised statements coming from federal politicians of either persuasion are not unusual; in fact, it has been common ever since our Federation in 1901. However, what is different now is that the pace is accelerating, and I must say that it has almost been coincidental with the election of the Rann government, which was the last Labor government elected from a state perspective in the commonwealth.

Indeed, it is accelerated, particularly when you have a look at the rhetoric of the commonwealth over the past six years leading up to the election of the Rann government. I note that following that election in November 2002 the Prime Minister indicated that if we were starting again there would probably be no states, that we would just have a unitary system. I am not sure whether that is correct, but I ponder whether or not we would have a Sheffield Shield or state of origin or, if we did, how it would be organised. The argument as I understand it from the centralists in this world is that there are two major benefits by having a single system. One is that there is a lessening of costs. The argument is that we have fewer politicians and more efficiency because we have only one group of people.

The Hon. T.G. Cameron: What has this to do with the bill?

The Hon. A.J. REDFORD: It has everything to do with the bill, if the Hon. Terry Cameron would listen. Perhaps I will spell it out for him. What we are talking about is an industrial relations bill, and if the Hon. Terry Cameron could just put his mind into gear—

The Hon. T.G. Cameron: Talk about the bill, or I will take a point of order.

The Hon. A.J. REDFORD: Take your point of order.

The PRESIDENT: Order! If the Hon. Terry Cameron could resume a position of silence, I think it would be the most helpful thing he could do at the moment.

The Hon. A.J. REDFORD: If the Hon. Terry Cameron could just use his intellect for a nanosecond, he would understand that what I am saying is that we are talking about a bill in which the commonwealth is saying, 'Don't you states worry about it. We're going to take over the whole lot', and that is how it is relevant. I know I do not have to spell it out for you, Mr President, or for many others in this chamber, but I hope the Hon. Terry Cameron understands what I just said and how it is relevant to the bill. If he wants to take a point of order, I invite him to do so. They are the two arguments about having a centralised—

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: I didn't provoke this. If the Hon. Terry Cameron would sit quietly and listen, he might learn something. The argument is that there is a lessening of costs and there is uniformity. During the 1996 campaign, the coalition went to the people with a policy extolling the virtues of competitive federalism. In its policy it decried the use of the foreign affairs power to shift the federal balance of power, and indeed the coalition and members in this place were constantly attacking the former Labor Government about the use of the foreign affairs power as a device to shift power from the states to the commonwealth.

The commonwealth acknowledged that things such as law and order is 'overwhelmingly a state government responsibility' and it observed that at least for the past 100 years the federal system of government has been well suited to Australia. The recent comments to the effect that the states be excluded from an area such as industrial relations is unprecedented. Former prime ministers Whitlam and Hawke never ever came out and said, even at their most centralist moments, that the industrial relations system ought to be taken out of the hands of the states and ought to be put into the hands of the commonwealth.

Indeed, if you look at the Hawke memoirs, he talks about the special premiers' conference in July 1991 and, at his high point, what the former labor prime minister said was this in relation to the industrial relations system:

> In the area of industrial relations, to take steps to immediately maximise resource savings between the commonwealth and the states through enhanced cooperative efforts including co-location of industrial tribunals and greater shared use of facilities. When that was debated and when that issue was raised, a former premier of New South Wales, Nick Greiner, supported that particular position.

As a member of this state parliament, I am concerned about any move that might shift industrial relations into a more centralised situation. As a Liberal, we have constantly campaigned that centralisation of wage fixing, centralisation of the whole industrial relations system, is anathema. I am disappointed that my colleagues are thinking of that—indeed, I am not even sure where they would propose to house industrial courts or tribunals, although I do note that they are spending some $83 million down at the old police station site for an 11-storey building to house eight judges and a couple of registrars.

The Hon. T.G. Cameron: Hopefully they will keep lawyers out of the jurisdiction.

The Hon. A.J. REDFORD: Well, that is the Hon. Terry Cameron's view. The significant debate is whether the commonwealth jurisdiction should exclude the states, and I would like to give some words of warning to employers who are quickly embracing what, in the short term, might appear to be a seductive option—that is, the abolition of the state system. First, in South Australia—whether it be a Labor or a Liberal government—from a national perspective we have historically had less than average industrial disputation. I think part of that has been because we actually have a state system that might be different from other states and the commonwealth, where employers and employees can go shopping and find a jurisdiction which best suits them in terms of outcomes.

Secondly, I ask employers: what happens if ultimately (or inevitably) a national Labor government is elected? What happens, from an historical perspective, is that inevitably we have a left-leaning centre. If we have no industrial relations system within the states then a Labor government would be able to establish some of the more loony propositions that we see contained within this bill. So, I am very concerned that, if this nation should head towards a centralised industrial relations system, South Australia will be caught up in the sort of problems they have experienced in the eastern states since Federation.

We will not be able to design an industrial relations system which is peculiar to this state and which brings this state benefits, as has happened over the last 120 or 130 years. In my view, the state and federal system can coexist. I urge the Prime Minister (a man for whom I have the highest regard) and the premiers to sit down and talk about how these

two systems can coexist, and give employers and employees a choice between systems. After all, that is what federalism is all about. I am a federalist, because I observe that it has delivered enormous benefits to Australians and to South Australians; indeed, if you look overseas, you see that nations such as Canada and the US with a federal system are hardly at the bottom end of the pile.

I was privileged to attend the launch last week of the name change from the UTLC to SA Unions—an event that I note was attended by the member for Mitchell, Mr Kris Hanna, and the Minister for Education and Children's Services, the Hon. Jane Lomax Smith, and I think the Minister for Gambling, the Hon. Jay Weatherill, was also there. I also saw the Hon. John Gazzola, the Hon. Ian Gilfillan and Paul Caica there. I know that you, Mr President, could not make it because you had duties in the country. I must say, though, that I was shocked that I did not see the Hon. Bob Sneath there. I looked around and I hunted from one end of the bar to the other, but he was not there. I thought he must be ill, but that was put out of my head when I saw him turn up for work yesterday.

I enjoyed the speech made by the president of the UTLC, who let it slip that, whilst the Premier might be claiming that he was otherwise engaged at another function, apparently if you are a proper trade unionist you just ring up and say that you are going to be a bit late. What really surprised me was that I do not think that the ALP and the union movement are quite as close as I was led to believe. This was my first big union function, so I was pretty excited to see how all these traditions that members talk about were going to operate. The Premier got there at about 7.10 p.m. (he was about one hour and 10 minutes late) and gave a 10 minute speech, although I have to say that a lot of people were talking amongst themselves while the speech was being given.

The Hon. T.G. Roberts: They were talking about you.

The Hon. A.J. REDFORD: I am not that important; I only wish. They were talking amongst themselves, and I thought that a few people would leave. I know that the Hon. Ian Gilfillan does not hang around all that long, and I knew that the member for Mitchell would not hang around all that long either, and then I would be able to sit there shoulder to shoulder and have a couple of beers with the Hon. John Gazzola and others and listen to all the old union stories. Now, I do not know what has happened to the union movement because, spot-on two minutes after the Premier finished his speech and left the building, they had all gone. The only ones left were the poor old hard-working unionists.

Anyway, I stuck around and talked to a few of them and, through you, Mr President, I can tell the Hon. Bob Sneath (who might not be aware of this) that the union movement is not all that enamoured of the Labor Party at the moment, and I feel is my duty to stand up here and tell them that. Indeed, they are exceedingly disappointed.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: I can assure the Hon. Terry Cameron that people from the union movement are ringing me constantly, because they have seen the recent opinion polls and they are thinking, 'Heck, this mob might get back in.' I will not repeat a lot of what was said, but I will pick up on what my colleague, the Hon. Michelle Lensink, said. The problem with this bill is that it might have been good stuff back in the sixties and seventies, but the economy has changed. After the former federal ALP leader, Mark Latham, was walloped at the election, he suddenly worked out that the economy has changed. It is a lot different. Now, you go down every street and someone has a house worth $450 000 and they are a small business person or a contractor: they are not members of unions. They think differently.

We are seeing a new class of self-employed tradespeople who are looking for flexibility. We are seeing small business which is looking for flexibility. Indeed, because of the way in which our social relationships—marital and family relationships—have changed over the last 25 years, we are seeing a demand from people for flexibility, and the real problem with this legislation is that it does not deliver that. In fact, it goes in the opposite direction. So, it is an anti-employment bill, which is disappointing.

I know Business SA is a bit disappointed that some members here will not be supporting our position. I have to say that I share that disappointment, and perhaps when we think about some of the things we say about abolition of the Legislative Council and things of that nature in the future, we might think that we may need some of these people at some stage in the future.

An honourable member interjecting:

The Hon. A.J. REDFORD: I tell you what: if you need the Hon. Bob Sneath you really are in strife. I emphasise one thing that the Hon. Michelle Lensink said, and that is that not one individual out there in the real world has knocked on my door and said, 'Hey, Mr Redford, there is a problem here.' Not a single person. I would have thought that if we needed this legislation at least one person would have come along and said, 'I don't like it.' Someone might have even taken the trouble to send me an email or telephone me. I thought that maybe they do not want to see me because I am a Liberal—and that happens, and I know that may disappoint some of my colleagues. So I thought, 'I know. I will sit down and read every speech made by every member of parliament on the other side in relation to this bill, and that will give me lots of examples and names of people who have been oppressed by this fictitious person who is exploiting them.' Did one Labor member give one example of one individual who has been subjected to this so-called heinous conduct that the Hon. Gail Gago referred to in her speech? Not one single example was given which would demonstrate to me or any other reasonable person that this legislation is required. Not one.

The Hon. T.G. Roberts: Non-unionists aren't game to come forward.

The Hon. A.J. REDFORD: So, what we are doing is legislating for the scared and the timid? Is that what the honourable member is saying? I don't buy it. I know there is still hope, and I am being a bit unfair on members opposite, because I know that when the Hon. Bob Sneath stands and gives his speech later this evening he will give specific examples of where employers have engaged in the sort of conduct that this legislation is directed at. He will give us names and dates and times. We are all waiting; we know this will be the great speech, and I am looking forward to it.

At some stage earlier today the member for Fisher sidled up to me, as is his wont, and he said, 'Don't worry, Angus, it's all fixed,' and I thought, 'He is talking about members of parliament's cars again,' but I was wrong. I said, 'What are you talking about?' He said, 'I am talking about the Fair Work Bill.' I said, 'How is it fixed?' He said, 'I made a couple of mistakes with my votes in the lower house'—bearing in mind he voted with the government every single time—'and I understand the government is going to fix them in the upper house.' I have not seen any amendments filed in relation to the bill.

The PRESIDENT: I don't think he'll be sidling up to you much more.

The Hon. A.J. REDFORD: No, he won't be.

The PRESIDENT: Conversations in the corridors are not normally raised in the council.

The Hon. A.J. REDFORD: No, but I was not invited—

The Hon. T.G. Cameron: I wonder how many members will talk to you in confidence in the corridors again.

The Hon. A.J. REDFORD: It was not in confidence. If someone says it is in confidence, it is kept in confidence.

The Hon. T.G. Cameron: I thought it all was.

The Hon. A.J. REDFORD: If the Hon. Terry Cameron is suggesting that I do not keep confidences, I would ask him to withdraw it, because that is an unparliamentary allegation.

The Hon. T.G. Cameron: You can ask what you like, but I will not withdraw it, because you are not keeping Bob Such's confidence.

The Hon. A.J. REDFORD: It was not in confidence.

The Hon. T.G. Cameron: In whose opinion? Yours or his?

The Hon. A.J. REDFORD: He said that it is all fixed. I would like to know from the government whether or not it proposes to make any amendments to this legislation consistent with the sentiment expressed to me by the member for Fisher. I am disappointed that he made statements in the other place on the public record that people who object to the payment of bargaining fees are bludgers and parasites. I think that is an extraordinary statement to make about ordinary South Australians, and perhaps I will demonstrate why.

If someone can, through good commercial skill, negotiate an outcome in terms of prices of television sets which brings down the price from $1 000 to $500 and I happen to go in and take the benefit of that cheaper television set, does that make me a bludger or a parasite? It may well do so in the eyes of the member for Fisher, but I can assure him it does not in my eyes and, I suspect, in the eyes of ordinary South Australians. I think it is grossly wrong to require people to pay bargaining fees when they have not participated in any way, shape or form in the process. I think it is wrong as a matter of principle.

Secondly, I want to make some comments about unfair dismissal. There are a number of different ways in which unfair dismissal can be approached. I think that workers are entitled (and I am expressing a personal view, not a party view) to be treated with fairness in the workplace. However, I am not sure that this legislation makes it any fairer at all. I have spent far too much time in the Industrial Commission on these arbitrations not to see that over the years unfair dismissal has just become another redundancy payment or exit payment. It goes a little bit like this: the worker has been sacked and he takes out the application—for whatever reason, it does not matter. It might be that he is stealing, it might be that he is being rude, or it might be for no reason at all.

He goes there and says, 'I want X amount of dollars,' and, invariably, the commissioner says to the worker, 'It's going to cost you X amount of dollars just to have the matter heard, so you had better bring down what you want.' The commissioner says to the employer that, even if it wins, if it fights the case it will cost $5 000 or $6 000, so it may as well toss in a couple of thousand dollars. It has become quite a rort.

Some of the amendments, which we managed to sneak through this parliament and which make costs orders more common, have had some effect. I would like to see amendments to the effect that costs follow the cause, and I think you would then find that only genuine unfair dismissal applications would be pursued and that employers would be in a better position to defend claims more reasonably. At the moment, the way the system operates is that employers are on a hiding to nothing. I will also be interested in the debate about the Employee Ombudsman, who I think does a wonderful job. My understanding of the legislation, as it is currently configured, is that he is not entitled to renewal of his term (I know that the union movement does not like him very much), but I would like us to reconsider that position.

In closing, I return to where I started. I sincerely hope that the debate that occurs in relation to this legislation over the next couple of days is not an academic one. I sincerely hope that the legislation, whether it is rejected or passed, becomes law and is not superseded by some grab for power in Canberra. At the end of the day, whatever the political persuasion of members opposite, I would rather be governed in this state by people who live here and who know this state than by Sydney, Melbourne or Canberra. That is my sincere hope, and I also sincerely hope that this is not an academic exercise.

The Hon. R.K. SNEATH: It was interesting to hear the Hon. Terry Cameron give some of his background before he started his contribution. With the number of bills that go through this council, certainly none of us has the expertise to speak on many of them because we are not up to speed with them and, in life, we have not come across many of the issues on many occasions. However, this is one bill on which I think I have some expertise to speak.

I started work at Cola Station when I was 15 years old and started in the shearing sheds at the age of 16. For nine years, I worked on a mixed farm with 7 000 to 8 000 sheep, 1 300 breeding and fat cattle and various cropping. I went back to work as a shearer, as well as a shearing contractor, for some 12 years and worked as an employer in that role as well. After that time, I became an AWU organiser for six or seven years before becoming the State Secretary of the Australian Workers Union. I have been tied up with industrial relations in various situations as an employee and employer since I was 15, so I think I have some expertise to speak on this bill, whereas sometimes on other bills I have not.

It is over 100 years since the unions were formed, and they were formed because employees had no representation. They were hard times, and early Australian workers found it very difficult to negotiate on their own behalf, particularly with farmers. When the unions were formed, it was thought that they would not last too long—perhaps one or two years and that would be the end of this so-called union movement, this organisation that represented workers—but that was not true. The opposition today still says that we are losing members and that we are becoming irrelevant. I think that someone in the other place said that the unions would not be here in another 20 years. They are a bit like churches: people come and go, and membership rises and falls, and that is what has been happening in the union movement for over 100 years.

Right up until the 1956 shearer strike, farmers and unionists were at loggerheads. There were numerous strikes, unionists and workers were put in gaol for striking and various disputes happened continuously—not only in the shearing industry but also in many other industries. Then came the wide comb dispute, which was badly handled at the time by both the employer and the trade union movement and which misled some of the membership and some of the employers, namely, the farmers. However, during that dispute, and not long afterwards, we found that there was a

relationship with the employer—between the shearers and the farmers. I remember that, right through the strike, the farmers for whom I worked saved their sheds for me when I went back to work. They were all there, and they did not give them to the New Zealanders. They did not give the sheds away, and they did not get the strikebreakers in. The sheds were there when I went back to work. I had a good relationship with all the farmers for whom I worked all those years.

Not once during my period in the work force from the age of 15 did I ever go on workers compensation. I was very fortunate in that I never had a day's injury, except for a football injury, when I went back to work with a plaster on my leg. I do not remember having a sick day. I became a trade unionist not to police the system on behalf of workers but to make sure that workers got a fair deal. For years, the Chamber of Commerce and the National Farmers Federation have been saying that the pay rises in the national wage claims would decrease employment and cost a lot of jobs. That has never happened. Last time the national wage case was brought, the ACTU successfully negotiated, through the national wage claims, a much higher rate than the employers wanted to give. They said then that it would cost jobs, but that did not occur, and unemployment has actually fallen since then.

So it is interesting to hear the opposition's argument that being fair to workers is costing jobs. That is why I support this bill. It is a fair bill that is designed to provide assistance to those in the workplace without a voice, including some of the most disadvantaged workers in our state. The Labor government is committed to delivering fair workplaces to all South Australians. Sadly, many South Australians miss out on the basic entitlements that so many take for granted. It was interesting to hear the Hon. Ms Lensink sitting over there on an eight-year casual employment arrangement.

The Hon. J.M.A. Lensink: Three years.

The Hon. R.K. SNEATH: Three years, is it? Hoping for another eight after that. Three years of casual employment at a rate of about $100 000 a year. She is not feeling sorry for those on casual employment at $6.50 an hour; she has no thought for those people whatsoever. No wonder they call her the Gomer Pile of the Liberal Party. It has gone on for far too long and it should not be allowed to continue. I hope that no member of this chamber would claim that South Australians are not entitled to a minimum wage.

Many people in our community think that there is a minimum wage. They hear about the national wage case run every year by the Australian Council of Trade Unions. Unfortunately, some South Australians fall between the gaps in our system and are not entitled to a minimum wage. That is not good enough in this day and age. The sort of thing that this bill is about is providing fair work for all South Australians and making sure that members of our community do not get left behind.

Members interjecting:

The Hon. R.K. SNEATH: The mob opposite laugh when we talk about low income earners, because they think it is funny. They like to have them battling; they like to have them on the unemployment lines so that there is more to pick from; and they like to pay them peanuts.

The major incentives of this bill are: changes to the objects of the act; changes to minimum employment standards, including the setting of a minimum wage; changes to unfair dismissal provisions with an emphasis on reinstatement; recognition of the size of the business concerned; protection for injured workers; the capacity for labour hire workers to seek redress from host employers for their unfair actions; protection for outworkers to help to make sure that they get paid for the work they perform; increasing the length of enterprise agreements from two to three years; multiple employee agreements—

The Hon. J.M.A. Lensink interjecting:

The Hon. R.K. SNEATH: —the Hon. Ms Lensink has a lot of trouble understanding some of this—the introduction of best endeavours bargaining and transmission of business provisions; restoring the power of worksite inspectors; providing a right of entry for union officials—something with which the opposition has a lot of problems—the introduction of tenure for members of the commission; and a pay provision in relation to awards.

This bill will enable all people to benefit from South Australia's outstanding economic growth thanks to a number of socially inclusive adjustments to current legislation. I would like to talk about the major incentives of this bill. One such incentive is the inclusion of a pay equity principle similar to that already introduced in Queensland and New South Wales. This is designed to ensure equal pay for equal work, regardless of whether an employee is male or female—I do not think the Hon. Ms Lensink would argue with that. I would like to hear from any opposition member who disagrees with this provision, but I would not be surprised if it clashes with their draconian industrial relations platforms.

The Hon. R.I. Lucas interjecting:

The Hon. R.K. SNEATH: No, she usually asks me when she wants a word. Women should not be disadvantaged because the value of their work is not properly recognised and they work in female dominated fields. We cannot go on undervaluing female workers. This bill is an important step towards addressing this major problem. This bill includes provisions to enable the Industrial Court to identify the stature of a worker involved in contract and labour hire employment. This will be beneficial to all parties involved in the labour hire industry by making very clear their rights and responsibilities to each other. At the moment, host employers are not held accountable for their treatment of labour hire workers and, if their behaviour leads to a worker unfairly losing their job, the worker cannot file for unfair dismissal.

The right to apply for unfair dismissal must be available to every worker across the board. There is no excuse for discrimination in the workplace in this day and age. We live in a progressive state and our industrial laws should reflect the needs of our work force. This bill gives us an opportunity to give labour hire workers the same rights as other workers, not just in theory but in reality. As I have said, labour hire workers can lose their jobs because the host employer (the client of the labour hire company) says for no good reason that they want a particular worker replaced by someone else and they do not want them back.

It could be because the worker has raised a safety issue or it might be entirely arbitrary. There is no realistic option under current laws for these people to get a fair go. The labour hire company simply, and understandably, says, 'Sorry, our client does not want you any more and there's nothing we can do about it.' This leaves the worker unable to challenge the unfairness of the host employer's actions. This means that unscrupulous employers can use labour hire firms as a means of flouting unfair dismissal laws.

All South Australians deserve a fair go, and members of this chamber need to grasp this opportunity to make sure they get one. The member for Heysen in the other place said:

> In relation to unfair dismissal. . . it seems to me, if you are a host employer and you have obtained an employee through a labour hire firm, to be unreasonable that you could then be dragged into an unfair dismissal claim if the labour hire firm chooses to dismiss the employee. It is none of your doing and none of your making, yet you could be found to be the culprit in an unfair dismissal claim—and that is completely unfair.

This shows just how out of touch and what little knowledge the opposition has about industrial relations. I would like to make this very clear. At the moment, a host employer cannot be held accountable for the unfair treatment of a worker whereby that unfair treatment has led to the worker's dismissal from a labour hire company. We are not talking about a host employer being dragged into an unfair dismissal claim unless that host employer's unjust behaviour is responsible for the worker's dismissal.

If that is the case, then the host employer should certainly be held accountable for their behaviour, and the current provisions do not provide for that. There are a number of measures already in place such as verbal warnings, written warnings and trial periods to work through to ensure that a dismissal is warranted, but having a blue with your boss and then rocking up to work the next day to find that you are without a job is completely unreasonable.

This bill includes provisions to encourage employee reinstatement in unfair dismissal cases where the commission deems it to be appropriate. Note that the commission is given the power to make this judgment and will take into account the size of the business and the feasibility of this option. It is not an automatic assumption that reinstatement is always the best option. It is simply encouraged where suitable. A number of opposition members have voiced their opinion that businesses employing under 20 people should be exempt from unfair dismissal laws. I do not agree with that at all. Good employers have procedures in place to deal with dismissals fairly but to exempt them gives them a free rein to hire and fire people on a whim. All employees deserve protection from being unfairly dismissed. If they are not fulfilling their job specifications or if their work is not reasonably up to standard, the act outlines what steps need to be taken to dismiss them in an appropriate manner.

The Hon. R.D. Lawson interjecting:

The Hon. R.K. SNEATH: You are worried it might cost your people a dollar an hour more. We know what you are worried about and we know who wrote your speech for you too. Business SA wrote your speech, mainly because you don't know anything about industrial relations.

The Hon. R.D. Lawson: It was that good, was it Bob?

The Hon. R.K. SNEATH: No, it was that bad; that is how I knew they wrote it. I do note that the federal Liberal government has had its bill to exempt businesses from unfair dismissal laws rejected by the Senate 41 times since it came into power in 1996. In 2002-03 there were 1 068 unfair dismissal claims in the South Australian Industrial Relations Commission. Of those, 852 were resolved at the conciliation stage, 198 were resolved at the arbitration stage and 18 were determined by the Industrial Relations Commission. In 2003-04, there were 1 009 unfair dismissal claims, and members will note that under the Labor government they are falling. Of those, 835 were resolved at the conciliation stage, 148 were resolved at the arbitration stage and 26 were determined by the Industrial Relations Commission. That means that about 82 per cent of cases are being resolved at the conciliation stage over two years, 15 per cent resolved at the arbitration stage, leaving around 3 per cent to be determined by the commission.

The opposition has always said that it costs small business an arm and a leg to defend their wrongful dismissals, and it should cost a few bob to defend a wrongful dismissal if you have wrongfully sacked someone. There is an ongoing determination by the opposition to have small businesses exempt from unfair dismissal laws. It is nothing but a scare tactic and I ask the Independents to consider those figures and seek information from the commission as to how many of those cases were related to small business. It is imperative that people who work for small business have the same protection as that afforded to those who work for larger companies and larger employers. Why should people in the workforce not all have the same protection? Why should Joe Blow working for a deli down the road not have any protection against unfair dismissal when someone working for Gerard Industries has? That is an absolute disgrace. That is where opposition members do not think and do not care.

A situation of great concern that may arise is when a young girl or boy, just out of school, gets a job with an employer who only employs one or two people. This employer sexual harasses the young staff member and continually makes lewd suggestions or derogatory remarks. When the employee rejects these, they are dismissed by this sicko, and members opposite are saying that they do not have a case for unfair dismissal. They are saying they have nowhere to go, but they have been sexually harassed at work, talked to like pigs, and members opposite are saying that that employee should have nowhere to go. Shame on you! You are a disgrace, Mr Lawson! The opposition is saying that those workers have no access to wrongful dismissal. Just imagine for a minute that it is one of your children, going to work for a sicko.

The Hon. J.M.A. Lensink: It is against the law.

The Hon. R.K. SNEATH: Is it? So they can go to court if they have the money, but they cannot get any money for a wrongful dismissal, so the employer sacks them. You say they go to court and the police charge the employer. What does the employee get? There is a fair chance next time up that they will land in the lap of another sick employer and get sacked again because they stand on their dig. What the opposition is doing is encouraging young people to give in, to give in to the boss. That is what they are doing, encouraging them.

This bill will protect workers with injuries. For many years the workers compensation legislation has set out rules for terminating the employment of injured workers. When those rules are abused, at the moment the worker does not get the benefit of the law; WorkCover does. If somebody sacks an injured worker in such a way that it breaks the law, that should not be ignored. Surely it is unfair to sack someone illegally, and that is what we need to make clear in this bill. When injured workers are sacked, they can face very serious barriers to finding new employment, so when they are sacked illegally, it cannot be taken lightly.

For many workers without decent access to representation in the workplace, there is little prospect of improving their situation. Typically these workers with an award or enterprise agreement are subject to inferior workplace arrangements and, at the moment, where there is no award or agreement, even if the employees are union members, there is no right of entry for union officials under our laws. Without access to representation in the workplace, South Australians cannot be guaranteed a fair go. This is something that we can fix and

it is something we must fix. This bill is designed to encourage stability and security in the South Australian employment industry, with an emphasis on permanent employment. The honourable member for Heysen said in another place:

> I am sure that most members would be aware that there has been a national—indeed, an international—trend towards casual rather than permanent employment. The use of these terms presupposes that permanency is the preferred status of a worker. From the perspective of many workers, it is not necessarily what they want. More importantly, to my mind it is precisely the sort of thing that will make employers wary of employing anyone.

That is another ridiculous statement by the member that shows that she has no concern for employees' job security.

There is no doubt that casualisation, part-time employment and independent contract work is on the increase. Casual work has encompassed some 30 per cent of the work force. I agree that some of the time this is simply a matter of personal choice and that casual work can provide a little more flexibility for an individual if they so choose. Often a casual worker will have a partner in full-time employment who is putting away superannuation and who can take sick leave without loss of pay or who can take time off to go on a holiday with leave loading or spend time at home to care for an ill child.

The problem is that there are many families out there who have only casual employment. There is no safety net protecting their income if they get sick or injured at work and need time off. There is very little superannuation to plan for their future or retirement under casual employment. They have to make at least $400 a month before there is any obligation on the employer's behalf to pay superannuation. Who will pay for their bills when they are sick? Many families would love to have full-time employment with all the benefits you and I take for granted, so why should it not be encouraged if that is what the employee wants? The member for Chaffey said in another place:

> The bill will create much uncertainty in many areas and, in particular, I have problems with the provisions that seek to promote and facilitate security and permanency in employment. Casual employment and other non-traditional working arrangements such as contracting, hired employee services, and labour hire will actively be discouraged by this bill. This ignores the fact that many workers prefer these arrangements. . .

The Hon. R.I. Lucas: Do you agree with her?

The Hon. R.K. SNEATH: If you listen you will find out. I would like to know where the member for Chaffey found these workers who would rather work under conditions that do not promote and facilitate security and permanency of employment. It is obvious that the member for Chaffey has as much idea about industrial relations and workers' fears of not having permanency in the workplace as she knew about TeleTrak. Between the TeleTrak contribution and the contribution on industrial relations she has had a very lean time indeed. It is an unfortunate reality—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. Cameron: But she likes that white car.

The PRESIDENT: Order! I remind all honourable members of their obligations under standing order 181.

The Hon. R.K. SNEATH: Thank you for your protection, Mr President. It is an unfortunate reality—

Members interjecting:

The PRESIDENT: Order! Members on my left, standing order 181 provides that you will cease to interject when a member is debating an issue.

The Hon. R.K. SNEATH: There is an unfortunate reality that outworkers are some of the most easily exploited employees in the work force. They currently have little legislation to back them up when chasing unpaid wages or better working conditions. This bill includes provisions for a code of practice protecting outworkers from unscrupulous employers. This will help ensure they are treated fairly and that their employers are held accountable under the objects of the act.

This bill has been introduced to provide fair wages and a minimum standard of working conditions for everyone. It is simply unacceptable that in this day and age many Australians are working for less than the minimum wage, and I have a few examples for the Hon. Mr Redford, if he cares to listen. A few weeks ago I heard about a petrol attendant who was working on a public holiday for $6.50 an hour. I do not think that any member of the opposition would be happy with a member of their family working on Christmas Day for that kind of money. We fought hard and long for the 40 hour week. In the past 20-odd years we have seen the hours for workers increase significantly. I am a bit sorry the Hon. Andrew Evans is not here, because I know he would have to agree that the hours people work these days are ridiculous. Even the good Lord rested on Sunday. I am also very confident that the good Lord is on the side of the workers and not on the side of those who are not on the side of the workers.

This bill proposes the implementation of basic minimum standards for those workers not covered by an enterprise bargaining agreement or award. These include the right to a minimum wage, bereavement leave, sick leave and carers leave and giving the commission authority to set a minimum standard for severance pay when an application is made for it to do so. Another provision of this bill is to include initiatives that make enterprise bargaining more feasible for all parties involved. At the moment, negotiation in EB (and I have had a lot of experience in this) can take up a lot of time, as the Hon. Mr Cameron said. Even though the outcome is potentially beneficial to all involved, this bill provides for three terms rather than two terms for an agreement, which makes sense in a lot of places, especially some of the smaller councils. If one travels to some of the West Coast and country councils one finds they are very small.

The Hon. D.W. Ridgway interjecting:

The Hon. R.K. SNEATH: You will see my signature and negotiations on most of the country council agreements, if you ever travel there, Mr Ridgway. This bill provides for three years rather than two, and that makes a lot of sense, especially for the smaller employees. It also makes a lot of sense, as the Hon. Mr Cameron said, for some franchises, in particular some of the larger ones.

The Hon. T.G. Cameron interjecting:

The Hon. R.K. SNEATH: Sometimes you make good sense. I am sure that the unions would welcome that change. On the same subject, this bill further encourages a decrease in the resource intensive process of EB negotiations by proposing, as I said, the multi-enterprise agreements, especially for franchises. I remember that, about 10 years ago, I was approached by an employer—not that we had coverage at the time—to do an agreement which covered his restaurant and a number of his friends' restaurants which—

The Hon. A.J. Redford interjecting:

The Hon. R.K. SNEATH: No. Speaking about the secretary of the Miscellaneous Workers Union, I understand

that he and the honourable member were on the radio last year complaining about the under payment of wages—

The Hon. A.J. Redford: Absolutely useless.

The Hon. R.K. SNEATH: I will give you that as an example, too. I think it was your partner, was it?

The Hon. A.J. Redford interjecting:

The Hon. R.K. SNEATH: I will use that one as an example, thus giving you two examples—your wife's actually. At the moment, smaller businesses such as franchises and their employees are less likely to get the benefit of industrial agreements than larger businesses. Multi-employer agreements allow businesses to band together and to pool their resources, giving them access to arrangements that are more tailored to their needs, and potentially giving employees access to improved terms and conditions.

The Hon. R.D. Lawson interjecting:

The Hon. R.K. SNEATH: The Hon. Mr Lawson laughs. He obviously was not briefed by Business SA. It did not put that bit in your speech, did it? It left that out. The honourable member should give it a serve about that the next time he speaks to its representatives. Best endeavours bargaining provisions are also part of the bill. These provisions give the parties enterprise bargaining guidance on conducting enterprise bargains with open and frank negotiations. This bill also introduces the transmission of business provisions. The federal act has had transmission of business provisions since the beginning of the 20th century. It is simply unfair that, when a business is sold, the employees can simply lose all their award or agreed conditions. It should not be allowed, yet it happens everywhere, unless you are related to the Prime Minister and then you will get them—you will get all your entitlements if you are the Prime Minister's brother or something but, other than that, you get nothing.

They are still paying the Ansett workers; they are still waiting. They are still waiting in a number of places. It is an absolute disgrace. I am sure that, when the Hon. Mr Lawson leaves here, if the Ansett workers are still waiting, he will donate something significant to their cause. If it is necessary to change the employment arrangements, it can be done with the agreement of employees and in some other circumstances. I must take the opportunity to say that now employees have the opportunity to bail out of some of these superannuation schemes into which employers have put them. I say, 'Bail out. Bail out to industrial schemes and put your money where it will be safe and where it will be looked after until you retire.'

This bill also encourages workers to be members of a trade union and employers to be members of employer associations. This supports the government's belief in the collective approach to industrial relations. However, it does not make it any easier for employer or employee associations to recruit members. This process leaves it entirely up to them to sell their services, as they have had to do for the past 100 years or more. To block the access of the unions to the people they represent while leaving—

The Hon. T.G. Cameron: Do they have 16 per cent membership like you have?

The PRESIDENT: Order!

The Hon. R.K. SNEATH: They probably do not have any. To block the access of the unions to the people they represent, while leaving the gate open for the other organisations (as the opposition would like to do), is totally unreasonable. The opposition seems to have this hatred for trade unions because some of them are affiliated with the Labor Party and pay affiliation fees. However, many of the unions are not affiliated and do not make any contribution to the Labor Party. Members opposite do not see members of the Labor Party continually standing up in this council—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! The Hon. Angus Redford today complained about protocol and the use of titles. At the moment he is guilty on two charges: first, the one he just raised; and, secondly, consistent interjection. His remarks are neither amusing nor in order.

The Hon. R.K. SNEATH: Thank you, Mr President, for your protection. You do not see members of the Labor Party continually standing up in this council bashing Mr Rob Gerard (who only contributes to the Liberal Party) or making it hard for him to conduct his business, and nor should we, because the Australian Labor Party is fair to all South Australians. I must say that I respect the right of Mr Rob Gerard to give his money wherever he likes, and I must say also that I greatly admire his business skills.

On the topic of union membership, I point out to members opposite that many of their business mates are members of employers associations which effectively are unions for business owners. How can the Liberal Party oppose union membership for workers while saying that it is okay for business owners to belong to an employer association?

An honourable member interjecting:

The Hon. R.K. SNEATH: Oh, you do oppose it. What services do members opposite think the often quoted Business SA lobby group provides to employers? It represents the rights of business owners, just as unions represent the rights of workers. It is also hypocritical of them to say that this is pay back time to unions when it is obvious from looking at Liberal Party donations that its platform supporting business is a pay back to those businesses—and the speeches made by some members is evidence of that. They have read straight out of SA business magazines and books—as we saw the Hon. Mr Lawson do. With regard to bargaining agent fees for non-union members, this bill does not suggest that bargaining agent fees should automatically apply to every EBA negotiated but gives unions the right to apply to the Industrial Relations Commission to have their cases heard. I think that people from all walks of life expect to be paid for what they do.

I have been a trade unionist all my working life and I find it very hard when people up the road in another shearing shed doing the same job are getting the same money when the union is spending $100 000 every year against the National Farmers Federation to get a pay rise. I find it very hard when the ACTU and the combined trade union movement goes to negotiate the national wage claim, and the employers are saying, 'Give them $6 a week', and Greg Combet is saying, 'No, we want $28.' So he successfully argues and gets them $20 a week and they take it, but they do not make one contribution towards it. I find that hard and I call them freeloaders, whether you like it or not. And you mob, when you were in the work force (if any of you did work), you were probably freeloaders.

Another initiative of this bill is to restore the power of workplace inspectors whose job it is to ensure that workers are provided with adequate working conditions in compliance with the act. At the moment, an employee has to make a complaint of non-compliance in order for an inspector to be able to investigate—but at what cost to the employee? This initiative simply restores the inspectorate's capacity to seek from an employer appropriate compliance with the law. The Hon. Andrew Evans deserves credit for drawing attention to

the plight of international students working in the hospitality industry in this very situation. When workers are not paid their lawful entitlements and when they are fearful of seeking help from inspectors it hurts not only the workers but also other businesses who do the right thing. And businesses who do the right thing often complain about the businesses down the road which are not and which are undercutting and undermining them. Good businesses like to keep their employees happy. I remember talking to some business people in New Zealand once when they—

An honourable member: Once!

The Hon. R.K. SNEATH: I only went to talk to them once, and that was enough, when they introduced the AWAs over there. The laundromats went from paying their staff about $16 an hour to about $6 an hour.

The Hon. R.I. Lucas: Laundromats do not have staff now.

The Hon. R.K. SNEATH: No, that is right. They went out of business. They do not have staff in New Zealand; most of them had to shut their doors. Fundamentally, if we are going to have laws that set up a system of wages and conditions it is nonsense if we do not give the inspectors who are charged with enforcing those laws the proper power to do their job.

Yesterday the Hon. Caroline Schaefer made a wonderful speech on the recent tragic bushfires on Eyre Peninsula. I know that we all agreed with her and with the other speakers, and we all agreed with the speakers today on the other massive tragedy, the biggest tragedy in the world. We all agreed, and our sympathy goes out to them. But later in the afternoon she made the most disastrous speech on industrial relations. She said that this bill allows a union official to enter her home unannounced at any time on the premise of an inspection. Undoubtedly, like the rest the opposition, she has been thoroughly briefed on the scare tactics of the Employers Association. When we had the right of entry we used to go out to farms to recruit, and we would normally get there at shearing time and the farmer would be about. We must have gone to thousands and thousands of work sites over the period we were working with the union, but I do not remember ever being asked to leave one (and I am sure the Hon. Terry Cameron will agree with this).

The Hon. T.G. Cameron: I was never asked to leave.

The Hon. R.K. SNEATH: The Hon. Terry Cameron was never asked to leave, and I do not remember ever being asked to leave. We would normally sit down and have a talk—

The Hon. R.D. Lawson: I would not admit that if I were you.

The Hon. R.K. SNEATH: Well, most employers out there are good; didn't Business SA tell you that? They did not brief you too well at all, did they? They just wound you up for a little while—

The ACTING PRESIDENT (Hon. J.S.L. DAWKINS): Order! The honourable member should address his remarks through the chair.

The Hon. R.K. SNEATH: I am sorry, Mr Acting President. They obviously did not brief the Hon. Mr Lawson too well at all. As I said, they only wound him up for a little while and then he ran down slowly. It is true that unions do have a reasonable and, in most cases, a good relationship with the employer.

An honourable member: So you do not need any additional powers.

The Hon. R.K. SNEATH: The employers are not worried about additional powers. Before you took some of them away we had them anyway. The only ones who are worried are those who are doing the wrong thing, and of course they are worried, because they know it is going to cost them money—but it is better to cost them money before it costs lives or hardship.

So, the relationship has been there. I am glad that the Hon. Mr Cameron was never asked to leave, and I am sure that the Hon. Gail Gago and the Hon. Mr Gazzola were not often told to leave any workplaces, so what is the problem? This bill does not allow people to bolt into the Hon. Caroline Schaefer's house because she has an office there. It does not allow that, but even if it did I do not know of any union official who would do that. This bill does not provide officials of employee associations with the right of entry to a workplace. Before the opposition gets all excited about this proposal, let me point out that such rights may only be exercised once the employer has been notified in advance, usually 24 hours after they have been notified.

The Hon. R.D. Lawson: It is 48 hours in this bill.

The Hon. R.K. SNEATH: Well, that's even better for you, isn't it? Most employers I know would say, 'Why wait that long, Bob? Come around. No worries at all; come around, drop in, have a cuppa. Let's talk about it.' We would sort out the problems then, because we would sit down and talk about them.

The Hon. R.D. Lawson interjecting:

The Hon. R.K. SNEATH: The Hon. Mr Lawson has a short memory, because that used to happen in parliament once, too. The minister of the day, whether Labor or Liberal, would take the opposition member across the road and have a few beers, and they would come back and fix up the problem. But the opposition today does not want to talk to or negotiate with anyone, because they are not negotiators. They still want to be rulers. They are going back to that old way where they used to try to rule everything—that is the way they want to go. People like Mr Lawson have never forgiven some of his predecessors who had the sense to negotiate rather than demand, and now he is going back to the old way. I am sure that he will not be around much longer, because there are up-and-coming Liberals who are more moderate and who will probably put the knives in and away he will go.

This initiative will help ensure that employers are fulfilling their legal obligations to their workers. I assure the Liberal opposition that union officials do not take their lead from the Gestapo and take pleasure in terrorising business owners. Their job is to ensure that the workers they represent are being treated fairly and are provided with all necessary provisions under the act. This is no different to a boss requiring that their employees adhere to their job specifications and workplace procedures.

Most employers have nothing to fear from union officials because they do the right thing by their workers. In my experience there are very few workers willing to antagonise their employers just for the fun of it. Complaints are made when employers neglect their responsibilities under the act, and it is only fair that employee representatives are able to investigate these complaints. The opposition in another place, as well as a number of big businesses, has resorted to scare tactics in an effort to demolish this bill.

They say that it will result in fewer jobs, that businesses will up and leave the state, and that new business owners will be scared away from setting up business in South Australia. The member for Stuart even went so far as to say:

> This bill continues down a dangerous path. It takes away people's rights and has no regard for the privacy of people's homes or financial records or the rights of small business.

This is baseless scaremongering if ever I heard it.

What about the workers who help make these businesses a success? There will never be one without the other, so this bill has been introduced to make things fairer across the board. It would be fair to say that most business owners are doing the right thing and provide suitable working conditions and pay for their employees. However, this bill targets those employers who are not looking after their workers and are getting away with it due to shortfalls in the current legislation.

It has been said that this bill will put more regulations and hurdles in the way in which the business community goes about employing their staff and operating their business, but I disagree. I would argue strongly that what the federal Liberal government has done with the GST has created more harm for small business than this bill will ever do, and they are still suffering through the GST. An honourable member in the other place said:

> . . . every time we make it less desirable for people to employ we damage small business even further. We want to be encouraging employers to employ in this state.

It is all very well and good to say that making things less desirable for business owners to employ people will result in a downturn in available jobs, but I do not think the Howard government was too concerned about that when it introduced the GST. Never before have I heard so many small business owners lament a liberal government's legislation, especially when they were given assurances prior to the election that it would not be introduced. Never before has there been so much paperwork for small business owners to complete on a daily basis, and think back to how many of them went out of business citing the introduction of the GST as the reason.

Members interjecting:

The ACTING PRESIDENT: Order! The Hon. Mr Sneath has the call.

The Hon. R.K. SNEATH: Thank you, Mr Acting President. I certainly need some protection from the Hon. Gomer Pyle and the Hon. Ms Lensink. A good relationship will start when both parties are able to trust each other. Not knowing whether you will have a job from one week to the next week would surely put a strain on anybody with a family to provide for. The member for Mawson said in the other place:

> One of the greatest privileges is to know that you have had some input into the future direction; when someone who works for you can come smiling because they have bought a property, a car or furniture. . .

That is very nice to hear from the member from Mawson, but his former employees could not have been casual workers or they would not have been able to get a home loan to buy the property, unless of course their partner was employed on a permanent basis. One of the great tricks was when the Prime Minister at the time, Mr Menzies, introduced hire purchase. It certainly slowed down the striking and quietened the voice of workers because half of them were in debt, owing so much money on the refrigerator—

The Hon. A.J. REDFORD: That was 40 years ago, Bob.

The Hon. R.K. SNEATH: Yes, and that was the start of influencing their decisions to strike for better conditions and wages. The member for Waite said in another place:

> I think an unintended consequence of the passage of this bill will be the flight of business from the state industrial system to the federal industrial system.

We all know the likelihood of the so-called industrial reform that will be pushed through the federal parliament in July this year. I can already foresee the appalling ramifications of the federal government's reform and the impact it will have on families whose rights to safe and secure employment will be stripped away in favour of private industry whose only concern is how much profit they are making. And isn't this what the opposition is saying it is all about? Profit. Profit for the people who support them. Back in 1998 the infamous Liberal minister Peter Reith made the following statement at a business lunch in Perth:

> Never forget the history of politics and never forget which side we are on. We are on the side of making profits. We are on the side of people owning private capital.

This bill provides for good and reasonable industrial relations outcomes. It is of benefit to both the business owner and the employee. It encourages time saving in relation to enterprise bargaining negotiations and has provisions to support workers across the board. For the benefit of the Hon. Angus Redford, I have managed to get him a couple of examples, but I see he is not here.

The Hon. A.J. Redford: Hello, Bob, I'm over here, losing you votes.

The Hon. R.K. SNEATH: I remember standing in the court one day defending an underpayment of wages for a station hand who had been working on a property for 18 years, and for those 18 years he had been underpaid substantially. I remember that I could only successfully argue that the last six years should be adjusted and he should be backpaid for the underpayment for the last six years because that was the legislation. I remember the employer arguing to the judge that when the judge worked out the figure that the employee was owed, he might take into consideration the rabbits and the foxes that the employee had shot on the property in the last 18 years (even though I could only go back six years) and to take them off the amount that was owed to the employee in working out his deliberations. I can still see the judge's broad smile as he was thinking, 'Well I don't think I will do that.' But that was the argument of that particular employer at the time.

An honourable member interjecting:

The Hon. R.K. SNEATH: This is going back a while, of course.

An honourable member: Which century?

The Hon. R.K. SNEATH: No, I have not been around quite that long. But, Mr Acting President, you seem to be the only member of the opposition with whom I can agree, and that is in regard to the name of the bill. I agree totally that it is a ridiculous name and it would be much better shortened to the fair work bill or even the industrial relations bill, and I certainly agree with your contribution on that.

Now that I am just about finished, I am sure that the Hon. Mr Lucas will be able to make some sort of normal contribution, even though his name was not down for him to speak. This is not the first time that he has followed me in speaking, because he has waited for me to show him the way on industrial relations, give him some ideas and help him overcome his lack of knowledge on subjects concerning workers and their families. I have much pleasure in recommending the bill.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to oppose the bill formerly known as the fair work bill. As I listened to the contribution of the Hon. Bob Sneath, I could not help remembering a conversation I had with a former Labor minister in this place who was staunchly defending the retention of the Legislative Council, and that surprised me. When I asked why, he said, 'It is a retirement home for the dead logs from the union movement,' and the contribution from the Hon. Bob Sneath is full testimony to that.

I was disappointed in relation to that aspect of the Hon. Bob Sneath's contribution that sought to attack members of the Liberal Party, in essence, as supporting the sexual harassment of young workers by business people. I might just suggest to the Hon. Bob Sneath that he ought to be very careful before going down that particular path, because I would remind him of the Australian Workers Union and the name Tinson, and if he wants to have a debate about that issue and make those sorts of accusations against Liberal members, I can assure him there are members in this chamber who are prepared to have that particular debate with him.

I think the one aspect of the Hon. Bob Sneath's contribution which merits further consideration is indeed the comments and references he made to his own Minister for Small Business, the Labor Minister for Small Business (Hon. Karlene Maywald), here in South Australia. This is a minister preferred by his own Premier (Hon. Mike Rann) and, indeed, I am told, endorsed unanimously by the full caucus. So, she is supported by the Hon. Bob Sneath as a Labor minister, or a minister in the Labor coalition, and as Minister for Small Business. The Hon. Bob Sneath referred only in part to the contribution of the Labor Minister for Small Business in South Australia (Hon. Karlene Maywald). What the Hon. Bob Sneath has not done is show, and I challenge him and his colleagues during the committee stage of the bill, which I am sure will take a little time, to show how they can support through their votes in the caucus a minister who they claim holds views which are inimical to the principles and policies of the union movement and the Labor Party here in South Australia.

I repeat: this is a minister supported by the Hon. Bob Sneath, so it is a touch cute for the Hon. Bob Sneath to come in here and slag off at his own minister when, indeed, it is his own vote and the votes of his colleagues which keep the Hon. Karlene Maywald as part of this government. What it indicates is that these principles, which the Hon. Bob Sneath says are so important to him as a representative of the working class and the union movement, are not so important to him that he is not prepared to put a person into the ministry, such as the Hon. Karlene Maywald, ahead of others within the caucus who would claim to be better representatives of the workers and of the union movement in South Australia. He prefers the Hon. Karlene Maywald in the government, because the privileges of power—the cars, the extra salary and the staff—are more important to the Hon. Bob Sneath than the principles he professed to hold near and dear in his contribution tonight. If he really believes all the guff he spoke in his contribution tonight, he has to withdraw his support for his own Minister for Small Business and for minister McEwen in the structure of the current Labor government. Obviously, he also has to withdraw support—

The Hon. T.G. Cameron: The opposition leader wants to be very careful here, because the three trade union secretaries, representing the trade union movement, will rebut it.

The Hon. R.I. LUCAS: The Hon. Mr Cameron has warned me that the Hons Gago, Gazzola and Sneath are likely to engage in fierce rebuttal at the committee stage. We await that debate with interest. I will leave that challenge to the three members, but the Hon. Mr Bob Sneath was the only one who raised this particular issue. However, if these issues are as important to him as he stands up in this chamber and pretends them to be in front of those he needs to impress within the union movement, how can he continue to support within the caucus the ministers (and the one minister in particular) who hold views so very different from his own?

In terms of the debate this evening, and over the coming days, I congratulate my colleagues, led ably by my colleague the Hon. Rob Lawson, and other members who have very comprehensively outlined the opposition's concerns about significant provisions in the legislation. I also place on record my congratulations to the shadow minister, the member for Davenport (Hon. Iain Evans), for his contribution in another place and publicly in relation to this issue.

As we debate this bill, I believe that we are at a crossroads. We are in the state jurisdiction, confronting this bill formerly known as the fair work bill, with a state Labor government wanting to head helter-skelter down the road of greater regulation and restriction on the operation of the industrial relations system in South Australia. At the same time, we have a federal government that, soon after 1 July this year, will be heading helter-skelter down a completely different road—one characterised by deregulation and more flexible working practices in the industrial relations environment. So, it will be a challenge for business, and for all of us concerned about the economic development of not only the nation but also the state, as to how this interplay unfolds.

I acknowledge some of the issues raised by the Hon. Angus Redford in the initial stages of his contribution, which I am sure, on another occasion, we will debate at great length—that is, a single national jurisdiction in terms of industrial relations, or the long-held position of the South Australian Liberal Party (as enunciated by my colleague the Hon. Rob Lawson), namely, to continue to support the option of a state based system.

As we stand at a fork in the road, with the two options staring at us, I think it is informative to look back on what has occurred in recent years to see whether or not the changes we have seen nationally, in particular (and, to a certain extent, in South Australia), have or have not been successful in terms of being a part of a significant economic revival in South Australia and in Australia. When one looks at the national economic climate for the past decade or more, one can see, unparalleled throughout the world, continuous, strong economic growth in Australia. One of the reasons, acknowledged by all the independent commentators and experts, has been the more flexible industrial relations environment into which we have entered nationally in Australia. In particular, I think my colleague the Hon. Michelle Lensink referred to the recent OECD report, which talked about the successes of the more flexible work practices of the past 10 years, and, indeed, urged further economic reform over the coming years.

In this chamber, we have heard from the Hon. Bob Sneath, and, indeed, other parroting on behalf of the union movement, that the Liberal government is against wage increases for workers. I think that the Hon. Bob Sneath said that the Liberal Party does not want employers to pay an extra dollar for any worker, because it is only interested in employers screwing down the wages of working class South Australians. As you would know, Mr Acting President, that is indeed far

from the truth. The Liberal Party's policy, nationally and in South Australia, is about trying to develop a win-win situation for employers and employees—increases in real wages for employees at the same time as businesses actually making a dollar and employing more South Australians and more Australians.

Over the past 10 years, nationally, and over the past six years or so in South Australia, we have experienced an environment of strong economic growth. Again, one of the reasons has been the flexible work practices introduced by national and state Liberal governments. I sought some figures from the commonwealth government on the relative comparisons nationally about the increases in real wages under Liberal and Labor governments. Let me put on the public record that in the 8½ years of the Howard government there has been a 12.2 per cent real increase in wages for workers in Australia.

That is a 12.2 per cent increase under a federal Liberal government's policies for workers in Australia. What was the record of the Labor government nationally for 13 years under prime ministers Keating and Hawke? There was a real increase in wages of 1.2 per cent over 13 years under federal Labor governments. That is the sort of policies that the Labor Party here and the union movement leadership support: the policies of federal Labor governments and state Labor administrations which have seen a 1.2 per cent increase in real wages in 13 years compared with 12.2 per cent under 8½ years of the Howard government.

An honourable member interjecting:

The Hon. R.I. LUCAS: Well, there's no answer to those figures. I challenge the Labor Party members and the representatives of the union movement in South Australia to dispute those figures. Will they dispute these figures which indicate that real wages have increased significantly under a Liberal government nationally but which, in essence, stood still under a federal Labor government? That is the critical issue in relation to this measure.

There are a lot of arguments about the details of the clauses, and we will go through those in committee. I accept that nothing is ever black and white in relation to these issues. One can come up with good arguments for particular changes when you look at them individually, but what ought to be the guiding influence for members and for the parliament is: what will be the overall impact on economic growth and job growth in our state as a result of the bill known as the fair work bill?

If the result of screwing employers to a significant degree is that fewer and fewer South Australians (young South Australians, in particular) will be employed, then this bill will be a disaster for South Australia's economic future. That is the essential determinant for the success or not of this industrial relations legislation, together with the acknowledged need for fairness and equity in terms of the industrial relations framework in South Australia.

In industrial relations debates over the years one sees the traditional Labor position put strongly in this chamber by members of the Labor Party, and one sees the Liberal position strongly put by representatives of the Liberal Party. I want to put on the record some comments from federal Labor representatives after the most recent federal election in relation to the industrial relations framework. First, I refer to an interview between Peter Lewis, the journalist, and the new industrial relations spokesperson, Stephen Smith, in *Workers Online* of December 2004. Mr Smith says:

> I have made the point that Mark [Latham] has been saying that we've got to try and make ourselves, in a policy and political sense, relevant to people who don't necessarily come into contact with unions, or the industrial relations systems, franchisees, contractors, home business owners genuinely small-business operators running from home, that sort of stuff. I have made the point; we haven't even had a conversation with those people, let alone trying to craft out the policies that might be of interest or relevance to them.

Further on, there is a question from Mr Lewis:

> Finally, I guess the areas where there's a real concern at where Labor's heading around AWAs in particular, what's you're thinking at the moment around?

The answer from Mr Smith is as follows:

> Well, we started the flexibility in bargaining with instruction of enterprise bargaining and in the last election we were very strong on not wanting to go down the AWA road. And Mark's given a couple of speeches recently where he's made it pretty clear that our starting point is enterprise bargaining and collective bargaining, we see an ongoing role for and ongoing respect for collective bargaining. But the AWA issue is an issue that parts of business are very hot to trot on, so that forms part of the policy review. But Mark's made it pretty clear, as have I, that our starting point is enterprise or collective bargaining, so I'm not seeing that as an iconic issue and frankly I'm surprised that in a number of areas that the AWA has become such an iconic or threshold issue: there are plenty of more relevant issues around the place as well.

There are further comments from Stephen Smith in that issue of *Workers Online,* and he makes similar claims in the national speech he gave to the union movement.

I now want to refer to a contribution from an icon himself in terms of advising Labor (both federal and state) over the past 30 years: Rod Cameron. Many members will be aware of the close association Mr Cameron has had with federal and state Labor. Indeed, he was a significant adviser of state Labor in South Australia for almost 15 years. In an article written on 17 November last year entitled 'The ALP and industrial relations policy—a key to its future', Mr Cameron said:

> The IR policy that Labor took to the election was deeply flawed—in philosophy, targeting, emphasis and what it said about Labor's confused priorities in the political and industrial spheres.

He said further:

> It is in this context that the ALP took into the recent campaign an industrial relations policy that was backward looking and totally out of step with community and work force trends. A major flaw with the policy was that the ALP could never enunciate why changes to the industrial relations policy were necessary or desirable. Unemployment, inflation, industrial unrest, not to mention union membership, are at record lows and there has been a real increase in wages, even among safety net beneficiaries. Unarguably, a considerable part of the economic success of the past decade is directly related to the deregulation of the economy and the labour market.

I interpose to say that this is one of the most significant advisers that federal and state Labor has had over the last 30 years, acknowledging that there has been a real increase in wages, acknowledging that there has been a booming national economy and acknowledging that a considerable part of that economic success is directly related to the deregulation of the economy and the labour market. Mr Cameron went on as follows:

> One of the features of the ALP policy was greater access to arbitration but the why and how were never explained or justified. An impression was created that unions would be able to seek arbitration at will, precipitating unsustainable wage flow-ons. Only limited access to arbitration in an enterprise bargaining system retaining a centralised tribunal is a fundamental premise of a deregulated labour market, and goes to the heart of business concerns about ALP IR policy. Why there needs to be more access to arbitration is unclear.
>
> Nor is it at all clear what the ALP had in mind with its 'casuals conversion' policy. There are, in practice, essentially two types of

casuals: the irregulars, often students and others moving in and out of the work force, and secondly, those who have worked in the same job for significant periods but continue to be classified as casual and thus denied some permanent employment benefits. Often there is a fine line between the two types but the ALP policy suggested that most casual positions would be converted to permanent, with a whole class of jobs, particularly young people's, under threat.

The attack on the AWAs was also misguided. AWAs are still relatively insignificant in numbers and, despite some examples to the contrary, most have not been used to exploit workers.

I again interpose that this is not a Liberal member or indeed a Liberal sympathiser defending the use of AWAs but Rod Cameron. Mr Cameron continues:

The ALP must radically rethink its industrial relations policy if it is reclaim the middle ground (an essential ingredient in winning elections) and to define who it is representing in a less collectivist environment.

The trade union movement will be of precious little help to Labor in this, as it has become essentially an organisation in denial with a narrow self-serving interest in careerism and membership preservation. Trade union media spokespeople, with the exception of the urbane and eminently reasonable Greg Combet, appear to ordinary Australians as chip-on-the-shoulder, sour war-horses fighting battles that are far removed from the values and priorities of the majority of ordinary workers.

Labor's way forward must be based on the realisation that today's Australian society is an individualist and aspirational one. Generation X and Y have little interest in joining trade unions because they do not see a priority given to the sort of working environment in which they operate. For every one unfairly casualised worker who would like permanency there are two who structure their lives around the desirability of a casualised, job hopping lifestyle. For every one worker unwillingly forced to do overtime in a downsized work force, there are two who hope or need to do as much overtime as possible in a harder working (and harder playing) society.

Mr Cameron's article goes on at greater length, but I think that gives a fair indication of where he believes federal Labor and state Labor are getting it wrong in terms of the union movement and industrial relations policy.

Finally I refer to a contribution from the former leader of the federal Labor Party, Mr Mark Latham, in a speech to the Australian Fabian Society on 19 November last year. Mr Latham said:

We urgently need to establish a new basis for the economic purpose and legitimacy of the labour movement. We need to be realistic about the changes happening around us.

After a decade of economic growth and globalisation, the two fastest growing classes in Australian society are the middle class and the under class.

The conventional working class—in steady, semi-skilled and low-paid jobs—has declined. Just look at the affluence of the traditional trades in the mining, construction and service industries. In many cases, they make enough money to be investors, not just workers. The new middle class is here to stay, with its army of contractors, consultants, franchisees and entrepreneurs. This reflects the decentralised nature of the modern economy where flexible niche production has replaced the organising principles of mass production. People have broken free from large, hierarchical organisations and become agents of their own economic future. They have less affinity with the traditional role of capital and labour, and even the notion of a traditional workplace. Australia now has more than 800 000 home-based offices, mostly occupied by this rising class of economic independents.

I could include many more quotes from people at the federal Labor level and Labor sympathisers, who are starting to recognise the indefensible position of traditional federal Labor, state Labor and the union movement. There are a small number of people recognising that the federal party and the state party need to change. As we stand and look at this bill, the sad realisation is that this state government, Premier Rann and various ministers have not recognised the change in the state's economy or in the national economy. They are doomed to ignore the lessons from Rod Cameron and other commentators on the need for change, and we will see that when we debate the committee stage and the third reading of this bill.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): A lot has been said about the change in the industrial relations climate in South Australia. I take my hat off to the minister who has been at pains to put the bill into the public arena and have it debated by all the major groups in the state, that is, those representing the interests of capital and those representing the interests of labour. It has been a lengthy process, the very epitome of how the democratic process should work, and consultation has been the key element that the minister has relied on. He was very patient in the way in which he delivered a bill that had a form of a consensus from the communities that were represented in those negotiations.

When the bill arrived in this place, after a lengthy debate in the other place, that consensus disappeared to a degree. I expect a healthy debate in committee, judging by the speeches in the second reading. I thank all members for their contributions and for the work they have put into their contributions, albeit if they mirror many of the points and philosophies contained in the speeches in another place.

As members would be aware, the government and the opposition have filed a number of amendments, and they will be dealt with in the normal way. As the minister's representative in this place, I need to address one matter. The Hon. Bob Such, MP, in debate in another place raised with the minister a matter relating to the exchange of information under the best endeavours bargaining provisions. The government has given that matter consideration and does not believe an amendment is warranted, so we will not move that way. However, in order that the commission or the courts in interpreting the legislation are clear as to what is intended, I say on behalf of the government that it is intended that clause 34 (section 76A(2)(c)) of the bill is intended to be interpreted consistently with Justice Munro's decision in the Alcoa clerks case, where he said:

A party will not be required to produce documents where to do so would be oppressive; or where the demand for a production is a 'fishing expedition', in the sense that it is an endeavour not to obtain evidence to support a case, but to discover whether there is a case at all. Where the proper use of legal compulsion to produce documents is in issue, the tribunal will need to carry out an exercise of judgment on the particular facts in each case. That judgment requires a balance on the one hand of the reasonableness of the burden imposed upon the recipient and the invasion of private rights with, on the other hand, the public interest in new administration of justice and ensuring that all material relevant to the issues be available to the parties to enable them to advance their respective cases.

This bill is about a fair go for South Australians at work, and I guess the debate around the title of the bill will be the last cab off the rank in terms of the way the bill flows, but there will be a measure of consensus that comes from this place in relation to how that works out. I thank all members and look forward to the committee stage.

The council divided on the second reading:

AYES (10)

Evans, A. L.	Gago, G. E.
Gazzola, J.	Gilfillan, I.
Holloway, P.	Reynolds, K.
Roberts, T. G. (teller)	Sneath, R. K.
Xenophon, N.	Zollo, C.

NOES (7)

Dawkins, J. S. L.	Lawson, R. D. (teller)

NOES (cont.)

Lensink, J. M. A.	Ridgway, D. W.
Schaefer, C. V.	Stefani, J. F.
Stephens, T. J.	

PAIR(S)

Kanck, S. M.	Lucas, R. I.
Cameron, T. G.	Redford, A. J.

Majority of 3 for the ayes.

Second reading thus carried.

ADELAIDE DOLPHIN SANCTUARY BILL

Received from the House of Assembly and read a first time.

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

That this bill be now read a second time.

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

Leave granted.

Today I am very pleased to introduce to this place the *Adelaide Dolphin Sanctuary Bill 2004*. Increasing protection for the dolphins living in the Port Adelaide River and Barker Inlet area is an important step in the Government's innovative program to provide for the long term preservation of South Australia's diverse and significant marine environment.

Over the next several years the Government looks forward to introducing additional measures to strengthen the protection of the marine environment. The Department for Environment and Heritage is currently developing initiatives to:

- establish marine protected areas; and
- implement a marine planning system which will provide the community and industry with the necessary guidance for the ecologically sustainable use and development of the marine environment; and
- provide broad integration of South Australia's marine and coastal management through new and innovative legislation.

The purpose of this measure is to protect the dolphins and their habitat within the Port Adelaide River and Barker Inlet area. This protection will be achieved by establishing the means to integrate the management of this area utilising a meaningful environmental reference. Management integration is necessary because of the complex, interrelated activities in the Port district. A range of state and local government agencies, industries, and community users all conduct operations in the area. While these operations may be well managed individually, to date there has been no mechanism to evaluate, manage and regulate the cumulative effect of the combination of them all to ensure planning efficiency and the ecological sustainability of the region. While a specific activity may be sustainable on its own, combining that activity with those in other sectors may mean the ecosystem is over burdened and resources are inequitably allocated.

The Port Adelaide River and Barker Inlet area is very important to South Australia. It supports a broad range of activities and this diversity sometimes results in conflicting operational requirements. Economically, the area is home to billions of dollars worth of assets with industries such as Penrice, Adelaide Brighton Cement, Australian Submarine Corporation, Flinders Ports and major power companies operating in the area. These industries provide significant capital and jobs to the State's economy. In the future, plans are in place to dredge at Outer Harbor, develop the freight corridor for rail, and expand the roadways with the Port River Expressway Project, making the Port a true international gateway for trade and tourism. The planning process for the proposed Port Adelaide Redevelopment Project is also continuing with a potential expenditure of $900 million in construction work and up to 2000 on site jobs created.

The region is renowned for its Aboriginal and European heritage significance. Kaurna people lived in the area for thousands of years before European settlement and tours are available to take people to see connections still existing to this traditional way of life. Port Adelaide was settled by Europeans in 1840 and is now the state's first heritage listed precinct, proclaimed in 1982, and is also home to the largest and most diverse ships' graveyard in Australia. Along with these heritage values, this region is a place many people today value for recreational activities including fishing, boating and bird watching.

Environmentally, this area is a highly significant nursery and breeding area for a number of species, including King George whiting, garfish, bream, mulloway and also blue swimmer crabs and western king prawns. These species are valuable both as part of this ecosystem and also to the state's economy both commercially and for the recreational fishing industry.

The Port Adelaide River mouth and Penrice salt fields have been identified as areas of international importance for shorebirds. The Barker Inlet is one of the few remaining functioning estuaries located within a major city precinct in Australia.

Finally, of course, the Port Adelaide River and Barker Inlet is home to a resident population of dolphins. It is estimated that 20 to 30 dolphins are consistently seen in the Port Adelaide River and Barker Inlet area and over 300 more have been identified as visitors. Although dolphins are regularly seen all along the greater Adelaide metropolitan coast, Port Adelaide is one of the few places in the world where bottlenose dolphins appear to live in such close proximity to a major city and its associated activities.

The intent of the *Adelaide Dolphin Sanctuary Bill 2004* is not to create new regulatory requirements for the area. Rather, it is intended that the Bill will provide focus and specific purpose for the enforcement of existing legislative requirements. Cooperation between State Government agencies, local councils, industries and community members will be the key to making the Adelaide Dolphin Sanctuary a success.

Land tenure within the Sanctuary will not be altered. Existing tenures and uses such as mining leases, parks, and harbour and sea bed management will not be affected. The Sanctuary Minister will be responsible for the coordination of activities, but will not take on the responsibility of ownership of land or the seabed.

Seven strategies for implementation

Seven key strategies will underpin the implementation of this legislation.

First, the Bill specifies clear objects and objectives to ensure that the goals of the Act can be transparently understood and achieved.

Second, 11 existing Acts fundamental to activities in the Port Adelaide River and Barker Inlet environment are proposed for amendment. These amendments will require the respective Acts to have regard to or seek to further the objects and objectives of the Adelaide Dolphin Sanctuary when making decisions about activities which will impact on the Sanctuary. The Ministers responsible for the administration of these Acts will be required to undertake appropriate degrees of consultation with the Sanctuary Minister when administering these relevant operations.

The Acts proposed for amendment are:

the *Aquaculture Act 2001*
the *Coast Protection Act 1972*
the *Development Act 1993*
the *Environment Protection Act 1993*
the *Fisheries Act 1982*
the *Harbors and Navigation Act 1993*
the *Historic Shipwrecks Act 1981*
the *Mining Act 1971*
the *National Parks and Wildlife Act 1972*
the *Native Vegetation Act 1991*
the *Petroleum Act 2000*.

Third, the Bill proposes two avenues for planning clarity and accountability. A Management Plan will be required within a year of proclamation of this measure. The Plan will establish priorities for Government actions and detail targets of activity for agencies. This Plan will be supported by an annual implementation program which will be a part of the Sanctuary Minister's annual report to Parliament. Both of these planning mechanisms will ensure that Sanctuary planning is accessible and accountable to members of the wider community.

The fourth strategy of the Bill is to establish an Advisory Board to provide the Sanctuary Minister with expert advice on the implementation and assessment of these plans.

The fifth strategy provides for the establishment of a fund to receive monies to assist the Minister for the Sanctuary to further the objects and objectives of the legislation.

The sixth strategy is to create a general duty of care as a safety net to catch any activities harmful to dolphins or their habitat that may not be covered by existing legislation. The amendments to the *Fisheries Act 1982* and the *National Parks and Wildlife Act 1972* will provide still more protection for the physical well being of the dolphins.

Finally, the Bill will require the Sanctuary Minister to work broadly within the community to recognise and respect existing users of this environment, while utilising the community's strong commitment and interest in dolphins to educate and promote the protection of these animals and their habitat.

Specific features of the Bill

Integration of Government agencies' actions

Integration of the administration of the range of Acts relevant to the area is essential for successful management of the Sanctuary. The Bill recognises the significance of this integration and addresses it in clause 6(2) (Act binds the Crown) clause 9 (Administration of the Act to achieve objects and objectives), clause 25(d) (Functions and powers of Minister) and in the amendments to the related Acts.

Objects and objectives (clauses 7 and 8)

The objects and objectives are fundamental to the functioning of this legislation. Through amendments to the relevant Acts, they are the principal means of making the administration of all these Acts consistent. They also define the aims for the Sanctuary and provide a base on which to measure performance.

As a result of public consultation, some changes have been made to the objects and the objectives; however, the fundamental aim remains the same – to protect the dolphins and their habitat. Refinements have been made to make the objects and objectives more specific to dolphins and more connected to the functions and duties of the Minister as set out in clause 25.

Management Plan (clause 11)

The Management Plan will describe the overall strategy for the Sanctuary by defining key issues requiring attention, identifying those specific Government agencies with responsibility for these issues, and establishing targets for implementing remedies. The Plan is to be reviewed at seven year intervals to accommodate the time scales over which significant changes can be expected to occur. However, the Plan can be amended any time within this period, if required.

The Plan will be supported by the annual implementation program. The implementation program will review accomplishments from the preceding year and determine specific priorities for the coming year. It will provide the means for Sanctuary planning to respond to unexpected developments and time sensitive issues.

Public consultation on the Plan is very important to its success. In response to public submissions, amendments have been made to the Bill to increase the transparency of the consultation process.

Advisory Board (clause 12)

The role of the Advisory Board is to advise the Minister on the preparation of the Management Plan and to advise the Minister on its effectiveness after it is implemented. An additional Advisory Board function has been added to require the Board to provide advice on expenditure of money in the Fund (clause 22).

A number of public submissions suggested greater clarity for the appointment process for Board members and changes have been made to achieve this increase in transparency, along with several minor changes to improve administration of the Board's activities.

The ongoing administration of the Sanctuary will be undertaken by the Minister and officers from the Department for Environment and Heritage.

Functions and powers of the Minister (clause 25)

This section defines the functions and powers of the Minister and emphasises the importance of working with the community through consultation and education programs. The Minister will be required to act to integrate the administration of the Adelaide Dolphin Sanctuary Act with other relevant Acts and also to promote monitoring and research programs for the Sanctuary.

Powers of authorised officers (clause 29)

These powers of authorised officers are to be used only in the enforcement of the general duty of care. It is not expected that this provision will be frequently used. Most of the compliance actions for the Sanctuary will be provided by enforcement of the amended Acts.

After evaluation of public submissions, some amendments to improve operational efficiency have been made.

General duty of care (clause 32)

It is expected that the activities which may be regulated within the Sanctuary will largely be covered under existing legislation. To date, Department for Environment and Heritage officers have not identified any activity which would be addressed by the general duty of care.

Protection and other orders (Part 6)

Provision for protection and reparation orders and reparation authorisations has been made in the event compliance with the general duty of care is required. These measures are included to provide certainty for the administration of the Act.

Provisions relating to official insignia (Part 7)

This Part provides protection for the use of official insignia which may be created to support the operations of the Sanctuary and prescribes penalties for any misuse of this insignia.

Native title (clause 46)

Clause 46 provides assurance that nothing done under the Act will affect native title in land or water unless it is covered under a relevant law of South Australia or the Commonwealth *Native Title Act 1993*. Kaurna people have a registered native title claim over the area encompassed by the Sanctuary.

Definition of the Sanctuary (Schedule 1)

The boundaries were determined to both largely encompass the resident dolphin population and their habitat and to ensure members of the public and authorised officers can readily locate and patrol the boundaries. This habitat includes places where dolphins can physically swim and also tidal areas where their food sources may be found.

Most of the land borders are determined by sea water levee banks and the mean high water mark.

Mutton Cove and reclaimed Crown land at the St Kilda boat ramp are included, along with Port Gawler Conservation Park and some adjacent Crown land to mean high water mark for ease and consistency of management planning.

All land above high water mark within Sanctuary waters will be included – Torrens and Garden Islands (including Torrens Island Conservation Park) and the small unnamed island off Outer Harbor known as Bird Island.

Related amendments to other Acts (Schedule 2)

The 11 acts have been amended as relevant to each Act's responsibilities within the Sanctuary. Most activities require the relevant ministers of these acts to consult with and have regard to the Sanctuary Minister's advice on any proposed activity. The three Acts which might potentially be responsible for changes in land use – the Aquaculture, Mining and Petroleum Acts – require the concurrence of the Sanctuary Minister before initiating new activities under these Acts.

One of the amendments to the *National Parks and Wildlife Act 1972* bans hunting within the Sanctuary. The maximum penalties prescribed by this Act and the *Fisheries Act 1982* for harming marine mammals, including dolphins, are increased from $30 000 to $100 000.

In addition, the Management Plan may identify a need and consequently recommend amendments to regulations under any of the 11 related operational Acts.

A number of public submissions raised concerns and questions about how actions taken under the Development Act will be managed in relation to the Sanctuary. Any development within the Sanctuary, or one that will have a direct or significant impact on it, will require consultation with the Sanctuary Minister. After the form and substance of the Management Plan is determined, and after the *Development (Sustainable Development) Amendment Bill 2004* is finalised, opportunities to provide more direct links between the two Acts will be explored, including the possibilities of alterations to applicable PARs and amendments to Schedule 8 referrals.

Consultation

Preliminary public consultation on the establishment of the Adelaide Dolphin Sanctuary was held in 2002. Over 450 public submissions were received and approximately 250 people attended five public information meetings.

The draft *Adelaide Dolphin Sanctuary Bill 2003* was released for a two month public consultation period in December 2003. Seventeen written submissions were received. A public information meeting was also held in Port Adelaide in January 2004.

A ministerial Steering Committee has reviewed the public submissions and formulated its own recommendations about changes to the draft Bill which were presented to the Minister for Environment and Conservation for consideration.

The Government appreciates the time and effort members of the Steering Committee and members of the public have contributed to this process so far. Public and targeted consultation will continue as the Sanctuary is further developed.

The *Adelaide Dolphin Sanctuary Bill 2004* is this Government's response to the community's desire to offer greater protection to the Port Adelaide dolphins and their habitat. It is also a direct reflection of the community's wider desire to care for our environmental heritage.

I commend this Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause contains definitions and other interpretative provisions.

4—Interaction with other Acts

This clause provides that the measure is in addition to and does not limit or derogate from the provisions of any other Act.

5—Related operational Acts

This clause prescribes certain Acts as related operational Acts and provides for additional Acts to be prescribed as such by regulation.

6—Act binds Crown

This clause provides that the measure binds the Crown in right of the State and also, so far as the legislative power of the State extends, the Crown in all its other capacities, but not so as to impose any criminal liability on the Crown.

It also provides that all agencies and instrumentalities of the Crown must endeavour, as far as practicable, to act consistently with the Adelaide Dolphin Sanctuary Management Plan.

Part 2—Objects of Act and statutory objectives

7—Objects

This clause provides that the objects of the measure are to protect the dolphin population of the Port Adelaide River estuary and Barker Inlet and to protect the natural habitat of that population.

8—Objectives

This clause sets out the objectives that will apply in connection with the operation of the measure.

9—Administration of Act to achieve objects and objectives

This clause requires the Minister, the Advisory Board, the Environment, Resources and Development Court and other persons or bodies involved in the administration of the measure, and any other person or body required to consider the operation or application of the measure to act consistently with, and seek to further, the objects and objectives of the measure.

Part 3—Adelaide Dolphin Sanctuary

Division 1—Sanctuary

10—Establishment of Adelaide Dolphin Sanctuary

This clause establishes a sanctuary to be called the Adelaide Dolphin Sanctuary.

The Sanctuary consists of the area defined in Schedule 1.

The clause empowers the Governor to alter the boundaries of the Sanctuary by regulation but such a regulation cannot take effect unless and until it has been laid before both Houses of Parliament and—

(a) no motion for disallowance of the regulation is moved within the time for such a motion; or

(b) every motion for disallowance of the regulation has been defeated or withdrawn, or has lapsed.

Division 2—Adelaide Dolphin Sanctuary Management Plan

11—ADS Management Plan

This clause requires the Minister to prepare a management plan for the Sanctuary within 12 months of the commencement of the measure.

The plan must set out—

(a) the proposals of the Minister in relation to the management of the Sanctuary; and

(b) the priorities that the Minister will pursue in order to achieve the objects and objectives of this Act in relation to the Sanctuary.

The plan must be reviewed at least once in every 7 years and the Minister may amend the plan at any time.

The plan is an expression of policy and does not in itself affect rights or liabilities (whether of a substantive, procedural or other nature).

Division 3—Adelaide Dolphin Sanctuary Advisory Board

12—Establishment of ADS Advisory Board

This clause establishes the Adelaide Dolphin Sanctuary Advisory Board and provides for it to consist of 11 members appointed by the Governor on the nomination of the Minister. The membership must include persons who together have, in the Minister's opinion, knowledge of, and experience in, a number of specified areas. The Minister must not nominate a person for appointment unless of the opinion that the person has a commitment to the protection and enhancement of the Port River estuary and Barker Inlet. At least 2 members must be women and at least 2 must be men.

13—Presiding member

This clause requires the Minister to appoint one of the members of the Advisory Board to be the presiding member of the Board.

14—Terms and conditions of membership

This clause provides for a term of appointment not exceeding 3 years and for the reappointment of members and sets out the grounds on which the Governor may remove a member from office and the situations in which the office of a member becomes vacant.

15—Vacancies or defects in appointment of members

This clause provides that an act or proceeding of the Advisory Board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

16—Remuneration

This clause entitles a member of the Advisory Board to remuneration, allowances and expenses determined by the Governor.

17—Functions of Board

This clause provides that the function of the Advisory Board is to advise the Minister on the following matters:

(a) the preparation of the ADS Management Plan and any amendments to the Plan; and

(b) the effectiveness of the ADS Management Plan in achieving the objects and objectives of the measure; and

(c) the effectiveness of the implementation program; and

(d) the application of money belonging to the ADS Fund; and

(e) any matter referred to the Board by the Minister; and

(f) any matter connected with the administration of the measure on which the Board believes it should advise the Minister.

18—Committees

This clause empowers the Advisory Board, with Ministerial approval, to establish committees to provide advice to the Board on matters referred to the committee by the Board.

19—Board's procedures

This clause deals with the Board's procedures at meetings.

20—Staff, facilities etc

This clause requires the Minister to make available to the Advisory Board such staff, facilities, information and assistance as it may reasonably require for the effective performance of its functions.

21—Annual report

This clause requires the Advisory Board to prepare and deliver to the Minister an annual report on its operations. The Minister must table the report in both Houses of Parliament within 12 sitting days after receiving it.

Division 4—Adelaide Dolphin Sanctuary Fund

22—ADS Fund

This clause provides for there to be a fund kept in a separate account at the Treasury to be called the Adelaide Dolphin Sanctuary Fund. The fund will consist of money provided by Parliament or the Commonwealth Government for the purposes of the fund, grants, gifts and bequests made to the Minister for payment into the fund, proceeds from sales of goods forfeited to the Crown under the Act, income arising from investment of the fund and any other money required or authorised by law to be paid into the fund. The Minister may apply the fund to further the objects or objectives of the measure and in payment of expenses of administering the fund. Before applying the fund for the former purpose, the Minister must have regard to any advice provided by the ADS Advisory Board.

23—Accounts

This clause requires the Minister to keep proper accounts in relation to the fund.

24—Audit

This clause empowers the Auditor-General to audit the accounts of the funds at any time and requires an audit to be carried out at least once in each year.

Part 4—Administration

Division 1—Minister

25—Functions and powers of Minister

This clause sets out the functions and powers of the Minister under the measure. It requires the administration of the measure and the *Coast Protection Act 1972* to be committed to the same Minister.

26—Annual report

This clause requires the Minister to prepare an annual report on the operation of the measure. The report must, among other things, include a program setting out the Minister's proposals for the implementation of the ADS Management Plan for the current financial year. The Minister must table the report in both Houses of Parliament within 12 sitting days after its preparation.

27—Power of delegation

This clause empowers the Minister to delegate functions or powers of the Minister under the measure.

Division 2—Authorised officers

28—Appointment of authorised officers

This clause empowers the Minister to appoint authorised officers for the purposes of the measure.

29—Powers of authorised officers

This clause sets out the powers of authorised officers.

30—Hindering etc persons engaged in administration of Act

This clause makes it an offence for a person to hinder an authorised officer, use certain language to an authorised officer, refuse or fail to comply with a requirement of an authorised officer, refuse or fail to answer questions to the best of the person's knowledge, information or belief, or falsely represent that the person is an authorised officer.

31—Protection from self-incrimination

This clause provides that a person is not obliged to answer a question or to produce a document or record as required under this Part if to do so might tend to incriminate the person or make the person liable to a penalty.

Part 5—General duty of care

32—General duty of care

This clause imposes a duty on persons to take all reasonable measures to prevent or minimise any harm to the Sanctuary through their actions or activities. Breach of the duty is not, of itself, an offence, but compliance with the duty may be enforced by the issuing of a protection order under Part 6 and a reparation order or reparation authorisation may be issued under that Part in respect of the breach of the duty of care.

Part 6—Protection and other orders

Division 1—Orders

33—Protection orders

This clause empowers the Minister to issue a protection order to secure compliance with the general duty of care. If urgent action is required, an authorised officer may issue an emergency protection order, but the order expires after 72 hours unless it is confirmed by a protection order made by the Minister. Failure to comply with a protection order constitutes an offence punishable by a maximum penalty of $2 500 if the order was issued in relation to a domestic activity for the purpose of securing compliance with the general duty of care, or of $120 000 in any other case. The offence is expiable on payment of a fee of $250 if the order was issued in relation to a domestic activity for the purpose of securing compliance with the general duty of care, or of $500 in any other case. The clause also makes it an offence, punishable by a maximum penalty of $10 000, to hinder or obstruct a person complying with a protection order.

34—Action on non-compliance with protection order

This clause empowers the Minister to take any action required by a protection order if the requirements of the order are not complied with, and to recover reasonable costs and expenses incurred by the Minister in doing so as a debt from the person who failed to comply with the order.

35—Reparation orders

This clause empowers the Minister to issue a reparation order if the Minister is satisfied that a person has caused harm to the Sanctuary by contravening the general duty of care or a condition of a statutory authorisation that relates to an activity carried out within the Sanctuary. If urgent action is required, an authorised officer may issue an emergency reparation order, but the order expires after 72 hours unless it is confirmed by a reparation order made by the Minister. Failure to comply with a protection order constitutes an offence punishable by a maximum penalty of $50 000.

36—Action on non-compliance with reparation order

This clause empowers the Minister to take any action required by a reparation order if the requirements of the order are not complied with, and to recover reasonable costs and expenses incurred by the Minister in doing so as a debt from the person who failed to comply with the order. If the amount owing to the Minister is not paid, the person is liable to pay interest on the unpaid amount and the unpaid amount, together with any interest to which the person is liable is, until paid, a charge in favour of the Minister on any land owned by the person in relation to which the order is registered under Division 2.

37—Reparation authorisations

This clause empowers the Minister to issue a reparation authorisation if the Minister is satisfied that a person has caused harm to the Sanctuary by contravening the general duty of care or a condition of a statutory authorisation that relates to an activity carried out within the Sanctuary. Under the authorisation authorised officers or other persons may be authorised to take specified action on the Minister's behalf to make good any resulting damage to the Sanctuary. The Minister may recover reasonable costs and expenses incurred by the Minister in taking action as a debt from the person who caused the relevant harm. If the amount owing to the Minister is not paid, the person is liable to pay interest on the unpaid amount and the unpaid amount, together with any interest to which the person is liable is, until paid, a charge in favour of the Minister on any land owned by the person in relation to which the order is registered under Division 2

38—Related matters

This clause provides that the Minister should, so far as is reasonably practicable, consult with any other public authority that may also have power to act with respect to the particular matter before the Minister issues a protection order, reparation order or reparation authorisation. However, this does not apply where action is being taken as a matter of urgency or in a circumstance of a prescribed kind. A person cannot claim compensation from the Minister, the Crown, an authorised officer or a person acting under the authority of the Minister or an authorised officer in respect of a requirement imposed under this Division, or on account of any act or omission undertaken or made in the exercise or purported exercise of a power under this Division.

Division 2—Registration of orders and effect of charges

39—Registration

This clause provides for the registration of reparation orders and reparation authorisations relating to an activity carried out on land or requiring a person to take action on or in relation to land. An order or authorisation registered under this clause binds each owner and occupier from time to time of the land.

40—Effect of charge

This clause provides that a charge imposed under Division 1 has priority over prior charges (whether registered or unregistered) that operate in favour of a person who is an associate of the owner of the land and any other charge registered prior to the registration of the relevant order or authorisation.

Division 3—Appeals to ERD Court

41—Appeal

This clause gives a person to whom a protection order or reparation order is issued a right of appeal to the Environment, Resources and Development Court.

Part 7—Provisions relating to official insignia

42—Interpretation

This clause defines "official insignia" and makes other interpretative provisions.

43—Declaration of logo

This clause empowers the Minister to declare a design to be a logo for the purposes of this Part.

44—Protection of official insignia

This clause declares that the Crown has a proprietary interest in all official insignia and makes it an offence to use official insignia for commercial purposes without Ministerial consent. It also makes it an offence to assume a name or description consisting of or including official insignia without Ministerial consent. In each case a maximum fine of $20 000 is fixed.

The Supreme Court is empowered to restrain breaches by granting injunctions to the Minister and a court by which a person is convicted of an offence against the clause may order the person to pay compensation to the Minister.

45—Seizure and forfeiture of goods

This clause empowers an authorised officer to seize goods in relation to which official insignia has been used without Ministerial authorisation and provides that a court by which a person is convicted of an offence under clause 44 may order the goods to be forfeited to the Crown. The Minister may sell or otherwise dispose of forfeited goods. If sold, the proceeds of the sale must be paid into the ADS Fund. If goods are seized and proceedings for an offence are not commenced within 3 months or the defendant is not convicted, the person from whom the goods were seized is entitled to recover the goods, or to compensation if they have been destroyed equal to their market value, as well as compensation for any loss suffered by reason of the seizure.

Part 8—Miscellaneous

46—Native title

This clause provides that nothing done under this measure will be taken to affect native title in any land or water unless the effect is valid under a law of the State or the *Native Title Act 1993* of the Commonwealth.

47—Immunity provision

This clause provides that no act or omission of the Minister or any other person engaged in the administration of the measure, or by another person or body acting under the authority of the Minister, undertaken or made with a view to—

(a) exercising or performing a power or function under the measure; or

(b) protecting, restoring or enhancing the Sanctuary, or any aspect of the Sanctuary (including by exercising or performing a power or function under other legislation); or

(c) furthering the objectives of the measure (including by exercising or performing a power or function under other legislation),

gives rise to any liability against the Minister, person or body, or the Crown.

48—Continuing offence

This clause provides that if a person is convicted of an offence that relates to a continuing act or omission, the person may be liable to an additional penalty for each day that the act or omission continued (but not so as to exceed one tenth of the maximum penalty for the offence).

49—Offences by bodies corporate

This clause provides that if a body corporate commits an offence against the measure, 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 where the offender is a natural person. A person may be prosecuted and convicted whether or not the body corporate has been prosecuted or convicted of the offence committed by the body corporate.

50—General defence

This clause provides a defence of a charge of an offence against the measure if the defendant provides that the alleged defence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

51—Criminal jurisdiction of ERD Court

This clause provides that offences constituted by the measure lie within the criminal jurisdiction of the Environment, Resources and Development Court.

52—Confidentiality

This clause makes it an offence for a person engaged or formerly engaged in the administration of the Act to divulge or communicate personal information obtained (whether by that person or otherwise) in the course of official duties except—

(a) as required or authorised by law; or

(b) with the consent of the person to whom the information relates; or

(c) in connection with the administration of this measure; or

(d) to an agency or instrumentality of this State, the Commonwealth or another State or Territory for the purposes of the proper performance of its functions.

A maximum fine of $5 000 is fixed.

However, it is not an offence to disclose statistical or other non-identifying data.

Information disclosed under the clause for a particular purpose must not be used for any other purpose by the person to whom it was disclosed or any other person who gains access to the information as a result of that disclosure. A maximum penalty of $5 000 is fixed.

53—Service

This clause sets out the manner in which notices, orders and other documents may be served.

54—Evidentiary provision

This clause provides an evidentiary aid for proceedings for offences against the measure.

55—Regulations

This clause empowers the Governor to make regulations for the purposes of the measure.

Schedule 1—Adelaide Dolphin Sanctuary

This Schedule defines the boundaries of the Sanctuary.

Schedule 2—Related amendments

This Schedule amends the related operational Acts specified in clause 5.

The amendments to the *Aquaculture Act 2001* require aquaculture policies that apply to the Sanctuary to seek to further the objects and objectives of the ADS legislation and require the Minister to obtain the concurrence of the Minister for the Sanctuary before approving a draft policy that will apply within the Sanctuary.

The amendments to the *Coast Protection Act 1972* require the Coast Protection Board to take into account and seek to further the objects and objectives of the ADS legislation when taking any action within the Sanctuary or action that is likely to have a direct impact on the Sanctuary. The amendments also require the Board to consult with and have regard to the views of the Minister in preparing or reviewing a management plan that could affect the Sanctuary.

The amendments to the *Development Act 1993* provide that the Planning Strategy will be taken to include the objectives of the ADS legislation. Section 24 of the Act is amended to enable the Minister to make amendments to a Development Plan where the purpose is to promote the objects or objectives of the ADS legislation. Section 34 is amended to enable the Minister to declare that the Development Assessment Commission should act as the relevant authority in relation to a proposed development because, in the opinion of the Minister for the Sanctuary, the proposed development may have a significant impact on an aspect of the Sanctuary. Other amendments ensure that an EIS, DR or PER that relates to a development or project that is to be undertaken within the Sanctuary, or is likely to have a direct impact on the Sanctuary, is referred to the Minister for the Sanctuary.

The amendment to the *Environment Protection Act 1993* requires all persons and bodies involved in the administration of the Act to take into account the objects and objectives of the ADS legislation when taking any action within, or in relation to, any part of the Sanctuary.

The amendments to the *Fisheries Act 1982* require the Minister and Director of Fisheries to seek to further the objects and objectives of the ADS legislation in administering the Fisheries Act. Other amendments increase the maximum penalties for offences involving marine mammals, require the Minister to temporarily prohibit fishing activities in the Sanctuary on the request of the Minister for the Sanctuary, require the Director to consult and have regard to the views of that Minister before deciding whether to grant an application to release exotic or farm fish into natural waters, and require the Minister to consult with and have regard to the views of the Minister for the Sanctuary in relation to proposed research, works or other operations under section 31 and in relation to applications relating to exemptions under section 59.

The amendments to the *Harbors and Navigation Act 1993* add the objects and objectives of the ADS legislation to those of the Harbors and Navigation Act and impose a duty on persons engaged in administering the Act to take into account and seek to further the objects and objectives of the ADS legislation when when taking any action within the Sanctuary or action that is likely to have a direct impact on the Sanctuary. Amendments to section 26 require the CEO to consult with and have regard to the views of the Minister for the Sanctuary before granting a licence under that section in relation to waters that form part of the Sanctuary.

The amendments to the *Historic Shipwrecks Act 1981* require the Minister to seek to further the objects and objectives of the ADS legislation when considering an application for a permit relating to an historic shipwreck or historic relic in the Sanctuary. Prescribed classes of applications for such a permit or for an activity to be undertaken within the Sanctuary cannot be determined by the Minister until he or she has consulted with and had regard to the views of the Minister for the Sanctuary.

The amendments to the *Mining Act 1971* require the Minister to take into account the objects and objectives of the ADS legislation in administering the Act. Other amendments are to require that an application for a licence or lease relating to an area within or adjacent to the Sanctuary be referred to the Minister for the Sanctuary and if the Minister responsible for the Mining Act and the Minister for the Sanctuary cannot agree on whether the application should be granted or the conditions to which the licence or lease should be subject, the matter must be referred to the Governor for determination. In the case of an application for the renewal of a licence or lease that relates to an area within or adjacent to the Sanctuary, the Minister must, before determining the application, consult with and have regard to the views of the Minister for the Sanctuary. The amendments also require applications for authorisation to use prescribed equipment in relation to an area within or adjacent to the Sanctuary to be referred to the Minister for the Sanctuary and determinations made by the Governor if the Director of Mines and Minister for the Sanctuary cannot agree on whether the application should be granted or the conditions to which an authorisation should be subject.

The amendments to the *National Parks and Wildlife Act 1972* require the Minister, the Chief Executive and the Director to seek to further the objects and objectives of the ADS legislation in managing reserves situated wholly or partly within the Sanctuary. The amendments also increase maximum penalties for offences involving marine mammals and provide that a permit cannot authorise hunting within the Sanctuary or the possession of firearms or other devices for hunting while in the Sanctuary. In addition, any permit under the Act relating to an activity within the Sanctuary must be consistent with the objects and objectives of the ADS legislation and the Minister must, before making a decision on an application of a prescribed class, consult with and have regard to the views of the Minister for the Sanctuary.

The amendments to the *Native Vegetation Act 1991* provide that the Native Vegetation Council can only delegate powers in relation to a matter within the Sanctuary with the approval of the Minister for the Sanctuary. The Act is also amended to require that guidelines under section 25 relating to land within the Sanctuary must seek to further the objects and objectives of the ADS legislation. Other amendments are to require that the Council, before determining applications of a prescribed class for consent relating to native vegetation consult with and have regard to the views of the Minister for the Sanctuary, and to add to the principles of native vegetation clearance a principle relating to the Sanctuary.

The amendments to the *Petroleum Act 2000* require the Minister to take into account the objects and objectives of the ADS legislation in administering the Petroleum Act and require applications for licences relating to areas within or adjacent to the Sanctuary to be referred to the Minister for the Sanctuary. If the Ministers cannot agree on whether an application should be granted or on the conditions to which a licence should be subject, the matter must be referred to the Governor for determination. The Minister must consult with and have regard to the views of the Minister for the Sanctuary in relation to applications for renewals of licences relating to areas within or adjacent the Sanctuary. Statements or revised statements of environmental objectives applying to any part of the Sanctuary must not be approved by the Minister without the concurrence of the Minister for the Sanctuary. If concurrence cannot be obtained, the matter must be referred to the Governor for determination.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

ADJOURNMENT

At 10.08 p.m. the council adjourned until Wednesday 9 February at 2.15 p.m.