LEGISLATIVE COUNCIL

Wednesday 9 February 2005

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the twelfth report of the committee.

Report received.

The Hon. J. GAZZOLA: I bring up the thirteenth report of the committee.

Report received and read.

PAPERS TABLED

The following papers were laid on the table:

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

Department of Justice Report, 2003-04 (incorporating the Attorney-General's Annual Report).

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

Medical Board of South Australia—Report, 2003-04.

Rules under Acts—

Local Government Act 1999—Local Government Superannuation Scheme Rule Amendments—Term Allocated Pension.

Gaming Machines Act 1992—Game Approval (Gaming Machines) (No. 1) Guidelines 2003.

BUSHFIRE TAX RELIEF

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a copy of a ministerial statement relating to bushfire tax relief made earlier today in another place by the Premier.

GC GROWDEN PTY LTD

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a copy of a ministerial statement relating to GC Growden made earlier today in another place by my colleague the Minister for Consumer Affairs.

CONTROLLED SUBSTANCES (REPEAL OF SUNSET PROVISION) BILL

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to the Controlled Substances Repeal of Sunset Provision Bill made earlier this week in another place by my colleague the Minister for Health.

QUESTION TIME

BUSH BREAKAWAY YOUTH ACTION PROGRAM

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 the Bush Breakaway program.

Leave granted.

The Hon. R.D. LAWSON: Members may recall that on 26 June 2003, in response to a surprise question from the Hon. Gail Gago, the Hon. Terry Roberts said:

> This Labor government is backing Ceduna's Bush Breakaway Youth Action Program. We have announced we will contribute $180 000 towards the crime prevention initiative over the next three years. While in Ceduna for a community cabinet meeting last month, I met with some of the dedicated group of people behind the concept. I understand that the Attorney-General also met with some of the people who have been involved in supporting this program in Ceduna.

On the previous day (5 May) at the Ceduna community cabinet day, the Attorney-General issued a media release in which he said:

> After hearing about Bush Breakaway's encouraging results that helped change the behaviour of many Ceduna youth, I was eager to find the funds necessary to fund the program.

The minister is very keen on the program, and the Attorney-General was keen to find the funds for it. Is the minister aware that the funding of a portion of the funds for this program were sourced out of the Crown Solicitor's Trust Account?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): The program to which the honourable member refers was supported by me and the Attorney-General. As the honourable member says, the community, including the school, supported and assisted the program and, for a modest $180 000 over three years, it was felt that the program offered good value for money for young Aboriginal people who were at risk.

I met recently with the out-going principal of the Ceduna school, who indicated that the program was getting results. She introduced me to two of the young Aboriginal people who were beneficiaries of the program. I supported the program heavily in relation to maintaining its funding. The funding was supplied by the Attorney-General's office through justice and, for me, that is where the information trail leaves off. If the honourable member wants to ask that question—

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: I do not take any responsibility for the funding regimes that exist in other departments and, in part—

The Hon. T.G. Cameron: Or notice of as long as you get the money.

The Hon. T.G. ROBERTS: The honourable member is right. I am the greatest bowerbird in cabinet. The portfolios of Aboriginal affairs and correctional services are probably two of the most in need of funding around the cabinet table. When the funding comes through for the programs—and as long as the on-the-ground administration people are happy, particularly when it includes volunteers—my expectation is that the funding comes out of mainstream resources.

The Hon. R.D. LAWSON: As a supplementary question, is the minister in a position to deny that part of the funding for the Bush Breakaway program was sourced from the Crown Solicitor's Trust Account?

The Hon. T.G. ROBERTS: I have no idea from where that funding came, other than it came through the Department of Justice through the Attorney-General's office.

The Hon. R.D. LAWSON: I have a further supplementary question arising from the minister's answer that he is the greatest bower bird in cabinet. Did he at any stage have any discussions with Kate Lennon (the then chief executive of the

Department of Justice) concerning the funding of additional programs to ascertain whether there were additional sources of funding for programs that he wanted to fund?

The Hon. T.G. ROBERTS: I discussed with a wide range of people across portfolios some of the issues relating to programs that needed to be picked up soon after we got into government because of the problems that we faced in dealing with—

The Hon. T.G. Cameron: But did you talk to Kate?

The Hon. T.G. ROBERTS: I talked to a whole range of people—including Kate Lennon—about the justice, health, housing and education portfolios.

The Hon. T.G. Cameron: If you admitted it straight away, you would not have had a problem.

The PRESIDENT: The attempts of the Hon. Mr Cameron to be helpful are not proving to be successful.

The Hon. T.G. ROBERTS: One of the things we faced when we came into government was to try to do things better in terms of Aboriginal people and the way outcomes were achieved. The way that I discussed it with other ministers and the cabinet was to have a cross-agency meeting through Tier One and through other aspects of governance to look at all those issues that cross-agencies dealt with when they were dealing with Aboriginal communities and Aboriginal people. Because it was not their core business, my department became more heavily involved in providing advice and policy programs within the cross-agencies. That was a deliberate policy development within government.

So, as Minister for Aboriginal Affairs, I met regularly with justice, health, housing and education ministers. Particularly in those early days, they were quite regular meetings. Some of them were budgetary meetings, some were policy meetings and some were a combination of both. So, it is not surprising that I had to talk to those agency CEOs and ministers to ensure that the structure that is set up now through the Office of the Premier and Cabinet was able to get the information that was required by each department talking to each other about issues. It is not working 100 per cent at the moment, but we are moving towards a more effective and efficient way of dealing with Aboriginal communities in remote regional and metropolitan areas.

The Hon. R.D. LAWSON: I have a further supplementary question. Is the minister in a position to contradict the public statement of Kate Lennon when she said:

> We funded a lot of corrections because they were poor. Terry Roberts would usually ask me if I could find him any money to do a specific program, and it would depend. Sometimes I would ask the Attorney-General whether he would allow some of the Attorney-General's money to assist.

Is the minister in a position to deny the truth of that statement?

The Hon. T.G. ROBERTS: I have already answered, that is, that I dealt with what I believed were the mainstream structures of governance, dealing with the CEOs—

The Hon. R.D. Lawson: You asked her to get the money.

The Hon. T.G. ROBERTS: Well, I assumed the budgetary process that had been set up was the way in which the funding worked. I would either get the funding allocated or I would not get the funding. I assumed that it was coming through the normal courses.

GOVERNMENT, PERFORMANCE

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the minister representing the Premier a question about delays in government decision-making.

Leave granted.

The Hon. R.I. LUCAS: Members will be aware that in recent months there has been criticism of delays in decision-making on important issues, and I will list only a small number of those. They include: the state infrastructure plan, the housing plan or strategy, the transport plan or strategy and the expenditure of money by the venture capital fund. They are just a small number of examples where there has been recent criticism of the Rann government in relation to delays in decision making. I was therefore interested last week to receive from helpful sources within the public sector a copy of a confidential memo from an officer within the office of the Premier and Cabinet to the chiefs of staff of all ministers. The memo was headed 'Page Numbers, Important, Please Read'. I was intrigued, so I did read on. The memo, addressed to all chiefs of staff and senior admin officers, stated:

> The Acting Chief Executive, Adam Graycar—

that is, the Acting Chief Executive of the Department of the Premier and Cabinet—

> has asked that I communicate the following message to you all:
>
> Following an unfortunate experience of Cabinet this morning where pages were not numbered and ministers were frustrated because they could not find items for discussion in a large document, I have instructed staff in Cabinet office not to accept any Cabinet documentation which does not contain page numbering.

I repeat:

> I have instructed staff in Cabinet office not to accept any Cabinet documentation which does not contain page numbering.

It continues:

> Attachments should have page numbers and, if they are not generated on the original, handwrite page numbers before you copy the document. Please ensure that all staff in your office are aware of this instruction which is effective immediately. Adam is notifying all chief executives of the above requirements.

Given the delays in decisions on important issues, such as the state infrastructure plan, the housing strategy, the transport strategy and the venture capital fund investment decisions, to name just a few, will the Premier now instruct all ministers and staff to spend more time on getting these decisions completed and less time on hand-numbering pages of cabinet submissions for ministers like the Attorney-General who prefers to read the TAB form guide, anyway?

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY (Minister for Industry and Trade): The only criticism that I saw in recent days of delays was over the Liberal Party land tax policy, and we are still waiting to hear that, and I suspect that we will be waiting for a long time yet. That is the only delay that I am aware of. This government certainly does have a number of important decisions to make in the near future, and one of those involves infrastructure. Of course, this government really is setting a first in preparing the infrastructure plan. It has never been done by governments before, and it has never been done by the previous government. It is a major undertaking which is now in the final stages of development.

Members interjecting:

The PRESIDENT: The answer should be heard in the same manner.

The Hon. P. HOLLOWAY: This document, when it does come out, I am sure will be well worth the wait. I am very pleased that I am a member of a cabinet where members do read and participate in all the documents within cabinet. Of course the honourable member can try to make light of it, and perhaps under his government they did not bother. Perhaps they did not need numbers on documents in his government because they never read them, and that I guess is why we had such appalling decisions coming out of that government. If this is the best the Leader of the Opposition can do, we can be well pleased.

The Hon. R.I. LUCAS: I have a supplementary question arising out of the answer.

The PRESIDENT: This should be interesting.

The Hon. R.I. LUCAS: Can the minister confirm, given his indication of the importance of the infrastructure plan, that one of the first decisions that he and his ministers took was to get rid of the infrastructure funds programs that had been established by the former government for the last four years between 1997 and 2001?

The PRESIDENT: I am struggling to see how it is a supplementary question about the numbering of pages, but the minister is entitled to give any answer he likes. It has to be in connection with the question.

The Hon. P. HOLLOWAY: Like all other areas of government, the funding of the infrastructure plan will be part of the restructuring process that is involved.

RURAL AND REGIONAL TASK FORCE

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the minister representing the Minister for Agriculture, Food and Fisheries a question about a South Australian rural and regional task force.

Leave granted.

The Hon. CAROLINE SCHAEFER: On 30 March last year, amidst much fanfare, the South Australian Farmers Federation launched a report entitled 'A Triple Bottom Line for the Bush.' The Premier, the Hon. Mike Rann, accepted that report (again amidst much fanfare) at the launch in Rundle Mall and told farmers and all those present how very fond of the bush the Labor government was and how much it looked forward to working with the Farmers Federation in a bipartisan fashion to obtain its recommendations. There was only one key recommendation, as follows:

> That the South Australian government and the South Australian Farmers Federation work in partnership to establish a task force to develop a comprehensive strategic plan to ensure a sustainable triple bottom line for rural and regional South Australia.

The task force would include key rural and regional stakeholder representatives as well as parliamentary members, be charged with formulating both medium and long-term policies with commensurate budgetary provision, and be required to deliver its plan to the Premier by Friday 16 July 2004. My questions are:

1. Has the task force yet been formed?

2. Where is the report? And, if there is no report, why not?

3. Does the government ever intend to form the task force it promised to form on 30 March last year?

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

CHILD CARE

The Hon. J. GAZZOLA: My question is directed to the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Employment, Training and Further Education, regarding child-care industry training. What is the government doing to ensure that South Australia has a trained work force in the child-care industry?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his important question. Like all members of the council, the member would know the importance of having trained workers looking after our children. Trained workers can work with children from babies up to 12 years old in family day care, occasional care, out-of-school care and vacation care, as well as in child-care centres.

Training in child care through TAFE South Australia has significantly increased during the term of the current government. Total hours of child-care training delivered since 2001 has increased from 510 683 hours to 686 040 hours in 2004—an increase of around 34 per cent. These figures include training delivered through apprenticeships and traineeships, fee-for-service, and other governmental initiatives such as VET in schools. Student numbers have also increased from 1 499 students in 2001 undertaking some form of TAFE training in child-care to 2 198 in 2004. That means the government was training 700 more people in child care last year than the previous government trained in 2001.

This government has already dramatically increased the number of South Australian secondary school students undertaking child-care training as part of their SACE, with an increase from five students in 2001 to 86 students in 2004. The TAFE diploma course in children's services provides a great pathway to university, particularly the Bachelor of Early Childhood, which provides students with a further career path in this caring profession.

It is clear from these dramatic increases that this government recognises that child-care workers require a high level of skill to work in such an important field. The government is committed to providing training opportunities for South Australians in child-care services, and further evidence indicates that this year all applicants who met the entrance criteria gained a place in TAFE through the SATAC admission process.

The Hon. A.J. REDFORD: I have a supplementary question. How long are these child-care courses?

The Hon. T.G. ROBERTS: I thank the honourable member for his important question, which I will refer to the minister in another place and bring back a reply.

ADOPTION

The Hon. KATE REYNOLDS: I can provide an answer to the honourable member's question later, if he is interested. I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Families and Communities, a question about changes to the adoption process in South Australia.

Leave granted.

The Hon. KATE REYNOLDS: Eight days ago I received a letter from the minister informing me of state government announcements on the inter-country adoption process and public consultation on age criteria for adoption. It was about the same time that this issue was picked up by the media, and the first concerns were raised about the implications of the government taking over this service or, rather, as the minister now calls it, in-sourcing.

Many of the concerns raised with my office relate to the process used by the government to in-source this service, taking control of it from the licensed non-government agency, Australians Aiding Children Adoption Agency. Apparently, there was a report on adoption services completed in 1999 under the former Liberal government. A second report was completed by the Crown Solicitor's Office in early 2004. I understand that the agency was refused a copy of the second report, even though the report cleared the agency of any wrongdoing, and found its actions to be transparent.

A third report, the South Australian Inter-country and Post-adoption Review, was finalised and provided to the current minister in, I believe, mid-2004. I have been contacted by one family who used the services of the agency and made a submission to the third review. This family has repeatedly asked for a copy of the report and is aware that other parents have done the same. Just this morning she told me that each family has been given a different answer by the minister's office about why the report has not been released.

This morning, we contacted the minister's office seeking a copy of the report, and we were told that the decision had not been made about whether or not the report would be released. This is despite the fact that the minister, on regional radio last Friday, offered a copy of the report to a caller. So, if that is not enough to completely destroy community confidence in the government's claims about transparency, we now know that, despite repeated attempts since the middle of last year, the licensed agency itself has not been provided with a copy of the first report, the second report, the third report, or their recommendations. In desperation, it resorted to making FOI applications.

In fact, the first that the agency knew about the government's decision to in-source adoption services was last Wednesday when the agency was given six weeks notice of its closure instead of the six months notice as written into the service agreement between the agency and the department. I understand that the minister's office provided what has been described to me as a 'morphed' copy of the second and third reports to the *Sunday Mail*. My questions are:

1. Will the minister table tomorrow all of the reports into the delivery of adoption services in South Australia? If not, why not?

2. What implications does the process use to, as the minister now calls it, in-source adoption services have for other non-government agencies providing services on behalf of the government?

3. Does this signal an intention by the Rann government to deliberately bypass both due process and the terms agreed with non-government organisations?

4. When was the decision made not to renew the contract with the agency? When and how was the agency informed by the Department of Families and Communities of this decision?

5. Given that the minister has claimed that the rationale for this change is a result of an unacceptable number of adoption breakdowns, can the minister explain why it is that the assessment criteria to be used by the in-sourced adoption and family information service is exactly the same as that used by the non-government licensed agency which has just been defunded?

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

CHARITY COLLECTIONS

The Hon. NICK XENOPHON: I seek to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Gambling, questions in relation to the Collections for Charitable Purposes Act and, in particular, the Cherie Blair charity tour.

Leave granted.

The Hon. NICK XENOPHON: I have to hand a recent newspaper advertisement headed 'Cherie Blair gala charity tour in aid of Children's Cancer Institute Australia'. The advertisement gives details of a function organised by Markson Sparks, and the advertisement states that 'moneys raised will go to the Children's Cancer Institute of Australia'. Section 7 of the Collections for Charitable Purposes Act states that 'No person shall conduct any entertainment to which any charge or admission is made in any case where it is held out that any part of the proceeds of the entertainment are to be devoted (either wholly or partly) for any charitable purpose' unless certain conditions are complied with, including the person holding a licence under section 7 or authorised to do so by a person, society, body or association which holds a section 7 licence; nor under section 7(2) can such tickets be sold or be attempted to be sold without such a licence. Breach of this carries a division 6 fine of up to $4 000.

I note that on promotional material reference is made to the entertainment being provided for the event tonight. Section 12 of the act provides for conditions of licence, etc, and makes it clear that the minister—in this case, the Minister for Gambling—has the power to issue such conditions to such licences, including, in subsection (2) 'limiting the proportion of the proceeds of collections and entertainments which may be applied as remuneration to collectors or other persons concerned in the collections or entertainments.' Further, under subsection (4)(b), the minister may exercise his power to revoke a licence if the minister considers 'that excessive commission or remuneration has been or is to be paid to any person in respect of the collection of donations in pursuance of the licence out of the proceeds of the collection. I further note that section 15 of the act provides that statements are to be furnished by licensees and that, under subsection (2), there must be submitted to the minister 'a statement setting out the money and goods so collected or received [and] the manner in which they have been dealt with and such other information as is required by the minister to be included in the statement'.

In a report in yesterday's *Advertiser* by Craig Bildstien with the headline '$195 a head but how much will charity get?' referring to the Cherie Blair event tonight, concern was expressed by the Queen Elizabeth Hospital's research foundation executive officer, Maurice Henderson, that a similar event in August 2003 organised by the same promoter, Max Markson, with former New York Mayor Rudy Giuliani as guest speaker, raised about $20 000, about $180 000 short of the amount Mr Markson had told the foundation would be raised. My questions to be directed to the Minister for Gambling are:

1. When was a licence granted under section 7 for the Cherie Blair event?

2. What information did the minister have on the event before providing the licence for the event? Further, what conditions did the minister attach to the licence, and what inquiries did the minister make under section 12(4) of the act as to the remuneration to be paid to Mr Markson's company or to Cherie Blair to ensure that it was not excessive under the terms of the act?

3. Will the minister provide details of the statement provided pursuant to section 15 of the act for such charity events in the past three years and, in particular, for this event, when such a return is filed? Further, will the minister advise of the procedures, protocols and resources used to enforce compliance with the act?

4. Does the minister believe that organisers for such events should indicate in advertising and promotional material what proportion of the ticket price for such events will go to the charity that is often used as the basis to promote such events?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): That is a lot of questions predicated on an article in *The Advertiser* that may or may not—

The Hon. Nick Xenophon: No; it is predicated on the act.

The Hon. T.G. ROBERTS: That is not the information. I have the act, with all its sections. I will refer those questions to the minister in another place and bring back a reply.

EYRE PENINSULA BUSHFIRES

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Urban Development and Planning, a question about the Eyre Peninsula bushfires reconstruction.

Leave granted.

The Hon. J.S.L. DAWKINS: Members of this council are well aware of the devastation caused by the recent bushfires which occurred in areas covered by the District Council of Lower Eyre Peninsula and the District Council of Tumby Bay. Members may also be aware of the recovery effort which is well under way, with significant assistance to local communities coming from other parts of South Australia. However, concerns are surfacing that Development Act fees could hold up the process of rebuilding houses and farm buildings and cause further difficulties for landholders. Recently I received a letter from Mr Wayne Murphy of Sandy Creek, a civil and structural engineer, building surveyor and private certifier who lived and worked on Eyre Peninsula for many years, and he states:

> I assume that the process of rebuilding houses and farm buildings destroyed or damaged by the Black Tuesday bushfire will be administered under the Development Act. The act requires that certain fees be paid, and I submit the following as a example for an average house: development plan assessment fees, $195; building rules assessment fees, $455; construction industry training levy, $575; and builders indemnity insurance, $1 225. This total of $2 450 can then be increased by design fees, structural engineering fees, insurance assessment fees and inspection fees to total around $8 000 before the bushfire victim even puts a back hoe on his devastated site.
>
> I understand the government has already made concessions regarding some stamp duties, but I feel that these concessions should extend to the waiving of all Development Act fees in respect of replacing buildings damaged or destroyed by the bushfire. For my part as a private certifier I will be refunding the full fee for building rules assessment, which I can do under section 39(4)(c) of the act. However, I am still required to remit 4 per cent of this fee to the minister and I hope she will see fit to waive this requirement in respect of these cases.
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> There may be arguments that the victims should have been insured for all costs of replacing their building and that none of the concessions outlined should be necessary. I trust that any adviser or bureaucrat posing such arguments has been through an experience similar to those who survived Black Tuesday and has received the full amount of his or her insurance claim.

I commend the government for its decision regarding stamp duties on properties affected by the fires. The decision of local government to waive building fees is also admirable, given that such a large proportion of ratepayers has been affected. My question to the minister is: will the minister waive the Development Act fees and ensure that bushfire victims can rebuild without having to subsidise government, insurance companies or the Construction Industry Training Board?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer that question to the Minister for Development and Planning in another place and bring back a response. We would also hope, as mentioned in the statement I tabled earlier from the Premier, that the commonwealth government will look at its taxation treatment of such assistance that has already been provided to the victims of those bushfires. I will refer the question to the minister and bring back a reply.

ROAD AND COMMUNITY SAFETY FUND

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Industry, Trade and Regional Development, representing the Minister for Transport, a question about the road and community safety fund.

Leave granted.

The Hon. D.W. RIDGWAY: Yesterday I had a moment to spare and looked on the South Australian Labor Party's web site and at its transport policy.

The Hon. T.G. Roberts interjecting:

The Hon. D.W. RIDGWAY: It took only a minute to read your transport policy. I came across a couple of statements as follows:

> Labor strongly believes revenue raised through the enforcement of anti-speeding devices should be redirected into supporting road safety programs and policing.

It says, in the road transport policy, which incidentally was released after the election in 2002:

> Labor will redirect revenue raised from anti-speeding devices into the road and community safety fund, which will fund the development of road safety programs and policing. Each year a ministerial report will be tabled in parliament detailing the annual expenditure on these initiatives.

On Monday I asked a question about speeding fine revenue in rural cities, especially the $808 000 raised in the past two years in Mount Gambier. My questions to the minister are:

1. Was the $808 000 paid into the road and community safety fund?

2. What road safety initiatives have been funded through the road and community safety fund in the Mount Gambier area?

3. Will the minister release all correspondence from the member for Mount Gambier requesting funding for road safety initiatives in his electorate?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I am pleased the honourable member pays such

attention to Labor Party policy, and I am sure he would be pleased with the amount of money that has been directed to road safety and, indeed, I am sure he is also further pleased with its success. In fact, last year I think we had the lowest level of fatalities reported as a consequence of many initiatives taken by this government.

Also, it is not merely the finance from traffic fines and the like which has contributed to this but the government has also made a number of legislative changes. One would expect that a bill will be arriving very shortly in this place which, we hope, will further contribute to the reduction in the road toll, and I look forward to the support of members of the opposition for those measures which seek to extend random breath testing which, along with the funds from the road and community safety fund, will also contribute to improve road safety in this state. I will obtain the details for the honourable member from my colleague.

ADELAIDE, MAKE THE MOVE CAMPAIGN

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about the Adelaide, Make the Move advertising campaign.

Leave granted.

The Hon. CARMEL ZOLLO: On 7 October, the Premier launched the Adelaide, Make the Move campaign, which initially featured newspaper and magazine advertising in Sydney and Melbourne to attract young, skilled migrants to South Australia. What has been the response to the state government's interstate advertising campaign to attract migrants to South Australia?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): The campaign, which was developed by the Department of Trade and Economic Development, is in line with the state government's population policy 'Prosperity through people' to increase South Australia's population to 2 million people by 2050. The $2 million campaign targets people aged 30 to 45 years old in Sydney and Melbourne, with positive messages about South Australia's job opportunities, housing affordability, quality education system, lifestyle and recreational advantages. The campaign positions Adelaide as a 'family friendly' city with all the conveniences of a modern city but without the congestion and higher cost of Melbourne and Sydney.

I am pleased to report that the response to the first few months of advertising has exceeded expectations, with in excess of 950 serious inquires to date to the hotline and web site. Of these inquiries, 30 per cent come from New South Wales and 14.5 per cent from Victoria, with very small percentages coming from each of the other states and territories. There has also been a surprisingly high number of overseas inquiries. Of the total 950 inquiries, 470 have come from overseas—that is almost 50 per cent. Inquiries from the United Kingdom account for 25 per cent of the total and inquiries from New Zealand account for 8.3 per cent, with smaller numbers coming from India, Canada and Europe. In developing the campaign, DTED commissioned research from the University of Adelaide into internal migration patterns in Australia and from Harrison Market Research into what would motivate people in Sydney and Melbourne to move interstate.

Local firm KWP Advertising was then commissioned to assist the press advertising campaign. A key finding of the Harrison research was that (in the target audience) one in five people in Sydney and Melbourne were likely to consider an interstate move in the next five years, with one in 20 extremely likely to consider such a move. Key motivators for moving interstate are finding a suitable job, family considerations and 'seeking less stress' with a better balance between work and home life. The research by University of Adelaide professor, Graham Hugo (whom I am sure most people in this council would know as a world expert on population/migration trends), suggests that a relatively small increase in the number of people relocating or returning to South Australia—that is, as low as 300 to 400 families a year—would have a significant impact on reversing South Australia's net annual migration outflow, which averages around 2 000 people a year.

The campaign's 'call to action' is to seek further information on moving to Adelaide by calling a toll free number or accessing a dedicated web site with relevant job, lifestyle and real estate information. The first round of advertising (highlighting Adelaide's coastal proximity) commenced on Saturday 2 October 2004, with large colour advertisements in *The Age* and *Sydney Morning Herald* newspapers. This was followed by advertisements promoting Adelaide's affordable housing and education in newspapers and weekend magazines. From mid November 2004, two additional press advertisements were used to highlight the state's 400 annual festivals and Adelaide's world class wining and dining experiences. Also in November the advertising was expanded to include the internet (two popular news sites and a real estate web site) plus railway station posters in Sydney and Melbourne.

In December the series of press advertisements was completed with the finalisation of an ad focussing on South Australia's diverse job opportunities and business competitiveness. Strong interest from New Zealand following the placement of two press advertisements in the *New Zealand Herald* in November has led to an adjustment to the advertising schedule to increase advertising in this country in 2005 and decrease the level of advertising in Melbourne. The New Zealand campaign also capitalises on advertising being done by Tourism SA to promote South Australia as a tourist destination following the commencement of direct flights from Auckland to Adelaide.

Press advertising was wound back over the Christmas period and, consequently, the number of inquiries slowed down, but there was still a steady flow of inquiries via the web site, which is most likely as a result of the internet advertising. A 30 second radio commercial has been produced by DTED for use on 2GB in Sydney and 3AW in Melbourne in mid January. This is part of Southern Cross Broadcaster's offer of $1 million of free air time to promote South Australia. Additional radio commercials highlighting South Australia's business and lifestyle advantages are expected to be completed by early February and will be provided to Southern Cross Broadcasters for airing on its stations across the nation.

Television advertising is also planned to occur in regional New South Wales and Victoria from February 2005 as part of the Southern Cross Broadcaster's offer. This campaign will be evaluated in June 2005, but I am glad to say that, so far, we are very pleased with the response.

The Hon. A.J. REDFORD: As a supplementary question, has the government managed to secure any interstate, overseas or British police as a result of this campaign?

The Hon. P. HOLLOWAY: The honourable member well knows that this government is seeking to recruit police officers in the United Kingdom. That is a matter for the Minister for Police. The honourable member should well know the reasons for that. If he wishes to denigrate that, let him come out and do so. Obviously, it was not a target of this program. That is specific advertising for a specific purpose, and I suggest that it is not really supplementary to this question. However, if the honourable member is serious, and if he is genuinely interested, I can seek that information from the Minister for Police.

The Hon. A.J. REDFORD: It was a simple and straightforward question. I never denigrated anyone. The minister alluded to how many people were coming as a result of this campaign, and it was in response to a Dorothy Dix question.

The PRESIDENT: This is not a point of order; it is an explanation.

The Hon. A.J. REDFORD: No. The minister said that it was not a proper supplementary question and therefore he is not going to answer it. That is not appropriate.

The PRESIDENT: It is not—

The Hon. A.J. REDFORD: Also—

The PRESIDENT: Order!

The Hon. A.J. REDFORD: He is also impugning improper motives on my part.

The PRESIDENT: Order! I am certain that the second one would not be true. The minister is entitled to answer the question as he sees fit. He is allowed to make an observation. His observation is his own; it is not mine.

TRANSPORT SA

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Industry and Trade, representing the Minister for Transport, a question about lengthy queues plaguing Transport SA's customer service centre at Mitcham.

Leave granted.

The Hon. SANDRA KANCK: My office has been informed of queues stretching out the door and around the block at Transport SA's Princes Road customer service centre at Mitcham. This has led to unacceptably long waiting times for service at the Mitcham centre. With the ability to register one's car via the internet or telephone, it is surprising that the Mitcham service centre should be so overwhelmed. Further, I have to say that I have found no such problems about registering my car in person at the North Terrace customer service centre of Transport SA. My questions are:

1. Has Transport SA identified the cause of the recent queues plaguing the Mitcham customer service centre and, if not, why not?

2. If so, what steps have been taken to ensure that there are appropriate customer service standards at the Mitcham centre?

3. What is the ratio of staff to services delivered at the North Terrace centre and the Mitcham centre?

4. What percentage of vehicles in South Australia were registered on either the internet or via a telephone service in 2004?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I have some personal experience of what the honourable member is talking about, because my daughter sat for her learner's licence exam the other day at Mitcham and I went to collect her and, needless to say, it took significantly longer than what I anticipated. I put that down to the fact that because it was the last day of school holidays there might have been a number of people in there. I understand what the honourable member is saying, because those queues on that day were certainly well out the door. I will refer the question to the Minister for Transport and bring back a reply.

HOUSING TRUST, TENANTS

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Housing, a question about the South Australian Housing Trust.

Leave granted.

The Hon. A.L. EVANS: The issue of disruptive tenants is of ongoing concern to the community. As recently as last week, a member of my office spoke to a woman seeking advice as to the best approach to address harassment and intimidation that she was receiving from her trust neighbour. She was concerned that if she spoke directly to the trust her neighbour would find out who made the complaint, and she feared reprisal. Even as recently as last week, I understand a public meeting was held by the member for Enfield to enable members of the community an opportunity to raise with the police and trust executives their concerns about the lack of accountability by the trust in addressing residents' concerns. My questions are:

1. Will the minister provide statistics on the number of workplace incident reports submitted by Housing Trust managers in relation to verbal and physical threats levelled at them by Housing Trust tenants?

2. Will the minister advise the number of workplace incident reports submitted by Housing Trust managers which have led to an investigation by the police over the past five years? If so, how many?

3. Will the minister advise whether the trust has a mechanism for acknowledging successful outcomes for disruptive tenants? If yes, will the minister provide details on the process, and are details of statistics available to the public?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his questions. I will refer those questions to the minister in another place and bring back a reply. I will say that disruptive tenants are not confined to Housing Trust accommodation. I can assure the honourable member that private rental premises, units, etc., have disruptive tenants as well, and it is a very awkward issue for police to deal with. It is a very difficult and vexed question for governments to deal with in terms of government-owned housing where, if tenants are deemed to be consistently disruptive, the only alternative they have is to find their way into private rental, anyway, and normally their behaviour travels with them.

It is an issue that this government has wrestled with. The Hon. Bob Sneath, I think, is chairing a standing committee dealing with those issues. He has been wrestling with those issues for some considerable time and carrying the burden and weight of all those decisions that have been made by that committee. So, it is one of those questions that the government is taking seriously. I will refer the question to the minister in another place and bring back a reply.

MOUNT GAMBIER DEVELOPMENT

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Industry and

Trade, representing the Minister for Regional Development, a question about development in Mount Gambier.

Leave granted.

The Hon. A.J. REDFORD: Regional development is an important issue to members on this side of the chamber. Indeed, during the term of the former government, we actually saw some development. In that respect, in an article on the front page of the *Border Watch* of 3 February this year, it was reported that the government was appealing to the ERD Court against a decision made by the Grant District Council to allow the construction of a Bunnings store. I understand that Bunnings lodged an application to build a store and I also understand that if it is built it will be the first Bunnings store to be constructed in this state outside the Adelaide metropolitan area. It is a $7 million development, and obviously it will create some significant employment for the Mount Gambier area. The council treated it as a category 3 complying development requiring consent. The council in fact gave its consent.

There were only five objections, one by a resident, and the majority of the rest by competitors, including Banner and Mitre 10. I understand that it is these competitors who have appealed. Now the *Border Watch* reports the following:

> A state government department has foreshadowed it will join an appeal to stop a $7 million Bunnings warehouse store being built on the outskirts of Mount Gambier.

I understand that the minister has been written to regarding this extraordinary anti-development intrusion by the state government. In the light of that my questions are:

1. What on earth is the government doing intervening in an application such as this?

2. Will the government immediately withdraw its appeal against a decision allowing this important development in Mount Gambier?

3. Does the government have any strategy for economic growth for the future of this important regional town in the South-East?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thought I heard the honourable member say that it was reported in the *Border Watch* that a department was considering lodging an appeal. Did it say it has actually lodged an appeal?

The Hon. A.J. Redford: It says foreshadowed.

The Hon. P. HOLLOWAY: Does it say which department it was?

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: The Development Assessment Commission is not really a department. I am certainly not aware of the matter, but I will refer it to—

The Hon. A.J. Redford: What have you got against Bunnings?

The Hon. P. HOLLOWAY: I am just trying to establish what the facts are here because I would not necessarily accept any allegations the honourable member makes on the basis of a newspaper article. I will refer the question to the Minister for Transport and Urban Development, I think, rather than the Minister for Regional Development.

The Hon. A.J. Redford: The Minister for Regional Development is in charge of regional development.

The Hon. P. HOLLOWAY: Yes, but if it is a planning matter, I will refer that to the minister. If, from what the honourable member suggests, that is the agency that is allegedly appealing, I will seek the information from the minister and bring back a reply.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! Interjections are out of order, and taking the Lord's name in vain is definitely out of order for those who have some moral fibre.

RAIL NETWORK

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Industry, Trade and Regional Development, representing the Minister for Transport, questions regarding the Adelaide suburban rail network.

Leave granted.

The Hon. T.G. CAMERON: The Rail, Tram and Bus Industry Union was recently quoted in the *City Messenger* as stating:

> The Adelaide suburban rail network is riddled with defects in need of a major and urgent overhaul.

The RTBU has sent a series of letters, it claims, to transport minister Trish White, pleading for urgent remedial action. There was a day when ministers would take some note of trade union leaders. It would not appear these days. One letter dated 25 October 2004 from the secretary of the union to the transport minister states:

> I do this in the hope that urgent remedial action is taken to repair and upgrade the rail network and avert a derailment or other tragic incident that could result in loss of life or serious injury to members of the travelling public or staff.

He went on to say:

> Our rail network with the exception of the Outer Harbor line is well below the accepted standard that exists in other Australian suburban rail systems and is not already bordering on Third World standards.

The union also claimed:

- That the suburban rail link is riddled with mud holes, broken sleepers and kinks;
- Degraded condition of the tracks increases the risk of heat buckles in summer and therefore accidents and derailments;
- Railcars are showing signs of wear and tear due to their age and track conditions;
- Drivers are suffering stress on their necks, backs and shoulders due to track and railcar conditions;
- Speed restrictions are being imposed because of track defects common in the network.

In a quote to the *Messenger*, the RTBU state secretary, Ray Hancock (and I invite the former trade union secretaries here to discuss this issue with him), stated:

> Our drivers are getting just a little bit tired of driving around on what they see as a substandard track when they see the sorts of money getting spent interstate [by the Labor governments, I might add]. When you compare it with the rest of Australia you would have to say that South Australia is a backwater in terms of expenditure on its rail system.

The recent rail accident on the Belair line in which, very fortunately, no one was hurt or killed—an accident I saw within a few minutes of it happening—really does underscore the need for urgent remedial action. My questions are:

1. Would the minister comment on the RTBU's claim (that is, the union's claim) that the South Australian rail network is below accepted Australian suburban rail system standards and is bordering on third world standards?

2. Has a recent maintenance audit of the suburban rail network and its railcars been carried out? If so, how much funding is it estimated will be required to bring it up to standard?

3. How many major and minor rail accidents were reported by TransAdelaide for the financial years 2002, 2003 and 2004?

4. How many complaints has TransAdelaide received from its employees and the union regarding safety concerns during the years 2002, 2003 and 2004?

5. In terms of gross state product, how does South Australia compare with other mainland states in expenditure on it rail system?

6. Finally, and perhaps most importantly, does the minister acknowledge—given the warnings about the poor condition of the suburban rail system by the appropriate union—that the South Australian government is exposed to significant damages claims in the event of injuries occurring which may flow out of the issues related to such warnings?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer that question to the Minister for Transport in another place and bring back a reply.

EMAILS, MALICIOUS

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Consumer Affairs, a question regarding malicious emails.

Leave granted.

The Hon. T.J. STEPHENS: Recently I again received an unsolicited email requesting my personal banking details. I am aware that such emails are malicious, and if one was unsuspecting I believe that the culprits would very quickly empty one's bank account. I understand that this is a quite common problem and that the perpetrators are quite good at making sure they copy a reputable bank's web site.

Given that this government is not averse to using public money for self-promotion, could some of the public's hard earned money be spent making sure that poor, unsuspecting people in South Australia are aware of this practice? My questions are:

1. Can the minister provide the council with details on the number of complaints like these that she has received?

2. Has she acted upon these, and what success has there been with any possible prosecutions?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): There are a number of scams of this type around—I am sure we are all aware of them—but I will refer the question to the Minister for Consumer Affairs in another place and bring back a reply.

MATTERS OF INTEREST

SOUTHERN JUNCTION YOUTH SERVICES

The Hon. G.E. GAGO: I was recently honoured to represent the Hon. Jay Weatherhill, Minister for Families and Communities, at the Southern Junction Youth Services AGM and the celebration of its 25 years of service to the community. This organisation has been providing an invaluable service to young people who are homeless or at risk of becoming homeless in the southern suburb region for 25 years. The range of services it provides includes 24-hour supported accommodation; counselling to families who are in conflict; sexual abuse support service; early intervention service to prevent young people becoming homeless; and accommodation and support services for clients who are referred by the drug court.

The service currently manages 65 houses for the young. These include Supported Tenancy Scheme houses from the South Australian Housing Trust and Community Housing properties. The aim of Southern Junction Youth Services is to reunite homeless young people with their family. However, in some cases where this is not possible, the aim is to enable young people to live independently in suitable accommodation. I find it difficult to accept the fact homelessness is so prevalent in Australia, which is one of the world's most prosperous societies. The most recent statistics on homelessness are contained in the 2001 census. The census shows that homelessness adversely affects the lives of approximately 7 500 South Australians. These people are defined as homeless because they are without safe or stable accommodation on any given night.

Homelessness is divided into three categories: primary homelessness, which describes people sleeping out in cars and under makeshift shelter; secondary homelessness, which describes people who are continually shifting between family and friends because they have no accommodation of their own; and tertiary homelessness, which describes people who are in boarding houses that are below community standards.

Homelessness, quite clearly, is a complex issue with multiple and related causes. It is not simply about a person having a lack of access to permanent accommodation. The Social Inclusion Board's report on homelessness lists a number of primary or structural factors that cause homelessness. These include: unemployment, a low level of income (low wages/salaries and inadequate income support payments) and a lack of access to affordable housing. The board also found that secondary factors that contribute to a person becoming homeless include things like family breakdown, inter-generational disadvantage, non-completion of schooling, sexual or physical abuse, poor mental health, drug and alcohol abuse and problem gambling, to mention some.

Without a stable, safe home to go to every night, homeless people are isolated, vulnerable and exist on the fringe of our society. I was extremely alarmed to discover that 52 per cent of South Australia's homeless population is under 25 years of age, and 11 per cent are children under 12 accompanying parents or other adults with no home. This is a particular tragedy. One of the Rann government's key strategic goals is to reduce homelessness in this state. The Social Inclusion Unit is responsible for this initiative, and it works collaboratively with the Department of Families and Communities, other government departments and community agencies to address homelessness issues.

Southern Junction Youth Services is one of many community organisations working to reduce homelessness with the help of state government funding. This organisation is funded through the Supported Accommodation Assistance Program with $760 900 per annum to provide accommodation and support services to homeless young people. At the AGM I was heartened by the fact that the people who run this organisation devote an extraordinary amount of time, effort and commitment to changing and improving young people's lives; it is very impressive. By providing counselling and safe accommodation to our most disadvantaged and vulnerable young people, this organisation is giving these kids, or young adults, opportunities that others often take for granted.

Having access to safe, secure and stable accommodation is a fundamental human right and a basic standard of living. Without it, a young person cannot hope to get through school successfully or hold down a stable job, let alone live a healthy, functional life. So, I particularly acknowledge the incredibly valuable work and commitment of the staff and supporters of the Southern Junction Youth Service and congratulate them on reaching 25 years of service to the community.

SUSTAINABLE REGIONS PROGRAM

The Hon. J.S.L. DAWKINS: Today I wish to speak about the two most recent projects that have been announced by the Playford Salisbury sustainable regions program. Developed as a pilot, the sustainable regions program emerged from the 1999 Regional Australia summit. I attended that summit on behalf of the then Liberal government, while the current leader of the government represented the then opposition. The $100.5 million sustainable regions program is a major initiative of the federal Department for Transport and Regional Services. The council areas of Playford and Salisbury form one of the eight regions that have up to $12 million to invest in sustainable projects of reasonable significance over three to four years. First, I wish to speak about the Wyatt Road regional link. The proponent is the City of Salisbury, and partners are the local roads advisory committee, the Land Management Corporation and the Department of Transport and Urban Planning. The sustainable regions program investment is $1 million, GST exclusive, and the proponent and partner contributions amount to more than $1.4 million cash and in kind.

The construction of the Wyatt Road regional link will result in the creation of an essential piece of regional infrastructure that will provide a direct route to access Edinburgh Parks. The new road will provide direct access to the existing and future national highway network, including the Port River expressway, which is being funded by the federal government, as well as opportunities for a future road to rail to air intermodal hub. At a total cost of $8.6 million, the project has been divided into three stages: first, Heaslip Road to Helps Road, secondly, Helps Road to the railway crossing and, thirdly, the railway crossing to West Avenue. To date, the City of Salisbury and the state government have invested a combined total of $990 000 in the project.

The investment by the sustainable regions program will help fund Stage 2, which includes:

- an intersection with Helps Road (Helps Road will provide future access to the vacant industrial land of Direk to the south);
- a new, single two-lane carriageway from Helps Road to the rail crossing; and
- a road culvert crossing of the Helps Road drain.

Wyatt Road is expected to greatly benefit Edinburgh Parks and the adjoining areas of Waterloo Corner and Direk. The project will also significantly decrease the number of heavy freight vehicles currently using Salisbury Highway and Commercial Road to access Edinburgh Parks, the Defence Science and Technology Organisation and RAAF base at Edinburgh.

Secondly, I wish to speak about the Adams Creek/Edinburgh Parks flood mitigation and stormwater re-use scheme. The proponents of this scheme are the Cities of Playford and Salisbury, and partners are the Northern Adelaide and Barossa Catchment Water Board and the catchment management subsidy scheme. The sustainable regions investment is $1.2 million, GST exclusive, while the proponent and partner contributions will amount to between $3 million and $4.5 million. The Adams Creek/Edinburgh Parks flood mitigation and storm water re-use scheme will assist the conservation and re-use of South Australia's scarce water resource and reduce the region's reliance on the Murray River, in line with the National Water Initiative. The sustainable regions investment will be used to effectively manage water flow in the upper reaches of the Helps Road catchment by constructing an aquifer storage and recovery system. The harvested stormwater will be available for urban renewal, community and industrial use and the establishment of a wetlands habitat.

Importantly, the project will deliver effective environmental, social and educational regional outcomes. On 8 December 2004 the Playford Salisbury Sustainable Regions Advisory Committee convened a regional celebration to showcase the 12 previous sustainable regions projects. It was the first opportunity for the region and the sustainable regions proponents to actively share the successful outcomes of the projects developed to date. I take this opportunity to congratulate the Chairman, Mr Peter Smith, his committee and the Executive Officer, Leanne Muffet, on the excellent work the committee does, along with the proponents and partners of these projects.

BOTANY BAY SMOKING BAN

The Hon. R.K. SNEATH: Today I take the opportunity to speak on the word 'consultation' —or rather the seeming lack of it—on some issues of concern to people who work in and around Parliament House. The word 'consultation' means the act of consulting, conference, holding meetings for deliberations or an application for advice from someone engaged in a profession. The word 'consult', according to the *Macquarie Dictionary*, means 'to seek counsel from, ask advice of, to refer to for information' and, most importantly, 'to have regard for a person or person's interest, convenience, etc. in making plans, to consider or deliberate, take counsel, confer'.

During the Christmas break I attended my office and on getting into the lift I saw a sign that said, 'Smoking is now banned in what is known as Botany Bay.' It went on to say something like '. . . consideration to find an alternative area for smokers. . . ' and a similar notice was also placed in Botany Bay. As a smoker, I cannot remember being consulted or seeing any notice prior to this one going out to staff or members of parliament asking for submissions, opinions or ideas on whether such an action was or should be agreed to.

The Hon. Caroline Schaefer: It was 'insult', not 'consult'.

The Hon. R.K. SNEATH: The Hon. Caroline Schaefer says that it is an insult to smokers. This would have given users of this area the opportunity to put forward a case, to have it continued as an area for those who wish to smoke or to consult and consider an alternative area. It has been some time since I saw the notice, and I am yet to see a notice that tells of the designated area that has replaced Botany Bay.

Most workplaces have a designated area for smokers. The Indian Pacific that travels across this great continent has a designated area for smokers. Consultation is a very important part of any organisation, and where consultation takes place

prior to change being made it creates respect and harmony in the workplace.

The Hon. D.W. Ridgway interjecting:

The Hon. R.K. SNEATH: Something you would not know about, Mr Ridgway. If you have a workplace where decisions are made and forced on workers without any consultation, in most cases those forced to submit to these changes will make their own alternative arrangements. In this case you could have rampant smoking in all corners and corridors of Parliament House, which then results in others being affected. I ask, on behalf of the workers, members of parliament and visitors that this decision be reversed and that consultation be entered into and that, until this happens, a sheltered area with ventilation be provided. Maybe wet weather gear could be supplied, or perhaps a member of the JPSC could hold an umbrella over the smokers on days such as this very wet Wednesday. Smoking is not unlawful, yet smokers in this place are treated as criminals.

Time expired.

ALCOHOL AWARENESS WEEK

The Hon. D.W. RIDGWAY: I rise to speak on the issue of alcohol awareness. Alcohol Awareness Week started on 6 February and continues to 13 February. Alcohol is not always thought of as a drug within the community. However, it can have the same impact on individuals and families as any other drug. To coincide with Alcohol Awareness Week, Odyssey House, a Victorian and New South Wales based charity, launched On the Wagon Week.

Odyssey House was founded in 1977 and supports and rehabilitates people with a drug, alcohol or gambling addiction, and it is based on these sensible concepts:

- drugs are just a symptom of the underlying problem;
- everything received at Odyssey House must be earned;
- the basis for treatment is feeling good about yourself;
- personal responsibility and honesty are vital;
- being popular is less important than being respected.

My federal Liberal Party colleague, Mr Christopher Pyne, MP, parliamentary secretary for health and ageing, is participating in 'On the Wagon Week', and he has been encouraging others to do so. For participants, this campaign means a week with no alcohol (Sunday to Sunday) and donating the money that they would have spent on alcohol to Odyssey House—for some this would be much more than others! In a press release, Mr Pyne said:

> Odyssey House does excellent work, both as a rehabilitation clinic and as a research facility.' On the Wagon Week is not only an excellent way to raise money but also raises the awareness within the community of the amount of alcohol Australians consume.

This is a valuable program that makes participants examine their own drinking habits, whilst donating the money to a worthy cause. A program such as this could be implemented by a rehabilitation place charity from South Australia. As I mentioned earlier, the dangers of alcohol can often be overlooked. They are varied, but one of the most alarming statistics is that more young people are drinking today than ever before. The federal government research indicates that, in the past 20 years, more young people are drinking alcohol, they are drinking at an earlier age and they are adopting more high risk drinking behaviours.

These alarming statistics will have far-reaching implications for public health in the next 20 years, but they can be avoided with parental guidance. Most members in this place would probably admit to experimenting with alcohol before the age of 18—but parents need to take an active role in preventing children from abusing alcohol. Alcohol abuse in young people can be prevented by parents providing good and adequate boundaries.

The dangers to alcohol users are not always purely medical. Other hazards include drink driving, where drivers, passengers and pedestrians are vulnerable to harm and violence arising from alcohol abuse and where the victims can be the family and also strangers. Problems arise for the government when it tries to resolve the issue of alcohol abuse and addiction due to the fact that alcohol is an acceptable drug within our society. It has a long and colourful history from ancient times and is part of our traditions and culture. The health benefits of a moderate consumption of alcohol must also be acknowledged.

In women aged between 45 and 50, it is less than one standard drink a week; and in men between the ages of 40 and 50, one to two standard drinks has been shown to reduce the risk of heart disease by preventing fatty deposits building up on the walls of the arteries by breaking down some lipids in the food. Other low risk drinking can also help prevent some types of strokes and gallstones. Charities play a very important role in our society. They help those who cannot help themselves and, in the case of alcohol addiction (and other addictions such as drugs and gambling), they help not just the addicts but those who are adversely affected by another's addiction such as the children, parents and partners.

There are many worthy charities in Adelaide that could benefit from a program similar to 'On the wagon week', including facilities similar to Odyssey House in their approach to rehabilitation such as Anglicare, the Salvation Army, and UnitingCare Wesley Mission, to name a few. I encourage members to think about this program and the benefit that South Australian charities could reap from setting up such a fundraising program.

Time expired.

EYRE PENINSULA BUSHFIRES

The Hon. IAN GILFILLAN: My MOI will focus on the ramifications of the Eyre Peninsula bushfires, and specifically the requirement for an inquiry. The national inquiry on bushfire mitigation and management identified various headings—this was available to government on 31 March 2004—including building codes, the use of the ABC as the central communication entity, a single control nationally for major fires and the use of aerial water bombing. These measures also include the 'go early or stay' for householders and an insurance code for the insurance industry to comply with when dealing with people who have had the trauma of bushfire loss.

The Council of Australian Governments responded to this inquiry, and its report is very useful. I recommend that all members get a copy; they are available on the internet. Look at them and see whether you agree with me that we should be instituting a similar inquiry for South Australia. For example, with respect to the comment on the aerial activity, the report states:

> We support the approach that the most effective use of aerial bombing is during the early stages of fire development. . . The effectiveness of aerial bombing on more intense fires is questionable.

Further, the inquiry itself makes an observation about other inquiries and, in particular, the coronial inquiry, which appears to me to be one of only two particular inquiries on

which, at this stage, the government is relying: the police and coronial inquiries. Recommendation 13.1 states:

> The inquiry recommends that the states and territories agree to a common set of national bushfire indicators and good practice. . . These indicators, together with an assessment against the proposed national bushfire principles, would provide a consistent framework for review and reporting in each state and territory.

The actual issue of coronial inquiry was considered, and finding 13.1 states:

> All reviews and investigations into bushfire events, at any level—internal or independent—need to focus on learning not blame. The inquiry approach needs to focus on this outcome, in the interests of all involved.

And I emphasise the following:

> Coronial inquests into bushfire matters other than deaths may not be the most suitable form of inquiry.

That is a polite way of saying that they do not believe that the coronial inquiries can properly do the job. It is interesting to note the government's response to some of these recommendations, in particular insurance, because the insurance issue is one that is topical. It is actually applicable now. Recommendation 9.2 of the response states:

> The inquiry recommends that the Insurance Council of Australia be asked to review the industry's code of practice in response to the lessons learnt from the claims arising from the 2002-03 bushfires.

The government is stating this. The recommendation continues:

> There are also lessons to be learnt from the performance of the insurance industry including the need to provide comprehensive information and the balance between prompt settlement of claims—

and I emphasise the next words—

> and a cooling-off period to allow for consideration and review of settlement offers.

This was an issue in Canberra, and it ought not be repeated on the West Coast through just ignorance, over-enthusiasm or whatever the motives may be. I repeat my urging of this state government to set up an independent inquiry, similar to the one which did such good work and which was chaired by Mr Stuart Ellis, a South Australian. Prior to that, of course, the ACT had set up an inquiry, headed by federal member of parliament Mr Gary Nairn. We have precedence and we have some observations that show that the current structures for investigations are not adequate to do the sort of job that we should be doing in the aftermath of the fire.

If one message comes from my Matters of Interest contribution it is that, first, members should get copies of these two reports (the summary and the government's response to it), look at them and urge the government to implement an inquiry of its own here in South Australia.

FARMERS FEDERATION

The Hon. CAROLINE SCHAEFER: I rise to express my increasing and ongoing concern at the methods that this government uses to—and I can find no other words—con the general public into thinking that it is doing something, or that it is going to do something or that it cares about something while actually acting on nothing. The specific event to which I alluded in question time is one of those cons. The Farmers Federation document of 30 March 2004 states:

> Strategic planning for the whole of our state
>
> The South Australian Farmers Federation is pleased to present its strategic policy for the future, A Triple Bottom Line for the Bush. We believe this initiative, and your willingness to embrace it, can signal a new approach to strategic and budgetary planning for this state—and a model for other states.
>
> This model breaks down the traditionally perceived dichotomies of city vs country, economy vs environment, heritage vs development. . . and hence government vs opposition. Rural South Australia and its vital contribution to our economy are much too important to be thought of as somewhere 'over there'. The rural economy, the environment and communities of the whole state are of essential concern to all South Australians. A capital city is head office for an entire state. A sustainable vision must gaze beyond the horizon of the caffe latte.
>
> The federation has chosen not to participate in the traditional process of issuing a submission to the Treasurer prior to the formulation of the state budget—

and remember that this is last year's state budget—

> This policy, with medium and long-term strategies and commensurate budget implications, is a realistic and forward-looking alternative to the quick-fix pressures that often shape annual budget decisions.
>
> While it has become something of a cliche to say that governments and oppositions, businesses, industry and the community sector must all work together for the common good, it is nevertheless a vital truth.
>
> We know South Australians and their elected representatives can demonstrate the vision and commitment to rise above obsolete, shortsighted, partisan ways and work together for the common good of the whole state. This policy document offers an opportunity to do so.

As I said earlier today, there was only one key recommendation, and that was for the government to form a task force with the Farmers Federation to develop a comprehensive strategic plan. That was to be reported on by July last year. The Premier stood in all his glory in the mall with balloons flying and the press there and embraced the farmers of South Australia. To my knowledge, and I have checked, there has been no such task force and there is not likely to be any such task force. Some of the suggestions of the Farmers Federation were far-sighted and far-reaching, to say the least, and some of them had major budgetary implications. But they have not even been granted the respect of setting up a task force and discussing their plans.

By way of interjection, the Hon. Mr Holloway, who was minister at the time, said, 'But we have put the President of the Farmers Federation on the RCCC' (the Rural Consultative Council Committee). I happen to know that the chair of that committee has resigned, given that he has had four ministers in two years and no strategic plan—not only for rural South Australia but also for the regional infrastructure of South Australia. There is no plan. This is a government based on words.

I will quote some of the other things that this Premier said and had included, because the Farmers Federation took the man on good faith and at face value. He said:

> The more we can preserve and improve the environment in which we live, the better position we are in to build a stronger economy and a healthy society. . . I admire our state's farmers for their grit in surviving through the hard times. . .

I can only imagine that they are in for a few more hard times, because they are certainly not going to get any assistance, let alone a task force, from this government which is so good at sounding good.

ABORTION

The Hon. A.L. EVANS: In the context of the current discussion and debate on the place of abortion in society and in women's lives, I would like to address the issue of some women's negative experiences of the outcome of their abortions and, in particular, adverse medical health outcomes.

Abortion has been portrayed as an ordinary medical procedure and, indeed, it is the most common surgical procedure performed on women. Advocates for the status quo or even greater liberalisation argue that the ready availability of abortion has been an overwhelming positive advance for women's health and wellbeing over the past 30-odd years. A principal claim is that access to abortion has delivered women much greater control and freedom in their lives and has been crucial in preserving psychological wellbeing. However, a growing body of evidence from women's personal stories and from medical and psychological research is beginning to confirm that women can be hurt by abortion.

This evidence indicates significant adverse outcomes can indeed be foreseeable for at least some women who undergo abortion. Some may argue that such risks are an acceptable price to pay for the accessibility of abortion. Some argue that they should try harder to prevent pregnancies for particularly vulnerable women. Many may see this evidence as confirmation that abortion is a sad necessity; they believe that women need abortion because they are trapped, so, of course, many grieve and suffer after. Others tend to be motivated to provide alternatives to abortion, to offer post-abortion counselling and support, and to publicise the information so that women are better informed in their decision making.

Important review articles on the effect of abortion have arrived at complex and contradictory conclusions. One published in the Obstetrical and Gynaecological Survey in 2002 concluded:

> Any woman contemplating an induced abortion should be cautioned about the mental health correlation and increased risk of suicide or self harm attempts as well as depression and a possible increased risk of death, from all causes.

Another review, published in the *Clinical Psychology Review 2003* said:

> Only a small minority of women are experiencing problems one to two years after abortion.

Post-abortion mental health outcomes are becoming a fast-moving field of research. Some more recent and larger studies have used health records and longitudinal studies, surveys and in-depth interviews. Improvements in methodology has been a feature of this recent work so that greater light is being shed on the question of mental health outcomes after abortion. A recent work has shown or confirmed increased risks for a range of significant adverse outcomes for some women including:

1. Emotional distress immediately after abortion and in months following.
2. Sadness, loneliness, shame, guilt, grief, doubt and regret.
3. Significant psychological problems including depression, anxiety, bipolar disorder, depressive psychosis and schizophrenic, self-harm and post-traumatic stress disorder.
4. Substance abuse.
5. Compromised parenting.

Many researchers have also identified with great confidence the characteristics that make a woman more likely to have such problems after abortion. Some of these are: being coerced into the decision; a conflict of conscience; worrying that abortion is wrong or that the foetus is human; lacking social support; relationship problems; having pre-existing psychological illnesses; having a late-term abortion or ambivalence or difficulty making the decision.

My office is happy to provide details concerning this research to any interested member. The abortion decision is extremely difficult for most women. Greater recognition is needed of the real experiences of some women's abortion as unwanted and regrettable. Greater recognition is needed of the potential for the abortion experience to cause serious and more lasting damage to some women's mental health. The public, and especially women, need to be informed of the risk of such outcomes.

INTERNATIONAL DAY OF DISABLED PERSONS

Adjourned debate on motion of Hon. Kate Reynolds:

1. That this council notes that Friday 3 December 2004 was International Day of Disabled Persons.
2. That this council further notes—
   (a) the valuable and willing contribution made by people with disabilities to the development, strength and diversity of the South Australian community;
   (b) that people with disabilities continue to experience barriers to employment, education, premises, technology, transport, accommodation, support and services that diminish their access to full participation in the community; and
   (c) that many people with disabilities and their carers live in poverty with increasing concern about the adequacy of future income and social support.
3. That this council calls on the federal government to address barriers to participation by leading an active response to unmet need, reviewing funding arrangements through the Commonwealth-State/Territory Disability Agreement, providing increased access to education, employment and training options, reinstating a permanent Disability Discrimination Commissioner and expediting the completion of standards under the Disability Discrimination Act 1992.

(Continued from 8 December. Page 797.)

The Hon. KATE REYNOLDS: As I highlighted previously in the first part of my speech, on 3 December we celebrated the International Day of Disabled Persons, which provided an opportunity to recognise and celebrate the valuable contributions that people with disabilities make to our community. Today I would like to focus on the importance of reinstating a permanent Disability Discrimination Commissioner instead of continuing the practice of appointing acting commissioners with no specialist expertise in this field.

The position of Disability Discrimination Commissioner is located within the Human Rights and Equal Opportunity Commission but, unfortunately, HREOC has not had a permanent Disability Discrimination Commissioner since Elizabeth Hastings left the post in 1997. Sev Ozdowski has held the position of Acting Commissioner since the year 2000 with Graeme Innes as his deputy. Ms Hastings was a woman with a disability, which gave her a clear understanding and, of course, first-hand experience of the discrimination that people with a disability face every day in Australian society. Furthermore, the fact that she had a disability sent a very clear message to the Australian community that people with disabilities are valued citizens and that the government recognised that such a person was an appropriate appointee to this role.

With this in mind, it is unacceptable to the Australian Democrats that the position of Disability Discrimination Commissioner is filled in a short-term acting capacity by people who are already appointed to full-time roles in other areas of HREOC. Funding cuts to HREOC over several years, as well as what some people would describe as a Liberal government agenda to do away with specialist commission-

ers, has meant that this position has not been given the status it deserves. Specialist commissioners have extensive knowledge of discrimination and human rights abuses affecting particular groups such as people with disabilities. They also provide a reference point for the specific roles and functions of the commission. It has become blatantly apparent that further funding is urgently required to enable the Disability Discrimination Commissioner's position to be filled on a full-time permanent basis and to enable the commission to better fulfil its education role.

The federal government has introduced a bill entitled the Australian Human Rights Commission Legislation Bill 2003 on several occasions to wind back the powers of HREOC, and one effect of this bill would be to introduce generalist commissioners—again, selling the disability community short. It is obvious that a permanent commissioner would be of benefit to the disability sector, because it is widely recognised that the expertise of a permanent commissioner would be vital to protect the rights of people with a disability as well as to develop and implement disability standards.

Disability groups have pointed out that such an appointment would send a positive message to the community about the value of people with a disability and it would resource the disability area of the commission to continue and extend the work it has done over the past few years. Issues facing people with a disability such as barriers to employment, lack of equal access and ongoing discrimination in many other forms demonstrate that these needs are pressing. The Australian Democrats are very much of the view that a permanent Disability Discrimination Commissioner should be appointed as an immediate priority and that funding to HREOC should be restored to allow the commissioner to fulfil that role and the commission to fulfil its wider role.

At a federal level, the Democrats participated in the 2003 Senate Inquiry into the Provisions of the Australian Human Rights Commission Bill 2003, and expressed strong opposition to the government's proposal to remove specialist commissioners on the grounds that they are better able to develop specialised knowledge, increase the profile and visibility of disability issues and contribute to the commission's education functions.

In terms of unmet need, there are significant shortfalls in the availability of residential care, respite and personal attendant services. Part of the problem is that these services are provided by a range of state and federal programs, and significant numbers of people fall through the gaps resulting from a lack of coordination, limited number of services and the fact that there are simply too many people requiring assistance for those services to respond appropriately. The result is that many individuals and families are unable to locate appropriate services and are left to cope as best they can on their own. This, of course, leads to enormous stress for the families concerned, it leads to increased poverty, and it leads to an inability to participate in the paid work force because of caring responsibilities.

The issue of young people in nursing homes is, perhaps, one of the most poignant illustrations of the problem. There are currently around 6 000 young people in nursing homes around this country because there is no appropriate accommodation available to them through the Commonwealth/State Territory Disability Agreement funded accommodation services which are, as I am sure you would know, Mr Acting President, administered by the states. These young people are, instead, accommodated with funds through the commonwealth Department of Health and Ageing in nursing homes. This is much more expensive; it is detrimental to health, it creates a backlog of older people who are then stuck in hospital beds, and these young people are, of course, denied access to ancillary services such as rehabilitation, physiotherapy and day outings. Actual levels of unmet need are difficult to measure and vary from state to state. But, we do know that in probably every state and territory in this nation they are under reported.

There has been a long history of argument between the states and the commonwealth about responsibility for unmet need and the related issue of adequacy or, rather, I should say, inadequacy of the CSTDA funding arrangements. The federal government claims that more than enough is provided to the states, but the states argue that inadequate indexation of grants means that funding is falling in real terms. This is a consequence of those combined factors that include increasing demand and increased overheads such as the cost of service delivery, wages and insurance. The result is that the problem of unmet need is growing and that there has been a systematic failure to address the issue, while arguments about who was responsible continue. The Democrats have long argued that there needs to be a review of the way in which funding is provided to the states for disability services and the way in which state and federal programs interact to ensure that funding is adequate and that need is met.

In the area of education, there are still significant issues around funding for support for students with disabilities in schools. There are increasing numbers of students with disabilities entering our mainstream schools but, sadly, the teachers of these students are still under-resourced and are often poorly trained and poorly supported to meet the diverse learning needs of those students. At a federal level, the Australian Democrats are in the process of dealing with the Education Standards Bill which will, hopefully, more clearly outline the obligations of education providers under the Disability Discrimination Act.

As a consequence of a broad range of factors, students with disabilities find it difficult to access and maintain education. Similarly, there is a large number of outstanding issues about employment services, with very low numbers of people with disabilities in employment. There are issues about open and sheltered employment arrangements, and changes are needed to the broader business sector. There are also concerns about government moves to shift more people off the disability support pension and into work, and there continues to be an increasing number of discrimination issues and changes that are not always welcome in the delivery of jobs or programs, such as the job network and specialised disability employment services.

In relation to standards, the Disability Discrimination Act came into effect in 1992, with the power for standards to be developed in areas such as transport, education, access to premises and employment. So far, the only one of these to have been completed has been transport. As far as the Democrats are concerned, education can, on a good day, be described as 'getting there', but the other areas are still largely unaddressed. These standards are designed to give greater detail to providers about their obligations in specific areas. If they meet the requirements laid down in the standards, they will be meeting the objectives of the Disability Discrimination Act and, so, will be less vulnerable to claims of discrimination. The Democrats want to see this process moved along to ensure that rights and obligations are clear.

Therefore, it is imperative that we in this place maintain pressure on the federal government to improve its approach to issues within and affecting the disability sector. I have highlighted the huge problems surrounding unmet need; the dire need to review funding arrangements; the demand for increased access to education, employment and training options; the desperate requirement for a permanent and full-time disability discrimination commissioner; and the need to expedite the completion of standards under the Disability Discrimination Act 1992. I urge all honourable members to support this motion.

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

GOVERNMENT APPOINTMENTS

The Hon. R.I. LUCAS (Leader of the Opposition): I move:

That this council notes with concern recent appointments made since the state government was installed in March 2002.

As members would be aware, on a couple of previous occasions I have moved similar motions expressing concern at some of the appointment practices of the Rann government. It is my intention to continue to put views in relation to continuing concerns I have. On previous occasions I have spent most of the time concentrating on appointments to various boards and committees and have made some comments in relation to some public sector appointments. Members will be aware of the concerns I expressed at the processes that saw Mr Ray Garrand become the Director of the Trade and Economic Development Department. Those concerns remain, given the reports we continue to get from officers within that department, and that will be the subject of some comments on another occasion. I do not intend to take time in this motion today in terms of relaying continuing concerns about the appropriateness and adequacy of that appointment.

I will concentrate on four or five specific appointments or areas today. One is in an area I have raised before and relates to appointments to key positions—the three most senior appointments in the Department of Treasury and Finance. I have acknowledged before that, in the way of things, governments of all persuasions, Labor and Liberal, do appoint fellow travellers to certain positions within the public sector. This government is no different to former governments, both Labor and Liberal. I would certainly argue from my perspective that this government is doing it to a greater extent, but I have acknowledged that it has occurred in the past and continues to occur.

My principal argument is that there are a small number of positions within the public sector that should be beyond any perception of partisanship in terms of the backgrounds of the officers. For example, the position of Solicitor- General should be one. Clearly in the appointment of the Auditor-General and the Electoral Commissioner that ought to be the case, but in terms of the public sector the three most senior positions in Treasury and Finance and the key Economic Development Agency are areas in which people should be appointed where there is no perception of partisanship in the backgrounds of those people.

The reason for the Treasury and Finance inclusion is obvious and, certainly until the statements made by the current Treasurer, from my knowledge of past appointments to the positions of Under Treasurer and Deputy Under Treasurer there has never been any suggestion that former under treasurers and deputy under treasurers were in any way connected with any political party. Indeed, that is appropriate.

As I have outlined before to the council (and I have asked a series of questions), the current Treasurer, through his own statements and inability on the public record to deny various claims I have put to him, has left a taint in relation to certain people who have been appointed to positions within the Treasury and Finance portfolio. Particularly with the charter of budget honesty to be approved, one would imagine some time this year, the three most senior officers in Treasury and Finance will supposedly have to make independent judgments about the state of the finances during the hotbed environment of the last four weeks of an election campaign.

Supposedly these three officers will have to make independent judgments about the current Labor government's economic and financial proposals and also indirectly make potential commentary about the state of the finances that might impact on the capacity of an alternative government to put down an alternative economic and financial program. I have expressed concerns about the performance of the current Under Treasurer in terms of statements he made soon after the change of government, but I will not repeat them on this occasion.

The concerns I want to talk about are the statements the Treasurer has made about the two people he appointed to the position of Deputy Under Treasurer. The first person appointed was a Dr Paul Grimes. I may be the first to publicly wish him well as he has moved on to higher office in another jurisdiction. He has been or will be appointed as the Under Treasurer in the ACT Labor administration, and certainly I wish him well in his future responsibilities in the ACT.

For many months I had a series of questions on the *Notice Paper* (No. 127) and, unlike some 140 other questions that remain unanswered, I eventually received some answers in relation to the appointment process for Dr Paul Grimes. I asked a series of questions, and I want to refer to the answers I received from the Treasurer and note the refusal of the Treasurer to answer a number of critical questions. In particular the Treasurer has confirmed that the current Under Treasurer actually approached Dr Grimes and asked him to consider applying for the position.

The Treasurer notes that the Under Treasurer and his wife had lunch with Dr Grimes and his wife to discuss the nature of the job and encouraged Dr Grimes to consider applying for the position of Deputy Under Treasurer. In the end there were 11 applications for the position. It was perhaps not surprising that Dr Grimes was ultimately successful through that process. Some of the questions I put to the Treasurer were as follows:

6. Did the Under Treasurer meet with the Treasurer prior to the appointment of Mr Grimes and advise the Treasurer that Mr Grimes had a very close association with the Labor Party?

7. Does the Treasurer deny having had a number of conversations with Labor colleagues and others that 'two Labor men had been appointed to the Deputy Under Treasurer positions'?

8. Does the Treasurer deny having had a conversation with Mr Don Farrell, State Secretary, Shop Distributive and Allied Employees Association, about Mr Grimes' application for the position prior to his employment?

9. Was the Treasurer advised the Shop Distributive and Allied Employees Association had provided some financial assistance to Mr Grimes for university studies?

Those four questions were based on very solid information provided to the opposition that, first, the Under Treasurer had met with the Treasurer prior to the appointment to tell the

Treasurer that Dr Grimes had a very close association with the Labor Party and to canvass whether or not the Treasurer had any concerns with that connection. I placed on the record before the details of a number of conversations the Treasurer had where he said (and these are the Treasurer's words not mine) that 'two Labor men had been appointed to the two Deputy Under Treasurer positions'.

I repeat that, because I do not know Dr Grimes personally or, indeed, Mr Rowse. They are not claims that I am directly making: these are reports that have been put to me of statements which the current Treasurer, Mr Foley, has made, boasting not only to Labor colleagues but also to others other than Labor colleagues. Others have told me the exact words: 'two Labor men to the positions of Deputy Under Treasurer'. I was also informed that Don Farrell had had a discussion with the Treasurer about Dr Grimes' application, and that during the course of that discussion the Treasurer was informed that the SDA had provided financial assistance and had an association with Dr Grimes over a number years. It is interesting to look at the answers (or the non-answers) from the Treasurer in relation to this.

I have put quite specific questions. If it is untrue that my claim that the Under Treasurer had told him of Dr Grimes' political affiliation prior to the appointment, it is very easy for the Treasurer in his answer to say the statements by the Leader of the Opposition in the Legislative Council are untrue, inaccurate or incorrect. There are a number of other occasions when the Treasurer has not been reluctant in claiming the positions the opposition has put have been wrong. It is very interesting when one looks at the answer, which I will put on the record. The Treasurer refuses to answer each of those four questions. He refuses to answer the questions. He says:

> I am advised that the appointment of Dr Paul Grimes was conducted in accordance with the relevant Commissioner for Public Employment guidelines. As Treasurer, I have not sought to influence the appointment of senior staff within Department of Treasury and Finance. Dr Grimes is eminently qualified for the position.

He then goes on to list the background and qualifications of Dr Grimes.

The Treasurer specifically and directly has refused to answer the question and to deny the fact that the Under Treasurer told him that the political affiliation of Dr Grimes prior to his appointment had been a very close association with the Labor Party. The Treasurer has refused to deny that he has told Labor colleagues and others that two Labor men had been appointed to the Deputy Under Treasurer's position. The Treasurer has refused to deny that he had a conversation with Mr Don Farrell about Dr Grimes' application for the position prior to his appointment. Finally, the Treasurer has refused to deny that he was told by Mr Farrell of the close association and financial support the SDA had provided on previous occasions to Dr Grimes in relation to his university studies.

Why didn't the Treasurer deny it? The problem the Treasurer has is that, if he denied it, he would be guilty of misleading the parliament. He would be guilty of misleading the parliament if he answered the questions correctly, because he knows that the statements I put on the record are indeed true. He knows that, in a number of those circumstances, there are third party witnesses, or, indeed, third parties who were privy to conversations that he had in relation to these appointments. My concerns remain then that, for the first time, we have a Treasurer of the state boasting of the fact that two of the three most senior Treasury positions are, indeed, Labor men.

As I said, I congratulate Dr Grimes now that he is evidently moving on to another jurisdiction, but nevertheless the perception remains over the head of the remaining Deputy Under Treasurer, Mr Rowse, as a result of the statements made by his own Treasurer in relation to Mr Rowse's position. I urge the Treasurer to ensure that the Public Service processes which are to be followed for the appointment of the new Deputy Under Treasurer are conducted in such a way—

The Hon. R.K. Sneath: Do you want them to consult you first?

The Hon. R.I. LUCAS: No, they do not have to consult me.

The Hon. R.K. Sneath: Are you sure?

The Hon. R.I. LUCAS: Equally, they do not have to consult Don Farrell, or indeed Mark Butler. Mark Butler and Don Farrell and the other union heavy should not come into these sort of appointment processes. What ought to happen is that there is an appropriate and proper process for the position—

The Hon. R.K. Sneath: It's hearsay.

The Hon. R.I. LUCAS: The Treasurer could deny it. He could not, because he would be accused of misleading the house.

The Hon. R.K. Sneath: It's hearsay; you don't know that for a fact.

The Hon. R.I. LUCAS: Well, I do know it.

The Hon. R.K. Sneath: No, you don't.

The Hon. R.I. LUCAS: I have just read the answer.

The Hon. R.K. Sneath: You're making it up, like you make up everything.

The Hon. R.I. LUCAS: Unlike the Attorney-General, I read more than the form guide. Unlike the Attorney-General of this state, I can read a docket, a file and notes. I am not limited to the TAB form guide from *The Advertiser* as these Labor ministers are and, indeed, I do not require my cabinet submissions all to be numbered before I can actually read them.

Members interjecting:

The Hon. R.I. LUCAS: It never affected my reading capacity whether or not there was a number on the bottom of the page. The process ought to be beyond reproach in relation to the Deputy Under Treasurer's position. There is to be an election in just over 12 months and, whoever is appointed, he or she will have to serve either a Labor government or a Liberal government, and that person should not be tainted by this Treasurer with open boasts around town of being a Labor man or a Labor woman. This person should be appointed on merit and should not be tainted by statements being made by the current Treasurer in relation to the political background of the Deputy Under Treasurer who will be appointed.

I now move on to some concerns about another senior appointment within the public sector, and that is in relation to the position of the chief executive of the Department of Justice and the Attorney-General's Department. Mr President, as you will be aware, when Kate Lennon was given another job as head of family and communities, the government was required to go through a process of trying to appoint a new chief executive of the Department of Justice and the Attorney-General's Department. There were various acting CEOs during that period and, ultimately, Mr Mark Johns was appointed to that position.

As my colleague the Hon. Angus Redford has indicated recently, we are indebted to the government for this in that

in recent months the opposition has been flooded with helpful information being supplied by public servants in the interests of openness and accountability. As my colleague the Hon. Mr Redford indicated, we are grateful for the assistance that the opposition receives in this respect—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: Exactly. The Hon. Mr Cameron hits on one aspect of the dispute, but the other aspect is the perceived unfairness of the government in relation to its treatment of certain public servants—and I will not go into that in this motion. But, whatever the reasons, as I said, we are grateful. We are contemplating having to establish a queuing system in terms of the information that is being processed by the opposition. The opposition has been provided with some significant detail outlining concerns in relation to a number of appointments within the Justice Department, starting with the chief executive officer's position. The information provided to the opposition was that initially a panel was established for the position of chief executive for the Department of Justice. The panel was to be chaired by Mr Warren McCann from the Department of Premier and Cabinet, and Mr Bill Cossey, Ms Wendy Abraham and Mr Chris Kourakis, the Solicitor-General, were on the panel.

That in itself is unusual. I stand to be corrected, but I am not sure how often in the past the Solicitor-General has been on appointment panels for such positions. Certainly, advice to me is that if it has occurred previously it has been rare. Nevertheless, Mr Kourakis and one other member was on that panel. Advice provided to the opposition is that approximately 10 candidates were considered for short-listing for this position of Chief Executive Officer of the Department of Justice. The panel's view—having considered those candidates for short-listing—was that Mr Johns was at or near the bottom of the list of candidates who were being contemplated for short-listing. The opposition has been advised that a report was sent to the Premier's office on this issue (because this process had gone on for some time) recommending a short list of candidates, which did not include Mr Johns. I note that the Attorney-General—who can read only TAB form guides—in another place has denied the substance of that claim.

I indicate that this is the same person who denies that he even knew about the existence of the Crown Solicitor's Trust Account. Certainly, the opposition is not placing great weight on the accuracy and credibility of the claims being made by the current Attorney-General in relation to not only that issue but also this denial. The report that went to the Premier's office did not include Mr Johns. The opposition has been informed that pressure was then placed on the panel to change the report to recommend Mr Johns; and that, for some months, this process drifted without there being any resolution for the appointment of the new chief executive.

As proof of that, we are aware that there were various acting chief executives, and Ms Lennon continued to undertake some of the roles and functions in the Attorney-General's and Justice departments whilst at the same time undertaking her new responsibilities within the Department of Families and Communities. After some months had drifted by the Premier insisted on another process. I am told that Mr McCann (as the chief executive of the Department of the Premier and Cabinet) and others started interviewing a small number of candidates. I am told that approximately three candidates were interviewed, including, again, Mr Johns.

I am told that, again, the recommendation was made that Mr Johns was not the preferred candidate for the chief executive. Again, significant concerns were expressed about his capacity to handle the position of chief executive of the Department of Justice.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: A vicious response from the leader of the government. I am staggered. The opposition is advised that there was then a critical meeting held between the Premier, the Attorney-General and Mr McCann, the chief executive of the department, in relation to this appointment process. The Premier was becoming frustrated over the appointment of the new chief executive. At that meeting the Premier told Mr McCann, 'You were told what to do to get Johns up and you have failed.' I will repeat that. The Premier told Mr McCann at that meeting, 'You were told what to do to get Johns up and you have failed.'

At that meeting the Premier turned to the Attorney-General (Hon. Mr Atkinson) and said, 'Will you oppose his appointment?' Surprise, surprise, Mr Atkinson said, no, he would not oppose the appointment of Mr Johns to the position of chief executive. After a period of approximately six months, the Premier got his way; indeed, Mr Johns got his way and was appointed to the privileged, important position of chief executive of the Department of Justice. It will be interesting because, now that these claims are being detailed publicly, there will need to be (one would hope) an inquiry by the Commissioner for Public Employment, or someone independent, to look at these and some related issues that I intend to detail.

If there is to be a supposed process of panel appointment of a chief executive, where people are treated fairly and equally, the Commissioner for Public Employment guidelines are required to be followed. Certainly, I acknowledge that in the past there was the capacity for governments to appoint chief executives under different processes.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Not me, no. Liberal and Labor governments in this state and elsewhere, particularly at the start of their administration, sometimes walk in—the night of the long knives—and three or four people are unappointed, if I can put it that way, and three or four people are appointed in changing the heads of various departments. There is the capacity for an alternative process to be followed. However, if a government chooses to go down a particular path in terms of a panel of appointment, the Commissioner for Public Employment guidelines are required to be followed.

The Commissioner for Public Employment is responsible for ensuring that those guidelines are followed. If it is the case that the Premier of the state said to the chief executive of the Department of the Premier and Cabinet, 'You were told what to do to get Johns up and you have failed', certainly that casts doubt on the integrity of the appointment processes in relation to the appointment of Mr Johns. This issue is important in terms of the integrity and public accountability of public processes, and it should be followed through by the appropriate authorities. Certainly, I will continue to maintain a watching brief on it in this chamber; and, through other forums of the parliament, there may well be the opportunity to pursue some aspects of these issues.

The opposition is aware of the close associations Mr Johns has with members of the Attorney's staff—Mr Karzis and Sally Brown. He has associations with the Premier's personal staff—Mr Nick Alexandrides, the Premier's current legal adviser. Mr Nick Alexandrides has a long history in the Labor

Party in South Australia going back some 20 years, perhaps even more. Certainly, there is an association there. As we have seen in other forums of the parliament, Mr Johns has close connections with Ms Deb DePalma within the Justice Department, and through Ms DePalma associations with people close to the Premier himself. That is an issue of concern. As I said, we will be wanting to continue to pursue that issue. I want to look at some issues in relation to not only appointments but also reclassifications within the Justice Department after the appointment of Mr Johns.

I refer in the first instance to one particular example. In April 2003, Ms Loula Alexiadis, who was a legal officer employed in the Crown Solicitor's office, sought a reclassification as a legal officer. As part of that process, which is not an uncommon process (members would be aware of the processes), that application was first lodged, I understand, on 21 March 2003. I understand that there were conversations between Ms Alexiadis and the Assistant Crown Solicitor, Mark Stevens, on 24 and 25 March 2003. I understand that there was a discussion on 24 March in relation to how the process might be conducted and that there was another meeting on 26 March at which there was frank discussion between Mr Stevens and Ms Alexiadis in relation to her reclassification.

I am aware of a 13 page letter written by Mr Stevens to Ms Alexiadis on 2 April 2003. At this stage I do not intend to go through all the detail of that 13 page letter other than to summarise by saying that the supervising officer opposed the reclassification endeavour by Ms Alexiadis and outlined very significant concerns in relation to work performance in that 13 page review of the officer's work. The bottom line was that, having sought a reclassification and increase in remuneration, the appropriate process was followed, a work review was done and Mr Stevens made an assessment that there were significant concerns about the work performance. As I said, I am aware of the detail of that 13 page report but, in fairness to Ms Alexiadis, I do not think the current debate requires the detail of that to be placed on the public record, other than to say that the reclassification was not supported on the ground of strong concerns about performance.

After that unsuccessful reclassification process, Ms Alexiadis was moved to a temporary position in the Attorney-General's office as a ministerial liaison officer—which is an administrative position, as members will be aware. I am advised that, despite her new role not being in the legal officer structure, this officer continued to seek promotion as a legal officer, this time seeking reclassification and support through her new manager who was the chief of staff to the Attorney-General, Mr Andrew Lamb. Pressure was placed upon the former chief executive of the department to change the classification to upgrade this officer. The former chief executive strongly opposed that on the basis of the work performance report by the Assistant Crown Solicitor, Mr Stevens, and indicated that a reclassification upwards was not warranted. I am advised that the former chief executive wrote to this officer and said that the chief executive was not prepared to reclassify that officer without a proper process because she had been moved out of the legal officer range to a non-legal position, that is, within the Attorney-General's office, and her prior poor performance as a legal officer.

I am advised that the ministerial staff of the Attorney-General, including not only Mr Andrew Lamb but also Mr George Karzis, continued to lobby and place pressure on the former chief executive to upgrade the classification of this officer. Again, the opposition is aware of a memo written by Mr Andrew Lamb, chief of staff to the Attorney-General, dated 23 October 2003 to the former chief executive of the department. The opposition understands that that memo includes this statement, amongst others:

> I refer to the application for reclassification of Ms Alexiadis.

Further, it states:

> Your email of 15 October recommends that Loula's application be forwarded to the Crown Solicitor. You indicate that this recommendation is made on the basis that any other process may be seen as problematic for me. You also say you never personally reclassify staff and always take advice.

The opposition also understands that Mr Lamb goes on further in the supporting document to indicate that this officer had a ministerial reference in terms of support for her reclassification, and Mr Lamb went on to say:

> It is my view that her application is deserving and entirely meritorious, and therefore is in no way problematic for me.

So we have the chief of staff to the Attorney-General of this state involving himself in matters of reclassification of legal officers within the Crown Solicitor's office—an officer who has been through a process and who, for the reasons I outlined (the 13 page letter documenting the reasons, and I will not go into those details at this stage), said, 'No, you are not deserving of a reclassification.' We now have the chief of staff to the Attorney-General involving himself, together with other staff of the Attorney-General's office, in placing pressure on and lobbying the former chief executive of the department to upgrade the classification of this particular officer, even though at this stage that officer is no longer within the legal officer structure of the Crown Solicitor's office and is now undertaking administrative work within the Attorney-General's own office.

I have had eight years in government and I do not believe it is appropriate to have a situation where a chief of staff (a political ministerial staffer such as Mr Lamb), supported by Mr Karzis and others, actively involve themselves in this way by writing memos. Members can understand the position of the chief executive receiving these formal missives from the chief of staff to the Attorney-General indicating the very strong views of the chief of staff in relation to whether or not a particular officer ought or ought not be upgraded. I do not believe that these are appropriate processes.

It is interesting to note that, soon after Mr Johns' appointment, I am advised, he approved an upgrade in the reclassification of Ms Alexiadis. The former chief executive had strongly opposed it, but the new chief executive almost immediately made the appointment, together with a number of other appointments which on another occasion I will outline where people were appointed, to use my words, in an unusual way to various positions within the department without, in my view, going through proper processes. I am still documenting and receiving information in relation to some of those practices, and I will have to place my concerns on the record on another occasion.

The fact that this officer is a very close personal friend of Mr Nick Alexandrides in the Premier's office one would hope would not have been a factor in this series of events. I would hope again that the Commissioner for Public Employment will look at some of the practices that are occurring within the department that are unsatisfactory and, certainly from my viewpoint, contrary to the Commissioner for Public Employment's guidelines, and also the role of various ministerial officers in the Attorney's office and also in the Premier's office in relation to some of these appointments.

As I said, some information has been provided in relation to other reclassifications and appointments that are going on within that department. At this stage I do not have all the information available to me. I would welcome (through this particular production of the *Hansard*) any additional information that anyone involved in some of these issues might be able to provide to the opposition. We would certainly welcome the assistance.

An honourable member interjecting:

The Hon. R.I. LUCAS: No, I certainly wouldn't do that. I am referring to within the public sector or indeed within the various organs of the Labor Party because, Mr President, as you would well know, the hatreds within the tribes of the Labor Party are stronger than we would see anywhere else, and there is fair cause for evening up, and we would certainly welcome assistance in relation to some of these issues.

The last appointment that I refer to is one that has attracted a little bit of time in the parliamentary proceedings, but it has attracted very little time in terms of media coverage. I refer to the appointment of Mr Tim Bourne to the Parole Board. Mr President, I know you will be familiar with some of the background to this issue. Just to refresh members' memories, I think it has been an issue only in the *Hansard* and to those who read the *Hansard*. I do not think it has attracted much press or media comment. On 24 November last year, my colleague the Hon. Angus Redford asked a question and some supplementaries in relation to Mr Bourne's position.

I think it is fair to say that, if one looks at the facts and at the Attorney-General's register of interests, the Attorney-General has not been entirely open and accountable about the total extent of the assistance he received over a number of years. I have not seen the final numbers, but the numbers I have seen indicate that he received free legal assistance from a number of significant legal people for some court cases that he was involved with.

The current Solicitor-General appointed by this government, Mr Chris Kourakis, is listed as having provided free legal work to the value of some thousands of dollars to the Attorney-General, and Mr Tim Bourne, who is now I think the deputy chair of the Parole Board, is also listed as having provided free legal assistance to the Attorney-General.

The Hon. T.J. Stephens interjecting:

The Hon. R.I. LUCAS: My colleague the Hon. Mr Stephens says that it is a coincidence, and indeed I am sure that is what the Attorney-General would wish us to believe. I do not need to go through the detail of the question asked by my colleague, the Hon. Mr Redford, but he then followed it up with a number of supplementary questions. I then followed with four supplementary questions that I want to place again on the public record. The first one I put on the record was:

> Will the minister indicate—

that is, minister Roberts—

> whether or not any officer within his office had a discussion with any officer in the Attorney-General's office in relation to the appointment of Mr Bourne?

It was a straightforward question seeking a factual response as to whether or not any officer within minister Roberts' office had had a discussion with any officer in the Attorney-General's office in relation to the appointment. The second question I asked was as follows:

> Given that the minister has confirmed in response to an earlier answer that there were discussions between his officers and the Attorney-General's officers, will he bring back to this council information about the number and nature of the discussions that were conducted and whether they involved Mr Karzis, a senior adviser to Attorney-General Atkinson?

The third supplementary was:

> Given that the minister's first answer to the Hon. Mr Redford's question indicated that the first discussion or knowledge Attorney-General Atkinson had of the appointment was when it was presented at the cabinet table, how does the minister reconcile that fact with the information provided to another house that the Attorney-General had absented himself from cabinet when this particular decision was taken?

The fourth question was:

> Given that a cabinet submission from the minister recommending this issue would have been circulated to cabinet ministers, can the minister confirm that Attorney-General Atkinson would have had, prior to that cabinet meeting, knowledge of and a copy of the submission that the minister was presenting?

Those four questions I have repeated exactly as I put them. I think on any judgment or assessment they are unexceptional questions. They contain no inference and no imputation. They seek information in relation to the Attorney's position in relation to claims that he had made in relation to cabinet. They contain questions as to whether or not there had been discussions between minister Roberts' officers and Attorney-General Atkinson's officers in relation to the appointment.

So I was bemused, I suppose, when in late November I received, together with some of my colleagues—and they can answer for themselves; I certainly intend to put my own position forcefully—urgent missives from the said Mr Bourne expressing concern about the questions that I had asked. I will refer to some of the concerns that Mr Bourne circulated to me, and to others. I am not a litigious person. In over 20 years I have never sued anyone, but some of the statements made by Mr Bourne may well have left him open to legal action if I had been of a different bent. In the letter he sent to me on 30 November, he said:

> Dear Mr Lucas, I write to you as one of the players in the tawdry game played out in the Legislative Council on 24 November.

He goes on in the third paragraph to talk about his absolute disgust at the performance in the Legislative Council. Then, in his final two paragraphs, the body of the letter complains about questions my colleague the Hon. Mr Redford asked rather than questions that I had asked. He then says in the last paragraph:

> I note that in similar circumstances recently—that is, a shameless and unsubstantiated attack on a person's integrity—the Prime Minister has indicated it is incumbent upon the offending member of parliament to issue a formal retraction or apology. I expect no less of you, especially in your capacity as Leader of the Opposition in the council and your colleagues, and I seek your immediate confirmation that you will attend to this at the earliest opportunity.

In the politest possible terms I put to Mr Bourne that he can get nicked, and that was indeed my response on 30 November when I received this—

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: As the minister for corrections, you should be used to the term 'get nicked.' When I received this missive from Mr Bourne on 30 November claiming that the questions that I had asked were 'shameless and unsubstantiated attacks' on his integrity, demanding retractions and apologies, accusing me of 'playing the tawdry game' and saying that he was 'absolutely disgusted' with me, I obviously strongly disagreed with his position, and still do. On 7 December, he wrote a letter to my colleague the Hon. Robert Lawson and said:

> The questions asked by—

and he includes me—

were clearly to the effect that my appointment was improper.

Then he says:

> The refusal of yourself and your colleagues to face up to the fact that you got it wrong, and badly so, smacks of double standards.

I challenge Mr Bourne to indicate where the four supplementary questions that I asked—and I have placed them on the public record again—were in any way improper and in any way did anything other than seek information from the minister and answers to questions that I had put as a result of answers that minister Roberts had given to earlier questions from my colleague the Hon. Angus Redford.

I do not know Mr Bourne and I am pleased that I do not, frankly, if he is as thin-skinned as it would appear. He may or may not be an appropriate person—I am not in a position to make that judgment—and I made no imputation. If I have a view about a person—as I have, for example, about Mr Garrand in the Department of Trade and Economic Development—I will express my view as to whether or not it is an appropriate appointment, but I do not know Mr Bourne. All I do know is that he is listed as having provided free legal advice to the Attorney-General of this state; all I do know, because I have been told, is that he has a friendship or an association with prominent people within the Labor Party; all I do know is that he is obviously well enough known to the Attorney-General for the Attorney-General to have approached him to seek free legal assistance in relation to personal legal issues that the Attorney-General was going through.

Mr Bourne has taken this opportunity to have, as our standing orders allow, a statement included in the *Hansard*. As you know, Mr President, I have expressed my concerns, and I do so again, in terms of the process this council went through in relation to that statement being tabled, but our standing orders do provide for the opportunity for a statement. Obviously, I strongly disagree with aspects of the statement that has been included in parliament—

The PRESIDENT: I ask the Hon. Mr Lucas to stop there. You would be aware of the procedure and the standing order, and it says that a statement made by a civilian seeking his right of reply is not to be the subject of debate. I have allowed you to continue, as you are rightly able, to talk about correspondence between him and yourself up until this stage. People have their own views about the decisions you and he take, but I just remind you that when you start to refer to his letter you start to breach the standing order. You do have the capacity, as you have ably demonstrated, to pursue your case on the correspondence between Mr Bourne, yourself and the Hon. Mr Lawson.

The Hon. R.I. LUCAS: Thank you, Mr President. I am well aware of the provisions of the standing order and would not consciously venture into dangerous ground in relation to that. My position is clear in relation to the claims made by Mr Bourne through reference to the correspondence he has sent to me and to my colleagues, and particularly the Hon. Mr Lawson, whose correspondence I have seen. I do not believe that I have seen the correspondence sent to my colleague the Hon. Mr Redford on this issue. Therefore, my view remains one of strong disagreement, but I will not go any further in relation to his position as he has put it to me and as he has now put on record in the parliament. When he says in letters to me and to others that the letter he wrote to the member for Bragg, my colleague Vickie Chapman—

The Hon. A.J. REDFORD: Can I just rise on a point of order.

The Hon. R.I. LUCAS: No.

The Hon. P. HOLLOWAY: I rise on a point of order, Mr President. I think it needs to go on the record that the Leader of the Opposition just refused permission for the Hon. Angus Redford to take a point of order. It is completely out of order and it should at least go on the record.

The PRESIDENT: I did not hear the tenor of the discussion. I saw that some discussion was taking place, but I honestly did not hear what was said.

The Hon. R.I. LUCAS: Mr President, my colleague, the Hon. Angus Redford, is more than able to take points of order when and wherever he wishes and, when I have concluded my remarks, there will be plenty of opportunities for points of order or matters of clarification. I am sure my colleague is big enough and ugly enough to look after himself without the assistance of the Leader of the Government.

In relation to the letter from Mr Bourne to my colleague the member for Bragg, Vickie Chapman, and the attached letter that he sent to me—and I assume something similar was sent to my colleagues as well—he indicates that the facts of the situation are established in his letter to Ms Chapman. I indicate to Mr Bourne that, just because he puts a point of view to a colleague of mine, that does not in and of itself establish the facts of the situation. It may—and I do not know because I was not privy to some of the discussions—but it also clearly may not. For him to claim—and demand retractions from me and others—in his correspondence that the facts have been established by his letter to the member for Bragg and that that is, therefore, the end of the issue is certainly not accepted by me.

As I said, based on the correspondence I have had with Mr Bourne and others, he continues to demand a response from me—well, he is getting a response from me through this forum this afternoon.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I am happy to have the discussion with Mr Bourne outside. If Mr Bourne wants to have a meeting with me, I am happy to meet with him, and I will tell him to his face what I think of him; it will not worry me. As I said, I do not know Mr Bourne from a bar of soap, but if he wants to have a meeting with me my door is always open and I am happy to have a discussion with him. I will tell him to his face what I think of him and of some of the statements he has made in the correspondence about the questions I put. I repeat: I challenge Mr Bourne—either at that meeting or, indeed, in further correspondence if he does not want to meet with me—to indicate where in the four questions that I put on the record I have done what he alleges in his correspondence.

I also ask him, in the interest of openness and accountability, how he came to provide free legal advice to the Attorney-General. Did the Attorney-General contact him in relation to this issue? What was his previous association with the Attorney-General which resulted in the Attorney-General feeling able to contact him, if that was the case, to provide legal advice on these issues? Is he, or has he been, a member of any political party—Labor, Liberal, Democratic or, indeed, Family First or SA First, or any other political party? He can indicate whether or not that is his position. So there is nothing wrong, Mr President, but in the interests of openness and accountability—and he is, in these missives that he has been sending off to me and my colleagues, demanding various things from me as a member of parliament and imputing improper motives to me in relation to questions that I asked

of minister Roberts—I put to him that genuine request for information in terms of his position.

As I said, I do not know Mr Bourne and I enter no comment about his appropriateness or ability to undertake the task. He may or may not be a person well fitted and well suited to the position—I am not in a position to know. Others of my colleagues might know him and might be in a better position to venture a comment.

In relation to Mr Bourne, I conclude by repeating that, if I do have a comment about the suitability of a particular person, I am quite happy to express that view publicly. I have not done so in relation to Mr Bourne—at this stage, anyway—although I have to say that his response to this issue has certainly indicated a degree of 'thin-skinnedness', if I can use that expression. I would have thought that the task that he is about to undertake will require a thick skin in relation to the issues and challenges he has on the Parole Board.

The Hon. R.D. Lawson: Hypersensitive.

The Hon. R.I. LUCAS: My colleague Mr Lawson says 'hypersensitive'. I leave that invitation for Mr Bourne in response to the challenges from the Leader of the Government and the Hon. Mr Sneath. I am certainly quite happy to have a discussion with Mr Bourne, and I am certainly very happy to say anything I have said in this chamber about him outside the council. I am certainly very happy, if he wants me to, to ask the same questions outside the council; for what purpose that would be, I do not know. They are unexceptional questions in relation to his competence or integrity; they relate to the answers that minister Roberts gave on these particular issues. With that, I urge members to support the motion.

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

SELECT COMMITTEE ON STAFFING, RESOURCING AND EFFICIENCY OF THE SOUTH AUSTRALIA POLICE

The Hon. R.K. SNEATH: I move:

That the time for bringing up the select committee's report be extended until Wednesday 6 July 2005.

Motion carried.

SELECT COMMITTEE ON MOUNT GAMBIER DISTRICT HEALTH SERVICE

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

That the time for bringing up the select committee's report be extended until Wednesday 6 July 2005.

Motion carried.

SELECT COMMITTEE ON THE STATUS OF FATHERS IN SOUTH AUSTRALIA

The Hon. J. GAZZOLA: On behalf of the Hon. C. Zollo, I move:

That the time for bringing up the select committee's report be extended until Wednesday 6 July 2005.

Motion carried.

SELECT COMMITTEE ON ELECTRICITY INDUSTRY IN SOUTH AUSTRALIA

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

That the time for bringing up the select committee's report be extended until Wednesday 6 July 2005.

Motion carried.

SELECT COMMITTEE ON THE ROLE AND ADEQUACY OF GOVERNMENT FUNDED NATIONAL BROADCASTING

The Hon. NICK XENOPHON: I move:

That the time for bringing up the select committee's report be extended until Wednesday 6 July 2005.

Motion carried.

SELECT COMMITTEE ON THE OFFICES OF THE DIRECTOR OF PUBLIC PROSECUTIONS AND THE CORONER

The Hon. P. HOLLOWAY (Minister for Industry and Trade): On behalf of the Hon. I. Gilfillan, I move:

That the time for bringing up the select committee's report be extended until Wednesday 6 July 2005.

Motion carried.

SELECT COMMITTEE ON ALLEGEDLY UNLAWFUL PRACTICES RAISED IN THE AUDITOR-GENERAL'S REPORT

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

That the time for bringing up the select committee's report be extended until Wednesday 6 July 2005.

Motion carried.

COONGIE LAKES NATIONAL PARK

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

That this council requests Her Excellency the Governor to make a proclamation under section 34A(2) and section 28(1) of the National Parks and Wildlife Act 1972—

(a) excluding allotment 100 of Plan No. DP 63648, out of Hundreds (Innamincka), accepted for deposit in the Lands Titles Registration Office at Adelaide, from the Innamincka Regional Reserve; and

(b) constituting that excluded land as a national park with the name of Coongie Lakes National Park.

(Continued from 9 November. Page 462.)

The Hon. G.E. GAGO: The motion before the council seeks to establish the Coongie Lakes National Park. The new national park covers a part of the no-mining zone in the Innamincka Regional Reserve. In essence, parliament has already considered this issue, and the process of constituting the national park is a technical one, given that it comprises land formerly covered by the regional reserve and mining has already ceased in the area. This motion is required, as the National Parks and Wildlife Act 1972 gives power to parliament only to exclude land from the regional reserve, even though that land will then form a national park under the same legislation.

The Coongie Lakes National Park will consist of 26 600 hectares and will protect the geographic centre of the Coongie

Lakes RAMSAR Wetlands of international importance. This area is highly significant for conservation, as it protects 183 native bird species, including 25 migratory waterbird species recorded under international treaties. The park will conserve 11 native fish species, 18 native mammal species, 32 species of terrestrial reptiles and eight frog species. About 330 native plant species will also be protected.

I acknowledge the assistance of S. Kidman & Co. Ltd in developing the arrangements for the new national park and thank it for its support in permanently excluding grazing from the area. I trust that this motion will receive the same support to constitute the Coongie Lakes National Park as was shown in the amendments to the National Parks and Wildlife Act to remove mining from the area. I commend the motion to the council.

The Hon. CAROLINE SCHAEFER: The opposition will be supporting this bill. It abolishes part of the Innamincka Regional Reserve and puts it under the National Parks and Wildlife Act. The Coongie Lakes area, as has been stated by the government, is a very special part of South Australia and very valuable for conservation. It is a number of years since I have been there, but there are certainly some unique areas within the Coongie Lakes and, in particular, there are some very valuable and rare Aboriginal artefacts dating back probably many thousands of years.

Given that the mining industry has accepted this agreement and agreed not to mine in that area, as has the pastoral industry as far as I have been able to ascertain, there is no reason to oppose this. As I understand it, there will be vehicle access through the southern part of this national park. There will also be camp grounds for tourists, although a desert pass will be required. There is a special management zone, which consists of flood plains and creek lines. As I understand it they are to be protected by PIRSA, and there is no change to those proposed areas.

Along with the Hon. Gail Gago, I mention the generosity of S. Kidman and Co. Pastoralists, landowners and landholders are often seen as the bad guys when it comes to conservation measures, and they are seen in that light particularly by people who live south of Gepps Cross, certainly south of Port Augusta. I will read part of the letter from Greg Campbell to the parliament. He is the General Manager of S. Kidman and Co. and he says:

> Kidman has long understood the need for conservation of the Coongie Lakes and has fostered scientific endeavour and employed sensitive management practices around the lakes. Since 1996 these practices have included the fencing and voluntary exclusion of grazing from the principal Coongie Lakes. Kidman takes significant credit for the presentation of the lakes environment in such good heart as to be worthy of gazettal for National Park.

As a gesture marking the company's centenary of grazing operations at Innamincka, Kidman has donated this land to conservation for no monetary consideration. The only reservation to Kidman in this grant is the guaranteed access to water and essential management access for those stock being so excluded. In the spirit of this donation in perpetuity it is also expected that there will be no charge for water taken for livestock. I certainly hope that the government will honour its side of the bargain. He continues:

> Independent rural valuers have estimated the value of this donation to the people of South Australia to be worth $1.5 million.

So, it is not an insignificant donation from that pastoral company, and I hope the government will honour its side of the bargain by granting free water to the excluded stock. The opposition supports the motion.

The Hon. SANDRA KANCK: This is a move and a motion that excites me. When parliament was opened in 2003 the Lieutenant-Governor, Mr Bruno Krumins, advised the parliament that the government intended to introduce legislation to protect the most sensitive parts of the Coongie Lakes area from mining. This was something the environment movement had worked towards for a long time and, although they had negotiated an agreement with mining companies 18 months earlier, they were still waiting for the associated and necessary legislative action. In fact, they were ready for action and wondering why it was taking so long.

So, although welcome, there was nothing particularly new there, but you could have knocked me down with a feather when I heard in the next sentence that the government intended to create a new 27 900 hectare national park in the Coongie Lakes area and that it would exclude all mining operations and grazing. In fact, as I was preparing this speech I came across that speech of the Lieutenant-Governor, which speech I had taken to with a fluorescent yellow highlighter and had highlighted the words 'all mining and grazing' and then, to add impetus, I had circled the word 'grazing' and put an exclamation mark after it. I thought when I heard it that maybe it was wishful thinking on my part, and I could hardly wait to get my hands on a copy of the speech so that I could check to see whether I had misheard it. When I saw the speech I found that my hearing was still okay and that it was the government's intention to do that.

So, we duly passed the National Parks and Wildlife (Innamincka Regional Reserve) Amendment Bill in 2003. I have to take the government slightly to task on a minor error in the speech made at the opening of the 2004 parliament, which reads:

> Following an historic agreement between the government, miners and pastoralists, a ceremony will be held this year to mark the protection of the world renowned Coongie Lakes wetlands from mining through the creation of a new national park.

That statement failed to note the contribution of the environment movement. This was an agreement in which they were instrumental; not only should they have been included in the observation in that speech, but they should have been lauded, because it was they who drove the process. They pushed these initiatives for two decades and never gave up. I doubt very much that we would be dealing with this motion today if it were not for the unswerving dedication of activists in the Wilderness Society and the Conservation Council of South Australia.

The Innamincka Regional Reserve, in which the Coongie Lakes sits, was always an awkward compromise between the competing environmental, pastoral and mining interests. Although the area the government is intending to proclaim is not as large as the environment movement wanted, this move, giving environmental values primacy, is very welcome and for that I also thank the miners and pastoralists who have recognised what a precious environmental resource this is.

When the Premier made the joint announcement on site in July 2003, he committed the government to completing the management plan for the RAMSAR wetlands of the lakes—a course of action that is very necessary if we are to deal with the continued impacts of grazing and the more than 30 000 tourists per annum now visiting the area. I conducted a web search earlier today on the question of the management plan. The Conservation Council's CCSA briefs of July 2004 were

still calling for this management plan to be completed, and when I typed in Coongie Lakes RAMSAR Wetlands Management Plan on the DEH web site search facility nothing came up.

In summary, I hope the minister will be able to tell me what is the state of that management plan and, if it is not completed, when will it be? I am also interested to know how the government plans to manage the grazing and tourist impacts in the area. If we are truly to protect these wetlands we must be acutely aware that the water supply for the Coongie Lakes comes from Queensland via the Cooper Creek. Decisions made by the Queensland government about access to waters in that creek, including upstream damming, could jeopardise Coongie Lakes. I ask the minister whether or not the South Australian government has any undertakings from the Queensland government that will guarantee continued water flows into Cooper Creek.

In a media release of July 2003 the CEO of the Conservation Council, Simon Divecha, stated:

> It is hard to overstate the biological and conservation significance of Coongie Lakes. They are on the national heritage list. They have been assessed as having world heritage value and they are listed as wetlands of international importance under the RAMSAR Convention.

As wetlands in the middle of supremely arid conditions, the Coongie Lakes are an oasis in the desert. They are unique and deserving of the protection this motion begins to bestow on them. The Democrats warmly support this motion to constitute the Coongie Lakes National Park and urge the government to take the necessary and follow-up actions to make this happen completely and quickly.

The Hon. T.G. ROBERTS (Minister Assisting the Minister for Environment and Conservation): I thank members for their contributions and the gratitude the honourable member bestows upon the government for the work done. We accept the slap on the wrist for not mentioning in print the conservation movement, but minister John Hill has spent a lot of time with the conservation movement in preparing the hand-over. He has been very patient (as have others) in the past in pulling together some warring tribes who have now been able to bring about the situation that we have today. I take the honourable member's point about being vigilant in respect of what happens upstream, but we can only legislate to protect those areas in our state.

As to how the commonwealth-state relationships operate, there will be an ongoing discussion between the states, and we would hope the outcome brings about a long-term protection plan from any potential damage that might be caused to the lakes by any activities upstream in Queensland. The motion today is the final step and a significant commitment by many people to the improved management of the Coongie Lakes Wetlands and the protection of their conservation values. In particular, the government is very pleased to have implemented a core environmental policy commitment to protect key areas of the Coongie Lakes from exploration and mining. In many ways, the motion brings to fruition the partnership that Kidman entered into with the government in the early 1990s to fence and exclude grazing from several lakes at Coongie Lakes.

The good spirit in which the gesture was made, recognising the high diversity values of the wetlands, has been matched by the company agreeing permanently to relinquish its grazing rights upon proclamation of the national park. At this point I pay tribute to Kidman. Historically, they have been good corporate citizens and good citizens in South Australia in a whole range of ways. Some of the early contacts with Aboriginal people have been repeated by Aboriginal people to whom I have spoken. They speak of them in glowing terms, and that has been passed down within the Aboriginal communities. They have also been good corporate citizens in relation to the protection of the area and in the negotiations with the government in setting standards in relation to grazing in fragile areas not only in this state but other states as well.

In relation to some of the questions raised by the honourable member, the impact of grazing and tourism will be addressed through the park management plan, which will be prepared in 2005-06, and I am sure there will be broad consultation in the preparation of that plan. The Ramsar plan will be prepared following the preparation of the management plan. So one will follow the other.

The Hon. Sandra Kanck: Perhaps 2007.

The Hon. T.G. ROBERTS: It may be done in 2006, depending on how quickly the plans are put together. As the honourable member said, the conservation movement has been working on this protection measure for this particular area of the state for 20-odd years—I think she mentioned two decades. If it takes another two to get the final steps—

The Hon. Sandra Kanck: Another two decades!

The Hon. T.G. ROBERTS: Two years to get the final steps prepared and put in place. I think the honourable member will be as equally excited as she was today to welcome those plans and the management prospects for the lake. I must also add that I have been privileged to have flown over the lakes to look at—

The Hon. Sandra Kanck: Lucky you.

The Hon. T.G. ROBERTS: Yes. I have not camped on them but, certainly when you see it, you do not believe it. You fly out of the red desert of the dry country and straight into what could be seen as equatorial wetlands. The contrast is great and the birdlife is tremendous. The only blight was the cattle grazing, but that has been addressed. I congratulate all the departmental people, the conservation movement, members of the opposition, the Democrats, the Kidmans and so on who worked cooperatively together to get this plan off the ground and implemented.

Motion carried.

[Sitting suspended from 5.37 to 7.45 p.m.]

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

In committee.

Clause 1.

The Hon. NICK XENOPHON: I move:

> Page 5, lines 3 and 4—Delete all words in these lines and substitute:
>
> This act may be cited as the Statutes Amendment (Industrial Relations) Act 2005.

It was originally called the fair work bill. I understand that members opposite took exception to that and said that it had a loaded-value judgment. An amendment was then moved by the Speaker in the other place, if I am not mistaken. With all respect to the Speaker, I think that it is rather a tortuous title. This amendment seeks to provide, I think, a much more neutral title. My title is much more efficient for the purpose of fitting it on various stationery. It is a very straightforward amendment. I am seeking to have a neutral title for the bill.

The Hon. R.D. LAWSON: We, too, have reservations about the rather cumbersome title that this bill has been given. The original title of the bill was, of course, the fair work bill and, in another place, the opposition was highly critical of that description. We did not think it was a fair and appropriate description. This bill is this government's idea of a fair work bill. In circumstances such as this, we would certainly support the government if it wishes to restore its name to the bill. Can the minister indicate whether or not the government wishes to maintain its description of the fair work bill?

The Hon. T.G. ROBERTS: A very early compromise on clause 1, the short title. It would be difficult for us to argue against our original title given that there is room for some accommodation from the opposition, and we welcome that. I thank members for their support. I am not sure what the Hon. Mr Xenophon's position is, given that the opposition is now supporting the original title.

The Hon. Nick Xenophon: I do not support the original title.

The Hon. T.G. ROBERTS: If the situation is that the opposition is going to support the fair work title, we will be only too pleased to accept that.

The Hon. A.J. REDFORD: Would the mover be prepared to put the words 'fair work' in inverted commas?

The Hon. T.G. ROBERTS: We will get an amendment drafted.

The CHAIRMAN: Order! I think that the Hon. Mr Xenophon's amendment is very clear. The honourable member is proposing that this act be cited as the Statutes Amendment (Industrial Relations) Act 2005. It does not say anything about fair work. We are talking about his amendment. If other people want to make amendments, there is a process for that. Unless there are other contributions, I will put the question.

The Hon. R.D. LAWSON: I have indicated that, whilst the Liberal opposition has some sympathy for the Hon. Mr Xenophon's amendment, if the government wishes to propose an amendment restoring the fair work title, the Liberal opposition will support that. I invite the minister to indicate precisely that he will be moving it so that we can know exactly where we stand.

The CHAIRMAN: Does the minister want to insert the words 'Industrial Relations Fair Work Bill?

The Hon. T.G. ROBERTS: Yes; we want to reinstate the original title. I move:

Page 5, lines 3 and 4—Delete all words in these lines and substitute:

This act may be cited as the Industrial Law Reform Fair Work Act 2005.

The Hon. IAN GILFILLAN: I indicate that the Democrats strongly support the amendment in its purest form as moved by the Hon. Nick Xenophon—it is untampered with, unexpanded and unmolested

The Hon. T.G. CAMERON: I do not care what they call the bill. I am not sure that the workers would care very much at all. Let us decide this very quickly so that we can get to issues that affect workers and employers.

The CHAIRMAN: I remind the Hon. Mr Cameron that there is no Chairman of Committees in the place. I am the President. You will have to put up with me.

The Hon. A.J. REDFORD: We support the terminology 'fair work', because that is the way it has been marketed. People know that when we mention the fair work bill just how unfair it is.

An honourable member interjecting:

The Hon. A.J. REDFORD: We get a snicker. We have found, since the name of the bill changed, that our constituency and the people who are most upset about this bill are not as clear about what we are talking about. We are grateful to the government for doing this because it will assist us to explain to the people of South Australia just what a shocking piece of legislation this is.

The Hon. T.G. ROBERTS: We are prepared to accept the support of the opposition in its cynical way because we know what 'fair work' actually means.

The Hon. Nick Xenophon's amendment negatived; the Hon. T.G. Roberts' amendment carried; clause as amended passed.

Clauses 2 and 3 passed.

Clause 4.

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

Page 5, lines 15 and 16—Delete all words in these lines and substitute:

This act may be cited as the Fair Work Act 1994.

The CHAIRMAN: There is a very clear indication that Liberal members, being represented at this stage by the Hon. Mr Lawson, want to oppose the whole of the clause. The minister has another proposition.

The Hon. R.D. LAWSON: I do not propose moving my amendment. On the basis of the minister's indicated amendment that the new title be adopted, which was passed on the previous amendment, we support the minister.

Amendment carried; clause as amended passed.

Clause 5.

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

Page 5, lines 19 and 20—Delete paragraph (ca) and insert:

(ca) to promote and facilitate employment; and

This amendment relates to a part of the bill where the paragraph has been inserted into the act as one of the objects of the act, and the government's bill includes as one of the objects:

(ca) to meet the needs of emerging labour markets and work patterns while advancing existing community standards; and

We seek to delete this paragraph from the bill. We do not believe that this object will be of any assistance but rather that it will create uncertainty. An expression such as 'advancing community standards' is extraordinarily vague. It will become a lawyer's and an advocate's picnic, and jargon of that kind in legislation such as this is inappropriate. One might ask, and I ask the minister to indicate: what does the expression 'emerging labour market and work patterns' mean? Will it have a settled meaning over the intended life of this legislation? It is very clear that there are changing elements of our labour market. The development in recent years of labour hire, so much an anathema to the government; the extension of casual employment to meet the needs of a very large section of the workplace; and the significance and development of enterprise bargaining all indicate a dynamic situation.

The Hon. T.G. Cameron: Ask three lawyers what that means and you will get four different opinions.

The Hon. R.D. LAWSON: Indeed, and they will all charge you for the opinions. It will lead to greater costs and greater uncertainty and simply will not provide any acceptable guidance to the commission, which must take account of these objects. So we oppose the insertion of this paragraph. We seek to have the simple expression 'to promote and facilitate employment' inserted in the bill. That is a simple,

bold and effective statement which leads to no ambiguity and no uncertainty.

The Hon. T.G. CAMERON: I have always been inclined to support amendments that I can understand. I do know what the amendment standing in the name of the Hon. Robert Lawson means. It means to promote and facilitate employment, which I always believed was one of the objects of industrial legislation. I join the Hon. Robert Lawson in asking the minister to set out precisely what that means: 'to meet the needs of emerging labour markets and work patterns while advancing existing community standards'. I have a general idea, but I do not really know.

The Hon. T.G. ROBERTS: The government's view is that the amended position as indicated by the opposition is not necessary because there is a provision in the existing act that covers the intention of the opposition's amendment. The emerging labour markets and work patterns would be something for those people who are dealing with wage negotiations and conditions. They would look at the way in which work is encompassed by labour hire and those sorts of changes. It also recognises growth in new industries, probably call centres and other emerging industries where new agreements, new structures and new ways of dealing with industrial matters are important now, whereas five years ago they were not major parts of the work climate. It is just a set of words to indicate changing and emerging work patterns through tech. change and different forms of work patterns.

The Hon. NICK XENOPHON: Further to what the minister has just said, I am still struggling to work out what work this provision does in a practical sense from the point of view of what it would do in terms of conferring powers on the court. I know that the opposition's amendment is a minimalist approach, if you like, and I note that the opposition is not seeking—and I will stand corrected if I am wrong—to delete paragraph (fa), which refers to establishing and maintaining an effective safety net of fair and enforceable conditions for the performance of work by employees.

So, given that there is that provision that is about ensuring fairness and a safety net for employees, unless I am convinced to the contrary by the minister, I cannot see what this provision will do in terms of if this clause is not in there, and the opposition's amendment succeeds. I would have thought that the court's powers are still very broad with proposed paragraph (fa) in terms of maintaining a safety net. I am concerned that it could lead to unnecessary litigation in its current wording, but again I am open to persuasion from the minister in relation to this provision.

The Hon. R.D. LAWSON: The committee will be aware, of course, that we are seeking to delete the words which are objectionable, but also to include in them the very simple statement 'to promote and facilitate employment'. The minister indicated that that object was already included in the objects of the act. I ask the minister to indicate which of the particular objects actually covers the precise situation that we seek to have inserted, namely to promote and facilitate employment. There are a great number of objectives which are in the act which are not being changed by this bill and which we think fairly reflect the objects of our industrial legislation, but the existing objects do not, in stark form, describe what we regard as the promotion and facilitation of employment.

The Hon. T.G. ROBERTS: In answer to the Hon. Nick Xenophon's question, the objects guide but are not the definitive position in relation to how people would make decisions if they were reading the act for some guidance or looking for some direction. Paragraph (b) provides:

> to contribute to the economic prosperity and welfare of the people of South Australia.

That is an omnibus provision that covers all situations. I do not want to be too critical of the opposition's definition, but there may be cases—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: You mean increase employment by cutting wages in half. That is a possibility.

The Hon. A.J. Redford: That might actually be necessary.

The Hon. T.G. ROBERTS: I do not think any commission or arbitrator would look at a situation where that would occur. They would use their commonsense and they would not be guided by the objects of the act to make that apply. What we are trying to do is have a practical set of words that cover the new climate in which work is being presented. The Hon. John Gazzola has just presented a case in relation to classifications, where technology has changed work so much that the classifications within certain work parameters no longer exist because the technology that people were classified as working on has been superseded. It has been changed. It has been altered. Their workplace has been changed and altered forever, the same as it was at the turn of the last century. Change has occurred all along in terms of the classifications and the way in which both employers and union representatives have to negotiate. It just gives it a modern day appearance or description that people can identify with.

The Hon. IAN GILFILLAN: I think it is important to indicate that the Democrats have no problem with the wording of the bill up until subclause (4) which we will oppose.

The Hon. J.F. STEFANI: Can the minister describe and define what the existing community standards are?

The Hon. T.G. ROBERTS: Community standards are generally those areas of argument that both employers and unions use in defining, in some cases, economic areas defined by an economy or a region. Sometimes it is a national perspective and definition, and in other cases international standards are used. So, community standards are those that are generally accepted by the community as being fair and reasonable.

The Hon. A.J. REDFORD: The Hon. Julian Stefani asked precisely the question I was going to ask, and the minister has continued with his form of the past 3¼ years of completely missing the point. It might assist us if the minister could give us some examples of what are existing community standards that might be relevant in respect of this provision.

The Hon. T.G. ROBERTS: I am sorry the honourable member does not understand plain English. There are community standards that are set in regions or in states—

The Hon. A.J. Redford: You said that existing community standards mean existing community standards.

The Hon. T.G. ROBERTS: I am getting a lot of help here. You can have child care, for instance. Child care is an issue that was not something that was on everybody's lips a decade ago. Now child care is starting to be brought into a lot of enterprises. There are a lot of companies that are looking for standards for fair work. I would make an appeal to members who would be influenced by family standards being improved by way of industrial agreements where child care is one of those issues that becomes a community standard

after communities start to debate the issue and make a concerted effort to have it inserted in awards and make it a community standard because, for social reasons, many women are going back to work, and the only way you can get those skills from those people that have gone away to start families is to provide creches and child care for those women. Community standards emerge from changing social patterns, and there has to be a degree of flexibility. If you want other examples, the Hon. Mr Cameron has probably negotiated community standard wages in the mining industry or in particular industries.

Members interjecting:

The Hon. T.G. ROBERTS: If you want to listen, in the Botany area where there are a lot of petrochemical works and where a lot of oil companies are operating, there is a community standard amongst the petrochemical and oil industries, and all those industries set up in a particular region. It is a form of maintaining a move towards uniformity within a particular region that enables industrial harmony in that area. So, you do not have major differences between wage rates within particular geographic areas.

An honourable member interjecting:

The Hon. T.G. ROBERTS: It is not about increasing costs to business: it is about recognising and measuring the community's attitude as to what standard should apply within the standards of industry.

The Hon. A.J. REDFORD: I am grateful for that answer: it is certainly better than the first one the minister gave. I refer to the example he gave about child care. How is it proposed that one might determine what is the existing community standard? Indeed, if we use that specific example, what would the government say is the existing community standard in relation to child care?

The Hon. T.G. ROBERTS: It is not for me to determine what a community standard is. The community will interpret the changes to work practices and to social attitudes. It will be worked out between employers, employees and governments as to what those changes actually mean within communities, and how an outcome can be negotiated which has general agreement and acceptance and which is not seen to be an outrageous burden on employers or industry in general.

The Hon. T.G. CAMERON: The amendment in the act provides: 'to meet the needs of emerging labour markets and work patterns.' I am not a lawyer but, reading that as it is written, could the minister state what the needs of work patterns are? I think you can read it that way. It provides: 'to meet the needs of emerging labour markets.' Well, I can sort of follow that, but then it provides: 'and work patterns'. So, you can read that as: 'to meet the needs of work patterns'. Well, what is the need of a work pattern or an emerging work pattern? How is an ordinary layman going to understand this?

The Hon. T.G. ROBERTS: If you take the exploration industry, one that the honourable member is probably familiar with, if you are going to put an exploration rig out in the bush, you are not going to be working eight hour days, or five days a week, or 40 hours a week, in conformity with what would be regarded as the normal standards. You would want to be negotiating with that union and with those employees to work extended hours, probably 12-hour shifts. In a lot of cases these patterns have emerged and have been accommodated within industry itself through agreements. People have been out there negotiating agreements around these emerging work patterns for a long time.

The Hon. T.G. Cameron: Is this to promote flexibility within the award?

The Hon. T.G. ROBERTS: It is not to promote flexibility within awards without agreement. If an award provision is seen as a minimum then surely, where you have an emerging work pattern where the employees are asked to make changes to what would be regarded as standard work patterns, you ought to have the flexibility to be able to negotiate changes to standard work patterns under awards and then have agreements. As long as they do not become dangerous or present disadvantage to employees, then you should be able to negotiate within frameworks—which they do in other countries—to accommodate the changing work patterns in a particular industry.

The Hon. NICK XENOPHON: But surely the court or commission would have the power to do those things in any event, even with the opposition's amendment. You do not need a clause talking about emerging work patterns or emerging labour markets, because the discretion of the court is so broad in any event that it would have the power to do that. If there was an amendment by the opposition, for instance, that provided that it can take into account only current work patterns then I would see the strength in the government's argument, but from an interpretation point of view I do not see that the court or commission would be fettered in the way it would consider these matters—I just do not see it.

The Hon. R.D. LAWSON: I would like to add to that. It is not only the role of the commission or the court in interpreting these objects. Later on in this bill inspectors are given—amongst their many wide new powers—the power to promote the objects of the act, and having inspectors out in the field promoting these rather uncertain and indefinite concepts will be productive of uncertainty, greater costs and probably litigation.

The Hon. T.G. ROBERTS: In answer to the general theme of the opposition to the government's position, this is about the objects of the act. It is not arguing about jurisdiction or the definitive agreements or awards: it is an objective.

Members interjecting:

The Hon. T.G. ROBERTS: It has. It was argued in the second reading speeches that no-one was calling out for any change to the Industrial Relations Act, everyone was satisfied with it, no-one had phone calls, and there was no pressure within the community to do it. We are saying: have a look at where we are now. With the rate that technology is being introduced and its ability to change the nature of work, we must have a flexible approach to the way in which awards, agreements and acts are actually framed, because the nature and rate of change are greater than any of us have known.

The Hon. Bob Sneath was talking about conditions 40 years ago. Think back to what conditions were like 40 years ago and then apply the same principles of work and work patterns and the changes to emerging work patterns as they are now. Think about where we will be in 10 years; the same rate of change in the period from the 40 years ago that the honourable member is talking about and now will probably be introduced into the workplace over the next half decade or decade. This bill is to take into account, not where we are now, but where we will be in five or 10 years. It will bring our industrial relations system into the 22nd century, if we are progressive enough to recognise that, without any fear. You can write fear into anything. What you are actually saying is to allow the courts, the lawyers and the industrial advocates to determine it. We are saying: why not allow the

community to determine community standards? Why not allow the unions and the employers the flexibility to allow them—

The Hon. T.G. Cameron: So, you see this as a significant change in relation to the objects of the act?

The Hon. T.G. ROBERTS: I am listening to the arguments that are being put. It allows those people who want to move forward to accommodate change. It just spells out in a few words nothing that is going to be life-threatening or change the world but where we want to be. South Australia wants to be seen as a progressive state industrially; we need progressive legislation to bring about change. If you want to stay in a cobweb state, where we were left in the last eight years, then, okay, argue against it.

The Hon. T.G. CAMERON: Again, I am not a lawyer, but it is my understanding that the objects of the act cannot be conflicted with anywhere else within the act. These objects are no small matter; in fact, they are probably the most important section of the entire act. For my trade union colleagues here, I can recall being in a dispute with the Salisbury council when it sacked our union reps. The commissioner reinstated them. The Salisbury council refused to accept the commissioner's decision to reinstate them on the grounds that he had no jurisdiction. All the lawyers to whom we spoke agreed that there was no jurisdiction. But I kept referring to a little section in the objects of the act which provided that a commissioner, in the public interest, could effectively do whatever he bloody well wanted to, and that included reinstatement, notwithstanding that the act itself had specific reinstatement provisions in it which allowed only an industrial judge in the Industrial Court to deal with the matter.

Fortunately for the sacked union reps and the Australian Workers' Union at the time, the objects of the act were all-important. The men were reinstated; the commissioner's decision was upheld, notwithstanding specific provisions in the act excluding a commissioner from dealing with reinstatement. Because there were these little words that nobody had ever really discovered tucked away in the objects—'in the public interest'—his decision stood, and the men were reinstated. Flowing out of that dispute, I think commissioner Pryke got a judgment of $15 000, and all the other commissioners got $3 000 because the Salisbury council defamed them. They were pretty happy with me after that.

The Hon. R.D. LAWSON: I remind the committee that not only do we seek by my amendment to have removed from the bill the uncertain and meaningless jargon that the government has inserted in its promotion of what the minister is pleased to call the 'cobweb state' but we also want to insert what we regard as a very positive, straightforward and well understood concept, namely, to promote and facilitate employment. That is something that is not in there in the amendment, and it should be.

The Hon. J.F. STEFANI: To add to that, if the amendment proposed by the opposition is successful, to promote employment means that, essentially, the enterprise bargaining and registered employment agreement referred to by the minister are part of that advancement of promoting employment. It is a simple fact of life that occurs in the real world without the jargon.

The committee divided on the amendment:

AYES (10)

Cameron, T. G.	Dawkins, J. S. L.
Evans, A. L.	Lawson, R. D. (teller)
Lensink, J. M. A.	Lucas, R. I.
Redford, A. J.	Schaefer, C. V.

AYES (cont.)

Stefani, J. F.	Xenophon, N.

NOES (7)

Gago, G. E.	Gazzola, J.
Gilfillan, I.	Kanck, S. M.
Roberts, T. G. (teller)	Sneath, R. K.
Zollo, C.	

PAIR(S)

Stephens, T. J.	Holloway, P.
Ridgway, D. W.	Reynolds, K.

Majority of 3 for the ayes.

Amendment thus carried.

The Hon. R.D. LAWSON: I seek leave to move my amendment in an amended form.

Leave granted.

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

Page 5, lines 22 to 26—delete sublcause (2).

To make it perfectly clear to the committee, the position of the opposition in relation to this bill, as you indicated at the beginning, Mr Chairman, is that we are opposed to the bill in its totality. Whilst the amendments standing in my name seek to improve the bill in certain respects, we see it as our duty to endeavour to improve that which we regard as virtually unimprovable and we will be voting against these clauses and most of the government's amendments. These two objectives, (fa) and (fb), have a number of infirmities. Principally they create uncertainty. They do not advance the already extensive objects in the existing legislation.

We regard, for reasons that will emerge in committee, the illusory safety net contained in this bill as something that will not deliver significant benefits. We do not believe that that should be an object. In (fb), the notion that the objects of this act should promote and facilitate security and permanency in employment might appear to most people to be a fair motherhood statement, but when one thinks about it and realises the purpose of the insertion of objects of this kind one realises that it has very serious deficiencies. I mentioned earlier emerging work patterns. The bill has an objective that promotes permanency in employment, in a labour market which as a result of emerging patterns contains very many people who choose not to be in permanent employment but who choose casual employment for their own particular purposes.

The objective of this legislation will be about permanency in employment, and therefore it directs and guides the commission and the system in trying to concentrate on permanency in employment. In essence, this object will positively discourage other forms of what one might term non-traditional working arrangements. Accordingly, we think it is biased and inappropriate. It does not recognise the reality of our current labour hire arrangements. Casual employment is a fact of life, and to seek to put an ideological position in the objectives is simply inappropriate.

We believe on this side that it is the commission's role to promote employment and we are content with the existing objects. With the leave of the committee we have included an extended object to include employment. We thank the committee for that. We do not think this additional verbiage will be of any benefit.

The Hon. T.G. CAMERON: I refer to what the Hon. Robert Lawson says in relation to paragraph (fb), to promote and facilitate security and permanency in employment. The Hon. Robert Lawson would be the last person that I would want to get involved in a legal joust with—he would be too

good for me—but I will take issue with him here. It seems that the Hon. Robert Lawson is suggesting that, if the provision to promote and facilitate security and permanency in employment is placed into the award, it will somehow impinge on what the Industrial Commission might do in relation to casual employment.

To break down that sentence into its two component parts, like a QC might do, it says 'to promote and facilitate security and permanency in employment'. I was very pleased not to hear the Hon. Robert Lawson objecting to the use of the word 'security' because I think security in your employment should be the right of every working man and women. You can be secure in your employment as a casual, as a permanent or as a permanent part-timer. You might work only every racing day, 10 times a year, at Victoria Park racecourse, but you have security in your employment—you have been doing it for 30 years. So, I do not have a problem at all with promoting and facilitating security in a person's employment.

The honourable member has suggested that, by including the world 'permanency' as an objective of the legislation, somehow or other we will see a knee-jerk response from the Industrial Commission towards the abolition of casual and perhaps part-time work in favour of permanent work. I cannot see how that would happen and I cannot see that you would immediately have the Industrial Commission removing the casual provisions from work.

I am not opposed to the casual employment of labour. However, I am opposed to the unrestricted use of casual labour where you have situations where employers could provide permanent full-time employment. I would be very interested in the response from the government and the Hon. Robert Lawson or any other lawyer here as to whether using that word 'permanency' in that context and sentence means what the Hon. Robert Lawson says it means or in fact whether it is talking about promoting security and permanency in the work force—not necessarily 38-hours per week, fully paid employees, classified under the award quite clearly as permanents.

The Hon. A.J. REDFORD: Perhaps the Hon. Terry Cameron should challenge the Hon. Robert Lawson about providing examples of why we have concerns about paragraph (fb). If this goes in, we will have in the structure of the act a provision that entitles the commission, inspectors and everybody associated with the system, to promote and facilitate security and—the most objectionable word—'permanency' in employment.

The Hon. T.G. Cameron: Security is all right.

The Hon. A.J. REDFORD: Security is in the eye of the beholder, but 'permanency' is a word that has far more meaning.

The Hon. T.G. Cameron: It is 'permanency' that you are worried about?

The Hon. A.J. REDFORD: Yes. Let me then demonstrate why this could have a very negative effect on employment. If one looks at the great success of industrial relations reform over the past decade, it has been the inclusion of more flexibility in the way in which we negotiate agreements. We have a great deal more flexibility now than we did 15 years ago in terms of who can negotiate, the areas in which we can negotiate and who are parties to an agreement. What we have in this legislation, if I can interrupt the Hon. Nick Xenophon is—

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: Well, you asked me the questions. What we have is an enterprise bargaining system which, ultimately, goes to the commission for approval. Section 79 of the act provides that, when the two parties agree, they go off to the commission and the commission goes through a process to approve the agreement. Section 79(1)(e) provides that one of the matters which the commission must take into account in approving an agreement is that it must be satisfied that 'the agreement is, on balance, in the best interests of employees covered by the agreement'. One could imagine the situation where, for example, a trucking company could negotiate an enterprise bargaining agreement with every single employee who is casual—and it might well be the consent of every single employee that they want to be casual for all sorts of specific reasons. They do not want permanency because they are getting other benefits.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: No, hang on. This is the difference. We on this side are happy to allow the two parties to come to their own agreements without unnecessary intrusion. What this particular object will enable some people to do is to say, 'Look, do not approve that agreement, even though the two parties to the agreement are in agreement, because it offends against the objects of the act, that is, to facilitate security and permanency.' What members will see—and I have seen industrial relations and how it operates—is a crack, and the argument being put in the commission will be that there are too many casuals or too many non-permanents in relation to this particular workplace, enterprise or industry, and therefore the commission should not approve the agreement because it offends against this object.

Now, that is one practical reason why on this side we do not agree with the insertion of those clauses. I am not saying that I have a problem with permanent employment—I think it ought to be encouraged—but you will not get permanent employment through this means. The most effective reforms that we have had in the past decade have been the reforms of flexibility and the reforms which enable two parties to negotiate in good faith with each other to come to a result with minimal interference from third parties. What this object will do is give third parties an opportunity to interfere in that process, and that would undermine the economic growth that we have experienced in this country for a decade.

The Hon. J. GAZZOLA: While the Hon. Robert Lawson is answering questions from the Hon. Terry Cameron, I think in his contribution to these two amendments he used words to the effect that 'many choose casual employment'. Can the honourable member point us to some survey or how he arrived at 'many choose casual employment'? In my experience as a union official it was the other way around. Casuals sought either more hours or some form of permanency. I will use the TAB before it was given away as an example. We had casuals working regular shifts in that establishment for 20 years. People who had been working for the TAB for 20 years who were still deemed to be casual appeared on a six weekly roster. I am a bit concerned that we accept generalities such as 'many choose casual employment' without some evidence.

The Hon. J.F. STEFANI: I wish to make a number of observations. In relation to the permanency argument, I am aware that state awards, for instance, do have a provision for redundancy payments, and those provisions are probably nowhere near as generous as the BIRST scheme which came into being and which was argued by the union movement in the building industry. The union argued that there was no

permanency in the building industry because of fluctuation in the marketplace, and it was able to have national agreements under which employers were paying initially $20 or $30 a week for every employee. That figure has continued to grow. Against that background, I make the point that there is recognition in some industries that permanency of employment is not guaranteed and, equally, provisions are made by agreement between the employer and union movement that employees are protected or perhaps assisted if that permanency is terminated in terms of employment prospects. This object is probably superfluous to the situation which I am relating.

The Hon. NICK XENOPHON: I note that the Hon. Mr Lawson moved from the floor an amendment to delete paragraph (fa) in addition to paragraph (fb), as he is entitled—and that is certainly no criticism. I direct this to the mover of the amendment: as the Hon. Mr Lawson is seeking to delete both the paragraphs, which, in my view, refer to quite different concepts, will the Hon. Mr Lawson consider moving those separately—and I seek your guidance as well, Mr Chairman—so that members would have an opportunity to vote on paragraphs (fa) and (fb) separately, or does the Hon. Mr Lawson seek to have a vote as a whole?

The Hon. R.D. LAWSON: I am very happy to accept the sensible suggestion of the Hon. Mr Xenophon and have the omission of each of those paragraphs considered separately.

The Hon. NICK XENOPHON: I am grateful for the Hon. Mr Lawson's indication. I indicate that, in respect of paragraph (fa), it is my intention to support the government's position for these reasons. Whilst I do not support the government and its amendment with respect to proposed paragraph (ca) relating to the emerging labour markets and work patterns while advancing existing community standards, I did prefer and, indeed, voted for the opposition amendment. I did so on the understanding that paragraph (fa) does provide good and adequate safeguards for workers in the context of the commission's or the court's deliberations. I saw it as a fairly neutral clause in the sense that, in broad terms, it referred to principles of a safety net of fair and enforceable conditions, including fair wages.

I do not see it as a radical provision in any way. I see it as being a sensible object of the act that is not loaded as the earlier paragraph was in a way that I think would have unduly fettered the commission's or the court's work. I support paragraph (fa). I do not find it objectionable. I cannot see how it would unfairly hamper employment opportunities in the state. If it would hamper those employment opportunities where people work in a sweat shop (if you take away that concept of fairness), all the more reason for this amendment as proposed by the government.

In relation to paragraph (fb) relating to promoting and facilitating security and permanency in employment, I say to the government that section 3C of the current Industrial and Employee Relations Act refers to promoting industrial efficiency and flexibility and improving the productiveness of South Australian industry. Is there not an inherent conflict between section 3C of the act and this proposed insertion with respect to security and permanency?

The Hon. T.G. Cameron: Where is the conflict?

The Hon. NICK XENOPHON: You have one object that says that there should be industrial efficiency and flexibility and the other promoting security and permanency in employment. Section 3C relates to flexibility, and I would have thought that there could well be some fairly robust legal argument about the conflict between the two. Subject to further argument from other parties, I would feel more comfortable with wording that referred to promoting and facilitating security in employment.

I can see the argument in some cases where, given the nature of the industry, casual employment would be appropriate; that that might act as a fetter to employment. However, I also acknowledge the point made by the Hon. Mr Gazzola (who has experience in the union movement) that most people would prefer permanent employment; and, obviously, that is understandable. There are cases in some industries where the whole nature of the work (particularly jobs that students apply for, whether it is working in the fast food industry or pizza delivery drivers) is built around the concept of casual work, which works for both the employer and employee.

I am just concerned about the words 'and permanency', particularly with respect to proposed paragraph (fb). I would be grateful if the government could answer those questions. As the mover of the amendment, I would also like the Hon. Mr Lawson's view with respect to deleting that paragraph.

The Hon. T.G. ROBERTS: I accept the honourable member's argument with respect to paragraph (fa). I think that he got the arguments right while supporting our position.

The Hon. T.G. Cameron: That is very generous of you.

The Hon. T.G. ROBERTS: No; I thought that the honourable member's arguments were quite sound and well placed. We must be thankful for the honourable member's understanding of the industrial scene. In regard to the deletion of paragraph (fb), clearly, there are concerns in the community about permanency. There are a range of issues about—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: The honourable member says that there are concerns about having a job in the first place. That is quite right. There are some issues relating to permanent casual and permanent part time that are still being debated and argued. A range of flexible arrangements are being worked out that have been agreed to by employees and employers without rancour and pressure. But many industries have placed semi-skilled and unskilled workers in a position where their security of employment is used as a bargaining chip against them in terms of how they work and get paid.

The Hon. Nick Xenophon interjecting:

The Hon. T.G. ROBERTS: I will repeat the explanation given in another place. The government has recognised this concern in relation to the argument between flexibility and permanency. It is a balancing act that needs to be considered, there is no doubt about that. If you have a flexible arrangement where everyone is quite happy to work under those arrangements, there is no point in objectors pointing people to commissions to direct either employers or employers to accept conditions with which they do not agree. In reality you do not get that situation. If there is a challenge to the way in which people's work hours are structured, usually they are negotiated and compromises are reached.

The situation that we have with the understanding or the interpretation rather than a practical application of it is: what does security and permanency in employment mean? It could be permanent part time, it could mean permanent casual. You have the flexibility of part-time and casual work, but you have—

The Hon. Nick Xenophon interjecting:

The Hon. T.G. ROBERTS: There are people who take a loading on their casual rate as a sacrifice for sick leave and annual leave. Those things are tradeable. It is not something

with which I agree in terms of a principle, but that is what has happened over the past half a decade. You have a flexibility that is already built into the system, as the Hon. Angus Redford has said. We do not want to see opportunities taken by organisations that break down permanent employment into part-time or casual work with fear as the basis for the negotiated arrangement.

We are saying: why do you not look at some objectives that might bring about permanency? Many employers structured their work around part time and casual, but they are now going back to permanency because they get a loyalty built into that. They are the realities of the workplace in the community now. There is no loyalty built into casual and part-time—

The Hon. A.J. Redford: That is not true.

The CHAIRMAN: Order!

The Hon. T.G. ROBERTS: I did not finish what I was saying. In many workplaces there is no loyalty built up around casual and part-time work where there is an antagonism by the work force as a result of their working under those circumstances. What tends to happen is that, in those organisations or workplaces, permanency is used as a carrot for people who are in casual or part-time work. When an enterprise is running along smoothly, that is used as an incentive for people to try to get onto permanent work. I am not saying that I agree with that, either, but that is the way it is used.

At the first sign of any downturn in a workplace the casual and part-time workers are the first to go. They are usually less skilled and the most vulnerable. They are the people who have had little or no training; and, if they are non-union, that flexibility is built in because no-one knows they were there and no-one knows when they go. So, they go back to home duties or looking for other employment.

We need to change the signals in the community about what work should be in relation to family life. If you want a bank loan to buy a home, try going to a bank manager and saying you have part-time or casual work and that you are a single mother. You are locked into a rental program forever. If you have permanent work and can show that you are working for an employer who will be around for some considerable time and you have a good record of employment, it brings security into the household that does not apply with casual or part-time employment.

There are people who choose part-time and casual work as a preference for structuring their own lives. You could have an industry that has those components to it, but they are not the majority of industries that we are talking about. So I think the government's position in relation to (fa) and (fb) provide that. It is not a revolutionary statement in relation to 'promote and facilitate security and permanency in employment'. Already, if you are part-time or casual and going for permanent part-time and casual work, that is a secure form of employment but, as I said, it does bring about the loyalty factors and the way in which you ought to be able to structure work on a fair and reasonable basis.

It is not revolutionary. As I said, it is just signalling that, where there has been a rush to part-time and casualised work forces and skill losses have come through, extra training is generally not a component. Generally, people are locked into permanent part-time, less skilled areas without any prospects of either promotion or skill development. This sends a signal that this government is concerned about the balance between part-time and casual work and that, if permanent part-time, permanent casual work and permanency can be part of the rhetoric by which governments are able to send signals to the broader community, that is what we are trying to do.

The Hon. G.E. GAGO: I refer to paragraph (fb). In my experience it is an extremely important principle to facilitate security and permanency in employment. It is an extremely important principle to have as part of the objects. My experience is mainly in a female dominated industry where women often came in and out of the work force and have a fairly high degree of family demands upon them. In my long experience working in that sector, most women would choose either permanent part-time or permanent full-time work. There was only ever basically a handful who would choose casual work; and, when they did choose casual work, it was often only for a very short period to meet a particular family need or a particular need in their life at that time. So, it is an absolute misrepresentation to say that most people choose to be casualised in that way.

Security and permanency of employment have an enormous social and economic impact on our community. Particularly in relation to families, to have permanency has a significant effect on their security and stability. If a family has a permanent job, it is usually associated with a particular location, which means a family can move to an area and take out a mortgage on their home or even long-term rental arrangements. It means placement for children in local schools. It means increasing the chances of that family's becoming incorporated into and attached to the local community. It is a very significant socially stabilising element.

Of course, it also has a strong economic impact, and the Hon. Terry Roberts alluded to the impact it has on the ability to take out a loan not just for a home but also for cars and other essential household items. If you have permanency you have a much better chance to do that. But it is not just about being able to take out a loan: it is also to do with household spending. If you are not sure how many shifts you are going to get next week or the week after, that significantly affects spending patterns and the ability of that family to plan for routine, ordinary household items such as replacement of the washing machine that invariably breaks down. If it is anything like my household, usually the fridge breaks down within a short period of the washing machine needing replacement.

The Hon. Nick Xenophon interjecting:

The Hon. G.E. GAGO: Absolutely. It goes at the same time. And then usually something in the car goes pretty close to that as well. We all experience these things. If you are on casual or uncertain employment, it affects all of those things that we in this chamber take for granted every single day.

In terms of some of my own experience and the issue that the Hon. Terry Roberts alluded to, the balancing between being able to accommodate work needs and changes in patterns of work demand and appropriate placing of staff is really important. In the sector in which I have had experience, which is nursing, over the years we had many problems, particularly with the smaller private hospitals, where in some cases they were attracted to putting on a very high proportion of casual staff, because they felt they were able to accommodate their changing occupancy levels more quickly. So, if the bed numbers dropped they were able to send staff home or not ring them to come in for the day, and they felt more secure in doing that. But often our union was able to sit down with these organisations and help them plan and manage their work practices better. We were able to look at and establish their core staffing needs over a period of a year or two and

assess a permanent allocation of staff according to those core staffing patterns, and then use casual staff to top up those needs to help with the variations—the peaks and troughs. So, this principle does not mean rigidity in terms of staffing and employment practices for employers. In effect, it is assisting a much fairer and much more economically and socially sound way of doing things.

The Hon. NICK XENOPHON: I will respond to the Hon. Gail Gago, and I do not disagree with anything she said in terms of the need for families to have security to plan their budgets and the like. I think that the Hon. Gail Gago eloquently set that out. But I guess the other side of the coin is the point of view of small businesses. For instance, a small family business, let us say the take-away food shop, might want to take on one or two casual employees for a few hours a week to ease the pressure on family members of the hours that they are working. If they have a fear that they will be locked into a permanency arrangement because there is a seasonal increase in demand, they might be discouraged. They may have a fear that they will have obligations that will go way beyond their initial intention of casual work for a couple of months.

That might hold that business from expanding in some cases. I understand what the Hon. Gail Gago says about the area she has particular expertise in, but I think there is another argument that is predicated on having that degree of permanency where there must be a thriving enterprise that can afford to pay for those employees. I still think that there is an inherent conflict in respect of what is proposed by the government with respect to security and permanency with section 3(c) of the act, and my understanding of the minister's response is that there would still be that conflict.

With all respect to the minister, I do not think that it has been adequately addressed. I indicate that my view at this stage—of course, subject to further argument—is that a fairer balance could be reached if paragraph (fb) were to read 'to promote or facilitate security in employment'. It still pays sufficient weight to the sorts of argument the Hon. Gail Gago has advanced without going that further step of locking in the commission or the court or, in a sense, having an inherent bias towards permanency, where in some industries that may not be appropriate. I am not sure where my other colleagues on the cross-benches are headed, but I think that may be a compromise which still gives this clause some integrity while at the same time taking into account the concerns of the opposition.

The Hon. J.F. STEFANI: Given the government's position in relation to this clause, my question is: is the government proposing to offer permanent employment to casual part-timers when their particular contracts expire, so that they have the option to take up permanent employment within the Public Service? In addition, in relation to all employees who are on a contract—and I know a good number of teachers who are, and their contracts are usually only 12 months—is the government proposing to offer them the opportunity to become permanent employees in the spirit of the provision proposed by the government?

The Hon. T.G. ROBERTS: The objects of the act do not take into account individual cases but, in relation to the point you make, if you have a large enterprise like government where you have the changed nature of work, the point was made earlier that, if you had somebody on permanent 12-monthly contracts turning over for 20-odd years, that would be a breach of the spirit of the principle of the objects. If you have people on short-term contracts, you would think it was going to be a short-term job. It was to be a contract for a certain period of time. That would not be exploitative.

If somebody was brought in on a 12-month contract where the employer or, in this case, the government knew that job was going to be there in some form or other in 10 years, then that would be exploitative. It would be an unfair advantage being taken of an employee who could have been given in the first place a longer contract and who would feel more secure in their employment, and therefore their family circumstance would be far more secure, as pointed out by other speakers. So there is flexibility. We are not saying that you cannot have flexibility in an enterprise. The honourable member mentioned takeaway shops. Nobody is directing the principles of the objects of the act to small family businesses. Small family businesses need to be flexible; otherwise they will not survive. They will not be small family businesses—they will be bankrupt.

Members interjecting:

The Hon. T.G. ROBERTS: It is not a conflict. What we are saying is that there are some industries and there are some businesses that can only exist in this way. The fast-food industry and the family business is one where they are open at lunchtime and they are open at dinner time probably until 8 or 9 o'clock in the evening. You find casual employees who are prepared to work those hours.

The Hon. T.G. Cameron: With the confidence of obtaining permanency.

The Hon. T.G. ROBERTS: If it is a business that is going to be around for some considerable time, then permanency would be expected, but as I said earlier you can have permanent part-time work and you can have permanent casual work. It is the permanency that provides the security for individual employees so that whoever they are working for—

The Hon. A.J. Redford: What provides security is a strong economy. That is what provides it.

The Hon. T.G. ROBERTS: You cannot write that into the objectives, but the circumstances should be that, if an employee is in any form of business, the obligations are for that enterprise to provide as much security as possible for that individual—and that will be rewarded. I am a working class person myself, and I know how people reward their employees. I know what happens when you have redundancies. I know what happens when you have casual exploitation of labour, and the employers of labour know it as well.

You get better returns from your employees by having a better relationship with them based on an honesty about their approach to the nature of the work that they are employed to do and the way in which they are employed to do it. The contract of labour for the term that they work is part of that, and that provides overall security for that individual within a family circumstance. So it is not revolutionary stuff. It is just pointing the way to change and a move towards casualisation of a whole lot of jobs that could be permanent. We would certainly like a lot of organisations to look at permanency as opposed to—and it could be permanent part-time or it could be permanent casual—the whole casualisation of labour which once seemed to be fashionable.

I am sure that, when people start to do their risk management and their figures in relation to value of capital, they will start to move back towards permanency and relationships with their employers, building in occupational health and safety issues and building training issues into their workplaces. That is basically what the bill is trying to do: it is trying to get people to understand the new nature of work and workplaces.

The Hon. R.K. SNEATH: I refer to some of the experiences I had when I was a union official. Sometimes you would go to a workplace where there was a large number of casuals and they would come up and say to you, 'Look, we are not so much interested in a pay rise. See whether you can get us on permanent. See whether you can get us some job security.' The most important thing to those people was job security. There will always be places for casuals. There are industries we used to have coverage for, like the farming industry where the farmer might have one full-time employee. At shearing, cropping or hay carting time the farmer would employ some casuals, and that is understandable. In the bulk handling industry, when the crops come in SACBH would put on a lot of casuals. That is not going to change.

In the hotel industry, the bigger hotels might have half a dozen or 15 permanent staff, and on Friday nights, Saturdays and Sundays—the busy times—they put on casuals. That is not going to change. On the fruit blocks, at fruit picking time, it is casual work, and that is not going to change. The bill simply says 'to promote.' Permanency gives the worker and his or her family peace of mind, but it also gives businesses in that area or in the country-town or wherever, or in Adelaide, extra custom, because of the steady income.

A shearer might be making $1 000 one week and then it rains for a week and they are sitting down. They are used to more or less balancing their budget around the reasonable expenditure, because they get used to that. They are making reasonable money while they are shearing. Then you are sitting down, and if you sit down for two weeks you start to say, 'Gee, I'm getting short of money.' So you start looking for a job and you start worrying a bit. But if you are not making that $1 000 a week when you are a casual—and some people today are making only $200, $300 or $400 a week as a casual—and if the job closes down, their family suffers badly.

The Hon. A.J. Redford: I know casuals who are making three grand a week.

The Hon. R.K. SNEATH: Some are, I will not dispute that, and they are probably the ones who are happy in casual employment. As I said in my speech yesterday, there are people who are happy in casual employment, but we should not turn our backs on promoting job security because for a lot of people—families, in particular (and I aim this at the Hon. Andrew Evans)—full-time employment gives peace of mind, makes for a happy family environment, and makes for better family time, because a lot of casual work is on the weekend when the children are at home. A lot of full-time employment is done from Monday to Friday and that allows parents to actually spend the weekend with their children.

Members interjecting:

The Hon. R.K. SNEATH: It is easy for people to talk when they are sitting around on $110 000 a year with plenty of security, but I assure you that I went through a number of years where I did not have that security and I know how hard it is—and I am sure there are other people here who went through that period as well. All this bill is doing is promoting full-time work and job security and, if we are silly enough not to take the opportunity to promote that for workers out there, then we have our heads in the sand.

The Hon. J.F. STEFANI: I have a further question for the minister. Given the title, which incorporates the words 'economic development' and 'fair work', and in view of the position that was clearly announced by the chairman of the Economic Development Board in relation to permanency of public servants, how does this particular clause sit with the government?

The Hon. T.G. ROBERTS: As I said, it is an indication of the direction the government would like to see employment go. I think most professionals find a niche in professional life by building up a business based on the skills they have in their particular profession. Their professional skills, in the main, are in short supply most of the time; it is the non-professional people, basically, that the act is directed towards protecting. I would say that the government's position in relation to the shortening of contracts of permanency for public servants is in response to the flexibility that needs to be shown in the Public Service's ability to adapt to a changing world as well. It is a way of monitoring performance, but the objects of the act are not pointed towards professionals.

It is very difficult to legislate for the professional world: in fact, if you look at the way in which salary levels of professionals have ballooned in the last decade—particularly at the senior executive level—it has left a lot of people behind. And when you consider some of the redundancy packages that senior executives are taking, they are not in the same bargaining arena as the people this bill is trying to protect.

The Hon. A.L. EVANS: To be quite honest with you, as a person who wants families protected and so on, I like the concept of permanency, but I want to ask the opposition: what is the worst case scenario if it is left like it is? What is the problem? Perhaps I was out when you mentioned it; just help me a bit.

The Hon. R.D. LAWSON: I thank the honourable member for this question and I also acknowledge the fact that the Hon. Terry Cameron raised the very same issue in slightly different terms earlier on. I will answer the question very briefly by suggesting to the committee that it is significant that the minister has not been able to answer the very important point that the Hon. Nick Xenophon raised about the tension and the inconsistency that will exist if these particular objects are included and stand alongside the existing objects such as, 'to encourage enterprise agreements that are relevant, flexible and appropriate to the needs of particular individuals and particular businesses'.

We do not for a moment suggest that, if these objects were included, it would be the end of casual employment: not at all. We believe that the minister has correctly identified that this is all about, to use his words, changing the signals or the rhetoric in some debate. What this actually does is bias the system against particular forms of employment that individuals presently have and are developing. It is to bias the system against employment which certain parties do not regard as secure or permanent; to bias it against people who are employed on a casual basis, on a fixed term basis, or who are employed to do a particular specified task (it is not permanent employment but it is based on a task); and it is to bias the system against those who are employed in labour hire and contracting. It is an ideological bias that is sought to be put into an act which presently has objectives which include facilitation of industrial efficiency, flexibility and productiveness. These are pro employment objectives to ensure that people have jobs and that they can have the flexibility that the current system allows them.

The Hon. John Gazzola accused me, on the basis of no evidence, of suggesting that most people choose casual employment. That is not what I said and I certainly did not intend to say that. I believe I said that the reality is that a

large group of people are not in permanent employment, some by choice and others by circumstance. Those by choice might be in it because of domestic or family arrangements—because of their spouse's work commitments, because of the children, or because they might be transient—and those are the reasons that the whole work force has developed in the way that it has. We do not believe that we should be having this sort of symbolism, changing the signals as the minister says, to the rhetoric of some debate.

The Hon. A.J. REDFORD: I just want to make a couple of points that might also go along the lines of answering the question by responding to some general comments that the minister made. By and large, I agree with the minister when he said that, in terms of communities, casual employment is less preferable than having communities full of people who have permanent employment.

The honourable minister and I have had many discussions about two of the industries emerging in the South-East. The timber industry has a proud record of permanent employment with a permanent work force and career paths, etc. In my assessment, it is an industry which has a long-term, more stable future and which over the last 100 years has delivered the best investment return of any primary industry in the South-East. Contrast that with the wine and grape industry which, apart from some specialist areas, has focused its employment on casual employment—bringing people in from Adelaide, and things of that nature.

I remember back in the mid-1990s that the wine industry came along and wanted us as a government to build cheap housing in Naracoorte, Bordertown and other places—and I am sure that the honourable member would have the same approaches. My attitude to those industries is: go and pay your people properly; go and give them a level of permanency, and you will get the quality of staff as a consequence, and they did not do that.

The Hon. T.G. Cameron: Do you want them to pick grapes 12 months a year?

The Hon. A.J. REDFORD: No. I will show the Hon. Terry Cameron a bit about the industry. It is not about that. The management of vineyards is a year-round job.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: Anyway, I do come from and have spent a lot of time in the area, and I would ask the honourable member to respect that. What I am saying to the minister is, sure, we agree on those things. The difference is how you go about changing behaviour and how you go about achieving particular outcomes. The view on this side is that you will change the outcomes and performance by two things, first, by enabling flexibility within the legislation and, secondly, by encouraging a buoyant, confident and strong economy.

One of the most critical aspects in relation to that is business confidence. If you bring in clauses like this, business confidence will diminish and, if business confidence diminishes, it will invest elsewhere. It does not take much for business confidence to diminish. There was an example the other week, where the investment of $400 million into a pulp mill is happening in Victoria—in Hayward—and not in Mount Gambier because of a policy of this government that discourages the planting of forests. That is all it took, if the Hon. Andrew Evans understands. Hayward is not a very big town; you can drive through it in half a second. Mount Gambier is vibrant and the largest regional centre in this state, yet the investors chose to go to Victoria because of an issue of confidence.

That is what this is about. How do you go about achieving better results and more permanency? You will not do it down at the Industrial Relations Commission. You will do it out there in the economy by having a strong and buoyant economy. It is John Howard who has delivered near full employment to this country, and he has not delivered that by any means other than allowing the parties the flexibility to achieve these outcomes. Sure, what the minister (Hon. Terry Roberts) and members opposite are saying about the value of permanency is absolutely correct, and we on this side do not dispute that. We dispute how you go about achieving that outcome. In South Australia today and, indeed, in this nation, we have a degree of flexibility that is delivering better outcomes; it is delivering greater employment; and it is delivering better security for men and women of this country.

If it ain't broke, it is generally wise not to try to fix it, and we believe that this will basically deliver uncertainty. As I said earlier, we will have third parties (and I am not just talking about the Industrial Relation Commission: we are talking about unions and various other people), who have no direct relationship or entry into these enterprise bargaining agreements, intruding and using the objects as stated in this to interfere with what people want. It is freedom that has created this economy: it was not the rules and regulations that hampered this country in the 1960s, 1970s, and 1980s.

This will be a rule that, for all the best intentions, will hamper this state economy. For all the best intentions, it will drive capital to other parts of Australia, indeed, overseas, because employers will say, 'Hang on; we don't want that third-party interference'. So, we are all on the same track here; we all want the same outcome. The dispute is about how we achieve it. I say to the Hon. Andrew Evans that the proof is being delivered: we are seeing it today; we are seeing it with this Prime Minister and the reforms to industrial relations in Australia over the past decade; and we have seen it the previous government with the legislation as it exists. I urge the Hon. Andrew Evans not to experiment with this; if it ain't broke, don't fix it.

The Hon. T.G. CAMERON: I indicate that I am supporting (fa) and, at this stage, (fb). I am concerned about the word 'permanency', but I would like to see the word 'security' remain in (fb). If I am presented with the choice of either supporting or opposing (fb) because it includes 'permanency', I will still support it on the basis that I want the word 'security' to go into the act. So, let me deal with it if I can, without repeating what has already been repeated again and again during this debate.

I will concentrate on this word 'permanency'. I do not think anybody would deny the impassioned plea that was made by the Hon. Gail Gago about what workers want, but I could probably contend that, if you asked workers whether they wanted six weeks annual leave a year, they would probably say six. If you asked them whether they wanted a wage increase, they would also say that. It is not to deride the value of your argument, but we do not always get what we want when we are workers.

What is confusing me is something that the Hon. Andrew Evans touched on, but I do not believe anybody has dealt properly with the concern he has about this word 'permanency'. He has tried a couple of times, and I have as well, to find out exactly where we are going. At the beginning of the debate, I was not terribly concerned about it but, if one goes back and reads what the Hon. Terry Roberts has said about it, one could be forgiven for getting the impression that what the government is on about here is not necessarily

wiping out casual employment. I do not interpret this in the clause, I must say but, when one listens to the minister's explanation for it, it is quite clear that—certainly, in his mind anyway, if it was not in the mind of the person who drafted the clause—this will push the employment of labour away from casual labour (again, from the way he answered the question) and away from permanent part-time labour to permanent weekly paid employment. I want the minister to put that on the record later if it is not the case. It was certainly the interpretation that I picked up.

The minister was almost warming the cockles of my heart there for a while about how people want permanent employment. I would not disagree with any of the trade union officials here tonight: if people are working regular hours on a permanent weekly basis and they are employed as a casual, then it is true to say, as the Hon. Gail Gago said, they would prefer, rather than being on what in the industry is known as a permanent casual, to be in permanent employment. They would rather be classified as a permanent, and that would be the overwhelming majority of people. However, this parliament and the Australian Labor Party have a long history of protecting the interests of minority groups. It is fair to say that there is a minority of people out there who do not want a permanent job, irrespective of whether they are working five days and up to 40 hours a week. So, I am a little concerned with the inclusion of the word 'permanency'.

I think the Hon. Nick Xenophon has picked it up, too. I do not accept the Hon. Robert Lawson's arguments about the conflict with the other objects: I do not see them as mutual opposites or as mutually incompatible as there is a compatibility there and it is somewhat a legalistic argument, although that is where these things end up. Out of all of the debate there was a question, which I cannot properly recall, put by the Hon. Angus Redford to the Hon. Terry Roberts, to the effect that this will allow third parties to intervene in the finalisation of an enterprise agreement.

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: Let me quote you first before you correct me. If we intervene it will allow third parties to intervene in an agreement that has been mutually agreed between employers and employees. The only third party he would be referring to is probably another union, and that would be his concern. With the inclusion of the word 'permanency'—I do not believe 'security' does it, and nobody is really jumping up and down about that—if it is not doing what Terry says it is doing, and it is doing what Angus says it is doing (or perhaps the truth lies somewhere in between), then why are we including the word 'permanency' in the legislation? I think we are including it for the reasons outlined by the Hons Gail Gago, Bob Sneath and, to a lesser extent, John Gazzola. I know that the minister shook his head, but my interpretation of what he said was that the inclusion of the word 'permanency' will provide an impetus or a push for more permanent jobs here in South Australia. I am not certain about that.

I certainly do not accept the Liberal Party's argument as it is a little bit hackneyed and I would love a dollar for every time it has argued against a clause on the basis that it will cost jobs. There is never any rational argument about where the jobs will be lost or how, but they will be lost. I would be interested to hear from any of the lawyers here and the Hon. Terry Roberts before I make up my mind about the word 'permanency' and whether or not the inclusion of that word, as this is shaping up as a fairly significant clause, will allow a third party to interfere in the establishment of an agreement where the employees have exercised their free choice.

We can all have an argument about how level is the playing field and so on. I do not need any convincing on that ground. It is usually the employer who has the whip hand: whether or not a person is represented by a union, you just go in there and do your best. You know the employer has the whip hand. I would be interested to know where we are going with that word 'permanency'.

One member of the committee reminded me 15 minutes ago that we are probably talking about the dignity of workers. That is what every member of this chamber would be seeking to do. Not all workers like their job. Not all workers are happy in their job. Many are underpaid, but the wonderful thing about the working class is that, notwithstanding the fact that they are being underpaid and overworked in a job they do not like, they maintain their dignity, put their head down, do a good job, pick up their pay for the rest of their life and make a worthwhile contribution to our economy. That is what I am on about.

I am on about ensuring that we end up with something that does not interfere with current workplace arrangements, that does not interfere with the free rights of people to enter into agreements without third parties—which may include unions, employer organisations or other employers—interfering. I believe that workers should be free to sort out these things with the assistance, preferably, of their unions but, if not, on their own. In conclusion, I am supporting paragraph (fa). I will support an amended (fb) to include the word 'security' and, if I can get some addressing of the issues I have raised, I will make up my mind about the word 'permanency', but at this stage I just do not know.

The Hon. T.G. ROBERTS: We are almost there. Some of the contributions made by the Hon. Angus Redford line up with the government's position. His recognition of the various industries, the definitions and how the act would apply were quite accurate. The objects do not allow for any third party interference. The objects would apply to non-union organisational work as well as to unionised places. The objects of the bill would simply seek to have the commission recognise the need for the security of employment and permanency more than is the case at present, so the confusion you have about my definition of transferring permanent casual to permanent work I hope describes accurately what we are trying to do. It is to get away from the circumstances—

The Hon. T.G. Cameron: You are trying to encourage rather than compel.

The Hon. T.G. ROBERTS: Promote.

The Hon. T.G. Cameron: There is no compulsion?

The Hon. T.G. ROBERTS: No. It is to promote an attitude of—

The Hon. T.G. Cameron: Irrespective of whether someone had 100 per cent casual employment: no-one else has the right to come in and interfere with that?

The Hon. T.G. ROBERTS: It is up to the parties themselves.

The Hon. T.G. Cameron: In that environment you will have judges telling workers they can't work casually.

The Hon. T.G. ROBERTS: I have never been in a workplace where a commissioner has told an employer how to change the work practices without the employer or employees making an application, seeking an agreement or seeking to break an agreement. The commissioner would order further discussions and talks to get a consensus out of

an organisational structure like that. If you look at what has happened in the rush to casual employment now—and I do not have a contract with me—the Telstra contracts are such that young people are now forced to sign, and if you look at the Richard Branson method of employment and the strategies he uses on peer assessment—

The Hon. Nick Xenophon: Qantas.

The Hon. T.G. ROBERTS: I have not looked at the Qantas structures, but the emergence of policing of each other by individuals within each work group is definitely something that needs to be interfered with. There needs to be an interruption to the rush for casualisation, competition and individuals putting each others on slippery poles so that they can advance their own promotions at the expense of their fellow workers. It is something that is not reported and recognised widely. In fact, if members watch popular television, they will see that now it is promoted as the way to go.

We are saying that the security and permanency of employment is to be encouraged so that the commission recognises it by the statements and objects within the act. It is not legislating to make it happen. It is not banging people's heads together saying that this is what we want to do overnight. It is an object in an act for people to recognise that this government believes that permanency—permanent part-time, permanent casual and permanent employment—is better than the rush and the slide to the insecurity that comes with being insecure in your employment by not having either the security that the honourable member requests in the amendment—

The Hon. A.J. Redford: How will this fix that?

The Hon. T.G. ROBERTS: It is the first educative step of leadership: it is what governments tend to do.

The Hon. R.D. Lawson: Why don't you do it in your own Public Service then?

The Hon. T.G. ROBERTS: The people who are not under awards and who are award free negotiate their own wage structures. The government has made major advances in terms of permanency for its employees compared with when it took office—and there has been no major singing of that from the roof tops. It is a simple objective in which we are saying, 'Give more stability to individuals and families so that they can plan, so that they can have security and therefore their children can feel secure within that family environment.' We set it out as an objective indicating that the government is putting up in lights that the great rush for casual employment should cause people to stop and consider that there may be other options and better outcomes for society—a balance.

The Hon. R.D. LAWSON: The objects of this act do not reflect government policy. This is a statement of the parliament of South Australia. The government as a major employer in the Industrial Commission can adopt whatever policies it seeks. However, the minister keeps saying that this is a signal the government is sending. It is not a signal of the government: this is a product of this parliament and it expresses the will of this parliament.

The Hon. A.J. REDFORD: I do not expect the Hon. Terry Cameron or the Hon. Nick Xenophon to believe what I say but I think I should go on record and say it: that is, if you delete the words 'and permanency' from paragraph (fb) so that it reads 'to promote and facilitate security in employment', then I absolutely bet my whole reputation that 'security', when it is interpreted before the Industrial Commission, is treated as including issues of permanency. Permanency is part of security. 'Security' is the general term. If you delete just 'and permanency', you have done nothing; you may as well vote for the clause as printed. It does not make any difference by deleting the words 'and permanency'.

The Hon. R.K. SNEATH: I think the opposition in particular has conveniently forgotten the word 'promote'. I think the Hon. Terry Cameron asked a question a while ago which perhaps I can help with. We tend to forget that the employer and the employees are people who are working together all the time at a job site. Sometimes the employer seeks advice from Business SA, the chamber or somewhere; and the employees, if they are members of a trade union, might seek advice from it, or they might seek advice from the other sources that are available to them. However, at the end of day, when the enterprise agreement is finalised—and the Hon. Terry Cameron would know this as well as I—it is finalised between the employer and the employee(s)—sometimes with the assistance of the chamber, Business SA, the unions or someone else.

It goes to the Industrial Commission. To promote permanency and security, the employees might say to the boss or the employer during the negotiation of that agreement, '50 of us here out of a work force of 100 are still casual. We have been here for a number of years; what about putting in the agreement that five more permanent positions are created each year for the life of the agreement?' The employer says, 'No, I cannot do that but I am prepared to employ three new full-time employees above the ones we have now for each year of the agreement.' If the agreement lasts for three years, it means that nine of those employees get full-time employment over the period of the agreement.

They then go to register that in the Industrial Relations Commission. The Commissioner says, 'That is good; that workplace is promoting permanency in employment and we will ratify the agreement.' That agreement has been done without any interference from the Industrial Relations Commission. It has been taken to it for ratification and that is all. It is an agreement between the boss and the workers and, along with a heap of other clauses, conditions, trade-offs, benefits or whatever, that agreement is put together with 40 clauses in it and away they go to the commission. They are both happy with it and both are indicating that they agree that it be ratified. What is wrong with that? That is promoting permanency in the work force.

If the employer does not want any more than three employees made permanent each year or if they do not want any more employees made permanent, they will not agree when they go before the commission. They might say, 'Yes, the workers want to see five extra people made permanent each year but we do not agree with that.' Until they come to some agreement, it is a fair chance that the agreement will not be ratified. That is the way in which you promote it. If the union has any brains, it will hear what the employees are saying and take it up with the boss. The chamber might say to the boss, 'I think you can afford to make three or four of them permanent each year if you have 50 casuals, or whatever.' That is what promoting full-time permanency and security in the job is all about: it is about an agreement between the parties and their going to the commission and getting it ratified.

The Hon. T.G. Cameron: You do not agree with what the Hon. Angus Redford says?

The Hon. R.K. SNEATH: No.

The Hon. T.G. Cameron: That the third party will be able to intervene?

The Hon. R.K. SNEATH: No. In relation to all the agreements I have done, at the end of the day, unless you could thrash them out with the boss and the workers and they agreed on site, you took them to the commission. The commission always sent you away saying, 'There is no agreement here. Go away and come back when you agree.'

The Hon. J. GAZZOLA: This is a further example from my time as a union official. There were a number of times during the 1990s when there were large scale redundancies and people lost permanent jobs. They were paid their redundancy pay and then they came back as casuals, or the company that made those permanent jobs redundant then went to a labour hire company. Those jobs still existed but they did not want those permanent full-time jobs for whatever reasons. They could have been legitimate business reasons, but we did not accept that argument many times, because those jobs were still ongoing permanent jobs. Effectively, what happened with the redundancy was that it converted the permanent full-time jobs to casual positions.

The Hon. T.G. CAMERON: I think it is about time we made up our mind on this one. The cold war warriors are starting to sharpen their swords and spears. If we get into that kind of argument we will never resolve this.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. CAMERON: No; I think that the honourable member has an amendment that he is going to move. We cannot keep debating this all night. In the absence of any further argument, I indicate my support for paragraphs (fa) and (fb) as they are.

The Hon. NICK XENOPHON: After this very extensive debate (and, Mr President, I will be guided by you as to the appropriate manner in which to do this), with respect to paragraph (fb), I move:

Delete the words 'and permanency'.

The paragraph would then read:

. . . to promote and facilitate security in employment.

I move that amendment for the reasons I have already outlined. I reiterate briefly that removing the words 'and permanency' would remove what I consider to be an inherent conflict with section 3C of the current legislation. However, I believe that it will still pay appropriate attention to the concerns of those with respect to security of employment. It will still allow for the argument to be made about the whole issue of security without necessarily discouraging casual employment where it is appropriate in some industries.

That achieves the appropriate balance. It would be a compromise position that would take into account some of the concerns of the employers while at the same time providing appropriate weight to those concerned about the security of employment for families, as well as taking into account the need for flexibility in the workplace, which is currently one of the objects of section 3C of the act.

The CHAIRMAN: There has been an exhaustive debate. During that debate I think there was general consensus that we would put paragraph (fa) as one decision and (fb) as the other, and I intend to proceed on that basis. The question is: that all the words in paragraph (fa) as printed stand as part of the bill.

The Hon. R.D. Lawson's amendment negatived.

The CHAIRMAN: We will now deal with the Hon. Mr Xenophon's amendment.

The Hon. T.G. Cameron: You had better bring Paul Holloway back. At least someone will know what they're doing.

The Hon. T.G. CAMERON: Order! There will be no disrespect from the Hon. Mr Cameron. We now have an indication of an amendment by the Hon Mr Xenophon dealing with the words 'and permanency'.

The committee divided on the amendment:

AYES (10)

Evans, A. L.	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I.
Redford, A. J.	Ridgway, D. W.
Schaefer, C. V.	Stefani, J. F.
Stephens, T. J.	Xenophon, N. (teller)

NOES (9)

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

PAIR

Dawkins, J. S. L.	Reynolds, K.

Majority of 1 for the ayes.

Amendment thus carried.

The Hon. IAN GILFILLAN: I move:

Page 5, lines 29 to 32—Delete subclause (4)

We believe that it is inappropriate to include the paragraph, which provides:

(ka) to encourage and facilitate membership of representative associations of employees and employers and to provide for the registration of those associations under this act. . .

I want to clearly express what I said in my second reading contribution. We encourage and are enthusiastic about membership of those associations, and we believe there are great advantages in those associations flourishing and moving with the times. I think in some instances the associations have been bogged in previous history and find it very hard to move into a cooperative, modern era. However, that is not the debate that is before us now. So we are saying that it is not an area where legislation should be expressed in these terms, and that is why we move the deletion of this provision.

The Hon. R.D. LAWSON: I indicate that the Liberal opposition has an identical amendment on file, so we will certainly be supporting it. The reason that we seek to delete this objective from the object of the act is that we do not see it as the role of the industrial relations system to promote the membership of employer associations or indeed employee associations. We see that as a role for the associations themselves.

We do not believe it is the role of an object of an act of this kind to be promoting employer associations' membership. If Business SA wants to go out and recruit members, or if the Motor Traders Association or the Retail Traders Association want to go out and seek members, they ought do so themselves. Similarly, with unions. If they wish to recruit members, they should be doing it themselves. Unions and employer associations are in a competitive market for membership. They should be able to demonstrate to potential members the benefits of joining. We do not believe it is appropriate. We agree with the Hon. Ian Gilfillan that it is entirely inappropriate for an object of this kind to be in this act.

The Hon. P. HOLLOWAY: The government opposes the Hon. Ian Gilfillan's amendment, but we know where the numbers are. We will certainly be dividing on this. The arguments were well set out by the minister in another place.

I will not go through them all again here, but I just indicate that we will certainly be opposing the amendment.

The Hon. NICK XENOPHON: This may well be an academic exercise. I indicate that I would have supported the government's position if it did not include the words 'to encourage'. If it included simply 'to facilitate membership of representative organisations', I would not have regarded that as being in conflict with the existing objects of the Industrial and Employee Relations Act. In those cases where someone wants to join a union, they ought not be hampered in the right to exercise that. That would not have been inconsistent with section 3(k) of the act which provides 'for absolute freedom of association and choice of industrial representation.' However, it may have made it slightly stronger by providing for facilitation of that without necessarily pushing the balance that would in some way restrict the choice of those who did not want to join an association, whether employee or employer.

The Hon. P. HOLLOWAY: As I said, it appears the numbers are against the government. We will certainly be opposing the amendment. I am not sure whether the Hon. Ian Gilfillan is attracted to the proposition of the Hon. Nick Xenophon. If he is not, let us have the vote and move on.

The committee divided on the amendment:

AYES (12)

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

NOES (7)

Cameron, T. G.	Gago, G. E.
Gazzola, J.	Holloway, P. (teller)
Sneath, R. K.	Xenophon, N.
Zollo, C.	

PAIR

Reynolds, K.	Roberts, T. G.

Majority of 5 for the ayes.

Amendment thus carried.

The Hon. IAN GILFILLAN: I move:

Page 6, line 2—Delete 'or unreasonable'

This amendment deletes the words 'or unreasonable' from subclause (5)(m). The paragraph would read, with my amendment, 'to help prevent and eliminate unlawful discrimination in the workplace'. We are motivated to move this amendment because of what is I think reasonably analysed as possibly an uncertain interpretation of the word 'unreasonable'. There are circumstances, and they have been put to us, where there could be a difference of opinion as to whether a discrimination in the employment of certain people for certain occupations was reasonable or unreasonable depending on the philosophical or religious position that various people may have in assessing it. Principally, of course, it has been church schools that have been up front in expressing this concern. We are sympathetic to it, although it is an area in which the move is to remove discrimination wherever it does rear its uglier head. But in certain circumstances there is a right, in our opinion, whereby an institution should be able to choose employees on the basis of certain criteria, and the one which is predominant in the argument is religious faith. However, that should not embrace any excuse for indulging in what is an unlawful discrimination in the workplace, and we feel that with the words 'or unreasonable' removed the paragraph is helpful and legislatively effective.

The Hon. A.L. EVANS: I have been lobbied on this more than almost anything else in the bill, by all faiths, because there is a fear that it is too wide and they could be forced to go in a direction in which their conscience does not want them to go. So, I support the amendment.

The Hon. R.D. LAWSON: I indicate that the Liberal opposition had a similar amendment on file and, if the Hon. Ian Gilfillan had not moved his, we certainly would have moved ours. I indicate that we support the amendment of the Hon. Ian Gilfillan. We believe that it is inappropriate to insert an expression such as 'unreasonable' in relation to discrimination. There are laws which prohibit discrimination, and unlawful discrimination should be prohibited and discouraged, but the notion of unreasonable discrimination will give rise to argument and uncertainty and will lead to unnecessary disputation and expense.

This matter was picked up not only by the independent schools, which made a strong representation to all members, but also for different but similar reasons by almost all the industry associations which submitted material to the opposition. It was picked up by the Printing Industries Association, for example, by Business SA and by a number of the other organisations. I will not name them all. This proposal has been widely condemned in the industrial relations community, and we support that condemnation. We support the Hon. Ian Gilfillan's amendment.

The Hon. T.G. CAMERON: I indicate my support for either the amendment of the Hon. Ian Gilfillan or that of the Hon. Robert Lawson. I think they both say pretty much the same thing. I want to emphasise a point made by the Hon. Andrew Evans in relation to some of the fetters that may be placed on employment if the word 'unreasonable' is maintained in that paragraph. You could very well have the ludicrous situation in a Christian school and/or a Muslim school of a Christian and/or Muslim teacher applying for a job and then being able to use this clause, if the word 'unreasonable' is inserted into it, to take legal action against the employer, and that would be totally unacceptable. It is the only example I can give off hand but, to me, that is what would be unreasonable—to create situations where you trigger litigation to try to resolve such a situation. That is the argument that convinced me that the word 'unreasonable' should be deleted.

The Hon. NICK XENOPHON: I indicate my support for the amendment. If there is unlawful discrimination—that is, as defined in various pieces of legislation and, for instance, relying on equal opportunities legislation—to say that it is 'unreasonable' creates the sort of uncertainty that has been alluded to by the Hon. Mr Gilfillan, who moved this amendment. For those reasons, I support the amendment.

The Hon. T.G. ROBERTS: The government insists on its amendment, but I can count and I will not hold up the committee too much. But I will explain that it was not intended to be divisive. The amendment was not meant to be aimed at any particular faith. In fact, one would expect that if someone applies for employment in a school that adheres to a particular faith it is hard to imagine that it would escape their notice. In fact, you would expect that the school would make very clear to them what its faith was and what it meant to them and that their faith would not be used as a weapon to discriminate against them. But, if the majority is of the view that the word 'unreasonable' is unreasonable in this application, I will bow to the numbers and will not divide on it.

Amendment carried.

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

Page 6, lines 8 and 9—Delete paragraph (p)

This amendment seeks to delete clause 5(5)(p) as one of the objects of the bill, namely, 'to support the implementation of Australia's international obligations in relation to labour standards'. The reason we oppose the inclusion of this clause is that international labour standards should not automatically become part of South Australian law. The fact is that the parliament of South Australia should retain control of its industrial relations system, and a blanket support in advance of Australia's international obligations in relation to labour standards is inappropriate.

The sovereignty of this state is such that we ought be able to make decisions here in relation to standards of this kind. They may be standards that are worthy of support in other parts of Australia or the world, but this parliament ought retain to itself the capacity to adopt or not adopt standards of this kind if we do not believe in the automatic inclusion of standards of this kind, and that is the effect of this amendment.

The Hon. T.G. CAMERON: I indicate my opposition to this provision. The South Australian parliament should be determining the wages and conditions of employees under the system we have established here, including this reference in the legislation. I believe it raises the possibility of increasing industrial disputation and clouding the argument, and one can see the day when someone will stand up and point to some obscure ILO convention that 94 per cent of the world's countries are not abiding by, and we have signed some agreement that we will stick by ILO agreements and then the gun is pointed us: we are bad buggers because we will not support international labour organisations. I think it is best left here. I would feel much safer if we deal with it.

The Hon. IAN GILFILLAN: I indicate the Democrats opposition to this amendment. One of the biggest fears—and, in fact, it is a reality in Australian history—is that our international competitors are not complying with labour standards. In our view they are, in fact, exploiting labour to make their products unfairly competitive on the international scene. It is going to be very hypocritical of us if we want to impose on those nations the international labour standards so that it is a so-called level playing field. They will be able to say, 'But you have actually denied your workers the conditions through this by rejecting legislation which would have encouraged the implementation of it.'

I would be embarrassed to be a South Australian if people could point out that we are encouraging labour practices which do not match the standards, which are not too taxing. There is no great high bar set for international labour standards. I would be embarrassed to be a South Australian if we could not comply with those.

The Hon. NICK XENOPHON: I would be more embarrassed if we signed up for something that we do not know the terms of.

The Hon. Ian Gilfillan: Who is talking about signing up?

The Hon. NICK XENOPHON: If the objects are to have any work to do then, clearly, supporting this clause (and in the absence of specific reference to what is supported) will carry some weight, and it could mean a quasi-recognition of those standards without knowing what those standards are. I agree with the Hon. Mr Gilfillan to this extent: if standards are set with respect to various conventions then let us specify that, as I think it has been set out further in the bill. It does not prevent us as a parliament from saying that we will support these conventions, but let us know what those conventions are, because I think it is a basic question of sovereignty. Let us at least ratify what those specific conventions are rather than signing a blank cheque with some unintended consequences.

The Hon. A.L. EVANS: I think Australia has some of the best standards in the world and I would not like us to be tied in any way to some of these international conventions. People come at it from all angles and different views, and I do not see any need for it. I support the amendment.

The Hon. IAN GILFILLAN: I think I probably indicated reasonably firmly the way the Democrats will vote, but I would like to ask the Hon. Mr Lawson: what particular international obligation, in relation to labour standards, does he anticipate being too onerous for South Australian standards to match?

The Hon. R.D. LAWSON: We are simply not able to identify which particular standards, or what standards might be promulgated in the future by some organisation over which we have no control and no say. It is buying a pig in a poke, to borrow the expression used by my leader.

The Hon. T.G. ROBERTS: International standards are not mandated at all. If you sign up to be a signatory no-one is going to come in and force standards on Australia or South Australia that they do not want be part of. Has anyone ever known anyone from the ILO to visit South Australia, or has anyone ever met an ILO enforcer of international standards in South Australia investigating breaches of the conventions?

The Hon. Caroline Schaefer interjecting:

The Hon. T.G. ROBERTS: It is a smart interjection. However, it works the other way. It works for those in developed countries to at least be seen not to be preaching to third world countries but to actually be carrying out the standards that are required for industrial nations: to have good safe workplaces, to have practices that can be modelled by developing and third world countries.

The ILO is a democratic organisation affiliated with a whole range of countries who have a history of assisting developing and undeveloped countries, and if we are to lecture them on the basis that we are not prepared to pay any due respect to the ILO then we would not be listened to in any of those countries. We do have wide ranging respect in international forums at a whole range of levels.

One of the other things that is starting to develop is that when industries shift offshore, and when the planet becomes one industrial base, Australia will be the most disadvantaged if international standards are not applied to developing countries such as India and China and other developing nations. If they are allowed to breach ILO conventions in relation to world's best practice in a whole range of areas, they will undermine our ability to compete in international markets. That is one of the things that many of our key industrialists and activists have picked up: that, if there is going to be a standardisation of a whole range of practices where capital is allowed to be developed internationally, they have to be international standards were labour has minimums and maximums in relation to how they step.

The Hon. R.I. Lucas: Are you saying that industry supports your amendment?

The Hon. T.G. ROBERTS: There are many people in the developing democracies who agree with the ILO's standards. In fact, employers send delegates to the ILO conventions to educate them and to get people to understand how the ILO conventions actually work and what discussions they are

having. The effect of the amendment is to add to the objectives, to guide the discretion of the commission, and not to create any of the hard and fast rules that people believe will be foisted upon us if we make a declaration and an objective.

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: You think so?

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: That is the reason we have included it; it is not conspiratorial. I know that obscure political organisations throughout Australia have a fear of anything that is developed overseas, and that we have to keep control of all of those things that people say we have to protect. If we do not want to be part of the international arena in terms of the relationship between developed, developing and third world countries, then revert back to looking after yourselves. That is the basis of voting against it. I know; I can count again; we will probably lose it.

The committee divided on the amendment:

AYES (11)

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

NOES (8)

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

PAIR

Redford, A. J.	Reynolds, K.

Majority of 3 for the ayes.

Amendment thus carried.

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

Page 6, lines 21 and 22—Delete paragraph (d)

This amendment seeks to delete proposed section 3(2)(d) which will provide:

> In exercising the powers and carrying out the functions under this Act, the Court, the Commission and other industrial authorities are to have regard (where relevant) to the provisions of [three specified international conventions] and. . .

Then, proposed paragraph (d) provides:

> . . . any other convention or standard prescribed by regulation for the purpose of this provision.

We believe that this form of legislation is inappropriate. If there are other conventions or standards which are to be incorporated in this act, the matter should come back to the parliament, a debate can be had and the standard will be adopted. We think it is inappropriate to allow, by regulation, the introduction of standards and conventions of this kind. True it is, of course, that any regulation can be disallowed, but it can usually be disallowed only after it has come into operation. The mechanism for disallowing regulations is not as good as it should be, as every member of this place knows. This house regularly disallows regulations which the government of the day reintroduces the following week without parliamentary debate or discussion.

We believe that the introduction of conventions and standards of this kind ought only occur in a transparent way after parliamentary debate and public consultation. As all members know, it is possible to introduce regulations without any form of prior consultation or discussion, without any transparency at all, and then it is left up to either house of parliament, almost after the horse has bolted, to try to put the genie back in the bottle. We think the appropriate form of regulation in this regard is to have all standards and objects included in the legislation itself.

The Hon. IAN GILFILLAN: I indicate the Democrats' support for the amendment. It is dangerous legislation to leave matters which are as significant as this to the somewhat arbitrary nature of regulation. We have consistently been suspicious of such measures and we therefore feel that the amendment is worthy of support, and we will support it.

The Hon. NICK XENOPHON: After it was so eloquently put by the Hon. Mr Gilfillan, I too, support the amendment.

The Hon. T.G. ROBERTS: The effect of the amendment is to provide for regulations which add to the objectives to guide the discretion of the commission, not to create hard and fast rules, as everybody seems to imply by their contributions. I know what the numbers are.

The Hon. R.D. LAWSON: I would like to put on the record that the minister in another place acknowledged that 'the intent here is about ILO conventions'. The government was honest enough to say that it is looking at the introduction of international conventions by this backdoor means.

The Hon. T.G. ROBERTS: I think I would have to take some offence to reference to a 'backdoor method'. Parliament is hardly a backdoor: we are debating now. Everybody has an opinion and a means of being a part of the debate, and it is just one of those philosophical arguments on which the Liberal and Labor parties will always divide.

Amendment carried.

The committee divided on the clause as amended:

AYES (11)

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

NOES (8)

Lawson, R. D. (teller)	Lensink, J. M. A.
Lucas, R. I.	Redford, A. J.
Ridgway, D. W.	Schaefer, C. V.
Stefani, J. F.	Stephens, T. J.

PAIR

Reynolds, K.	Dawkins, J. S. L.

Majority of 3 for the ayes.

Clause as amended thus passed.

Progress reported; committee to sit again.

BROWNHILL AND KESWICK CREEKS

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I table a ministerial statement made by the Minister for Urban Development and Planning today on the subject of the Brownhill and Keswick Creeks flood plain plan amendment.

STATUTES AMENDMENT (DRINK DRIVING) BILL

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

The Hon. P. HOLLOWAY (Minister for Industry and Trade): 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.

Drink driving remains a significant problem in South Australia.

Drink driving continues to account for just over one in four of driver and rider fatalities in South Australia. In the period 1994 to 2003, 29 per cent of drivers and riders killed had a Blood Alcohol Concentration (or BAC) above the legal limit of 0.05. In the same period almost one in five drivers and riders who suffered a serious injury crash had an illegal BAC ("serious injury" is defined as a person who sustains injuries and is admitted to hospital as a result of a road crash and who does not die as a result of those injuries within 30 days of the crash).

When a driver has consumed alcohol, for every increase of 0.05, the chance of crashing doubles. At 0.08, the crash risk quadruples. Therefore, at the Category 3 level (a BAC of 0.15) a driver is about 8 times more likely to be involved in a crash than a sober driver. Above 0.15 the risk continues to rise exponentially.

Between 1997 and 2003, 25 per cent of all drivers killed with a BAC over the legal limit were within the Category 2 range of 0.08 to 0.149.

Over recent years in South Australia, the percentage of drivers with BAC of 0.15 (which is three times the legal limit) or above is approximately 28 per cent of all those detected above the legal limit of 0.05. In addition, approximately 70 per cent of drivers or riders with an illegal BAC who are killed have blood alcohol levels well in excess of three times the legal limit.

Yet, despite these terrifying facts, the 2003 National Report on Government Services shows that 12 per cent of South Australian drivers admitted to driving with a BAC above the legal limit in the previous 12 months.

A survey undertaken by the Royal Automobile Association in South Australia and published in the October issue of their journal, the *SA Motor*, found that more than half of the respondents in the 16 to 25 year old age group, living in Adelaide, admitted to regularly drinking and driving. Sadly, almost half of country people surveyed, mostly young men, also admitted to regularly drinking and driving.

What is particularly worrying is the percentage of drivers or riders killed with an illegal BAC. In 2003, it was 26 per cent - higher than the figure for five years earlier, 1998, which stood at 22 per cent.

In 2002, 41 per cent of drivers convicted for drink driving had committed a previous offence of this nature. Research undertaken in 2003 by the University of Adelaide for the Department of Transport and Urban Planning found that prior drink driving related offences proved to be the only strong and consistent predictor of culpability in all fatal crashes in South Australia.

We have become complacent. Deaths and injuries from drink driving have been steadily rising. There is a real and immediate danger that the hard gained successes of the last twenty or so years in significantly reducing the drink drive road toll will be lost.

In recognition of this deteriorating situation and the need for determined and effective response, the Road Safety Advisory Council, chaired by Sir Eric Neal AC CVO and consisting of senior officers from Department of Transport and Urban Planning, SA Police, the Department of Education & Children's Services, Department of Health, the Motor Accident Commission, Royal Automobile Association, Local Government Association, Centre for Automotive Safety Research and Transport Workers Union have recommended to the Government the introduction of unrestricted mobile random breath testing and support the immediate loss of licence for drink driving with a BAC of 0.08 and above.

The Statutes Amendment (Drink Driving) Bill 2004 gives effect to these recommendations.

Firstly, unrestricted mobile random breath testing.

This method is used in all other Australian jurisdictions and has been shown to be an efficient and effective tool in combatting drink-driving offences particularly when used in conjunction with stationary random breath testing stations.

Limited mobile random breath testing commenced in South Australia on 29 September 2003. Figures from SA Police show that mobile random breath testing has a significantly higher detection rate - up to ten times greater - than stationary random breath testing.

Unrestricted mobile random breath testing will enhance static random breath testing. Its introduction will strengthen SAPOL's capacity to detect and, in the case of Category 2 (0.08 to 0.149 BAC) and Category 3 (0.15 BAC and above), remove from the roads drink drivers who represent an unacceptable risk to the community and other road users in particular.

Stationary random breath testing is effective when it is highly visible, well publicised, and conducted sufficiently frequently to create a public perception that drink drivers have a good chance of being caught. This serves to deter individuals from drinking and driving.

However, stationary testing is resource intensive and, compared to mobile random breath testing, detects relatively few drink-driving motorists.

Since the introduction of limited mobile random breath testing on 29 September 2003, SAPOL has conducted 44,826 tests resulting in 1844 positive detections. Advice from SAPOL indicates that if mobile random breath testing was not limited to "prescribed periods" it is expected that the detections would rise to approximately 3000 per annum taking into account a drop in detections due to modified driver behaviour.

The approach of using mobile random breath testing to complement and supplement stationary testing is consistent with the scientific literature and research on the subject.

Mobile random breath testing is also particularly effective in rural areas where static testing stations have proven to be ineffective.

Drinking and driving is a particular problem in country areas. Between 1997 and 2003, nearly 70 per cent of drivers or riders killed with an illegal BAC were in rural areas. This is particularly the case for the drink drivers with the higher readings. Fifteen of the nineteen drivers or riders killed with a BAC of 0.25 or above died in rural areas. The remaining 4 died in metropolitan Adelaide.

The inability to conduct successful random breath testing operations in country locations has long been a significant problem. This is particularly so in smaller communities where the presence of additional police and the random breath-testing unit is quickly made known through the community so that those who are prone to drinking and driving will rely on alternative, locally known, routes to reach and depart the town. The experience of police in these situations is that the use of static random breath testing does not act as a deterrent. A single police vehicle with the ability to stop any vehicle on any road at any time could overcome the problems associated with static testing in country locations.

There are also locations where the establishment of a static operation would not be safe and would create a danger for both police and road users. This can occur on high-speed roads such as the South Eastern Freeway, or the Southern Expressway and locations where the topography of the area (such as where narrow winding roads limit sight distances on the approach to the testing station) makes it dangerous. A mobile patrol with the ability to stop and test a driver can select a safe location to conduct the test.

The higher detection rate from unrestricted mobile random breath testing and its ability to complement static random breath testing will translate to safer communities through a reduction in the fatalities and injuries associated with drink drive crashes.

The second issue is that of immediate loss of licence.

Given the significantly increased crash risk of drivers with a BAC in the 0.08 to 0.149 and 0.15 and above ranges, and the consequential higher danger they pose to the community, the Bill proposes to amend the *Road Traffic Act 1961* to provide for immediate loss of licence for Category 2 and 3 offences.

Upon detection of driving with a Category 2 or 3 BAC (which may occur as a result of an alcotest, breath analysis or through the analysis of a blood sample from a driver who attends a hospital as a result of an injury acquired in a motor vehicle accident) police will issue the person with a notice of immediate licence suspension or disqualification that will come into effect immediately. The suspension or disqualification will be in effect for up to:

- 6 months in the case of a Category 2 offence; and
- 12 months in the case of a Category 3 offence

or until the matter is dealt with by a court, whichever is sooner.

The suspension/disqualification periods of 6 months for a Category 2 and 12 months for a Category 3 offence have been chosen as these are the minimum disqualification periods a court can impose for a first drink driving offence within these categories.

The effectiveness of such a sanction, compared to higher fines, lies in the use of licence suspension and disqualification (which is generally regarded by the research literature to be the most effective sanction for deterring drink driving) and particularly in the immediacy of the application of a sanction.

The certainty of punishment and the speed with which the judicial system can process drink driving convictions influences the effectiveness of the sanction in reducing drink-driving recidivism.

Furthermore, the evidence of the effectiveness of licence suspension and disqualification is well documented. In one study,

quoted by the Monash University Accident Research Centre in its review of the scientific literature related to traffic law enforcement, the researchers examined a group of drink drive offenders who had received some form of licence suspension or disqualification compared with a second control group (who had not received a licence suspension or disqualification) after a period of three years. The results for the licence suspension/disqualification group compared to the control group showed a significant reduction in the total number of road crashes, for first and multiple offenders and a reduction in the number of repeat drink driving charges for first offenders.

Offenders whose drink driving offence was expeditiously processed through the courts have been shown to have lower re-offence rates than those experiencing long delays. Conversely, the deterrent effects in reducing recidivism can be significantly undermined and negated when there is a long delay between the detection of the offence and imposition of the sanction.

Currently, many offenders charged with a drink driving offence do not appear in court for weeks, and sometimes months, during which time they continue to drive. In addition, some offenders facing serious charges can delay conviction for considerable lengths of time by engaging in lengthy legal argument that can result in cases being repeatedly stood down for legal consideration. Until the matter is settled the person is free to drive and in some cases the offender has again been apprehended driving with a BAC above the legal limit.

This proposal will eliminate the time between detection and the sanction of licence disqualification being applied. This in turn will remove the current opportunity to delay legal processes as long as possible in order to keep driving.

Initially this proposal would appear to be severe. However, the decision by a member of SAPOL to immediately suspend a person's driving licence would not be based upon arbitrary or idiosyncratic criteria but on the basis of a **preliminary** alcotest **and** two **evidentiary** breath analyses conducted not less than two nor more than ten minutes apart, in accordance with procedures and standards set out in the *Road Traffic Act 1961*. The accuracy of these instruments is already well documented and accepted by the judiciary. In addition, they must now meet very strict international standard provisions.

Furthermore, a person who believes they have a defence to the offence alleged or that they are guilty only of a lesser offence, will have the right to apply to the Magistrates Court to have the suspension lifted or reduced. On hearing the application, the Court would then have the power to order that the suspension or disqualification be lifted until the criminal charge is dealt with or to order that the period of the suspension or disqualification be reduced.

To ensure that a person is not punished twice, it is proposed that any time served during the immediate licence suspension or disqualification period would be deducted from a period of disqualification imposed on conviction for the offence.

It must be emphasised that the proposal does not remove the right of the person to defend the charge in a court of law.

In order to prevent a person attempting to circumvent the immediate loss of licence sanctions for drink driving by refusing to provide a breath sample or submit to a blood test after an accident, those offences are also to be subject to immediate suspension or disqualification. The sanctions in these circumstances will be comparable to driving with a BAC of 0.15. A person who is subjected to the immediate suspension or disqualification in these circumstances will have the same right to apply to the Magistrates Court for removal or reduction of the sanction as exists in relation to Category 2 and 3 offences. Any time served on the suspension or disqualification will be deducted from the disqualification imposed by the court on conviction for the offence.

Although the Road Safety Advisory Council, initially recommended the immediate loss of licence for drink driving with a BAC of 0.15 and above, the Bill proposes to also include drivers detected with a Category 2 BAC range (0.08 to 0.149). This approach has been subsequently endorsed by the RSAC.

The reason for this is straightforward. Category 2 offences accounted for **47 per cent of all detected drink driving offences** in the period 2000 to 2003 inclusive, whilst Category 1 accounted for 25 per cent and Category 3 for 28 per cent of offences. Furthermore, in the same period the incidence of detected Category 2 offences rose from approximately 1 800 in 2000 to 2 500 in 2003.

Category 1 drink driving (0.05 to 0.079 BAC) carries with it licence disqualification on expiation where the person has previous offences. The imposition of immediate loss of licence for Category 3 offences, with no changes to Category 2 offences would create a significant disparity in the way drink driving offences are dealt with. The lower and higher penalties would attract licence disqualification imposed upon expiation (in the case of Category 1) or licence suspension or disqualification on detection (in the case of Category 3) but a person detected drink driving in the mid range would be free to continue driving for months until a Court imposed a period of licence disqualification.

Furthermore, the upward growth of the incidence of Category 2 offences would not be addressed, sending a contradictory message to the community suggesting that driving with a Category 2 BAC (0.08 to 0.149) is not as serious as either a Category 1 or 3 offence.

The third issue dealt with by the Bill relates to Category 1 BAC offences.

The drafting of this Bill has presented an opportunity to correct an unintended consequence of an in house amendment to the *Statutes Amendment (Road Safety Reforms) Bill 2003*. The 2003 Bill as originally introduced, proposed licence disqualification on the expiation or conviction of a Category 1 drink driving offence (BAC of 0.05 to 0.079). The disqualification period for the first offence was to be 3 months. Subsequent offences would attract increased periods of disqualification (second offence 6 months, third and subsequent offences 12 months.)

However, the proposed regime was amended by Parliament, so that expiation, or conviction by a Court, of a first Category 1 offence would not attract a period of disqualification. An inadvertent consequence of the amendment has been that the Registrar can only issue a licence disqualification for a category 1 drink drive offence where the offender has previously been convicted of two drink drive offences (of any category) within the prescribed period. So, for example, it would be possible to receive many expiation notices for several Category 1 drink driving offences during the prescribed period of 3 years without ever attracting a period of disqualification. As it is clear from the Hansard record of the 2003 debate in the Legislative Council, this clearly was not Parliament's intention.

In addition the Bill makes two other minor amendments. Firstly, provision is made for the placement of signs at events occurring outside metropolitan Adelaide advising people attending the event that static random breath testing will be conducted in the vicinity of the event. The absence of such a sign will not provide the grounds for a defence. Secondly, a new section 52 is substituted in the *Road Traffic Act 1961* which would allow a person with an alcohol interlock licence to surrender the licence at any time and to resume serving his or her licence disqualification. I also intend to introduce an in-House amendment to give effect to an undertaking by my colleague the Honourable Minister for Transport to the House of Assembly that the Government would consider making provision for the rare circumstances where a driver has tested positive in a location far from their place of residence. This work is currently underway.

The *Statutes Amendment (Drink Driving) Bill 2004* proposes to put in place a package of tough new measures, consistent with the recommendation of the Road Safety Advisory Council, that will halt the increase in drink driving and in doing so benefit individuals, their families and the community through a decrease in injuries and fatalities associated with motor vehicle crashes in which alcohol is a contributing factor.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Motor Vehicles Act 1959*

4—Amendment of section 81C—Disqualification for certain drink driving offences

Section 81C provides for licence disqualification where a person expiates a category 1 drink driving offence if the person has certain previous convictions (for driving under the influence of alcohol, driving with the prescribed concentration of alcohol in his or her blood, refusing to comply with directions in relation to a requirement to submit to an alcotest or breath analysis or refusing to comply with a request to submit to a compulsory blood test). At the moment, the section only operates where the person has previously been convicted of at least 2 of these offences. This clause amends section 81C to provide that previously expiated offences will be also be counted as previous offences for the purposes of the provision and to lower the threshold for application of the provision from 2 previous offences to only 1 previous offence. Therefore, under the provision as proposed to be

amended, the person expiating the category 1 offence will be disqualified for 3 months if they have been convicted of, or have expiated, 1 previous offence; for 6 months if they have been convicted of, or have expiated, 2 previous offences; or for 12 months if they have been convicted of, or have expiated, more than 2 previous offences.

5—Amendment of section 93—Notice to be given to Registrar

This clause amends section 93 consequentially to clause 12 of the measure. Under the amendments proposed by clause 12, the Magistrates Court is empowered to make certain orders relevant to licence disqualification or suspension. This proposed amendment would ensure that details of such orders are passed on to the Registrar of Motor Vehicles.

Part 3—Amendment of *Road Traffic Act 1961*

6—Amendment of section 47A—Interpretation

This clause amends the interpretation section in Part 3 Division 5 of the *Road Traffic Act 1961* to insert a provision defining when a member of the police force will be taken to ***exercise random testing powers*** for the purposes of the Act and to insert a consequential definition of ***prescribed circumstances***. Essentially a member of the police force exercises random testing powers if the member requires a person to submit to an alcotest or breath analysis or directs a driver to stop a vehicle for the purpose of requiring a person to submit to an alcotest or breath analysis and the member does so in the absence of a belief on reasonable grounds that the person of whom the alcotest or breath analysis requirement is, or is to be, made has, within the preceding 2 hours—

- committed an offence of a prescribed class; or
- behaved in a manner that indicates that his or her ability to drive a motor vehicle is impaired; or
- been involved as a driver in an accident.

Subclause (3) is consequential to clause 7.

7—Amendment of section 47B—Driving while having prescribed concentration of alcohol in blood

This clause deletes 47B(7), the contents of which will now (under clause 6(3)) be covered by a general provision in the interpretation section for the Division. This change is not substantive but merely removes an unnecessary provision.

8—Amendment of section 47DA—Breath testing stations

This clause deletes subsections (3) and (4) of section 47DA. The topics covered by those subsections are now to be covered by proposed new section 47EA. A new subsection (3) is inserted providing that, if a breath testing station is established in the vicinity of an event outside metropolitan Adelaide in order to conduct random breath tests on people who have attended the event, signs advising of the establishment of the breath testing station must be displayed in positions where people arriving at the event are likely to see them. Failure to comply with this requirement will not, however, provide a defence in any criminal proceedings.

9—Amendment of section 47E—Police may require alcotest or breath analysis

Currently section 47E of the principal Act provides that a member of the police force may require a person to submit to an alcotest or a breath analysis, or both, if the member believes on reasonable grounds that the person, while driving a motor vehicle or attempting to put a motor vehicle in motion has committed an offence of contravening, or failing to comply with, a provision of Part 3 of the Act of which the driving of a motor vehicle is an element (excluding an offence of a prescribed class); or has behaved in a manner that indicates the person's ability to drive the vehicle is impaired; or has been involved in an accident. Performance of the alcotest or breath analysis must be commenced within 2 hours of the event giving rise to the member's belief. A member of the police force may also require an alcotest of a driver of a motor vehicle approaching a breath testing station or of a driver of a motor vehicle during a prescribed period. If the alcotest indicates the prescribed concentration of alcohol may be present, a member of the police force may, within 2 hours after the vehicle is stopped for the purpose of the alcotest, require and perform a breath analysis.

The proposed amendments would allow a member of the police force to require a person to submit to an alcotest or breath analysis, or both, if the member believes on reasonable grounds that a person is driving, or has driven, a motor vehicle; or is attempting, or has attempted, to put a motor vehicle in motion; or is acting, or has acted, as a qualified passenger for a learner driver. The requirement may be made at a breath testing station or at any other place and the limitation relating to "prescribed periods" is removed. The section retains a requirement that an alcotest or breath analysis must not be commenced more than 2 hours after the relevant conduct giving rise to the requirement to submit to testing and the requirement that a person cannot as an exercise of random testing powers, be required to submit to a breath analysis unless an alcotest indicates that the prescribed concentration of alcohol may be present in the person's blood.

The proposed amendments also require the Commissioner of Police to include in his or her annual report the numbers of people required to submit to alcotests in the course of the exercise of random testing power (otherwise than at breath testing stations).

10—Insertion of section 47EA

This clause inserts a new provision imposing certain requirements in relation to the exercise of random testing powers by members of the police force. The provision extends, to mobile random testing, the current requirement that a member of the police force at a breath testing station who requires a person to submit to an alcotest, or stops a vehicle for that purpose, must be in uniform. The current requirement that a vehicle from which a direction to stop is issued must be marked as a police vehicle is retained in relation to random testing and is clarified (to explicitly include a vehicle that is displaying lights or sounding an alarm). A new requirement is imposed that would prevent the making of a requirement to submit to an alcotest (in the exercise of random testing powers) unless the police officer making the requirement has in his or her possession or in the immediate vicinity the necessary apparatus to conduct the alcotest. Finally, the Commissioner of Police is required to establish procedures to prevent (as far as reasonably practicable) any undue delay or inconvenience to persons being subjected to random testing powers.

11—Amendment of section 47GA—Breath analysis where drinking occurs after driving

This clause is consequential to the amendments proposed in relation to section 47E.

12—Insertion of sections 47IAA and 47IAB

This clause inserts new sections as follows:

47IAA—Power of police to impose immediate licence disqualification or suspension

This proposed provision would allow a member of the police force who reasonably believes that a person has committed a category 2 or 3 offence, an offence against section 47E(3) or an offence against section 47I(14) committed by a person who was the driver of the vehicle involved in the accident, to give the person a notice of immediate licence disqualification or suspension. This notice would have the effect of suspending the person's driver's licence (which, in the *Road Traffic Act 1961*, is defined to include a learner's permit) or, if the person does not hold a driver's licence, disqualifying the person from holding or obtaining a driver's licence. The suspension or disqualification operates from the time the notice is given or, if the person is already disqualified at that time, from the end of that disqualification, until proceedings for the offence in relation to which the notice was issued are determined by a court or until such proceedings are withdrawn or discontinued or the Magistrates Court makes an order under proposed section 47IAB that would have the effect of ending the suspension or disqualification (but the period must not, in any case, exceed a maximum period of 6 months for a category 2 offence or 12 months for any other relevant offence).

The Commissioner of Police is required to notify the Registrar of Motor Vehicles of a notice given under the provision, and the Registrar is then required to send, by post, a notice to the person of the name and address provided by the Commissioner containing particulars of the notice of immediate licence disqualification or suspension (although failure to do so will not result in any invalidity for the notice).

The provision also provides that a period of suspension or disqualification under a notice will be counted as part of any period of disqualification imposed by a court in sentencing the person for the offence and provides that no compensation

is payable in respect of a notice other than one issued in bad faith.

47IAB—Application to Court to have disqualification or suspension lifted

This provision would allow a person to apply to the Magistrates Court for an order—

· that the person is not disqualified or suspended by a notice under section 47IAA - this order may be made if the Court is satisfied, on the basis of evidence given by or on behalf of the applicant, that there is a reasonable prospect that the applicant would, in proceedings for the offence to which the notice relates, be acquitted of the offence and the evidence before the Court does not suggest that the applicant may be guilty of another offence to which section 47IAA applies; or

· reducing the period of disqualification or suspension under such a notice - this order may be made:

(a) if the offence to which the notice relates is a category 2 or category 3 offence that is a first offence and the Court is satisfied, on the basis of evidence given by or on behalf of the applicant, that there is a reasonable prospect that the applicant might, in proceedings for the offence to which the notice relates, successfully argue that the offence was trifling (in which case the period must be reduced to a period of 1 month, consistently with the approach to trifling offences in section 47B); or

(b) if the offence to which the notice relates is a category 3 offence and the Court is satisfied, on the basis of evidence given by or on behalf of the applicant, that there is a reasonable prospect that the applicant would, in proceedings for the offence to which the notice relates, be acquitted of the offence but the evidence before the Court suggests that the applicant may be guilty of a category 2 offence (in which case the period must be reduced to a period of 6 months).

A copy of the application must be served on the Commissioner of Police and the Commissioner is a party to the proceedings. If the Commissioner does not appear in the proceedings the clerk of the Court must notify the Commissioner of the outcome.

13—Substitution of section 52

This clause substitutes a new section 52 in the *Road Traffic Act 1961* which would allow people to surrender an alcohol interlock licence.

Schedule 1—Transitional provisions

The Schedule ensures that the amendments to section 81C of the *Motor Vehicles Act 1959* will not apply in relation to offences expiated prior to the commencement of the amendment.

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

ADJOURNMENT

At 11.05 p.m. the council adjourned until Thursday 10 February at 2.15 p.m.