HOUSE OF ASSEMBLY

Thursday 3 May 2001

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 10.30 a.m. and read prayers.

CONSTITUTION (PARLIAMENTARY TERMS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 March. Page 1226.)

Mr MEIER (Goyder): This is the second time this Constitution (Parliamentary Terms) Amendment Bill has come before us. It was moved previously by the member for Mitchell, and on that occasion, whilst it did pass with a majority, it needed an absolute majority considering that it sought to change the constitution. Therefore, the parliament now needs to consider this whole issue again. Personally, I believe that it is political stunt because the member for Mitchell has made it very clear that he wants to try to force the government to go to the people exactly four years after it is elected.

Ms Hurley: Why not?

Mr MEIER: A very good point from the deputy leader. The answer is very clear. It is spelt out in section 28 of the Constitution Act, under 'Terms of the House of Assembly', which states:

> Every House of Assembly shall, subject to earlier dissolution under this act, continue for four years from the day on which it first meets for the dispatch of business after a general election, but—
>
> (a) if that period of four years would expire on or after the first day of October and on or before the last day of February next following, the House of Assembly shall continue up to and including that last day of February and then expire;
>
> (b) if that period of four years would expire on or after the first day of March and on or before the last day of September next following, the House of Assembly shall expire on the first day of March.

Further items are identified in section 28A as well which I will not bring to attention of the House now. In relation to the interjection from the deputy leader, it is quite clearly set out in the Constitution Act that, depending on when the House first meets after a general election, the government has the right to remain in office for the better part of 4½ years rather than four, just as the government currently has the right to call an election after three years if it so desires. The flexibility is built into the Constitution Act and therefore, at present, it is completely within the government's right to determine when it wants to call an election within the bounds that apply currently. We now have a move to try to fix the term of a government so that that flexibility no longer applies. There is no doubt that it is a contentious issue. On the last occasion I spoke against it. I personally have problems with a fixed date because I believe that it takes all flexibility away from the government—

Mr Lewis: Well, that's a good thing.

Mr MEIER: It may be and it may be not.

Mr Lewis interjecting:

Mr MEIER: I am amazed to hear the member for Hammond interject because, over the years, he is one member in this place who has held very strongly to the Westminster system. I would have thought that he would have been the first one to say, 'No, what has been brought through under the Westminster practices should continue,' but he is wanting to cut that off now and have a fixed four year term.

Mr Lewis interjecting:

Mr MEIER: The member for Hammond makes the point that in the United Kingdom it is a five year term. I acknowledge that, but remember that originally we had a three year term, and if he wants to go to a five year term I am happy to consider that as well. However, we are talking about a fixed four year term.

I spoke against this measure when it was before us previously but, now that we are debating it again, I have reconsidered the matter. In our modern changing world, I recognise there are arguments in favour of having a fixed date. Christmas comes around on a definite day each year, as do certain holidays. However, Easter is a problem as it does not fall on a fixed day. It falls on a different day according to the—

Mr Scalzi: The lunar and solar calendar.

Mr MEIER: —the lunar and solar calendar. Over quite some time businesses have asked us, 'Can't you fix the date for Easter?' I do not intend to get involved in that debate for one moment. Our society is so strongly oriented to fixed dates now that I have to be realistic and recognise that there is an argument for a fixed four-year parliamentary term. We see it apply in New South Wales. The member for Mitchell said that it does not lead to early campaigning, but I disagree with that. However, then again, you could also say that the flexible four-year term also leads to early campaigning. In fact, in some areas campaigning started at the end of last year, yet the election is probably still a year away. There is that unknown.

I recognise what the member for Mitchell is trying to achieve with four-year fixed terms. He is trying to gain some certainty as to when a government will go to the people and when it will go again on the next occasion. Therefore, it is important for this parliament to consider it further in this debate, and we have the opportunity to do that. However, I do not want to see that done for blatant political purposes only, namely, the current supposition that the four year term finishes in October this year and, therefore, this government should go to the polls at that time. This government was elected under the present constitution which gives it the flexibility to go for three years, 3½ years, four years or 4½ years. Therefore, there is no issue with what has been proposed in relation to that.

New South Wales has a fixed four-year term, and neither governments nor oppositions have been disadvantaged by having a fixed term. I recognise that, whilst oppositions might think they are at an advantage by having a fixed four-year term and can work their campaign exactly to the day, it has not worked out that way. The last state election in New South Wales clearly showed that, because the opposition had hoped to pick up seats but it did the opposite. So, the government had an advantage. Therefore, governments also have the opportunity to work the system around a fixed four-year term just as oppositions can endeavour to presuppose where there is not a fixed four-year term.

If we are going to have a fixed four-year term, when should the election be held? Certain times of the year are unsatisfactory in terms of holding an election; for example, just before and just after Christmas. The reasons for that are obvious, particularly after Christmas when a lot of people go on holidays. People are normally in a reasonably relaxed state at that time of the year and would not take too kindly to an election.

We could also look at the middle of the year in June, July or August. That would be a very unsatisfactory time for South Australia in normal circumstances because it is a cold and wet period. Therefore, it would be a real disadvantage for those seeking to campaign then. They would probably all finish up with the flu or coughs and colds, so we would probably want to avoid having an election in that period. That then begs the question: does one go for October or March? March this year probably would have been quite an ideal time from a weather point of view and the lack of other events that would clash with an election. We would also not want to clash with other events held on a regular basis. This measure needs further consideration.

Time expired.

Ms HURLEY (Deputy Leader of the Opposition): I have been sitting here listening to the member for Goyder twisting and turning himself inside out and upside down trying to explain his and the government's position, and I think it is fairly indicative of how stuck the government is on this issue. The government wants to support a fixed term because that is a reasonable position, yet it wants to have the ability (this time) to be able to extend its term of government for a further half a year.

We all know why: the government of South Australia is widely seen as arrogant and out of touch; the polls are becoming increasingly worse for the government; and it wants to have the ability to take extra time to try to recover its position and reinvent itself as a caring, sharing government which listens to the people. We know that will be extremely difficult. I have been doorknocking and speaking to the people, and they know that this government has failed, and that its performance has not been good enough. Whether this government goes to an election now, in October or next March, that situation will not change. The people recognise that this government is a failure.

The Hon. G.M. Gunn: You're an economic genius, are you?

Ms HURLEY: You're going to find out, Graham, whether or not I'm an economic genius, be that in October or next March.

The Hon. G.M. Gunn interjecting:

Ms HURLEY: Good.

The Hon. G.M. Gunn interjecting:

Ms HURLEY: I'll take you up on that. Thank you.

Members interjecting:

Ms HURLEY: I'm upsetting you guys.

The Hon. G.M. Gunn interjecting:

The SPEAKER: Order, the member for Stuart!

Ms HURLEY: The government chooses to use an arcane and unused order to try to extend its term, possibly until March next year. That is fine with the opposition, because we are prepared to sit back and wait until whenever the government wants to go: we are very ready to go in campaign and policy terms. However, the fact is that this government was elected for a four-year term in October 1997, and it should go to an election by the end of October this year. The government wants to be able to manipulate the system. That is fine; the electorate will judge it on that, and I am happy to accept the opinion of the electorate.

Regarding fixed dates, this is something which the opposition strongly supports and has supported, unlike the government, which has seen which way the populist wind is blowing and has decided this second time around to support it. It is unusual for an opposition which has every chance of being in government next time to support a fixed date because it is widely seen as advantaging the government if it is able to determine an election date. However, the opposition supports it because it is good for the public service, the public generally and businesses.

We have already seen wide evidence on this side of parliament, through talking to business leaders and public servants, of how little is being done within the public service, how few decisions are being made. It is literally in a state of paralysis at the moment, and that is not good for this state. It has been in a state of paralysis since at least early this year and, to some extent, late last year, as it was possible that an election might be held in March this year.

I do not think that a fixed date election will entirely alleviate that situation, but it will make it better. Public servants and businesses will know when an election is due, as will the political parties, and it will make for a more measured and efficient system within government. I expect that fixed dates will be brought in whether it be in this term of government with the government's agreement or next time when the Labor Party is in government. I look forward to seeing that come about.

The Hon. R.B. SUCH (Fisher): I would like to make some brief remarks about this proposal. There is nothing magical about a fixed term and, likewise, there is nothing magical about a variable term. There are arguments for and against. In this situation, what we are confronted with is that the opposition would like an election sooner rather than later—and one can understand that. They would like an election in the springtime. The government wants to stretch it out as long as possible and have an election next year. I think arguments can be trotted out for and against.

I am happy to have an election at any time. As far as I am concerned, in many ways the sooner the better. I would caution the government about having an election after next summer because I think it would make the St Valentine's Day massacre look like a Sunday school picnic. If we have another heatwave and shortages of electricity, the last time you would want to go to the people, or the least appropriate time, would be straight after a hot summer with the voters' breathing down your neck. This issue is about, obviously, if you are in opposition you want the election sooner; if you are in government you want to stretch it out and enjoy the good life while you can because the days are numbered; you want to stretch out your superannuation entitlements and all the other benefits, and wring the most out of the system that you can. I do not believe it will ultimately change the fate of this government, which was set in train, unfortunately, many years ago.

We have gone from a three-year term to a four-year term, theoretically, but if the election is next year it becomes a 4½-year term. Irrespective of whether it is a three or four-year term, we still have an ongoing period of arrogance by the government of the day that disregards the issues of the people. What we need over time is fundamental reform which allows people to have meaningful input and a government, of whichever persuasion, that responds to people during the three or four or 4½ years. We know that in the UK they have a five-year maximum term so there is nothing sacred about the length of time.

I would like to advance that, whenever the election is held, we incorporate into it a plebiscite which would allow the people to have a say on conscience issues such as voluntary euthanasia and prostitution reform. I have developed a

mechanism whereby this could be organised at minimal cost. For example, we could ask questions about the parklands and the privatisation of assets—although there is not much left to privatise. But they are the sorts of questions that could be put to the people in a plebiscite at the next election.

I say a plebiscite because a referendum is binding in legal terms: I think plebiscite is the more correct terminology and the more appropriate use of the facility which I am advocating. I am not a supporter of citizen initiated referenda in the way in which they are used in the United States because I do not think that is a good mechanism. We could develop a range of questions, say, up to 15 maximum; the government, the opposition and maybe other members of the parliament could put forward some questions and it could be organised and supervised by the Electoral Commissioner. It would take democracy a step further and give the people a real say on issues such as voluntary euthanasia and prostitution reform, issues with which the parliament seems unable to grapple for a range of reasons that we need not canvass at the moment.

Why not ask the people what they think about key issues such as the future of the parklands and give them an opportunity to have a say? Many other issues could be considered. People could be asked their priorities. That would be a bit radical but they could be asked whether they want priority given to spending on education, health, law and order or other issues. It is not hard to organise. It requires only a piece paper and, if it is done at the same time as an election, the cost is absolutely minimal.

What we have here is really a battle between the opposition and the government, one wanting to get in here as government more quickly—and I can appreciate that—and the other wanting to hang on desperately for as long as it can. My support on balance will be for fixed terms. The government should go to the election in spring of this year. We know the Queen is coming—no disrespect to her—and I am sure that something can be organised around her visit. We know that Mr Howard, the Prime Minister, will be calling an election some time this year and I am sure that something can be organised around his activities as well. My belief is that we should have a four-year term and the government should stick to that.

The appropriate time to go to the people is spring of this year, and that is when the government should go. On balance I support a fixed four-year term. The argument that we should start off next year is a bit thin, because all it is saying is that the government wants to hang on a bit longer. It has nothing to do with the central issue: it is about hanging on to power for as long as possible. The answer is to have an election, have a fixed term and let us start with fixed terms in spring of this year.

Mr HILL (Kaurna): The last speaker, the member for Fisher, said that there are arguments on both sides of this debate: I want to put some arguments in favour of the proposal put by my colleague the member for Mitchell. I acknowledge the work he has done on this matter and congratulate him for it, as this measure should have been introduced some time ago. I have strongly supported it for many years. I will talk about three things in relation to this issue. There are three good arguments for having fixed term elections, the first being precedent. Many jurisdictions around the world have fixed term elections. The Americans have had them for virtually the whole of their history. In some Australian states we now have fixed term elections: New South Wales certainly does, and Tasmania has them now as well. Of course, local government in this state has had fixed term elections for I do not know how long. In all those areas there do not seem to be too many problems with arranging government and elections and having the business of the various authorities conducted properly. So anybody who argues that it will not work because it is impractical should look at those precedents.

The second argument is to do with certainty, and this is perhaps the most powerful of the arguments. We know, especially when a government looks like it might lose, as this Government is now looking, that in the 12 months or so before an election there is a great deal of uncertainty in the community, partly because of the government's own inaction. Watching this government over the past couple of months and anticipating the way it will behave in the next few months is a bit like being on a death watch, watching the last desperate attempts for breath by this government.

There is legislation before this place dealing with euthanasia: perhaps we should install a clause about political euthanasia because the party opposite, which currently occupies the government benches, should be put out of its misery, as should the rest of the people in South Australia. The government is clinging to power and, coupled with the possible extension of its term by a bonus six months through to March next year, that creates a great deal of uncertainty in this state. The business and general community and the activities of this House go into a state of inaction. That is not good for South Australia. People all over the place now want an election and want to get some certainty back into the world of business and government.

The Hon. W.A. Matthew: They're not pulling behind you lot in the polls.

The SPEAKER: Order! The minister will come to order.

Mr HILL: The minister makes a very interesting suggestion. We should wait for six months to see who they are clamouring behind. I know it will not be him or the people on his side. There is a requirement for certainty. A fixed term of four years with a definite date allows government to proceed in a proper manner and allows business to know what is happening.

The other thing, of course, is that it makes it difficult for governments or oppositions to run false campaigns. I know from talking to colleagues in New South Wales that the media largely ignore those false campaigns because they know that the proper election does not happen until March of whichever year it is, and the false campaigning that is done is largely ignored. That forces government and opposition to concentrate on the real business at hand and not the phoney business of an election campaign.

The third argument in support of fixed four-year terms is the issue of fairness. Why should those on the government benches, whether it be the Labor, Liberal or any other party, have an advantage in timing? Why should they be able to construct the timetable in such a way as to give them an unfair advantage? It just does not make any sense in a democracy that one party should be able to determine when the election date should be and the other party is excluded altogether.

We know, from having been in government, the real advantage of being able to call an election. It means that the government can stage manage a whole series of popular announcements leading up to the election. It can use government propaganda to prop up its regime and follow on with paid political advertising when the election period is called.

That would still be possible, of course, with a fixed term, but what was going on would be more obvious to everybody.

Also, the government can manage to have its propaganda at post offices ready to be sent out the day the election is called, an advantage that the opposition does not have. We cannot book the advertising spaces; we cannot have the direct mail letters ready to go, because we do not know what the date will be, but the government will have that advantage. It is an unfair advantage and does not aid the democratic process.

My last point is whether or not this current term should be fixed. There is some merit in doing that, but it seems to me basically wrong. This current government was elected on the basis of an unfixed term, and I think it should serve its term on that basis. If the fixed date is made in March 2006 and an election is held in October, that will mean that whichever party wins the next election will have a bonus six months. If the fixed term is made for October and the government goes to election in March next year, that means that the next government will lose that six months. That is just something we have to put up with. It is fair to both sides, because neither side really knows who is going to win the election, so when we make our decision we can do it in an unprejudiced or unbiased way knowing that, whatever we do, both of us will be affected in the same way by that. Whichever party wins government will have either a bonus or potentially a negative of six months.

Of course, if the election date is fixed at October 2005 and the government goes to an election roughly in October this year, then we will have a four-year term. Equally, if the election is held in March next year and the fixed term is for March 2006, we will go for the full four-year term. But the government should not use this as an excuse to give it a windfall of six months in this current term. It should have the election in October or November this year, which has been the long tradition in this place, that governments have an election after four years. The next government should either have the windfall or suffer the loss of six months. That way it is neutral for both sides of the House. For the government to use this as an excuse to justify an extra six months of clinging onto power would be totally unacceptable and, I think, would expose it for being the opportunist we know it to be.

Mr WILLIAMS (MacKillop): Some interesting points have been made this morning and in previous debate on this issue. Many of the speakers, particularly those opposite and some of the Independents, have spent most of the discussion debating when the next election will occur. As my colleague the member for Waite says, there is a fair bit of self-interest flowing around the chamber and very little discussion on the values of the principle espoused in this bill. Let me say first that I believe we should not in any way be trying to have any retrospectivity in this matter. We should take this matter on its merits, and I am more than happy to do that. Before we get to that point, I will talk about the current term and when and where that may end.

The member for Kaurna noted the uncertainty that oppositions have about when an election is going to be held. I remind the member for Kaurna that the Premier has been saying for two years out from the election that the election will be held in March 2002. That is no secret. The opposition and government members know full well that the election will be held in March 2002. Those who wish to hold the election in October also know that there will be a royal visit to South Australia in October this year and that the federal election will be held in the October-November period. They also know that it would be impossible to hold the state and federal elections concurrently because the issues would become confused—

Mr Hill interjecting:

Mr WILLIAMS: No, it is not technically impossible but I believe it would certainly be desirable not to expect voters to distinguish between federal and state issues when they are electing a government for a four-year term in the case of the state government and a three-year term in the case of the federal government. One of the things we should be looking at when we determine a particular date—if we are going to go for a four-year fixed term—is how we can ensure that future state and federal elections do not clash. I think that is a point which needs to be canvassed.

In talking about the merits of the measure proposed by the member for Mitchell, if we take a good look at the outcome of elections, and so on, in South Australia over, say, the past 100 years, history shows that we have not suffered to any degree by not having fixed terms. In other words, by and large, we have not had more elections than we would have had if we had had fixed terms for the whole of the past 100 years. Over the past 100 years, I think we may have fitted in one extra term.

Ms White interjecting:

Mr WILLIAMS: Yes, I have. I can provide the member with a paper on it that was prepared by Ren DeGaris. It was some months ago that I read the paper, but it is my recollection that in South Australia we might have fitted in one extra election in approximately the past 100 years. So, for people to suggest that this will prevent us from continually calling elections is a bit of a nonsense. Also, in more recent history, the most spectacular example was the election of 1979, I think it was, when the then Premier, Des Corcoran, called a snap early election. It showed how spectacularly unsuccessful going to the polls early could be. Recent history has also shown that those who have wished to manipulate the system to that extent have, by and large, failed in their attempts to hoodwink the electorate.

Having said that, I have a lot of sympathy for the proposal being put, but not because I believe that it would make a lot of difference to those in this chamber. I really believe that these days federal and state governments right across Australia have accepted that running to an election early and taking opportunities as they arise does not really bring the benefits they hope to achieve. The electorate is much more aware than politicians sometimes believe and, by and large, I think we have accepted that.

I think a fixed four-year term would better serve the interests of the people out in the community rather than the politicians because, by and large, I think it is the media that cause a lot of the problems. Earlier this year there was considerable media speculation, quoting 'well founded' sources within the government, that an election was to be held in March this year. The opposition was running around promoting the idea that an election was to be held in March this year. Indeed, that has two effects. First, it allows journalists to run stories about election speculation, which is much easier to write about, rather than doing some in-depth study into particular political issues of the day. So, it is in their interests to have that speculation. Secondly, it does impact adversely on business and economic activity across the state.

Certainly, if there was a feeling abroad in the community that an upcoming election would bring about a change of government from a Liberal to a Labor government, it always has an impact on business activity, and nobody can deny this. I know as a businessman myself that if I was in a particular cycle and I had expectations of certain things happening, I was about to take on employees or make some other form of investment and an election was in the wind within the next six months, I would probably delay that decision, just to see whether there was a change in government and what sort of policies would come out. That is a fact of life; it does happen.

By continually having this speculation in the last 12 to 18 months of a government, as we are now, this speculation becomes rife from time to time and it expands that length of time in which business activity starts to slow, for those reasons. For that reason and because I do not believe it would have a huge effect on those of us in here—government or opposition—I have considerable sympathy for the measure that has been put forward.

As I said earlier, I would have no sympathy for it if it was intended to be retrospective. I believe that this government has every right to run out its full term, and we know its full term expires early next year. That is not a bonus: that is when it expires under the Electoral Act. If the opposition had won the majority of the seats in the House at the last election, it would have had exactly the same circumstances and could have gone to the next poll at the same time. It is not a bonus: it is in the law. The Premier has indicated for a long time that that is when he believed we would have the next election. For the reasons I mentioned a moment ago, that is the obvious time for us to go to an election.

The member for Fisher talked about holding plebiscites in conjunction with elections. I think we already do that. The preferential voting system that we have in South Australia allows interest groups and Independents with a particular interest to run at an election and give an indication of the feeling of the community, and de facto that gives us a system of plebiscites in South Australia. I think it is a very fine system, and it is one of the reasons why, whenever I have an opportunity, I will always argue and fight for the retention of the preferential voting system.

Mr Hanna: Do you know what a plebiscite is?

Mr WILLIAMS: Yes, I do. The member for Fisher raised the matter, and I think that de facto we have an opportunity for the community to express its views on a whole range of issues, and he raised issues such as parklands, prostitution and euthanasia. These sorts of issues get raised in elections by Independent candidates or interest groups. At the last election we had the No Pokies campaign, and we saw what happened from that. So, de facto we have the opportunity for the electorate not only to put in place a government and opposition but also to express its views on a range of issues.

In conclusion, I have sympathy for fixed four year terms. The date is something which needs to be fleshed out a little—whether we have it in the autumn or spring for a range of reasons. When he spoke earlier, the member for Hammond pointed out his preference for autumn, and I take on board what he said and have some sympathy for that as well. By and large, I have considerable sympathy for the measure of fixed terms.

Ms WHITE (Taylor): I will speak only briefly, because many members have covered most of the significant issues. I add my support to the concept of four year fixed terms, and I will be supporting the bill in an amended form. A copy of an amendment to be moved by the member for Mitchell has just been distributed to members. That amendment will move to change the time when this bill kicks in to March 2006—the election after this coming one. I support that; I think that reasonable arguments apply in that respect. Of course, if you asked the people of South Australia when they wanted the next election, they would not be saying March next year; in fact, they would not be saying October this year, which is when the Labor Party has been publicly stating that this next election is due. From what I hear in my own constituency, from the business people I talk to and all the other interest groups that I talk to and people at large, most people would be saying that they want it tomorrow. The general point is that the people of South Australia do support fixed four-year terms. It is an issue of fairness, but it is also an issue of certainty; that is a point that has been raised by other members.

Business activity does suffer in the lead-up to an election. There is uncertainty about the date and there is uncertainty about election outcomes at every election. When there are expectations of a change of government, business activity is impacted upon. But, significantly, what happens when the date of the election is not known is that the uncertainty is extended. Basically, we have seen in this state business and bureaucracy go into a state of uncertainty quite early on in the piece. This government is doing its best to raise the expectation in the community's mind that there will not be an election until March 2002. That is, of course, six months after this next election is due. This is an attempt by the government to steal, basically, another six months of power. This is not something supported by the electorate at large, I might add.

It adds to the false campaigning that goes on and it means that taxpayers' money will be spent on false campaigning. It will be spent on campaigning by those in power—an advantage that they have, obviously, that opposition parties do not have, even if we were so inclined to engage in that sort of activity. We can already see, at both the state and federal levels, some of the effects that the indecision and uncertainty of election timing are having on decision making within government. Bureaucracies have slowed down on decision making. There can be no doubt about that. At a federal level, those familiar with what is happening in defence at the moment would be aware of the decisions that are not being made, and the impact and consequences for South Australia of the millions of dollars of business investment in that one industry being hampered by indecision and the bureaucracy basically slowing down in the lead-up to an election. That is happening in several departments at a state level as well. That is not in the best interests of this state.

The member for Mackillop talked about the need to distinguish between state and federal elections. The member need not be worried about that. The South Australian public do not care very much which one of you they get first, state or federal; they are out to get both of you, so I would not be too worried about overlapping with the federal election. It is not going to make much difference to your fortunes. I do support—

Members interjecting:

Ms WHITE: Look, there are several Liberal backbenchers running around saying, 'Oh, we have it licked. We are going to make sure that we run our term out to March next year. We are going to make sure that there is a federal election before ours. The South Australian public are not going to get rid of the last remaining state Liberal government still standing.' Well, guess what? The South Australian public

does not care whether other state governments are Labor or Liberal, they care about what is happening here and about what this Liberal government has done to them in South Australia. That is what you will be judged on. So, do not draw comfort—I know your leadership is trying to come up with all sorts of arguments to assuage the real concerns that are mounting on your backbench, but do not listen to that argument. It is a fallacious argument and it is not going to carry any weight in the minds of South Australian voters when it comes to both federal and state elections, due later this year.

I support the concept of fixed four-year terms. For a government to be able to choose to go before its term is up, in order to optimise political timing, or at a later stage is not in the best interests of the state. So, in summary, I support the concept but I will be supporting the bill in an amended form with the amendment that will be proposed by my colleague the member for Mitchell.

Mr HAMILTON-SMITH (Waite): I have listened with great interest to the contributions made so far by members opposite, by members on this side of the chamber and by Independents. There is a considerable amount of self-interest and self-congratulation going on in today's debate. I commend the member for Mitchell for his initiative, and I understand his genuine interest in and commitment to parliamentary reform, and I will talk more about that later. I believe that he has put it forward in a spirit of genuine desire to change and improve things here.

However, it is very interesting to see how some of his colleagues have leapt on the bandwagon, along with the Independents, and there is a good deal of moralising about how much of an improvement this will be and how much better this will make parliamentary practice. What a lot of opportunism that is. There they sit in opposition and the Independents sit on the cross benches, perceiving that at the moment they might have an advantage and it might be a good opportunity to have an election. Suddenly, they want to get behind the introduction of fixed terms, with the idea, 'The sooner we have an election the better', and 'Let's have it in October.' It is nothing but pure self-interest and opportunism. People have seized on this bill as a way to put additional pressure on the government to force it to go early. What a load of absolute waffle that is.

I will be very interested in a few years' time—in five years', 10 years', 15 years' time; however long it takes for the ALP to get back into government (when they are on their backs and when they are discredited in the electorate; when they have repeated that great pattern in Australian politics of the Labor Party getting into government, raiding the Treasury, destroying the economy, over-taxing people, blowing out government and ruining the state, as they have done time and time again; when they have repeated that yet again, and the people of South Australia recognise that it is time to get rid of a Labor government and they are stuck with a fixed term; when all the chaos they have caused runs right up to this fixed term)—to see a front bencher—the member for Hart or the member for Elder, whoever is still there—go up to the member for Mitchell and say, 'Well, Chris, if you hadn't introduced this bill, we'd be able to select the date of the election and we might have a chance of surviving.'

We all know that the South Australian electorate is aware of the great pattern in Australian and South Australian politics: Labor gets in, raids the Treasury and destroys the state, and when people realise that the state is on its knees they elect us. We come in and we fix it up; we introduce the tough measures, make the cuts that have to be made, introduce the reforms and undertake the restructuring. We sort it out, and eventually people get tired of the medicine. They are persuaded by the largesse of the Labor Party—'We'll give you money; we'll solve these problems somehow; we'll go and borrow the money'—and in they come. Of course, now, if they are ever in government again, they will be stuck with this bill.

I have spoken previously against the bill on the basis that I cannot really see any great benefit if it is passed. Similarly, I cannot see any great disadvantage if it is passed. I really think that it will have a negligible effect on the way things are undertaken in parliament. There are far more important reforms that need to be undertaken. The member for Mitchell and I have spoken about some of those and I will allude to some of them later on in my address. But, frankly, I do not think that this measure will make much difference, although I agree that it is a slight advantage for the incumbent government to be able to determine the precise date of the election. It is probably a slight disadvantage to an opposition, but the reality is that governments come and go. We are in government at the moment and, at some point in the future, members opposite will be in government and we will suffer the advantage or disadvantage.

The arguments being put by some members opposite—that government winds down, that phoney election campaigns are run, that the Public Service goes into suspended animation because the date of the election is not known—will also be valid with fixed terms. Six months away from a fixed term election, certain members of the public, certain parts of business and certain parts of the community will go into suspended animation. They will still take the view that there could be a change of government so they will change the way they do things.

I do not think there will be any great gain from this bill, although I can see some improvements resulting from it if it is passed, as I assume it will be. Frankly, it is fifty-fifty. I am not going to throw myself on my sword and oppose the bill because I cannot see that it will make a tremendous change to the way we do business.

What I find most interesting is the self-congratulatory, self-interested way in which some members have approached the debate. Opposition members are just so excited about this at the moment. They think it might somehow cause us to go to the polls earlier and it might somehow advantage them. However, I reiterate the point I made earlier: they may live to rue the day when they introduced this measure. At some future time when they have done it again—State Bank mark 2—when they are on the ropes and they are faced with a fixed term election, they may rue the day. I hope that I am here to laugh. I hope I am here to go through the *Hansard* and remind every member opposite who supported this bill how much they were looking forward to a fixed term election—but not on the date they least wanted it, some time in the year 2015 or whenever it is, when they are struggling to hang onto government after they have wrecked the state's Treasury yet again.

I move on to the broader issue of parliamentary reform. I know that the member for Mitchell would agree with me on much of this, as would a lot of other members opposite, and that far more needs to be done. I am looking particularly towards the upper house when I say that. I believe that we would be better off spending our time here discussing some genuine changes to the upper house. It is not a lot of fun

being a government backbencher in a hung parliament, and members opposite might get to experience it. For the last seven or eight years, if one thing has held South Australia back more than anything else, it is having loony tunes in the upper house, and I am talking specifically about the Australian Democrats, who have blocked the government from governing.

Let me also make the point of how difficult it is to govern in a lower house in a hung parliament, where Independents hold the balance of power. I know we have a very reasonable and fair-minded group of Independents in this House, because they have had the good sense to sit on this side of the chamber and, generally speaking, to support the government on matters of supply and confidence. I think they are a generally good-minded and solid lot. However, the reality is that it is very hard to govern when you cannot get your agenda through; everything has to be watered down. A government can live with that in the lower house because it is a fair and reasonable method of representation, but to think that the upper house can block the government from governing is a disgrace.

I recently attended a Commonwealth Parliamentary Association tour of the United Kingdom, and I had a very good look at the Westminster system of government. Let me inform members of how the real Westminster system works. The House of Lords cannot block legislation, although it can delay legislation for a year to cause it to be analysed and scrutinised in greater detail. However, at the end of the day, the House of Commons can push through its agenda and govern the country.

That cannot happen in South Australia, because we have corrupted the Westminster system. We have empowered the upper house to block legislation. Because of our corrupted electoral system, where upper house terms occur at different times to those of the lower house, we have empowered minor parties such as the Australian Democrats, who have no agenda, who are gnomes and fairies at the end of the garden, to control the legislative agenda for the entire state of South Australia.

If people want to look at why some of the fundamental reforms required in this state were not made earlier, they should go and ask the Australian Democrats in the upper house. What we really need to debate in the House of Assembly is genuine parliamentary reform. We need to correct our system of government so that it is a Westminster system. We need to reduce the powers of the upper house. We need the upper house: it performs an important role. It needs an empowered committee system, but it should not be able to block a government from governing. Whether it is a Labor or Liberal government does not matter: the elected government should be able to govern—and I know that the member for Mitchell would agree with me on this issue. We need to do something about it. I would like to see a private member's bill from members opposite to that effect, but I do not expect that we will get one.

Ms CICCARELLO (Norwood): I had not intended to speak to this measure, because I made a contribution when the member for Mitchell first introduced his bill. I commend him for his perseverance in raising it again. However, I feel obliged to respond to some of the comments and accusations of the member for Waite. He has accused members on this side of the House of indulging in self-interest in supporting this bill, but I am a little bemused by his arguments. He contradicts himself when he says that, in the future, we will rue the day we supported fixed terms, because it will stop us from carrying out what we will want to do in the future.

I think that it is eminently sensible to have a fixed term for this parliament. Many members in this parliament come from a local government background. The Local Government Act (which is a creature of this state parliament), constrains local government to having fixed-term elections. If it is good enough for local government to have a fixed term, why is it not good enough for this parliament to have a fixed term? Every three years, on the first Saturday in May, we know that local government elections will take place. This brings an amount of certainty to the community—certainly to the business community—and also to the bureaucracy, because people can formulate policies and then put in place budgets which will ensure that those programs are carried out, and this can be done only if there is a degree of certainty.

I commend this bill to the House. I agree with the member for Waite that perhaps we also ought to look at the issue of the upper house. We have a parliamentary select committee that is looking at procedures and practices to improve the way in which parliament operates, and there are certainly many things that we need to change to ensure that this parliament becomes much more relevant to the community and that it has more credibility than is the case at present. I would welcome the opportunity to examine reforming the upper house: perhaps we could look at extending the terms of reference of that committee to look at that aspect.

I certainly encourage all members to support this bill. With respect to the issue of when the fixed term starts to operate, as the member for Kaurna indicated, as this government was elected, and is entitled to a flexible term, it should be able to carry out its mandate according to current legislation. I commend this bill to the House.

Mr VENNING (Schubert): I support the bill for fixed four-year terms of the state parliament. I notice that the member for Mitchell circulated an amendment to make it mandatory to call an election in March. On speaking with him, the honourable member said that that proposition would commence in March 2006. Certainly, I support that proposition, but I also realise that the next election would therefore be held four years before that, which would make it March 2002; otherwise, the next parliament will be in power for more than four years. I hope that the member for Mitchell would agree with me that this parliament can legally remain in office until March 2002. That locks in perfectly. Otherwise, if we were to go to the polls any earlier, the next parliament would be in power for in excess of four years.

It is just a pedantic argument as to who gets the plus—this current parliament or the next. I say that it should be this parliament because, legally and constitutionally, this parliament can extend until late March 2002. The only way that the next parliament can remain in office longer than four years is to use the provisions of this bill. I say quite clearly (and I think that the member for Mitchell would agree) that, in a spirit of good governance, this parliament should remain in office until next March, and go to the polls four years hence ever after. If we support this amendment, that is exactly what will happen. The word 'March' is included.

Following discussions with the member for Hammond, I believe that he has a similar belief. Certainly, it is good to see some apolitical support across the chamber because I believe that we all have an honest belief that we should lock ourselves into four-year parliaments. I believe that March is the best time because it is after Christmas, and traders certainly

will not be put under any stress as a result of an election. They are always very annoyed if an election is held any later than, say, the third or fourth week in November, because they maintain that it affects Christmas trade; certainly, March would solve that problem.

It is the start of a new year. Most people have been on holidays and are fresh to start off the year. Also, not many sports finals are held at that time of the year. Other events will always be occurring, such as festivals, the Tour Down Under, or whatever, but I believe that the impact in March is probably less than it would be at any other time.

I note the member for Fisher's mention of plebiscites at elections. My opinion has always been that, while they are out voting, people could be asked relevant questions, particularly the questions which divide the community and which are always open for public discussion. Shopping hours, prostitution, abortion and capital punishment are issues about which politicians do not want to ask the people. I believe that we ought to ask the people questions about such issues and then we, as politicians, can decide whether or not we act upon them. I question the use of the word 'plebiscite', because it is an unusual word to use instead of 'referendum' or 'referenda'. I believe that 'plebiscite' is not the correct word to use. However, when one assesses the word one sees that it is derived from the Roman word 'plebeian', which means a common person poll. Certainly, the word does fit that description: it is a direct vote by all the electors. So, it will do, but I would sooner have it called an issue poll of electors, or something like that.

Certainly, the cost of conducting a poll is huge today. It would be commonsense, while they are at the poll, to ask people to cast an opinion about some other issues, too. I have never been opposed to citizen-initiated referenda, but I have not really studied at length the final result of some of those matters. I know that I discussed this matter with the member for Hammond many years ago, when we spoke to some politicians from overseas, particularly the Americans, who use it very effectively. I have no problem with the word 'referendum', but apparently there are some legal connotations, in that once a referendum is put a parliament is bound by that decision. That is certainly open to some debate. It is a good opportunity, as I said, to gauge some public opinion and I think that the idea has much merit.

I thought that the member for Napier made a very provocative speech in this place today. She got right off the subject, and that annoyed me. Yes, there is a problem with the increase in power prices at the moment but let us look at it rationally. It is all about the national electricity grid. Who brought it in? It was an idea of the Keating government and the Bannon government signed off for South Australia. We were all told that it was inevitable and that is exactly what happened. Certainly, let us get over this blinking humbug about its being a problem of this government and an action that has arisen this year. Yes, we have sold our power assets, but I do not feel that that is the reason for the current problem. The trouble is that one of the real principles behind the government's decision to privatise our power assets was to enable market forces to regulate prices and supply.

If members want an indication of how it works, then they should look at what has happened with Telstra. Look at how that has been privatised and look at what it has done for consumers. We now have many more services and better services. They are cheaper because the market is fully contestable and the full market pressures have come into play. The problem was that our local market in South Australia in relation to power was not mature enough for it to work. Eventually it will be that way, but our problem is: what do we do in the interim? I am hopeful that it will be contestable before 2003, when all consumers will come on to contracted electricity arrangements. I am confident we will find a solution by 31 May, which is when the state budget will be brought down for this year.

It is all very well for opposition members to criticise and carp, but they should not forget that they signed off on the national grid. They ran the state into near bankruptcy. We sold assets to recover the state economy. What would members of the opposition have done about it if they had been in government?

The SPEAKER: Order! The chair is having difficulty linking the honourable member's remarks with the bill at the moment.

Mr VENNING: I will get back to the topic, but I am just responding to the provocative comments made by the member for Napier. If members read her speech, they will find that that is exactly what she said because I wrote it down as she was speaking. She got away with it, but apparently I will not because the member for Gordon has walked into the chamber and he keeps us up to the mark. Certainly the options in relation to what can be done are very few.

I certainly welcome this bill today. I have always believed that good governments have nothing to fear from fixed terms. A government knows when it is elected how long it has in office. It can then plan for the whole four years. It does not plan for two years and then decide to keep its options open because neither the government, the electors nor anyone else knows what will happen, which causes some paralysis in relation to the state economy, particularly for businesses in the state.

I am amazed at how much elections and political activity affect businesses in a state. I thought it would not, but it certainly does. I would be interested to see a study on why and how that happens. If business in our state does not grind to a halt, it certainly diminishes or comes back a peg or two during the uncertainty of an election period. I welcome the amendment by the member for Mitchell proposing that it be March. I have not heard anyone oppose that yet—and I noticed the member for Hammond nod his head a while ago—and I certainly would support it.

I would also like to address other issues while we are talking about the constitution of this place, particularly in relation to what the member for Waite has said in relation to the effects of our upper house having far too much power. I support the bill.

Mrs MAYWALD (Chaffey): I rise to support the bill and commend the member for Mitchell for his efforts in introducing it so that it can get the broad support of the parliament. A fixed four-year term will be of benefit to the state in that people will know when to expect an election. There is no sense or advantage in springing an early election on people or dragging an election out to beyond the four-year term for any government. It will be in the interests of South Australians to know where we are going and what we will be doing in the future. Whether it should be in October or March was not really an issue for me. The decision to change it to March has very little impact, but if that is what the parliament prefers—

Mr Lewis: It is beautiful weather in the Riverland in March.

Mrs MAYWALD: It is beautiful weather in the Riverland, as the member for Hammond quite clearly points out. However, people might prefer to spend their time where the weather is beautiful doing things other than going to the polls. Nevertheless, it is not a point upon which I intend to dwell. It is the first step in major reform that needs to be undertaken in this place to bring us into the 21st century and to meet the expectations of the community. The committee of parliamentary reform is progressing, and we are moving in the right direction, albeit slowly. This measure is a positive step in the right direction, and I commend the member for Mitchell for introducing it.

Mrs PENFOLD (Flinders): I rise in support of four-year parliamentary terms. However, the election should be held in March of each year. This change is expected to be long term; therefore, it needs to be carefully considered so that it is held at the optimum time for the greatest convenience for the people of the state, not just for current expediency for either side of the House for the next election. It should be not just for the convenience of public servants and city businesses, as suggested by the Deputy Leader of the Opposition, but also for regional communities.

My large rural electorate produces a considerable amount of the state's export income from grain produced on farms clustered around small regional towns. In late October through to January, depending on the weather and on the location of the farm, many of my farmers are preparing for harvest if, indeed, they have not already commenced. Harvesting can be a stressful time, with farmers being at the mercy of the elements. The weather can be unstable often with hot and dry days suitable for reaping, but on occasion, the weather being as fickle as it can be, it can be cold, wet and windy. Farming families and, indeed, rural communities whose livelihoods depend on getting grain into the silos are totally focused on getting the crop out of the paddock and into the silo. They do not need—nor should they be distracted by—a state election. It would be an unnecessary burden to inflict a state election on them during this time.

There is little time to think about the issues and to discuss them. People who would normally be happy to man the booths or hand out how-to-vote cards will be busy and the burden will fall even more heavily than it does already on the elderly retired people within our communities. Manning booths in towns such as my home town of Lock in the middle of a cold or indeed a hot day in October can be very unpleasant. By March, the weather is usually much more moderate and the younger members of the community are available. University and senior students, many voting for the first time, would be severely disadvantaged with an October date as they are preparing for examinations. An election held in March would be suitable for all constituents in city and rural electorates: the Christmas and new year festivities are over, children have returned to school and the year's activities have settled into a routine. A fixed date for an election would be factored into daily lives as are the seasons.

The Premier has made it clear that he intends to go to the polls in March next year, as he currently legally can; therefore, there will be no additional advantage to the government than there is already under the current system. I support a fixed term of four years with the election held in March.

Mr McEWEN (Gordon): I do not think that this House has the prerogative to determine when the Forty-Ninth Parliament should conclude and the Fiftieth Parliament should begin. However, this House can make it clear to all concerned that the Fifty-First Parliament of this House will be elected on the third Saturday in March 2006, and every other parliament after that will be elected after four years on the third Saturday in March. I fully support what the member for Mitchell has introduced into this House.

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I, too, rise to support fixed four-year terms of parliament. Indeed, I was an advocate of a method of fixing parliamentary terms long before I became a member of this place in 1989. It disappoints me that the motive behind this bill is not one of good business practice but is more about politics, self-interest and opportunism. It disappoints me that a bill that has had the potential to espouse the virtues of good business process has attracted debate particularly from the other side that is nothing more than about political opportunism.

I well remember sitting in this chamber from 1989 to 1993 during the days of the Bannon government (the Labor Party State Bank disaster) and, ultimately, in the dying days of the Arnold government when there was much debate between members about fixed four-year terms. In those days, no member of the Labor Party wanted a fixed term of parliament. They scrounged around looking for an opportunity to extend their time in government to try somehow to get over the State Bank disaster, but of course that was not to be.

I support fixed four-year terms. I welcome the change in attitude by the Labor Party in relation to fixed terms. What then remains is the fixing of the date. The member for Gordon put a good and concise argument to the House for it not being in a position to fix the election date of this parliament and, therefore, the commencement date of the Fiftieth Parliament but being able to fix the commencement date of the Fifty-First Parliament. I support the notion of commencing the new parliament from March 2006. My colleague the member for Flinders has capably put to the parliament a number of arguments about the sense of having a March date for future elections.

I am heartened to find that a number of amendments in various stages of formulation are already being circulated to members. Those amendments consistently advocate a March theme, so it seems that there may be consensus on this issue. I am pleased to support the issue of fixed four-year parliaments, and I will look with interest at the amendments that are put in committee to determine the future timing of parliamentary elections.

Mr HANNA (Mitchell): I thank all members for their contribution to the debate. This bill has been brought forward sincerely to improve the political process in South Australia. I will not gloat over the speeches of Liberal members who spoke and voted against this bill as a matter of principle just a year ago and compare those speeches with their comments today in favour of the bill as a matter of principle—I am simply grateful for their support today. I especially recognise the member for Chaffey and the member for Gordon. Clearly, they have extraordinary influence with the government. I have worked with them and I have spoken with other Independent members to make sure that this bill will actually pass.

There seems to be a consensus that this parliament should run its course on the basis on which it was elected, namely, that the Premier has an 18 month window of opportunity in

which to call the election according to what is politically expedient for the government of the day but, after that, the next election should be in March 2006 and every four years thereafter. Of course, the extraordinary circumstances of a no-confidence motion remain in place and unaffected by this bill.

I commend the bill to the House and I take this opportunity to recognise the earlier work done on this proposal by the Hon. Mike Elliott, the Leader of the Democrats in another place. I also acknowledge the public statements in support of this measure by the Hon. Terry Cameron, Leader of SA First. I will have further discussions with members in another place to ensure that this bill passes.

The SPEAKER: The question before the chair is that the bill be read a second time. I have taken advice on the content of this bill and am of the view that it is a bill which alters the Constitution of either House. Accordingly, I intend to count the House. Ring the bells.

An absolute majority of the whole number of members being present:

The SPEAKER: There being present an absolute majority of the whole number of members of the House, I put the question: that this bill be now read a second time.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr HANNA: I move:

Page 3, line 13—Leave out 'October' and insert 'March'.

Mr LEWIS: Will the member for Mitchell tell me how his amendment differs from mine in the first instance?

Mr HANNA: There are in fact two amendments on file in the name of the member for Hammond and two amendments on file in my name. In the case of the first amendment for each of us, the amendments are identical and serve only to replace 'October' with 'March'. In other words, when the bill was first put forward I was saying that the regular election date should be in October every four years. The member for Hammond considered that it should be in March every four years. I and the Labor Party have come around to thinking the same way on that point at least, so that amendment is identical.

Mr LEWIS: I want to raise a procedural matter under standing orders. I am not nitpicking but want to know whether, when two members move the same amendment, it is indeed always the case that, if one of those members put the proposition before the House, that member takes precedence, regardless of the time at which notice was given of the amendment.

The CHAIRMAN: It is normal practice that the member responsible for the bill be the one to introduce the amendment under such circumstances.

Mr LEWIS: That is under which standing order or convention?

The CHAIRMAN: It has been the norm that that should be the case. I do not think that it really matters who moves the amendment, but it has been the usual practice for the person responsible for the bill to do that.

Amendment carried.

Mr LEWIS: I move:

Page 3, after line 23—Insert:

(4) In the case of the House of Assembly of the Forty-Ninth Parliament, subsection (1)(a) will be taken to refer to the third Saturday in March in the fifth calendar year after the calendar year in which the last general election was held.

In simple terms, my amendment says that the next election will be next year on the third Saturday in March and that, after that, there will be four years to the third Saturday in March until each election from the subsequent election. It is a fixed four-year term commencing with the first occasion being the third Saturday in March 2002.

If I can explain to the House why I have done that: I have checked the Gregorian calendar and it is 572 years—and I cannot go further than that because we have to make an adjustment along the way in view of the fact that the earth does not rotate around the sun in precisely one year and I do not know what will happen beyond that time—before an occasion when an election day will clash with the same weekend upon which Catholic Christians, or Orthodox Christians, for that matter (because Orthodox Easter always falls afterward) celebrate Easter. Therefore, I do not see any religious conflict in my conscience or for anyone else in fixing it in this manner.

If I may be so presumptuous as to point out the difference between the amendment I am proposing and that being proposed by the member for Mitchell, it is quite simply that in my amendment the next election is fixed on the third Saturday in March next year, whereas in the member for Mitchell's amendment the next election is still an open question, leaving the prerogative of the date with the Premier. That is the way I understand it but if I am mistaken I am sure the member for Mitchell will disabuse the House, and me in the process. I am seeking to have the date of the next election, as it would occur under law, on the third Saturday in March next year and every four years thereafter. I am keen about that for the reasons I have mentioned in my remarks on the second reading. I do not believe there is a necessity to leave open the date of the next election.

One other point I want to make is that these changes do not alter the constitutional position in circumstances where a government loses the confidence of the House, because an election must be held in those cases. Neither the member for Mitchell's amendment nor my amendment affects that position.

The CHAIRMAN: The chair points out to the committee that the member for Hammond's amendment and the amendment that may be put by the member for Mitchell are two alternative proposals. If the member for Hammond's amendment is to pass then the member for Mitchell's amendment would, in fact, make redundant the amendment moved by the member for Hammond. Is that clear?

Mr Lewis: They are mutually exclusive.

The CHAIRMAN: Yes, that is right. I call the member for Mitchell.

Mr HANNA: Thank you, sir. I think at this point it is best to make clear the two alternatives before the House. Quite clearly, the member for Hammond wants to fix the next state election for March 2002. I do not believe that there is a consensus in the House for that approach.

Members interjecting:

The CHAIRMAN: Order! The member for Mitchell has the floor.

Mr HANNA: Many government members have spoken in the House, and to me privately, about their concern regarding the retrospective nature of the bill I have introduced. They have said that the current term should run as the constitution stood at the time of the last election, namely, giving the Premier the flexibility as to when an election is called. Certainly, there is absolutely no way that we on this side of the House will approve, in any sense, the Premier's

calling an election in March next year. I have said publicly, and I will say it again today: this government is morally bound to go to an election in October this year or as soon as practicable after that time.

So, two amendments are before the committee. We are testing this issue on the member for Hammond's amendment. If his amendment fails, namely, his proposal that an election be fixed for 6 March 2002, I will then move my amendment, which will fix March 2006 as the date for the election after next. This will retain the Premier's flexibility as to the timing of the next election, after which we will have an election in March 2006 and elections every four years thereafter. I ask members to defeat this amendment in the knowledge that I will be moving an amendment for an election in March 2006.

The Hon. M.K. BRINDAL: I strongly commend the member for Hammond for his amendment; I think it is intelligent and makes a lot of sense. If this House is minded to fix a term for the parliament, this House is equally entitled to fix a term for elections periodically starting from this parliament. It seems to me somewhat ingenuous that the opposition should come in here and say that the government is morally obliged—this is the member for Mitchell's argument—this Premier is morally obliged to go to people in October next year; and they think that at that stage they might get elected and they will pass a bill to give them four years and six months in their first term in office.

Members interjecting:

The CHAIRMAN: Order!

The Hon. M.K. BRINDAL: I think the people of South Australia have a right to know that the opposition is arguing in this case that this government and this Premier are morally obliged to go to the polls in October so that, if we get elected, we will get a four year and six month bonus. The member for Hammond is an Independent member putting an intelligent amendment. What convinces me is that, as he said, it does not conflict with Easter. If the parliament is minded to do this, let us do it now. The member for Hammond's amendment makes sense. Members opposite obviously do not like it. Members opposite should consider what the public of South Australia might think of their selfish presumption that they will win the next election.

Mr CLARKE: The member for Unley is once more wrong. I do not have an arm long enough to list the number of errors that he falls into. The member for Mitchell has put the constitutional position absolutely correctly, in that there is no retrospectivity. This parliament was elected in October 1997 under a constitution which gave the Premier of the day the right to call an election for any time right up until March 2002.

The Hon. R.L. Brokenshire: April 2002.

Mr CLARKE: April 2002. The member for Mitchell's amendment does not interfere with the Premier's prerogative. That is what the people voted on, and that is what the constitution was at that time. But then, according to the member for Mitchell's amendment, we are fixing the term of office and the date for the election after that, when everyone knows what the ground rules are. I happen to favour March, as the ordinary date for holding a general election, for a whole range of reasons which do not need to be gone into here. The member for Hammond's amendment retrospectively takes away the Premier's right of calling an early election, if that is what he wants to do—and that was not the grounds of the election in 1997—or compels him to run through until March next year, notwithstanding the fact that he might want to go earlier, which he is entitled to do under the ground rules established in 1997.

We should not interfere with the ground rules that elected us in 1997. When we introduce legislation into this parliament one of the things which Liberal politicians particularly wax lyrical about is the sanctity of the principle that legislation should be prospective, not retrospective. The member for Hammond's proposed legislation is retrospective because, other than by a defeat on the floor of the House, the Premier is obliged to serve right through until March next year; he cannot call an early election. That was not the basis upon which this government was elected in 1997. As far as the opposition is concerned, obviously we want the government to go to an election from any time from October on, preferably tomorrow, but at least morally from October on.

The government can rightly argue that under the Constitution, as it applied in October 1997, it had 4½ years; it had that discretion. If the premier of the day decides to run the gamut through until April next year, unless defeated on the floor of this House, he can do so. Likewise, the opposition is free to criticise the government for not calling the election earlier. Ultimately, that will be a judgment for the electorate to make on whatever day is chosen. But, to do what the member for Hammond is urging this House to do would be changing the ground rules in the dying months of a government. Forget whether or not the government is terminal and whether or not it will be re-elected—they were not the ground rules on 11 October 1997 when the government and the opposition last went to the polls.

When we are dealing with constitutional issues such as this, they should never be made retrospective. For what ill do we seek to cure? Retrospective legislation should be introduced only if there has been a gross injustice, an injustice that can be cured only by retrospective legislation. There is no ill arising from allowing the present constitutional position to remain in force and to prospectively set, as the member for Mitchell has advocated, the date for the next parliament and not for the current parliament.

Members interjecting:

The CHAIRMAN: Order!

Mr VENNING: Earlier today I said that I supported the member for Mitchell's amendment—

An honourable member interjecting:

Mr VENNING: You can read it in *Hansard*. I said, with the proviso that it was March 2006, and I said that I presumed that the next election will be in March 2002. Since then, the member for Hammond has moved his amendment and I will duly support that. The reasons for my support are quite clear in my speech. Whether the member for Hammond reacted to my speech or not, I do not know, and it does not really matter. I support the member for Hammond on this issue because, as I said before, this government can constitutionally continue until April 2002, but the next government will have 4½ years only because of this legislation that we are passing now.

I would like to ask the member for Mitchell a question that was raised by, I think, the member for Hammond. If a government loses control of the House and is forced to go to the people, as it must do (and it should always do), what will happen? Do we go back to a March election or do we go four years from the date of that extraordinary election?

The CHAIRMAN: The member for Schubert has asked the member for Mitchell a question. Is the member prepared to answer that question?

Mr HANNA: Yes, sir. There is a mechanism in the bill for dealing with an extraordinary situation where, for example, a no-confidence motion leads to a parliament falling early. The bill provides that a general election of members of the House of Assembly must be held in that situation on the third Saturday in March in the fourth calendar year after the calendar year in which the last general election was held. That means that that particular term, after an extraordinary election, will be a flexible term. That will be, if you like, a movable feast.

Mr Venning: Three years plus whatever.

Mr HANNA: That is essentially right, and then it will revert to the March in the fourth calendar year after.

Mr HILL: I oppose the amendment moved by the member for Hammond, who, I have no doubt, moved it sincerely. He would be the only one who is supporting it on that side of the House who is sincere about the amendment. The speech made by the member for Unley exposed the absolute opportunism on that side of the House. They did not like this legislation when it was introduced a year ago. When they saw it as a way of justifying their own desire to grab on to six months' extra office, they said, 'Yes, this is a good idea; it is close to our hearts. It is a matter of principle.' They are absolutely opportunistic and hypocritical about this.

If members opposite want to go for an extra six months, I remind them of the words of Paul Keating to Dr Hewson, the then federal Leader of the Opposition: 'I want to roast you slowly.' Because, if you stick around for another six months, you will lose more seats. The campaigning by the National Party in the seat of the member for Schubert will be even more intense: they will have six more months and another hot summer to roast you slowly.

To the member for Hartley, I say that our candidate there will have another six months to get to doors and roast him slowly, too. To the member for Mawson, I say that our candidate, Moira Deslandes, will have yet another six months to knock on doors and roast him slowly. So, if you want six months, either by hook or by crook, you will get it, but you will go down even harder than you otherwise would.

Mr WILLIAMS: This nonsense about when the next election might or might not be called fascinates me. I have just consulted the Constitution Act, section 28 of which, relating to the term of the House of Assembly, provides:

> Every House of Assembly shall, subject to earlier dissolution under this act, continue for four years from the day on which it first meets for the dispatch of business after a general election but—

My recollection is that the Forty-Ninth Parliament first sat in this chamber on either 1, 2 or 3 December 1997.

Mr Clarke: It was 2 December.

Mr WILLIAMS: It was 2 December; I thank the member for Ross Smith. Under the Constitution Act, this parliament has no moral obligation, or any other obligation, to do anything but run until the beginning of December this year. So, I do not know where this nonsense about October comes from. I will go on to the 'but' in this section of the Constitution Act. There are two paragraphs, (a) and (b), and I will read only paragraph (a) because it is the pertinent one in the circumstances. It is as follows:

> (a) if that period of four years would expire on or after the first day of October and on or before the last day of February next following, the House of Assembly shall continue up to and including that last day of February and then expire.

That is what the Constitution Act says. Nobody is trying to run scared: nobody is trying to squeeze in a few more months. As I said in my second reading contribution, if at the last election the Labor Party had won, I am certain that it would govern under the terms of the Constitution Act and would run until December and, indeed, would have been able to run until March or the end of February next year, because the election was held after October. It did not matter when the first sitting of a House was held, so long as it was held prior to the last day of February.

Constitutionally, the last day of the Forty-Ninth Parliament is the last day of February 2002. Irrespective of when members on the other side might want to have the election, irrespective of when they think it might best suit their purposes, constitutionally, morally and using any other descriptive term one might put to it, this parliament—

Mr Koutsantonis: What are you afraid of?

Mr WILLIAMS: I am not afraid of anything.

The CHAIRMAN: Order!

Mr Koutsantonis interjecting:

The CHAIRMAN: Order! The member for Peake is out of his seat.

Mr WILLIAMS: And out of order. Thank you, Mr Chairman. Notwithstanding that, I am not afraid of anything. Whatever happens at the next election, history will show that this has been one of the most important governments that South Australia has ever had, dragging this state out of the mess and mire that the Labor Party left it in. Whatever else happens, history will be kind to this government. Fortunately, members opposite will not have a hand in writing that book, unlike some of their colleagues federally, who continually try to rewrite history.

I do not believe that the amendment moved by the member for Hammond is retrospective. It takes into account the constitutional position that we find ourselves in right now and it does not in any way retrospectively change that situation. It accommodates that and it is a very good and fair amendment. In fact, it achieves exactly what the majority of the members of this House have indicated, at least in the rhetoric presented today and on previous occasions, they want from the bill. So, I commend the member for Hammond for his amendment, which I will be supporting.

I said in my second reading contribution that March was my preferred option if we are to have fixed terms, and I also said that I have a lot of sympathy for fixed terms. It has also been shown throughout the chamber that March is the preferred option. For members opposite to demand that we go to an election early, in October, but that the next parliament be guaranteed to run 4½ years, is a bit cute. They are demanding that this parliament must not run until March next year, as is its constitutional right, but they are suggesting that, in the unlikely event that they win the next election, their government should be guaranteed a 4½-year term. It seems hypocritical to me, although it is not for me to refer to members opposite as hypocritical—that would be disgraceful. I think that the member for Hammond has put forward an appropriate amendment, and I will be supporting it.

The Hon. R.L. BROKENSHIRE: I will give due and fair consideration to the member for Hammond's amendment. We all know that, when the member for Mitchell introduced this bill, he did so as a stunt. Because I have close family members in the member for Mitchell's electorate, I know that he does not do a great deal of work in his electorate and he thought he should get some media coverage. This is about media coverage; this is simply a stunt. Let me say why this is a stunt and why I will be considering this amendment seriously. We had over 11 long, hard years of Labor. We are

fixing that, and every South Australian knows that. The Labor Party is all about smoke and mirrors.

It was very interesting to listen to what the member for Hart and the member for Kaurna had to say in this chamber, so let us look at the history of terms of office. The member for Kaurna was keen to get into office in 1993. At that time, he was the secretary of the Labor Party and, therefore, a key organiser in all the issues as to when the then Premier, Lynn Arnold, would go to the polls.

Not only was the member for Kaurna interested in getting into office then (and he did not get into office then; nevertheless, he was a key player) but he also wanted to see for how long he could exercise his options of calling an election. So, of course, did the member for Hart, who was keen to get into office, and who was the senior adviser to then Premier Lynn Arnold, as well as being a senior adviser to the previous Premier, John Bannon, who presided over the debacle of the Labor Party in government. Both those two people, who are in this chamber today, were very influential at the time in ensuring—constitutionally, I might add, and I acknowledge that; I would acknowledge that anywhere—that they had the discretion then to exercise that flexibility which the parliament had and which was provided for in the Constitution for the right reasons.

Of course, the Labor government that fell in 1993 did not go right at the end of its four-year period: indeed, it went over that, and it went into its discretionary time. Now, of course, the Labor Party wants to forget all about that.

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: Those of us who are committed to this state—who are not into smoke and mirrors; who are not into the sorts of games and pranks that we see from the member for Mitchell—do not forget those things. The flexibility is there. I note the contribution of the member for Ross Smith—and I am not sure why he is not considering supporting the member for Hammond's amendment, because the poor member for Ross Smith, one of the only people with any capability on that side, will probably be out of office, because the Labor Party would not give him a fair break and would not endorse him. He has to make a decision in the next few months as to whether he lets the Labor Party finally screw him and push him away from what he should be doing—and that is coming back into this parliament to represent his community, because they deserve him. They deserve the member for Ross Smith more than they deserve anyone else in the Labor Party, and I would be happy, in my own time, to go out and doorknock for the independent Labor member. I would be very happy to go out and doorknock for him, because he should be back here.

But, of course, the fact of the matter is this. The member for Ross Smith has admitted that, until April next year, the government has the opportunity. Therefore, set it in March: whoever wins the next election then has a four-year term, not a term of four years and six months, which is what the Labor Party wants. If the Labor Party, heaven forbid, was ever given the opportunity to again destroy this state—and that is the only record it has: one of destruction, one of demise—

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: The member for Elder might want to try to go into the Senate. But the fact of the matter is that the Labor Party wants an extra six months in case it wins office, because one thing is for sure: if the Labor Party got back into office, heaven forbid, it would only have one term; that is all it would have. They are the facts. Let us get rid of the smoke and mirrors. We can go until April next year under the Constitution. We ought to consider—

An honourable member interjecting:

The CHAIRMAN: Order!

The Hon. R.L. BROKENSHIRE: —the member for Hammond's amendment.

The CHAIRMAN: The member for Elder.

Mr Scalzi interjecting:

Mr CONLON: If the clown in the back is finished, I will start.

Mr Scalzi: At least I can make you laugh.

The CHAIRMAN: Order!

Mr CONLON: Joe, you make me laugh on a regular basis. Let me assure you, though, that I am not laughing with you.

The CHAIRMAN: Order, the member for Elder!

Mr CONLON: When the Labor Party comes into this place, I must say, it comes into this place with an unblemished track record. The Labor Party has sought fixed terms for a very long time. We have sought not to do it opportunistically, and we have sought to apply it after the next term, for very good reason. We have said very plainly that we believe that this government has a moral obligation, especially given that the people of South Australia do not want it any more, to vacate the premises when its four years are up. We have said that that is its moral obligation. However, as a lawyer, and as I have also said in debates on this issue previously, I have respect for the rule of law and for the Constitution, which currently provides for a term whereby a government cannot go to an election before three years and then may go within the constitutional term thereafter.

Despite that fact, I believe that the government has a strong moral obligation to face the people when its four years are up. I do not believe that we should go altering the conditions of a government elected under a constitution retrospectively. My very firm view is that the government is entitled to run according to the constitution as it stands at present. That is a view I espouse not only in here today but that I have espoused in other debates. It is a very simple point. I believe that the rule of law is one of the most important safeguards in a civilised democracy. I think that the most important of our laws are those very frameworks that establish the rule of law and the very basis of our laws, of course, is the constitution.

The constitution has made a provision for how this government would be elected and, very fortunately, it has made provision for how we will kick it out for its appalling job. As I stress, I believe that the government has a strong moral obligation—but particularly with respect to its massive dishonesty on the privatisation of power, the huge increases in the price of power—to face the people at the earliest opportunity.

The Hon. R.L. Brokenshire interjecting:

Mr CONLON: And Mr Bean over here making his interjections has an obligation because he is the man in charge of the emergency services tax to pay for a $250 million radio network which no-one asked for and which does not work—a $250 million radio network from a grubby side deal from his Premier, from a new tax to pay for it, which does not work.

The Hon. R.L. Brokenshire interjecting:

The CHAIRMAN: Order! I ask the member for Elder to come back to the matters before the committee.

Mr CONLON: I look forward to seeing the new member for Mawson and seeing this useless bloke back bothering his cows.

An honourable member interjecting:

Mr CONLON: I will come to the point. I believe that the public wants fixed terms; that every intelligent commentator wants fixed terms; and that it is a recipe for better and more responsible government that people know how long a government has got to go and when they are going to the people without any sleight of hand opportunism in between. The only difference I have and the only difference in relation to this debate, is that, as a firm believer in the rule of law, I believe we should do this prospectively. If we were coming in here to set a four-year term in October this government would be taking a very different approach: it would be talking about its rights under the constitution, having been elected under it.

But, of course, no, what the government wants is a justification to avoid its moral obligation to face the people when its four years are up. Let me give the Minister for Police this assurance: I support this bill because it is good, sound politics, and it is good for the future of this state. But I will not let this government get away from its obligation to face the people and I am going to get it there as soon as I can.

Members interjecting:

The CHAIRMAN: Order! The member for Gordon.

Mr McEWEN: It is probably worth reflecting on what we have in front of us at the moment. We are dealing with a very grubby little debate about six months. It is a grubby little debate about whose right it is to have what could be a window of opportunity of six months between the conclusion of four years in October this year and, obviously, the next parliament, which could run a maximum then of four years and six months. This is a grubby little debate now about whom the six months belongs to.

The Hon. R.L. Brokenshire interjecting:

Mr McEWEN: 'That's right,' says the minister. The minister has got it in one. It is nothing to do with principle, nothing to do with the fact that—

An honourable member: Keep principle out of it.

Mr McEWEN: No, keep principle out of it.

An honourable member: There is no interest, either.

Mr McEWEN: Neither principle nor interest is involved.

An honourable member interjecting:

Mr McEWEN: There is a lot of interest, the honourable member is wrong. There is a lot of interest in a grubby little game concerning six months. We ought to return to a fundamental principle that said, 'The rules that applied when we elected the Forty-Ninth Parliament remain in place for the Forty-Ninth Parliament.'

Mr Conlon: Isn't that what I said?

Mr McEWEN: I am supporting the member for Mitchell and anyone else who is prepared to stand in this House and support the member for Mitchell. On a matter of principle it said, 'We do not want any retrospectivity here, as we do not want any retrospectivity in anything else,' which means that in the meantime we have to work back from March 2006 and through the consequences of that in terms of timing. I ask members to return to the principle that says that the Premier will decide when he calls an election for the Fiftieth Parliament—

Mrs Maywald interjecting:

Mr McEWEN: —concludes the Forty-Ninth Parliament and calls an election for the Fiftieth Parliament, otherwise perhaps we could find a compromise and split it down the middle. Let us give South Australians a Christmas present and split it down the middle. Let us toss a coin.

Members interjecting:

The CHAIRMAN: Order!

Mr Lewis interjecting:

Mr McEWEN: We will not rely on chance; what we will do is rely on—

Mr Lewis: Coin tossing does.

Mr McEWEN: Only if they are not smoking in the same place. What we will do is allow this parliament to run its course under the rules under which this parliament was elected, and today we will give some guidance in terms of how we would like to see this state administered in the future.

Mr LEWIS: I thought I would tease out the propositions that have been put by members about the desirability or otherwise of supporting the amendment of the member for Mitchell or the amendment which I have moved. The member for Mitchell leaves the question open as to when the next election should be. My amendment says, 'We will make it March forever; let us do so now.' The member for Ross Smith has then argued that what I am proposing is retrospective in its consequence. That is not so. It may appear so, but it is not. I want to walk him through some set theory, if he can bear with me for a couple of minutes.

If we leave it that the Premier can decide when to hold the next election—that is, the government—as though my proposal excludes that proposition, we are mistaken in thinking that, because the government, should it desire to have an election in the event that my amendment succeeds—which says that it has to be in March next year—before March, then indeed a member of the government can move a motion of no confidence (as it does in Germany) and the government can vote itself out of office to have that election. The rules are not changing retrospectively.

In the event that the current position as the member for Ross Smith has referred to it were to stay in place—and, if members think that the amendment being moved by the member for Mitchell secures that, they are really not following a logical proposition in that section 28 of the Constitution Act (as it now stands) provides that the government as at the last election can continue until March anyway—you cannot argue that it is morally wrong. It certainly is not legally wrong. When the people of South Australia went to the polls in 1997, if they knew about section 28 they knew that the government had the prerogative of continuing until March anyway.

An honourable member: How many knew about it?

Mr LEWIS: It does not matter how many knew about it; we are talking about the rule that is there, the fact as it stands. It does not matter to say that we merely secure the present circumstance by supporting the member for Mitchell's amendment. That is a vain glorious belief. I have stated the two circumstances. First, in law at present the government can continue and probably will continue until March next year unless it fails in a motion of no confidence—that is, the government loses that vote—and then it will be forced to go to the polls earlier. The other circumstance is that the government may choose, if my amendment were to pass, to move a motion of no confidence. There is nothing in the Constitution or any other act that would prevent it from doing so, and in Germany that is commonly done.

I know that longer serving members of the parliament such as the member for Stuart are aware of that, so that they cannot win. They do it frequently and have done so over the last 50 years that the German constitution has been in effect.

So, you are not really changing anything. As it stands, if neither of these amendments got up, if section 28 in the Constitution Act applied, and if the opposition or an Independent member of the parliament wanted to test the confidence of the House in the government, it could move to do so and, in the event that the House decided that it had no confidence in the government, it would go to the polls. If the government itself wanted to do that, it could do so. But, of course, at present it would not, because there is no need to The Premier can decide.

However, if my amendment gets up, the government itself still has the power do that if it wants an election before March. I will then tell the committee what I propose to do in the event that this bill passes in whatever amended form, that is, introduce another bill which means that, after any vote of no confidence resulting in a general election, the immediate consequence will be that the government so elected will serve out only the balance of the four year term that is left, so that there cannot be any gainsay benefit in a government of the day doing what I just explained to the House it can now do if we decide to support the proposition of the member for Mitchell, that is, move a motion of no confidence in itself to bring itself down to have an earlier election than it wants. That is the way around it, so there is nothing retrospective about my proposal at all. I thank committee for its attention to my remarks.

The committee divided on the amendment:

AYES (22)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P. (teller)
Matthew, W. A.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Penfold, E. M.	Scalzi, G.
Venning, I. H.	Williams, M. R.

NOES (24)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K. (teller)
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Maywald, K. A.	McEwen, R. J.
Rankine, J. M.	Rann, M. D.
Snelling, J. J.	Stevens, L.
Such, R. B.	Thompson, M. G.
White, P. L.	Wright, M. J.

Majority of 2 for the Noes.

Amendment thus negatived; clause as amended passed.

Clause 4 passed.

New clause 5.

Mr HANNA: I move:

Page 3, after line 29—Insert:

Commencement and Transitional

5. (1) This act will come into operation on the day on which the House of Assembly of the Fiftieth Parliament first meets for the dispatch of business.

(2) In the case of the House of Assembly of the Fiftieth Parliament, section 28(1)(a) of the principal act as amended by this act will be taken to refer to the third Saturday in March in the year 2006.

This amendment flows on from the debate on the member for Hammond's amendment. It simply fixes the date for the election after next for March 2006.

New clause inserted.

Title passed.

Mr HANNA (Mitchell): I move:

That this bill be now read a third time.

The SPEAKER: Does the honourable member wish to speak to the motion?

Mr HANNA: No, Mr Speaker.

The SPEAKER: As this is a bill to amend the Constitution Act and provides for the alteration of the constitution of the parliament, its third reading is required to be carried by an absolute majority in accordance with standing order 242. There being a majority of members present, I put the motion.

Motion carried.

The SPEAKER: In accordance with standing order 242, there being present an absolute majority of the whole number of members of the House, I declare the bill to be passed with the required absolute majority.

[Sitting suspended from 1.5 to 2 p.m.]

NATIVE BIRDS

A petition signed by 28 residents of South Australia, requesting that the House urge the government to repeal the proclamation permitting the unlimited destruction by commercial horticulturalists of protected native birds, was presented by the Hon. J.W. Olsen.

Petition received.

ELECTRICITY, SUPPLY

A petition signed by 29 residents of South Australia, requesting that the House ensure the supply of electrical power is adequate to maintain the states standard of living and is not manipulated for the excessive financial benefit of suppliers, was presented by the Hon. R.B. Such.

Petition received.

SA WATER

In reply to **Mr CONLON** (25 October 2000).

The Hon. M.H. ARMITAGE: SA First MP, Mr Terry Cameron, has not been given any financial or other assistance by SA Water.

On 27 September 2000, SA First MP, Terry Cameron, briefed SA Water staff on the benefits of the Sister State Province Agreement as viewed by the Parliamentary Friendship Association, and received a briefing on progress in developing the water and wastewater systems in West Java.

Terry Cameron attended the Premier's signing over to West Java of the Master Plan for Water and Wastewater Infrastructure on 28 September 2000 on behalf of the South Australia/West Java Parliamentary Friendship Association.

On 29 September 2000, he attended the Premier's address to the Parliament of West Java where the Premier re-affirmed the government's support for the Sister State Province Agreement.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Human Services (Hon. Dean Brown)—

Food Act—Report, 1999-2000

South Australian Council on Reproductive Technology—Report, 2000.

STATE RECONCILIATION COUNCIL

The Hon. D.C. KOTZ (Minister for Aboriginal Affairs): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. KOTZ: I am pleased to advise the House that the state government has provided $100 000 towards the operation of the State Reconciliation Council to enable it to continue its important work in fostering and promoting reconciliation. As members will be aware, the South Australian government was, with the support of parliament, the first to formally commit to the two reconciliation documents developed by the council for Aboriginal reconciliation. I recently signed a memorandum of understanding between the state government and the State Reconciliation Council outlining the conditions of the funding.

This funding further consolidates South Australia's growing reputation as a national leader in fostering reconciliation between indigenous and non-indigenous Australians. Indeed, clear evidence of the growing support throughout South Australia for an ongoing process of reconciliation was demonstrated at the reconciliation walk in Adelaide last year which, as members may recall, attracted an estimated crowd of some 50 000 people.

The state government's approach to the reconciliation process is based on an understanding of South Australia's Aboriginal history and cultural heritage as well as an appreciation of the diverse needs of the state's Aboriginal communities. The state government has also contributed to the many national forums and events that have progressed reconciliation. These include responding to the Bringing them Home Report recommendations, National Sorry Day, and National Reconciliation Week.

The $100 000 grant to the State Reconciliation Council will further enhance its role and primary task which is to develop reconciliation strategies and action plans which address Aboriginal and Torres Strait Islander disadvantage, promote the recognition of Aboriginal and Torres Strait Islander rights, promote economic independence and sustain the reconciliation process.

The council, in promoting reconciliation, encourages understanding and acceptance of the history of our shared experience between indigenous peoples and the wider community, respect for Aboriginal cultures and identity, and the opportunity to live together in unity and harmony. This grant, once again, highlights the government's commitment to developing a cooperative approach to Aboriginal affairs based on a partnership between the government and the Aboriginal community in South Australia.

PUBLIC WORKS COMMITTEE

Mr LEWIS (Hammond): I bring up the following reports of the Public Works Committee: the 151st report on the Provision of Filtered Water to the Central Northern Adelaide Hills—Final Report; and the 152nd report on the Barcoo Outlet—Status Report, and move:

That the reports be received.

Motion carried.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the reports be published.

Motion carried.

LUCAS, Hon. R.I.

The Hon. M.D. RANN (Leader of the Opposition): I move:

That standing orders be so far suspended as to enable me to move forthwith a motion without notice regarding censure of the Treasurer.

The SPEAKER: I have counted the House and, as an absolute majority of the whole number of members of the House is present, I accept the motion. Is it seconded?

An honourable member: Yes, sir.

The SPEAKER: Does any honourable member wish to speak in support of the motion?

Motion carried.

The Hon. M.D. RANN: I move:

That this House censures the Treasurer of the government of South Australia for his poor handling of the privatisation of the state's electricity utilities and of issues surrounding South Australia's entry into the national electricity market, including projected price increases of up to 80 per cent for South Australian businesses, projected increases in irrigation costs for 1 800 Riverland fruit growers of $500 000, the lack of support for significant additional interconnector capacity such as Riverlink, strident criticisms by the Auditor-General of the handling of power industry matters which are the responsibility of the Treasurer; and that, further, in light of the foregoing this House supports strongly the calls by the member for Chaffey for the Treasurer to be relieved of the primary responsibility for South Australia's power industry.

This is not a motion of no confidence in the Premier or the government—even though they deserve it. So, if supported, this motion will not bring down the government or force an election. There are no alibis or excuses for anyone in this House to dodge the central issues of this motion, namely, our electricity crisis and how the Treasurer has mishandled it.

In this motion we use the very words of the member for Chaffey and the member for Gordon in their trenchant criticisms of the Treasurer in his role as minister responsible for electricity and its privatisation. Let us make no mistake: the Treasurer still has carriage of the government's electricity policy. If the Independents or anyone else think otherwise, they are kidding themselves and their electors.

Just because the Premier yesterday hastily scheduled a meeting in Sydney with AGL before his black tie and champagne gala dinner celebrating Westfield Shopping Centre's 40th anniversary, it does not mean he has stripped Rob Lucas of any responsibility for electricity—quite the opposite.

The Premier has given the Treasurer, as did the Deputy Premier yesterday, his strongest endorsement to continue as electricity minister. The Premier and his deputy think Rob Lucas is doing a great job. This meeting between AGL and the Premier deserves a mention. It is entirely appropriate for the Premier or Treasurer to meet with the electricity retailer. A strong Premier with clout would have picked up the phone and said, 'I want you in my office'. He could have done so. Indeed, he should have done so any time in the last three weeks or three months because the issues have been clear.

Members interjecting:

The SPEAKER: Order! This is a serious debate and I expect it to be heard in silence.

The Hon. M.D. RANN: Senior AGL executives have been in Adelaide in the past three weeks when Parliament was not sitting. In fact, it was revealed on radio this morning by AGL executives that they themselves had sought meetings with the Premier previously but the Premier was not available. The company's Corporate Affairs Manager, Mr McLaughlin, said this morning:

We've actually called the Premier and sought meetings in the past because we are concerned about this issue as well. We would have happily come to the Premier.

So why did not the Premier meet with them before? These electricity retail contracts have been out for weeks. Why could not the Premier have met with AGL before? Perhaps they might have told him, had he met them in Adelaide last week, that they had already offered an extra seven days grace for customers, which is apparently the Premier's big win from his trip, announced at a press conference today. Instead, we had to have meetings just before the Westfield gala dinner in Sydney and the Premier conveniently misses one of only three parliamentary sitting days in five weeks.

Mr McEWEN: On a point of order, sir, I note that the clock is not running. I seek your guidance as to whether or not we should establish the time for this debate before proceeding.

The SPEAKER: Order! The clock is running in front of me. It is running at the 55 minute mark and at the end of the leader's speech the Deputy Premier will be called to move that one hour be allotted to this debate.

The Hon. M.D. RANN: The fact that the Premier flew off interstate to talk to South Australia's electricity retailer is a total admission of the failure of the ETSA privatisation.

Mr LEWIS: On a point of order, sir, will it be acceptable for any member to amend that length of time?

The SPEAKER: Order! The matter is in the hands of the House, but the short answer is no.

The Hon. M.D. RANN: Two years ago the Premier was in effect the state's electricity retailer. When the South Australian government owned ETSA the retailer was right here in South Australia, as were the generators and the distributors. While the Premier was in Sydney he could have spoken to New South Wales government officials to hear from them how they are cushioning customers against price fluctuations because they still own the electricity generators, the transmitters and the retailers. If this government had not sold ETSA it could do the same.

The Independent Industry Regulator, Lew Owens, has acknowledged that New South Wales can better deal with those problems because 'New South Wales has more options than South Australia as it continues to own its electricity system.' That is your independent regulator. The Premier was flying off yesterday to try to fix the mess he and his Treasurer in large part have themselves created through their privatisation. My message to the Independents is: do not let yourselves be conned any further by the government over electricity, especially now you have gone public with your concerns to your electorates.

The member for Chaffey was right last week when she told the *Advertiser*:

We need to have someone else take over this issue. Mr Lucas must recognise that his policy of maximising the price of the electricity assets by not proceeding with the Riverlink interconnector from New South Wales has led to disaster in South Australia.

That is what the member for Chaffey said and she was dead right. The member for Gordon said Mr Lucas had tried to trivialise the power issue because he had scoffed at reports of higher prices. The member for Gordon said:

Here we are at the eleventh hour and nothing has been done.

Business SA's Bob Goreing told the Economic and Finance Committee yesterday that, as recently as October last year, the Olsen government's *Directions SA* document was still forecasting cheaper electricity prices. The member for Gordon was right to talk about the Treasurer being in denial. The accuracy of the member for Chaffey's statement about Riverlink was confirmed last week by the Treasurer of New South Wales (Hon. Michael Egan) while he was in Adelaide. It is worth putting on record what he told a press conference outside this building last Friday.

Members interjecting:

The Hon. M.D. RANN: Just listen to what he said, Michael. We know that you've given up and thrown in the towel: you couldn't even win a preselection. Michael Egan said:

The simple fact of the matter was that the first I ever heard of an electricity interconnection between New South Wales and South Australia was from John Olsen back in 1996, when we were both energy ministers. He made the proposal to me and I went back to New South Wales and I got our energy experts to look at the proposal post haste, which they did, and it came up trumps. It was agreed by both South Australia and New South Wales that an interconnection between New South Wales and South Australia was the way to go, not only to ensure low electricity prices in South Australia but also to ensure security of electricity supplies.

Michael Egan says again:

A couple of years later when the project [Riverlink] was ready to start, the Olsen government simply pulled the rug out from under and, as a result of that, South Australia is not only facing electricity shortages but facing spiralling electricity prices.

Mr Williams: Rubbish!

The Hon. M.D. RANN: Members opposite say it's rubbish that South Australians are facing spiralling electricity prices. It is amazing that a member from the South-East does not believe that people in his electorate are facing spiralling electricity prices. Well, Mitch—go out and do some door-knocking. Michael Egan continued:

And when you're paying $70 a megawatt hour, 75 per cent more than customers are paying in New South Wales, that simply cripples industry in South Australia.

Michael Egan went on to explain why the Olsen government had performed this backflip, and said:

Now it was a deliberate trade-off, where the Olsen government wanted to get a few more hundred million dollars into their budget and were prepared for consumers and industry in South Australia to have to pay the price.

And what a price they have to pay. Businesses are now receiving offers for electricity contracts with average increases of 30 per cent in their power prices. According to experts, South Australian families could face the same from 1 January 2003. In its last year as an aggregated power company in public hands (in the year to 30 June 1999), ETSA sold just over $1 billion worth of electricity. If all South Australian electricity consumers faced an average 30 per cent increase in power, large and small commercial customers as well as households, that would mean an increase of over $300 million a year in their total power bills.

Is that the price South Australian businesses and families will face thanks to the Olsen government's ETSA privatisation, the failure to build Riverlink and the bungled preparation for the electricity market? Is that the cost of the Olsen/Lucas electricity tax? Mr Lucas says that ETSA privatisation has benefited the South Australian budget by $100 million a year, but it will cost South Australians $300 million a year. A conservative estimate by Business SA, released only yesterday, is that the electricity price increases could slice $200 million off gross state product. That is Treasurer Lucas's gift to South Australian business and the state's economy. Treasurer Lucas was in charge of electricity issues when the Olsen government made its Riverlink

backflip, and Treasurer Lucas has been desperately trying to rewrite the history on Riverlink recently. He, like the Premier, says that the government was not opposed to Riverlink at all. You would have thought that Rob Lucas had nothing to do with it, that it was completely out of his hands, and that this government never had anything to do with Riverlink's demise. But, when NEMMCO initially deferred Riverlink, it was a deferral asked for and supported by the Olsen government.

Mr Lucas actually issued a press release that formally welcomed the deferral of Riverlink. In a media release dated 22 June 1998, Mr Lucas said, '. . . the South Australian government has already stated publicly that it accepts and welcomes the NEMMCO decision to refuse the Riverlink interconnect regulated status.' So, again the member for Chaffey was right. To prop up the ETSA privatisation, the government pulled the rug on Riverlink. As I have said before, this government was too busy selling off this state's power supply to run it properly or to prepare it properly for the national electricity market.

Now, let us come to the nub of it. Opposing this censure today would mean that you actually believe that Rob Lucas has not bungled the electricity privatisation and deregulation. It would mean that you agree with the Deputy Premier, the member for Frome, and Mitch Williams that it is all hunky-dory and that these electricity prices are not problems for business, the farming community or the public.

Opposing this censure means you believe that Rob Lucas has actually done a good job on electricity and that you endorse his staying on in the role. No-one believes that. No-one with any credibility believes that. The engineering employers do not believe that. They told the Economic and Finance Committee only yesterday that it was inevitable that power increases would cost jobs. Business SA's CEO, Peter Vaughan, said in early April that he was getting three to four calls a week questioning why people would be doing business in this state given the power crisis. Now, Peter Vaughan, great friend and ally of the Premier, said:

> The big companies' headquarters interstate are asking why they would stay in business in South Australia. There's a bloody nightmare coming up.

That is what the head of the business community in this state said.

The SPEAKER: Order! There is a point of order.

Mrs MAYWALD: I would like to know if a copy of the motion that we are debating at the moment is going to be distributed to the House?

The SPEAKER: The chair will be requesting a copy to be delivered to the table as soon as the honourable member sits down. I will then have an opportunity to distribute it.

The Hon. M.D. RANN: Companies had two choices: either not to continue their businesses, or shed jobs. The Treasurer's actions have so concerned the state's independent financial watchdog, the Auditor-General, that he has produced a series of damning reports. Local government and the former Treasurer, Stephen Baker, have also joined the chorus. Mr Baker, your former deputy, says that the price increases facing industry could have been avoided if the New South Wales interconnector had been built.

Offers which hike electricity prices up to 90 per cent will cause devastation for jobs and profitability, and make it even more difficult to lure industries from interstate where they can get much cheaper power. It is not just manufacturers or businesses in the city that will bleed. In the Riverland, the Central Irrigation Trust is facing a 35 per cent increase in its power bill, taking it from $1.7 million to $2.2 million a year. The 1 800 grape, citrus and stone fruit growers who are members of the trust do not think that Rob Lucas is doing a good job. They will have to pay more to pump their water, thanks to Rob Lucas.

I know that the member for Chaffey will not forget them. I know, too, that the member for Chaffey will not forget the Renmark Hotel, which is facing an annual bill of $195 000—a jump of 50 per cent. The owner of the Intensity Fitness centre at Holden Hill, Mr Paul Stewart, does not think that Rob Lucas has done his job. He wrote an open letter to the Treasurer asking why his power costs 64 per cent more than a similar gymnasium in Sydney pays. Perhaps the last line of his letter says it all. Mr Stewart wrote, 'Could you please explain how, having spent $100 million on consultants, the government has managed to screw this up so badly?' What was Rob Lucas's answer to Mr Stewart? He is now hiring even more expensive consultants to fix up the mess he caused in the first place.

Let us remember a few key points. On 11 April 1995, the Liberal government signed up to the national competition policy rules that led to the national electricity market. The then electricity minister, Rob Lucas's predecessor, John Olsen, told this House that South Australia had to be a part of the reform process 'to ensure that for residential, commercial and industrial purposes, we have the cheapest electricity of any state in Australia'. In November that year, the now Premier said:

> Let there be no misunderstanding as to the importance of this matter over the next couple of years in positioning South Australia to be a participant in the national electricity market. Our non-participation in the national electricity market will clearly indicate that businesses in South Australia will not have the opportunity to purchase power at the lowest cost purchase option in Australia.

Then, after solemnly promising the people of this state that he would never sell ETSA, the Premier broke his word immediately after the election. On 17 February, he marched in here and said that the privatisation was essential to save South Australians from the risk of higher electricity prices. The Premier said:

> We have to protect them from higher power prices they cannot afford; that is our duty. . . Fierce competition between private suppliers always results in prices dropping.

That has not happened. The member for Chaffey was right. He left it all to Rob Lucas. The government abandoned the strategy that would have made the national electricity market operate more effectively in this state—Riverlink.

But how do we get this state out of the mess that this Treasurer and this government have created? There is no magic wand and this government has got us in a very deep hole and has limited our options for getting out of it. I know that the Independents do not want stunts; they want ideas. They were the ones who called for the electricity minister to be sacked, but they want some positive ideas, so they will be pleased to hear this. On 15 March, in a speech to the Institute of Engineers, I called for reform of the national electricity market to be the highest priority agenda item at the coming COAG meeting. I said that pricing and interconnection must be tackled. I said it was a matter of urgency that state governments, the commonwealth, power companies and industry sit down together and thrash out an electricity market that would work. Later that day, lo and behold, the Premier said he would ask for the issue to be put on the COAG agenda. I welcomed his support.

The Premier also belatedly agreed with Labor's strategy that a ministerial council of electricity ministers, a permanent standing committee of all the electricity ministers in the country, be established to oversee the functioning of the national electricity market so that the public interest would prevail. Given those examples, I put forward this proposal today and hope that the Premier and the Treasurer will adopt it with similar speed. I want this Premier and this Treasurer to immediately begin negotiations with New South Wales over an interconnector. Pick up the phone today, save the taxpayer a plane fare, and speak to the New South Wales Treasurer, Michael Egan, about how we can secure a substantial interconnection to that state, with its oversupply of cheaper power.

Just five minutes before question time started this afternoon, I spoke to Michael Egan. He is prepared to take the Premier's call this afternoon and he has given me the phone number for the Premier to ring. He is waiting for the call, if you are really fair dinkum about doing something about electricity prices.

Members interjecting:

The SPEAKER: Order, the Minister for Water Resources!

The Hon. M.D. RANN: The telephone number is (02) 92283535—that is what they called for. Here is some further advice on how the Premier might provide some relief for South Australians for the mess he and his Treasurer have created and now want to blame on others: there needs to be much stronger action against the electricity generators in private and public ownership that deliver massive price spikes by gaming the market. The toughest monetary penalties should apply to those generators that withdraw supply on the hottest days in the summer to create a power crisis, drive the cost of electricity up sky high and then re-enter the market to cream off the artificially inflated prices.

This will require a complete review of the legislation covering the operation of the national electricity market, but it must be done because we now have businesses asking the taxpayer to subsidise their electricity bills. The business leaders who told us that the government must get rid of the risk are now telling us that the taxpayer must take back that risk by subsidising their power bills—that is after we have sold the asset and lost its income stream. Now, the Independents. Last week I telephoned the member for Chaffey offering her the chance to turn her words about Rob Lucas into a reality. She told me that she would not support a no-confidence motion. I am disappointed but I respect that, and that is why, yesterday and today, I have not moved a no-confidence motion.

It is now time for the Independents to match their words with action; to say what they mean and mean what they say; not to cry wolf—not to say one thing in their electorates but do something else in this House. Well, here is their chance today, at least, to express formally their concerns about how electricity privatisation has been mismanaged by the Treasurer. We are simply asking them to vote to express their concerns. The Independents said that they wanted him removed. We are now asking them to vote to express their concerns.

They can back their sincere words with their sincere vote in this censure motion against the Treasurer and, because of their interest in solutions, today back my proposals for a fast-tracked interconnection with New South Wales and for massive monetary penalties against unscrupulous behaviour by electricity generators.

Members interjecting:

The SPEAKER: Order! I ask the leader to provide the table with a copy of the motion. I also ask the Deputy Premier if he would move the procedural motion relating to time.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the time allotted for this motion be one hour.

Motion carried.

The Hon. J.W. OLSEN (Premier): Let us get one thing straight from the start: the Leader of the Opposition in his contribution today has identified a problem but he has not identified a solution to the problem—

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: —yes, I am glad that the leader interjected—except for, 'Phone Michael Egan.' I do not know whether or not the Leader of the Opposition has got up to speed, but the fact is—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader will come to order. The Premier heard the leader in silence, and I suggest that the leader do the same.

The Hon. J.W. OLSEN: Thank you, Mr Speaker. The fact is that we have a national electricity market. The matter concerning Riverlink will rest on a decision made by NEMMCO. I suggest that the Leader of the Opposition telephone NEMMCO and he might get a policy option rather than the furphy that has been put on the table today. NEMMCO has had a proposal before it for more than 18 months. It is a regulated interconnector. That is the issue because, under a regulated interconnector, the taxpayers of South Australia will be committed to underwriting that interconnector for the period of time into the future, and that is the issue.

Let me tackle a couple of the cheap shots made by the Leader of the Opposition in his early remarks. The Leader of the Opposition said that I went to a black tie function last night. Indeed, I did. I went with Kim Beazley and Premiers Beattie, Carr and Bracks. Yes, it was a Westfield function, celebrating Westfield's fortieth anniversary. Westfield, I point out to the Leader of the Opposition, has very significant investments in this state and is a very large employer in this state.

More importantly than recognising its contribution and the number of people whom they employ, last night Frank Lowy announced on behalf of Westfield a $2 million fund upon which the premiers of the respective states will offer scholarships for teachers over the next five years, the details of which will be announced between the respective premiers and Westfield in due course. It is a deal for some 15 teachers in this state to have scholarships. That is why I was there with Westfield last night—to bring home benefits to South Australia, as other premiers were doing for their respective states.

In his opening remarks, this leader referred to circumstances, saying that I should have had a meeting last week, the week before or the week before that.

An honourable member interjecting:

The Hon. J.W. OLSEN: I am not going to meet PR or human resource people. I wanted to meet the Managing Director of the company. And, yes, they did want to come to meet me—

An honourable member interjecting:

The Hon. J.W. OLSEN: And I am glad for your interjection. They suggested 10 May. That happens to be next week. That is when they asked for the meeting: 10 May. Going to Sydney yesterday was timely. Why? Because in New Zealand today the AGL board is looking at strategies for AGL and its investments in Australia. It was a very timely meeting given the board deliberations today.

What was the outcome of the meeting? The Leader of the Opposition says that there was nothing—that it was an extension of time which was there before. What has been achieved in the meeting following a very frank discussion between me and the Managing Director of AGL and other officers was that the government of South Australia and AGL will now over the next few days work through a range of issues to ameliorate the effect of the electricity impact in South Australia.

In relation to that, I welcome the constructive approach that flowed from my discussions with AGL yesterday. Tentatively scheduled is a meeting between the AGL Managing Director and me next Wednesday. I hope that the body of work that has to be done, both by government officers in South Australia and AGL staff, can be concluded in time for our tentatively scheduled meeting next week.

If any new arrangements could be agreed to, I also discussed with AGL how those new arrangements might impact on the couple of hundred companies that have already signed up with AGL. Yesterday, a commitment from AGL was given to me that any new arrangements, if agreed, would be made available to all who had signed to date. So, no-one in this process will be disadvantaged, and we are now to work through those issues.

I can assure the House that the Treasurer, the government and I will focus in working cooperatively with AGL to get an outcome that looks at the interests of the 2 800 businesses in this state. I simply say to the Leader of the Opposition, 'Back off from the political rhetoric, let us get on with the job and let us hopefully deliver some outcomes for South Australian Businesses.'

One thing that the Leader of the Opposition conveniently overlooked in relation to this national electricity market is this: the national electricity market was the brainchild of Paul Keating. They are the facts of the matter. The national electricity market was a model of Paul Keating's, signed off by Labor administrations nationally and interstate, and I know—

Members interjecting:

The SPEAKER: Order! I am sorry to interrupt the Premier. Yesterday, there were members in this place who set out to turn this into a circus. I suggest that they do not try to do so again today.

The Hon. J.W. OLSEN: I know the Labor Party does not want to hear it. It is all about apportioning blame to us and not accepting their role in the development of the national electricity market and the controls of the national electricity market, with NECA and NEMMCO, the two bodies established nationally to look at this market across the eastern seaboard of Australia.

Had we not joined the national electricity market, we would have put at risk some $55 million in competition payments. What would the Leader of the Opposition want us to do—take more money away from education, health, law and order services, or road infrastructure or upgrading? What would he want us to do? We wanted to secure those competition payments and, recognising that this was Paul Keating's model, to make sure that all the states complied with the national electricity market. In order to be participants, the states got payments from Canberra. That is the set of circumstances. As the member for Hart, who then advised Premier Lynn Arnold, would know (as we did), we signed off on that national electricity market. Their side and this side. We both joined the national electricity market. Now we have a market that has not matured to bring the competition.

Mr Foley: Why?

The Hon. J.W. OLSEN: In relation to the interjection from the member for Hart, I point out that this Treasurer and minister in the last two and a half years has overseen a 30 per cent increase in in-state generating capacity. I defy the member for Hart to demonstrate any period of time when members opposite were in government where they took a quantum step forward in the provision of generating capacity in the state. They did not. It was Pelican Point, the Osborne plant and Ladbroke Grove, all of which provided a 30 per cent increase in generating capacity in the last two and half years.

The other constraint is a lack of competitive gas grid connecting Adelaide to Melbourne and the BHP Minerva gas fields. Some 40 per cent of our electricity generation is fuelled by gas. But as the Leader of the Opposition knows, but did not refer to, we have some natural disadvantages: Moomba is a long way away from Torrens Island, and Leigh Creek is a long way away from Port Augusta. In New South Wales you have black coal at the mine site next to the generating plant. For 40 to 50 years, they have had advantages that we have not had.

In addition to that, we had not put in place in the 1980s and early 1990s the infrastructure to underpin growth. After working for the last 18 months—it might be two years—we now have private sector commitment to build the Adelaide to Melbourne gas pipeline. That will bring a competitive gas price into the generators in South Australia rather than the effective monopoly position that we have. So, some very fundamental policies have been put in place by this government to lessen or ameliorate the effect of lack of infrastructure to bring about a mature and competitive market, to bring real competition into the marketplace.

But are we on our own? Are we Robinson Crusoe? Seeing that the Leader of the Opposition wants to refer to his mate Michael Egan in New South Wales, I just point out to the Leader of the Opposition: do not forget that Treasurer Egan in New South Wales attempted time and time again to do exactly the same with their assets in New South Wales as we have done here, and so did Bob Carr. Mr Speaker, I refer the Leader of the Opposition to the *Sydney Morning Herald* on 16 April, two weeks ago, which report says:

> Surging power prices are threatening to create a political backlash for the state government in the wake of the deregulation of the national electricity market. More competition in the electricity industry was supposed to bring lower prices, but some of the first to take advantage of the freeing up of the market in New South Wales now find that prices are rising sharply. By some estimates, prices have more than doubled over the past 18 months.

In New South Wales, where they still own the assets, it is no different from the circumstances unfolding here. Also, the article went on to state:

> Coal prices are going through the roof at the moment. The net effect is cost to industry: not only higher oil prices, but higher electricity prices as well.

Now, I go beyond New South Wales. Let us go to Victoria. The Melbourne *Herald Sun* of 31 March reported:

> The savings brought about by sweeping electricity reform are set to be wiped out, as average family bills rise by as much as $150.

I refer also to the industry magazine, *Electricity Week*, of 10 April, which states:

> Some of Victoria's biggest power users, preparing to renegotiate their electricity contracts, have been stunned by suppliers' demands of $85 per megawatt hour.

One of Victoria's biggest regional employers, SPC, must renegotiate its electricity contract in the next few months. BHP's Lindsey Threadgate told an electricity industry conference on 14 March, 'I had the pleasure of telling BHP management that the electricity price was going up 50 per cent.'

This is a national issue. It is not solely an issue within South Australia. It is part of the national electricity market and you cannot insulate yourself as much as you would like from those circumstances that roll over us. What we need to do is recognise that steps can be taken and that we are taking to try to correct the circumstances that apply.What have we done? We have pushed and succeeded in getting the issue listed as the No.1 item at the COAG Premiers' Conference on 8 June. That is why I have also called—

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: I guess we are back in bipartisan mode again on that issue. The Leader of the Opposition used that word 108 times last year; nine dozen times he was into it. I notice that on Tuesday and Wednesday this week he dropped the bipartisan bit but obviously we have gone back onto bipartisanship when it suits him. That is why we have also called for a ministerial council to be called to oversee the running of the market where each state government, or the jurisdictions, now can come back and have some control over the policy settings of the national electricity market. What happened with the establishment of this market is that the effective capacity of governments to oversee the policy setting of the national market were obviated. What we need to do is go back and get control of that market.

Instead of scaremongering, let us look at other facts of the matter. As I have indicated, we have put in place a number of measures: meetings are to take place and a task force is looking at a number of steps we can take to look at the national electricity market and how changes ought to be effected. In addition, a technical group, as I advised the House on Tuesday, is reporting directly to me and also advising the task force. In addition, I have asked for the task force to provide an interim report by 1 June so that the issues they raise with me can be on the agenda for 8 June. A whole series of measures and steps have been taken so that we can take up the issue at a national level to look at how changes can be put in place to affect the marketplace.

As to the position relating to AGL and its current circumstances, while no final decisions have been made and while a lot of work is yet to be done, I am hopeful that out of the meeting yesterday a positive response will come. What we have is a market of national proportions impacting against a number of jurisdictions. That is why Premier Carr and Premier Bracks and the Queensland minister have called for a national review of the electricity market, as to how it is impacting against their state the same as it is impacting on our state. The Leader of the Opposition also made some reference to businesses not wanting to come to South Australia because a competitive edge would be lost.

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: Well, I am grateful for the interjection. Let me go back and say: I noticed reports in the paper today that Arnotts are closing today. Where? In Victoria. Arnotts are not closing here in South Australia. We have been having discussions with them for some time. Why? Because our industrial relations record is the best of any state. We have lower average weekly overtime earnings and costs; and, unlike Victoria and New South Wales—Victoria with over $1 billion unfunded WorkCover superannuation liabilities and New South Wales with something like $2 billion unfunded superannuation liabilities—we have an unfunded liability as of last December of $20 million. That is why we have been reducing costs to small and medium businesses: for all those covered by WorkCover, a benefit amounting to about $108 million dollars worth of savings to businesses.

That is why businesses in this state have a competitive advantage. It is why Electrolux and Email are coming here out of New South Wales and Victoria. It is why BAE is coming here out of New South Wales and Victoria, and why Arnotts stayed here and closed in Victoria. They are the issues. At the end of the day the decision that has been made counts, as does the employment that is put in place.

We have been able to slice five percentage points off the unemployment queues in this state in the last 7½ years. We have been able to get growth in this state at 3.6 per cent, according to the Australian Bureau of Statistics, whereas Queensland had 2.1 per cent and other states had no growth or negative growth. That is the climate for new investment, new jobs, a competitive advantage and a good market for South Australia for investment and jobs. We will be pro-active in this issue in an attempt to lessen the impact of this national market as it rolls out across the state, but importantly in relation to the responsibility we pick up as it affects South Australia.

My final point is that the Leader of the Opposition purports to be a Premier in waiting, leading a government in waiting. Any political party worth its salt, in identifying a problem, has a responsibility to identify a solution. Other than a phone call, there was no idea, no policy, no plan and no solution from the Labor Party. We had this whingeing, carping and whining, but there was no contribution to policy or to a plan and no direction for our state's future. The Labor Party can sit in its vacuum if it wishes. We will work through our plans, deliberately working through a range of issues to bring about an outcome that will continue the investment and employment in South Australia.

I finish by saying that the Treasurer, in getting a 30 per cent capacity increase in the state in 2½ years, to bring about a private sector building of a gas pipeline from Melbourne to Adelaide, is an indication of a Treasurer proactively looking at the long term, building the infrastructure to underpin this state's future.

Members interjecting:

The SPEAKER: Order! The member for Hart.

Mr FOLEY (Hart): The Labor opposition does have a solution to this state's electricity crisis. It begins with the defeat of this government and the election of a Labor government in South Australia when we will take this problem seriously and will deliver action and get a package of measures in place to fix this. The Treasurer of this state has delivered 30 per cent to 90 per cent price increases for electricity. Costs to gross state product could see a decrease in the order of between $200 million and $600 million.

This Treasurer has delivered the scenario to this state where we could see tens of millions of dollars of taxpayers' money put in by this government to subsidise business with the massive price increase that is looming with electricity. That is the legacy of this Treasurer and this government.

Let us not escape this fact. This government wanted Riverlink—because Riverlink would have driven down electricity prices—until this government was given advice that that would have decreased the sale value of our generators. At that point it withdrew support for Riverlink. We know that: the Treasurer said as much on 15 June 1998, when he said:

> In fact, the South Australian government has actually recently written to NEMMCO asking that the decision on Riverlink be deferred because the government was reconsidering its previous position of support for the project.

Why? Because they decided to sell the generators and wanted to maximise the value. How do we know that? Because Premier John Olsen said so on 5 September 1998 when he stated:

> If it went ahead it would mean the volume of sales would be reduced, and that means dividends reduced; that means asset values reduced.

That is what happened: for base political and financial reasons they wanted to get the highest price for our assets, and this government jeopardised electricity prices.

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: This government is prepared to lock us into high electricity prices to maximise the sale value of the generators. Who else said that? It was independent consultant, Mr Rob Booth, a former adviser to the Kennett government. He said:

> In more recent years, however, the state government of South Australia has taken actions which were not consistent with achieving a competitive electricity market and which have aggravated the problems for the national electricity market.

One of those problems is that the Liberal government changed its mind about Riverlink and then actually opposed it in all the available forums, including NECA and NEMMCO, and that led to a lack of competition and has led to a situation where electricity prices are increasing between 30 and 90 per cent and costing us potentially $200 million to $600 million of gross state product. That is the legacy of this government. That is the legacy of Rob Lucas. He has destroyed the competitive base of industry in this state, and for that reason he should be sacked.

Members interjecting:

The SPEAKER: Order! The Deputy Premier.

The Hon. R.G. KERIN: I rise to voice my confidence and the confidence of our government in the Treasurer who, I feel, has done an excellent job. The member for Hart continues to try to rewrite history when he talks about legacies. This Treasurer got us $5.5 billion for the electricity assets, yet the member for Hart says that that is for base financial reasons. If we sold it and went out and wasted the money, he might have somewhere to stand. Every cent of that money has gone to pay off debt left to us by the Labor Party, and members opposite should not forget that.

The electricity sale was about paying off their debt and removing risk—which we see in the eastern states falling back onto government. I do not think it fair that the Treasurer has been lumbered with the blame for the shortcomings of the national electricity market. It has to be acknowledged that the Keating government was the basic architect of the national electricity market, and it received the support of governments across Australia for it. We are not totally happy—

Members interjecting:

The SPEAKER: Order! I ask the Deputy Premier to resume his seat. There is far too much audible interjection across the chamber. I ask members to bring some sensibility to the debate. The Deputy Premier.

The Hon. R.G. KERIN: We acknowledge that there is a problem with the market at the moment, but the Premier has acted with the full support of the Treasurer. The Premier went through the steps we have taken with the ACCC, with COAG, talking to AGL, the task force, the technical group, etc. One of the tragedies of what has happened with electricity is that some of the myths that are out there are totally misleading the public.

We heard the member for Hart quite often during the summer almost stating that blackouts were a new thing. Blackouts have been around for a long time: we had the record of them read out in this place. They have the problem in other states: it is not just here. Much of it is because of neglect of the infrastructure during the Labor years.

The price rises are built up as something purely South Australian, but we know that is not true. Once again, the Premier gave us some examples of that. The idea that the price rise is to do with privatisation is an absolute load of rubbish. Once again, that is shown by the New South Wales experience. One thing that is not factored into this is that energy prices, with coal and fuel going up, have also played a major part. The electricity market is not the creature of this government's creation. It is not to do with privatisation.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the leader. He has had a fair go.

The Hon. R.G. KERIN: I have no doubt that if the Labor Party had won the election in 1993, they would also have signed off. We are trying to address the problems of the market. Certainly, the Premier has been active in that, and the full support of the Treasurer is right behind the range of actions that we are taking. It has been unfair on the Treasurer. I think he has done a very difficult job both with the debt and with the national electricity market that was lobbed onto him.

Mr McEWEN (Gordon): The Treasurer deserves a boot in the backside for one very simple reason. He failed to change the climate, the perception, in this state soon enough. He is not responsible for NEM, and he was not personally responsible for privatisation, but he knew from about last October that the perception that people were going to be better off because of the NEM and privatisation was flawed. He knew from about last October that, come 1 July this year, the next tranche of contestable customers would not be better off; they would be significantly worse off. He should have then started to prepare the business people for that shock. He should have started to prepare his colleagues in this place for that shock; he should have fessed up to us and said, 'Things are not as we expected, but they are beyond our control.' Rather than do that, he remained in this state of denial and he continued to tell business in this state not to worry and that it would be all right.

This means that even businesses making decisions about whether they should contract themselves sooner thought, 'No, it will get easier towards the end. We will get a better deal.' And now they have been caught in a trap. At the last minute, with nowhere else to go, many of them are facing increases of between 70 and 100 per cent. It has been an enormous

shock to them, and like all South Australians we feel very much let down by the Treasurer in the way that he has not been prepared to face up to reality. He has done it before, of course. He did it with his own colleagues in terms of flaws in the pricing orders. He did it through some of the flaws in the sale process, and he has done it again. I think what we are criticising him for is that, when he knows something is going wrong, like the rest of us, he should face up to it quickly to lessen the damage. It is the damage he has done by not facing up soon enough which has actually made business in this state so angry, and that is why I want to give him a boot in the backside.

Mrs MAYWALD (Chaffey): That is the first contribution we have heard in this debate that has actually dealt with the matters raised in the censure motion. Publicly I have been very critical of the Treasurer, and publicly I have called on the Premier to remove the power responsibilities from the Treasurer. I wrote to the Premier some three or four weeks ago, requesting that he take command of this issue. This is nothing new. This is out in the public arena. Whether or not I support this censure motion is irrelevant. It is absolutely irrelevant—but, thank you for the intimidation, anyway, from the Leader of the Opposition. What we have seen here today is not a debate: it is an absolute disgrace. What I have seen is that this House is more about what point-scoring can be achieved on that imaginary scoreboard between the opposition and the government than about dealing with the issue. I do not believe that the people out there who are facing the exorbitant increases in the price of their electricity give a damn about the result of this vote here today on the censure motion. They do not give a damn about it. Do you know what they do give a damn about?

Members interjecting:

Mrs MAYWALD: And you on the government side need not continue to interject. You continue to have your head in the sand. Many of the members on the government side of this House continue to be in a state of denial. They are not facing up to the fact that the decisions made over the last three and four years have significantly impacted upon businesses in this state. They are not facing up to the fact that some of those people out there have families and livelihoods that are now put at risk. There are many companies out there that will not be able to absorb a 35-55 per cent increase. So, who is going to pay the cost? Not anyone in this chamber. It will be the families out there who will have to face not having an income as their jobs are discarded because businesses will not be able to afford to keep them—not to mention those marginal businesses that will not be able to stay in business. That is the fact that we have to face up to: it is people, not politics. They do not care about your imaginary scoreboard in here—1 to the Leader of the Opposition, 1 to the government.

I will support this censure motion, and I will do so because it reflects exactly what I have said publicly, but I do not believe that it will make one iota of difference to those people out there. A wake-up call was given a long time ago by Lew Owens and many others out there. It is very convenient for the Labor Party to now jump on board the bandwagon. I notice that in the Leader of the Opposition's comments he refers to a speech he made on 15 March and how he was calling for this issue to be put on the COAG agenda. Well, hang on a moment! The Leader of the Opposition forgets that, during the debate on the censure motion he introduced in the House on that very day, it was the Premier who said that he was moving, on that day, to have this put on the COAG agenda.

I believe that what we are looking at here in this House is a censure motion that does nothing more than give the Treasurer a slap on the wrist. It does nothing about debating or dealing with the issues. The censure motion does nothing in this parliament to make a difference. What we need to concentrate on in this House is debating the solutions. How are we going to fix this and how will we work together to make it happen? That is the issue we need to address in this House, not a censure motion. It should be a debate of public importance, and we should be talking about the solutions.

Mr LEWIS (Hammond): I move:

That so much of standing order 114 be suspended as would prevent the debate of this motion continuing for such time as necessary to enable any member wishing to speak to do so, but that no member shall be permitted to speak longer than 10 minutes.

The SPEAKER: I have counted the House and, as an absolute majority of the whole number of members of the House is present, I accept the motion. Is the motion seconded?

An honourable member: Yes, sir.

The SPEAKER: I put the question. There being a negative voice, there is a necessity for a division.

The House divided on the motion:

AYES (24)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hill, J. D.
Hurley, A. K.	Key, S. W.
Koutsantonis, T.	Lewis I. P. (teller)
Maywald K. A.	McEwen R. J.
Rankine, J. M.	Rann, M. D.
Snelling, J. J.	Stevens, L.
Such R. B.	Thompson, M. G.
White, P. L.	Wright, M. J.

NOES (20)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Condous, S. G.	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Ingerson, G. A.
Kerin, R. G. (teller)	Kotz, D. C.
Matthew, W. A.	Meier, E. J.
Olsen, J. W.	Penfold, E. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

PAIR(S)

Hanna, K.	Brown, D. C.

Majority of 4 for the Ayes.

Motion thus carried.

Mr LEWIS (Hammond): The proposition to censure the Treasurer is about as little as can be said if you are going to say something at all of significance relevant to the mess in which we find ourselves with respect to the way in which South Australia has now been afflicted by the privatisation of the state's electricity utilities.

The Hon. M.H. Armitage interjecting:

Mr LEWIS: I did, and I made the point at the time, and I tried to get some sense into the debate and into the legislation affecting the proposition which would have enabled us

to avoid the adverse consequences that we now face, where we have a rapacious corporation setting out the maximised profits at the first possible opportunity, before there is any bloody competition in the market, to the detriment of the interests of people who want jobs in this state, people who have capital invested in this state and people who have some pride in this state.

I am amazed that the member for Adelaide sees me as having therefore in some way or another been derelict by voting for doing so. The member for Adelaide knows, as does the Premier and the Hon. Rob Lucas, who as Treasurer is handling the matter, that the way to have done this without the adverse consequences we now face would be to provide the opportunity for consumers, whether individuals or firms or both, to become shareholders in the corporations—at least those retailing the power to them as consumers of the power. That opportunity would have been there. They would have known that, if the price being paid for the power in their opinion was high, then they could expect good dividends. If the price being paid for the power was so low that they got no dividends, they would have been very happy in the knowledge that their power had been cheap, so cheap indeed as to enable them to continue to compete with industry interstate and to continue to enjoy a standard of living as ordinary citizens no more expensive than people living interstate.

What we have now is exactly the opposite. The costs of keeping jobs here, of providing future jobs and of running businesses will be greater. The costs of living of the people who work in those jobs and of people trying to live in this state will be higher as a consequence of the policies that have been pursued by the Treasurer and the cabinet in determining the framework through which privatisation occurred. They opposed me in spite of my attempts to put before them the grounds upon which it would be possible to do a better job.

An honourable member: But you voted for it.

Mr LEWIS: I did not vote for what we now have. I remind the member for Adelaide and the Premier, were he willing to listen, that what has happened would not happen. How hollow they were! The party room was simply denied any opportunity to have an input into the framework. The other point I want to make is this: is it any wonder we have such a mess! I did not vote for incompetents but what we got were incompetents and their incompetence. The people who are incompetent are those people advising the Treasurer on these matters—Morgan Stanley, that woman Kennedy and that other fellow, the animal Anderson. We paid dearly for such a mess, and they are absolved under the terms of their contract of being accountable for any of the garbage they have dished up to the government and the framework that arises from that garbage. It is any wonder it stinks, and that is what hurts, because we could have achieved something so much greater. There would be win:win instead of a stinking, sloppy mess.

Those individuals who were hired as consultants had no qualifications whatever in any way relevant to the process on which they were advising the government. Yet, they were paid more than I am being paid as someone accountable to my electors. They remain indemnified of the consequences of their advice, and faceless. More importantly, they are still there. Is it any wonder the government is at an all time low and continuing to fall in the level of public support! What a painful thing it must be for the government! It was this issue that caused me to separate from both the Premier and the Treasurer after years of friendship that go back well before I became a member of this place, because I was not prepared to put on the line what I saw as my responsibility in pursuing the public interest and compromise it for their benefit.

As soon as we get on with the development and establishment of the interconnector, the better. It ought not to be through the Riverland. The Premier ought to use his best endeavours and good offices to get the Victorian government to allow it to traverse the state from somewhere in the river valley around Yarrawonga, straight through Ouyen and Pinnaroo, where there is a greater need for the power and less adverse environmental consequences, and bring it straight into the major switch yard at Tailem Bend. It does not have to go to Robertstown. There is a far bigger market and a far greater demand for that electricity in the Mallee where we are trying to develop the underground water in a responsible way without contributing unnecessarily to the greenhouse gases that will be otherwise produced as we continue to use diesel motors to power those pumps and to power the processing works that give the Mallee people the opportunity to do the value adding and the packaging of the products that come from it.

What could make more commonsense than that? It is simple logic. It is not necessary for the New South Wales sources of power to come only through New South Wales and across the border into the Riverland. It is possible to negotiate the arrangement to build that interconnector through the Mallee, from Ouyen through Pinnaroo and Lameroo to the switchyard in Tailem Bend.

All those things are relevant to the proposition that we have before us today to censure the Treasurer. He deserves that censure. He deserves more than that, and South Australia deserves better than he has provided. South Australia deserves a hell of a lot better than the whole government has agreed to provide. The cabinet stands condemned as much as the Treasurer, for he cannot and did not act alone.

Mr WILLIAMS (MacKillop): I want to raise a couple of issues. The Leader of the Opposition used my name and suggested that I said 'rubbish' about increasing power prices. When I interjected earlier during his contribution, I said 'rubbish' to his assertion that Riverlink would do anything to save us from rising power prices or from blackouts in this state. As the Premier pointed out, and as the Treasurer pointed out in another place yesterday, we have increased the production of electricity in South Australia by some 30-odd per cent in the last two and a half years.

If the Leader of the Opposition looked at some of the facts and figures, he might understand what is going on in the electricity market. The peak usage in South Australia last summer was 2 832 megawatts. Our productive capacity in this state is 3 003 megawatts, so we do have a little up our sleeve. The capacity proposed by Riverlink was 250 megawatts, less than 10 per cent of our peak requirements. For anyone to suggest that an injection of less than 10 per cent of productive capacity in any market would seriously affect the price in that market knows very, very little about economics.

I suggest that a great lie is being told to the people of South Australia by those who would suggest that Riverlink would solve any of our problems. It would solve none of our problems. Indeed, if you have any understanding of the way in which the national market operates, you would also understand that if Riverlink was operating today—and bear in mind that if it was operating today its capacity would probably be maximised at about 100 megawatts, because I understand that is about all the power that could be delivered

to Buronga—the price paid for electricity on the spot market coming into South Australia via Riverlink would be the same as for every other piece of power coming in. So, it is the way this national market has been set up that is causing our problems. If you look at the bidding process on the spot market, particularly the re-bidding process, you will understand why we have problems today.

I would certainly speak against the motion to censure the Treasurer. The Treasurer has done a mighty job, as the Premier has pointed out. I would also like the public of South Australia to understand that Riverlink is not the answer to our problems.

The Hon. R.B. SUCH (Fisher): I would like to make a brief contribution. We face a very serious situation in South Australia in regard to electricity. We know it is essentially due to a lack of supply. It is also due to a downgraded infrastructure. We know, too, that the Treasurer alone is not responsible for the current predicament but, under our system of accountability, he certainly has to wear some of that responsibility.

I heard the member for Adelaide interject when the member for Hammond was speaking, saying, 'You voted for it.' This issue is not simply about privatisation: it is a combination of other factors as well. It is the national electricity market arrangements and, importantly, the fact that the economic climate and conditions were not in place before we entered the market fully. So we have a contestability date of 1 July, which is premature in relation to the preparedness of our supply and availability of electricity. That is the problem. It has not been managed in terms of when we could fully enter the market. The same applies in relation to domestic consumers, although we have obviously a longer time frame in which to address that issue.

It comes down to a simple matter: we need more electricity in South Australia. We need more interconnectors and more local generation. Local generation is preferable if it can be done at a competitive price. This motion is a clip around the ears for the Treasurer but, more importantly, I hope it will spur the government into proceeding, encouraging and facilitating extra electricity capacity in this state. I agree with the member for Chaffey that, at the end of the day, the public does not give a hoot about what we do or how we carry on in here in terms of antics.

The community is hurting. We have had evidence to the parliamentary committee from business that they will be shedding jobs and that they cannot absorb the increased cost. We must remain competitive in this state. We must ensure that our businesses have electricity at a price which enables them to compete not only with other states but also overseas. This is what the measure is about. The Treasurer, I am sure—and I know him fairly well—will accept the outcome of this motion and I believe it will spur the government into prompt action. The Premier and all ministers must work hard to ensure that this issue is addressed promptly indeed. They may have to look at some measures which are being adopted interstate, for example, in Victoria, where they are introducing an essential services commission to override some behaviour that is currently happening. We have to tackle some of the unethical, inappropriate behaviour of some of the generators who are withdrawing bids at the last minute in order to ratchet up prices.

We must tackle those issues. No-one can be fairly accused of not being able to see these eventualities, but now we are faced with a serious situation. I think the Treasurer has failed to act promptly in the last eight or nine months and I believe the time is right for the government to get hold of this issue and drive it quickly. The government is a part owner and controller of NEMMCO. NEMMCO is not some remote, outer space body. We belong to NEMMCO; we part own it. We should not use the excuse that it is somehow removed from us.

In terms of prices, we know that interstate they are coming off a low base, so a 20 per cent increase from a low base is very different from what will happen in South Australia. Putting that aside, I will support this motion because it sends a signal and gives a clip around the ears to the Treasurer, and I hope it leads to prompt action in terms of facilitating more electricity and better infrastructure in this state.

The House divided on the motion:

AYES (24)

Atkinson, M. J.	Bedford, F. E.
Ciccarello, V.	Clarke, R. D.
Conlon, P. F.	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Key, S. W.
Koutsantonis, T.	Lewis, I. P.
Maywald, K. A.	McEwen, R. J.
Rankine, J. M.	Rann, M. D. (teller)
Snelling, J. J.	Stevens, L.
Such, R.B.	Thompson, M. G.
White, P. L.	Wright, M. J.

NOES (20)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Condous, S. G.	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Ingerson, G. A.
Kerin, R. G.	Kotz, D. C.
Matthew, W. A.	Meier, E. J.
Olsen, J. W. (teller)	Penfold, E. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

PAIR(S)

Breuer, L. R.	Brown, D. C.

Majority of 4 for the Ayes.

Motion thus carried.

GRIEVANCE DEBATE

Ms THOMPSON (Reynell): I rise today to give yet another example of the problems that are occurring in our hospital system as a result of the cuts imposed by the state and federal governments. The way the Liberals have cut the hospital system is one of the problems that so many of our community see with this government. Electricity is important but health is even more important. The case of Mrs Olga Chvyl illustrates just what happens when things go wrong. Mrs Chvyl is aged 78. Up until 23 January she was a very active 78 year old. She regularly played indoor bowls, tended her beautiful garden, went for walks and socialised with her neighbours and family. On 23 January Mrs Chvyl fell on the footpath outside the premises of her dentist in Christies Beach. She fell against the wall and hit the footpath. She was in considerable pain, so was taken by ambulance to Flinders Medical Centre. She was diagnosed there as having three fractures to her right humerus. The doctor came back and told her there was good news and bad news. The good news was

that she was not going to have an operation. The bad news was that she was going to be sent home.

Bad news it was indeed. Mrs Chvyl was in considerable pain when sent home by taxi that night, so much so that all she could do was lie on her bed and cry all night. Next morning she did not know what to do. There was some relief. At about 10 o'clock she got a phone call from Flinders Medical Centre asking her how she was getting on. She said, 'Not too well.' So, somebody from Flinders came up and visited her, had a look at her other medications and put her in a taxi and took her to Blackwood Private Hospital. How and why she was taken to Blackwood Private Hospital remained a matter of some distress to Mrs Chvyl. I found that it was through the Flinders emergency to home outreach service.

However, she stayed in Blackwood with her arm in a cardboard sling for about 10 days. She was not visited by a doctor, was given Panadol by the nursing staff and that was about it. On about 31 January she was finally visited by a doctor from Flinders and at that stage transferred to Repatriation General Hospital, where she was assessed and, on her level of pain being identified, immediately given morphine—about 10 days after she incurred this painful injury. Her arm was put in a plastic splint. She accepted that: it was summer and she knew that a plaster cast was likely to be uncomfortable. She was given hydrotherapy just about every day, and on 9 April she was finally discharged from there.

She was sent home and home care was organised, but no medical treatment was organised for her. It was not until yesterday that she had an appointment with the orthopaedic department at Flinders Medical Centre where she was finally given some exercises to undertake, and six more physiotherapy appointments were made for her. This morning she went to see her general practitioner and talked to him about the level of pain that she is still experiencing and the difficulties she is having with her life. She cannot understand why this long after incurring the fractures she is still experiencing so much pain. While it has eased in the last couple of weeks, she still cannot sleep peacefully; she cannot walk or catch the bus, because just catching the bus is too painful because of the vibrations. Her doctor explained that she had three fractures to her arm and that there was considerable nerve and muscle damage, and he gave her stronger painkillers.

It does take time for injuries to people of Mrs Chvyl's age to heal, but it seems that her treatment has not been that normally expected from Flinders Medical Centre. She does need a bit of extra time to have things explained to her, because English is not her first language. I found no trouble with this, but she saw that the pressure the doctors, nurses and physiotherapists were under meant that they were not able to spend the time with her that she deserved.

Time expired.

Mr HAMILTON-SMITH (Waite): I rise to deal with the matter of constitutional reform and other associated issues, following on from the discussion earlier today and, in particular, to clarify some remarks I made in respect of reforms to the upper house. I am on the record both in this place and through private correspondence with all members of the House in regard to my fervent belief that we need to reform the operations of parliament, in particular the upper house. It is my view—and it is well known—that there is an important and valued role for the upper house, that its committees and its very existence provide a vital role in ensuring that our parliamentary system works effectively.

I am, however, critical of the constitutional fact that in South Australia we have empowered the upper house to block legislation, unlike the Westminster model in which the House of Lords can delay for up to a year but not block legislation, and at the end of the day an elected government of whatever political persuasion in the lower house can govern and not be obstructed by the upper house. We need to take action to change our constitutional arrangements to ensure that they better reflect that Westminster model and, in particular, to ensure that our upper house and minor parties in our upper house are in a position to make a constructive contribution to political debate, to advise, to review, to scrutinise and to amend, but at the end of the day not to stop a government from governing.

I may have got a little excited this morning in my enthusiasm, but I clarify my view that I have grave concerns about the way the Australian Democrats as a party have behaved in the upper house over the past seven to eight years in the two parliaments that have occurred. I am extremely critical of the way the Australian Democrats have obstructed government from passing its legislation, how they have forced change to legislation prior to its passage and how they have gone out to the electorate and promised the world, knowing they will never have to form government, construct a budget and be responsible to all parties. I have been critical of the way the Australian Democrats have sought to curry favour with particular interest groups rather than consider the broad issues facing all interested parties and make judgments and decisions in the better interests of South Australia rather than for pecuniary interests.

We saw a situation in recent years where one Independent in the Senate, Brian Harradine, held the country to ransom. I feel to a degree that the Democrats have held South Australia to ransom. Were it not for the arrival on the scene of SA First, under the leadership of Terry Cameron, and were it not for the courage shown by Trevor Crothers in the other place over the ETSA issue, the Democrats would still hold sway in that House.

I rise today partly to commend that courage shown by Cameron and Crothers and to welcome on behalf of South Australians the balance that the arrival of SA First and Trevor Crothers as an Independent member in the upper house has given to proceedings in that place. It has taken away from the Australian Democrats their ability to obstruct in the way they have done so consistently, and it has brought a level of maturity and openness to debate in that place which I think all South Australians should welcome. As a member of parliament I welcome the arrival of SA First and wish them well. I hope they continue to provide that balance.

Having said that, I point out that they may not fully agree with my ideas of reforming the powers of the upper house, but I believe in the interests of South Australia that sooner or later this parliament will need to pick that up. SA First is providing an example of a party that is acting responsibly and sensibly, and in so doing is acting in complete contrast to the Democrats whom I find, although I understand they have the very best intentions—and I do not mean to be personally critical of the Democrat members, who are fine people—as a party to be obstructive and at times irresponsible.

Mr WRIGHT (Lee): I want to raise two issues today. The first relates to an event that I and a number of my colleagues on this side of the House attended last Friday. That was the Sixth International Day of Mourning for workers killed because of work. This is an international event, held

this year at Pennington Gardens near the Adelaide Oval. We had an extremely buoyant crowd, particularly when we consider that this particular International Day of Mourning was dedicated to those individuals and families who, sadly, have been caught up with asbestos and asbestos-related claims.

The positive nature of the feeling that a whole range of people brought to that International Day of Mourning certainly had a major influence on me and, I am sure, on my colleagues on this side of the House who also attended. The day was also marked by Labor's recognition of this very sad disease, of which we are all aware. We on this side of the House believe that we must fast track asbestos claims. Indeed, a debate is now occurring in another place, but I cannot comment on that. We on this side believe that we must find ways of better handling what currently is occurring here in South Australia.

Later this year, at the request of the Leader of the Opposition, I will be going to New South Wales to look at the operation of the New South Wales Dust Diseases Tribunal, which was introduced in 1998. I have had a number of discussions with people in New South Wales, and I understand that it has operated successfully. As an alternative government, we are and will be looking at alternative ways in which we can fast track asbestos claims, and we may well be able to learn from the New South Wales experience.

It may well be that we do not need to go to that extreme, but it may well be that we do. In having a look at the operation and speaking to a number of people face to face, I will get a better feel for it. We may be able to pick up some of what they do in the New South Wales Dust Diseases Tribunal and adapt the current system that we have in South Australia. Suffice to say that we are committed to fast tracking asbestos claims.

The other point that I would like to raise today is far less serious in nature and on a completely different topic. I was delighted to read in the *Advertiser* yesterday that the South Australian National Football League has acknowledged some 31 footballers who were caught up in a time warp, I guess. There was a change in the rules back in the 1980s with regard to player life membership of the South Australian National Football League, and that decision was not only made with goodwill but was also probably the correct decision.

Of course, with the advent of the AFL and our becoming a participant in it, we have a different scenario. The South Australian National Football League, in recognition of that, changed the rules, but as a result of those changes some 31 players who actually played 200 games—200 and/or 10 seasons, I think it is—had qualified under the new rules that the South Australian National Football League changed back to but, of course, did not have that recognition because of the changes and because of the time warp in which they had been caught.

I would like to congratulate the South Australian National Football League for its forward thinking. It has changed the rules so that the 31 players who were caught in that period but who had played 200 and/or 10 seasons of football have now received their life membership, and good on them for doing so.

Time expired.

The Hon. G.M. GUNN (Stuart): I wish to speak briefly on one or two issues that are of concern to me. As we are approaching the time when we are looking forward to seeing the policies of various political parties, I am very interested to know whether the shadow Minister for Environment and Heritage stands by comments allegedly made by him, and whether it is his aim to put all soil conservation boards and pest plant boards under the control of the Department for Environment and Heritage.

People in the rural sector of South Australia are entitled to know where the Labor Party stands on these very important issues, because those of us on this side know clearly where we stand and want to know what is the opposition's policy in relation to the operation of the Pastoral Board: whether members opposite want it placed under the Department for Environment and Heritage so that the Wilderness Society and others who advise the shadow minister can control the activities of pastoralists in this state. These issues are important, and we want answers to them.

Mr Atkinson interjecting:

The Hon. G.M. GUNN: I am glad the honourable member interjected. I understand that the honourable member and a few of his disciples have been interfering in AWU elections and causing quite a bit of interest and controversy.

Members interjecting:

The Hon. G.M. GUNN: I am delighted: the honourable member can put out what he likes to the electorate. Obviously, the honourable member also told those people how the Leader of the Opposition and the member for Elizabeth voted.

An honourable member interjecting:

The Hon. G.M. GUNN: There is one thing: they're not interested in you! They are not interested in the honourable member but they are interested in his activities to try to stack the AWU.

Mr Atkinson interjecting:

The Hon. G.M. GUNN: They say to me—

Mr Atkinson interjecting:

The Hon. G.M. GUNN: The honourable member is trying to take over and interfere in the current union elections. It will be interesting to see which side is successful. I sincerely hope that the honourable member's group is not successful, because—

Mr Atkinson interjecting:

The Hon. G.M. GUNN: The honourable member has never been successful in one thing, except—

Mr Atkinson: Mischief!

The Hon. G.M. GUNN: No, not mischief—pulling the rug out from under his colleagues and friends. I am told that he goes around on Sundays and makes out that he is holy; then on Mondays he goes and chops the heads off his colleagues. The member for Ross Smith could vouch for the loyalty and support that he has received from the member for Spence. I am looking forward to the result of the AWU elections, because I sincerely hope that he and his henchmen are not successful.

Until I was so rudely interrupted, I was indicating to the House the importance of the soil conservation boards, the pest plant boards and these other organisations that play an important part in rural areas. It is important that they remain under the administration of Primary Industries and Resources SA, not under the umbrella of the Department for Environment and Heritage. I understand that the shadow spokesman wants to have some large, all-encompassing ministry take over all rural South Australia, so that it can be run by the small section of Labor Party extremists within these organisations.

An honourable member interjecting:

The Hon. G.M. GUNN: Well, it's true: they want to put the soil conservation boards under the Department for

Environment and Heritage. You support that, do you? The honourable member obviously supports it. The honourable member probably does not know what I am talking about, anyway. However, that is another matter, and I am not surprised. I would not expect the honourable member to understand anything except scuttlebutt and nonsense, and he is an expert at that: he has a diploma in it. But he has now taken on the AWU machine. I look forward to the fight and the result, and I think that he will run second.

Time expired.

Ms STEVENS (Elizabeth): On Monday night, I was pleased to attend the unveiling of a piece of artwork put together as part of the History of City Sites project at the City of Salisbury. City Sites is an arts mentoring and employment program for young people run by Carclew Youth Arts Centre. It has been in operation since January 1997. Participants in the City Sites program are between 17 and 26 years of age and are employed by Carclew for four weeks to complete designated projects. During their employment they work with professional artists to create public art pieces and gain the skills needed to secure employment as full-time artists. The skills development that occurs during the four-week program includes research, extensive consultation with clients, presentation of concepts and final creation of the artwork. The pieces remain in the community after the completion of the project as a reminder of the importance of young people and their contribution to the community. They also provide a platform where business, local government and the wider community can publicly support the work of young people.

On Monday, as I said before, a piece of art was launched at Salisbury. The idea for this artwork originated from the City of Salisbury's Youth Advisory Committee. Young people were involved with the development of the brief for this project and were involved in all stages of the artwork's development. The theme of the artwork is 'Celebrating Salisbury's Cultural Diversity'. The piece is a table with two benches attached to it. The tops of the table and the benches are beautifully decorated with ceramic tiles in many colours and with symbols depicting Salisbury's multicultural community. One aim of this work was that it should reflect the ethnic groups that make up the community of Salisbury, including, but not limited to, indigenous people, Cambodians, Vietnamese and Spaniards. A second aim was an exploration of the composition of the community of Salisbury in the past, present and future. It had to encompass a broad range of ages, be dramatic—which it certainly is—and it had to be appealing to young people in the wider community. It is a very good thing and I would recommend that anyone who is in the Salisbury area have a look at, sit on and enjoy the artwork.

I would like to commend the artists involved in the project. They are: Bradley O'Connell, Sanjukta Jana and Silvio Marinex Diaz, all local young people. The artwork was unveiled by the current Youth Governor, Georgia Heath, who is a resident of Salisbury, and in speaking to this, she made a particular comment about the skill, the creativity and the workmanship displayed in the artwork. She made a particular comment about how much talent there is in the local area. She went on to talk about some of the myths that are hurled about by other young people, and perhaps the community generally, about people who live in the northern suburbs, particularly in the Salisbury and Elizabeth areas. She referred to a very superficial piece of writing that appeared in a recent *On Dit* edition, written by a Rebecca Dettman, in which Ms Dettman, who obviously lives in the eastern suburbs, made very insulting comments about young people from the northern suburbs, such as:

> What kind of families do these kids come from? Who are their parents? How can someone never, in their entire lives, go to the theatre or to a museum. . . ? Or even travel out of their six kilometres circumference, like medieval peasants who lived in the same three fields their entire lives?

Georgia Heath spoke very strongly against this and she has sent me a copy of an article she has had published in a more recent edition of *On Dit*, in which she debunks Ms Dettman's comments. She makes the point that it was not until she started university that she realised how much value was placed on the area in which a person lived. She made the point that there are a lot of good things done in the north and that young people there should be proud of themselves.

Time expired.

Mr VENNING (Schubert): I am concerned at the incorrect perceptions being peddled by the Labor Party, and we had more today during the censure motion debate. I remind the House that the power problem is occurring in every state in Australia. That is a fact, an undeniable fact, yet members opposite who spoke in the debate today did not mention that. The problem is the national electricity grid, and whose brainchild was that? It was Paul Keating's—undeniable fact. Who was the Premier who signed it off in South Australia? John Bannon—undeniable fact. If we did not have the national electricity grid, we would not have the problem we have today—undeniable fact.

Mr Hill: Who sold ETSA?

Mr VENNING: Whether or not our utilities were sold, we were forced into this because, if we did not go into it, we would have forfeited $55 million. That is almost blackmail. We were forced into it. I ask members opposite to deny it was not Mr Keating; deny that it was not Mr Bannon. It certainly was, and that is why we have this problem. We did not create the ground rules, we did not put the rails on the ground. Labor did, and now we have had the hypocrisy of the Labor Party criticising this government for doing the best it could in a situation it did not create.

I ask members to check what is happening in other states. New South Wales is negotiating to sell its electricity assets—it still is—and prices in that state have risen markedly, double in the last 18 months. We also know that they lost $600 million in power trading last year during the summer heatwave. That is a fact and, if members do not believe me, they can read it anywhere in the media and also in the New South Wales *Government Gazette*. I am told today that Western Australia is doing exactly the same as we are. Western Australia, with the Gallop Labor government, is doing exactly the same as we are. Again, Labor members are very silent on the matter.

We do need an interconnector, but whose decision is that? It is NEMMCO's, and who created NEMMCO? NEMMCO was created by Mr Keating in the blueprint that he laid down. It is a NEMMCO decision. If Labor had not bankrupted our state, perhaps we would not have had to sell so many government assets, but we did and the results have been good. If Labor had cooperated, we would have received a greater price because we would have sold ETSA 12 to 18 months sooner, and there would have been more time to mature the market. To compound the problem, Labor delayed the building of the Pelican Point Power Station. That is another fact that has made the problem worse.

To sit over there and sanctimoniously criticise us, the government, is hypocrisy in the extreme. Labor's part in creating the problem is absolute. Check the facts, check the record, and history will show that the Labor Party has acted disgracefully and dishonestly. Its record is abysmal. I remind the House that it was Labor which nearly broke the state. It was the Liberal Party which put our state into the good economic position it enjoys today, with excellent opportunities for business in South Australia. They have a competitive advantage in South Australia, and businesses from all other states are looking at us very approvingly, and more are coming to re-establish in South Australia. Just today I heard that Arnotts is closing down in Victoria. Guess what? A Labor government there.

It was this Liberal government that gave South Australia back its confidence; but what is Labor doing? All the way it obstructs, criticises, negates, whinges, carps, does not cooperate and has no policy ideas. It was the Labor Party that got us into this trouble in the first place. If this government had not been elected in 1993 and Labor had remained in power, what would it have done? How would it have got the state going again? Where would we be now? All this rhetoric, but how about a bit of action from over there?

I have not heard anything from anyone via a casual remark in the corridor, in a grievance speech, or some other way about what the Labor Party would have done had it remained in government. Nothing! Play the political game, stir it all up, but what would they have done? Labor began selling some assets. I bet members opposite that they would have done exactly the same thing.

Time expired.

MEDICAL PRACTICE BILL

The Hon. R.G. KERIN (Deputy Premier) obtained leave and introduced a bill for an act to protect the health and safety of the public by providing for the registration of general practitioners, specialists and medical students; to regulate the provision of medical treatment for the purpose of maintaining high standards of competence and conduct by the persons who provide it; to repeal the Medical Practitioners Act 1983; and for other purposes. Read a first time.

The Hon. R.G. KERIN: 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.

It is my pleasure to introduce this Bill which has the primary aim of providing a mechanism through which the public may be assured of high standard, effective and ethical medical practice.

Honourable members may recall that the last time the legislation was substantially revised was in 1983. Since that time, heightened community expectations of health professionals, the increasing introduction of highly sophisticated technology and therapeutic agents and changing practices within the professions have created a new and complex environment in which health care is delivered. The legislation which sets down the parameters within which the professions practice need to keep pace with modern developments. The Bill therefore reforms and updates the registration system for medical practitioners and introduces new requirements to take account of changes in medical practice.

The legislation provides an essential contribution to the assurance of quality in health care. However, quality improvement goes beyond regulation. Australia has a health care system which ranks among the best in the world. Notwithstanding, there is substantial evidence both from Australia and overseas that there are potentially preventable problems associated with the delivery of health care which lead to patient deaths and disabilities. This is unacceptable, despite the fact that the majority of patients receive safe and high quality care.

The Australian Health Ministers' Conference has set in train major initiatives aimed at improving patient safety. The Australian Council for Safety and Quality in Health Care has been established 'to lead national efforts to promote systemic improvements in the safety and quality of health care in Australia with a particular focus on minimising the likelihood and effects of error'. The Council is to lead a five-year national program which will target improvements in collection and use of data and reporting mechanisms; promote opportunities for consumer feedback; promote effective approaches to clinical governance and accountability which address the competence of both organisations and individuals (and will include strengthening of mechanisms to facilitate the safe practice of health care professionals and health care organisations); and re-design systems and create a culture of safety within health care organisations. At the State level, the work of the Hospitals Safety and Quality Council will complement the national program and South Australia will be well positioned to lead some of the projects.

Regulation of medical practice therefore sits as an essential component within a wider environment of quality assurance, in which increasing integration of activities and collaboration within and outside the profession will be the way of the future.

The Bill before the Parliament today is the culmination of a process of review and consultation, including a review carried out in accordance with the Competition Principles Agreement. Using the foundation of the existing Medical Practitioners Act (which it will replace), the Bill is a major re-write.

Throughout the legislation is a theme of protection of the health and safety of the public. Specific reference is made in the long title to it being an Act 'to protect the health and safety of the public'. In exercising its functions, the Board will be required to do so 'with the object of protecting the health and safety of the public'. The theme of protection of the public is carried through generally in the Bill, and specifically in several provisions such as those about medical fitness to provide medical treatment.

The main features of the Bill are as follows:

Membership of the Medical Board

Membership of the Board is increased from eight to eleven members. Six will be medical practitioners (three nominated by the Minister and one nominated by each of Adelaide and Flinders Universities and one nominated by the AMA), a legal practitioner nominated by the Minister, a registered nurse nominated by the Minister (which is a new position) and three members who are not medical practitioners, legal practitioners or nurses, thereby significantly increasing the 'consumer voice' from one to three. The Minister, after consultation with the Board, will appoint a medical practitioner to be the presiding member and another medical practitioner to be the deputy presiding member.

Membership of the Medical Professional Conduct Tribunal

In order to provide additional flexibility in arranging hearings of the Tribunal, the 'pool' of members from which the Chief Judge can select members to constitute the Tribunal for the purpose of hearing and determining proceedings has been substantially increased. The Tribunal will consist of thirteen members, of whom the presiding member will be a District Court Judge nominated by the Chief Judge, eight medical practitioners (six nominated by the Minister and two by the AMA) and four 'consumers'.

For the purpose of a hearing, the Tribunal will consist of the presiding member, two medical practitioner members and a 'consumer' member. The members constituting the Tribunal for the purposes of a hearing will be selected by the presiding member.

The presiding member sitting alone may deal with preliminary, interlocutory or procedural matters, questions of costs or questions of law, and any questions of law or procedure arising before the Tribunal will be determined by the presiding member.

Ownership and business restrictions

There are currently restrictions on entry to and activity in the medical profession through restrictions on the ownership of companies to practitioners and their prescribed relatives, and limitations on the conduct of registered companies in the practice of medicine.

The Competition Review Panel recommended:

- the removal from the Act of the provisions restricting the ownership of companies practising medicine
- the introduction of provisions requiring all registered practitioners employed by, or in any form of business partnership with unregistered persons, to inform the Board of the names of those persons and requiring the Board to maintain a register of those persons' names

- the introduction of a provision making it an offence for any person to exert undue influence over a medical practitioner to provide a service in an unsafe or unprofessional manner
- the continuation of the Board's power to restrict the use of inappropriate company names, which may be false, misleading or deceptive.

There has recently been considerable focus on the so-called 'corporatisation' of medical practices whereby non-medical corporations are becoming involved in the ownership of medical practices and employing doctors or otherwise entering into contractual arrangements with doctors. With the removal of the ownership restrictions as proposed by the Competition Review, it is important to ensure that medical professional and ethical standards are not overridden in such a scenario and there is some accountability requirements on non-medical owners of medical practices.

The Bill therefore introduces the concept of a 'medical services provider' which means any persons (not being a medical practitioner) who provides medical treatment through the instrumentality of a medical practitioner or medical student.

Unless exempted by regulation, a person (not being a medical practitioner) will be taken to provide medical treatment through the instrumentality of a medical practitioner if the person, in the course of carrying on business, provides services to the practitioner for which the person is entitled to receive a share in the profits or income of the practitioner's medical practice.

Medical services providers will be required to inform the Board of their existence and contact details, of the identity and contact details of medical practitioners through the instrumentality of which they provide medical treatment, and of all persons who occupy a position of authority (if the provider is a trust or corporate entity).

There will be proper cause for disciplinary action against a person who occupies a position of authority in a trust or corporate entity that is a medical services provider if the person or the trust or corporate entity has contravened or failed to comply with a provision of the Act.

The Medical Professional Conduct Tribunal will have power to prohibit or impose restrictions on a medical services provider from carrying on business as such, and to prohibit a person from occupying a position of authority in a trust or corporate entity that is a medical services provider.

It will be an offence for a person who provides medical treatment through the instrumentality of a medical practitioner or medical student to direct or pressure the practitioner or student to act unlawfully, improperly, negligently or unfairly in relation to the provision of medical treatment.

Declaration of interests

A medical practitioner or prescribed relative who has an interest in a business involved in the provision of a health service or the manufacture, sale or supply of a health product will be required to provide the Board with prescribed information relating to the interest (but a person will not be taken to have an interest in a business carried on by a public company if the interest consists only of a shareholding of less than five per cent of the issue share capital of the company). A medical practitioner will be prohibited from referring a patient to, or recommending that a patient use, a health service provided by that business, and from prescribing or recommending that the patient use a health product manufactured, sold or supplied by the business unless the practitioner has informed the patient in writing of the interest.

Prohibition of 'kick-backs'

It will be an offence for any person to give or offer to give a medical practitioner or prescribed relative of a practitioner (and for the practitioner or relative to accept) a benefit (ie., money or any property that has a monetary value) as an inducement, consideration or reward for the practitioner referring, recommending or prescribing a health service or health product provided, sold or supplied by the person.

Board functions

Several significant powers and functions are included in the Bill:

Codes of conduct and professional standards

The Board is to develop codes of conduct and professional standards, publish them in the Gazette, send a copy to all registered practitioners to whom they apply, and make them available to the public.

'Areas of need' registration

Overseas trained doctors are currently being recruited to fill vacancies, particularly in rural South Australia. The Board currently uses its powers to grant limited registration in the public interest to register those doctors who do not have the required qualifications or do not need other criteria for full registration but nevertheless are suitable to work under certain conditions. Following discussions between Medical Boards, Medical Colleges, Departmental representatives and the Commonwealth late last year, it was considered desirable for States to put specific provisions in their legislation to provide that applicants for registration who have obtained qualifications for the practice of medicine under the law of a place outside Australia may be granted limited registration by the Board to practise in a part of the State or at a place that the Minister and the Board consider is in urgent need of the services of a medical practitioner. This will assist in the fast-tracking of such applicants and will be complementary to Commonwealth initiatives which facilitate the placement of overseas trained doctors in rural areas.

Power to enter premises

The present Act does not give the Board a specific power to enter premises. The inclusion of such a power will assist in the investigation of complaints.

Infection control

Many medical procedures are invasive and medical treatment has the potential to be a source of transmission of blood-borne diseases. Compliance with infection control standards is so critical as to require specific legislative identification. Provisions have accordingly been included to equip the Board with powers designed to ensure patients are not put at risk:

- in making a determination under the Act as to a person's medical fitness to provide medical treatment, regard will be required as to whether the person is able to provide treatment personally to a patient without endangering the patient's health or safety, and for that purpose, regard may be had as to whether the person has a prescribed communicable infection (defined as HIV or any other viral or bacterial infection prescribed by the regulations—the advice of the Department of Human Services' Expert Panel on Infected Healthcare Workers will be sought in preparing the regulations)
- one of the criteria for registration and reinstatement of registration will be the person's medical fitness to provide medical treatment, and the Board will have power to require a medical report or other evidence of medical fitness
- the Board will have the power, when seeking payment of the annual practice fee by a registered practitioner, to require the practitioner to declare that they have undertaken a blood test in the previous six months and discussed any implications of the test results with their medical practitioner
- medical practitioners will be required to report to the Board if they are treating another medical practitioner who has a prescribed communicable infection
- medical practitioners will be required to notify the Board forthwith after becoming aware that they have a prescribed communicable infection
- the Board will have power to immediately suspend the registration of a medical practitioner to protect the health and safety of the public, pending the hearing and determination of a complaint
- the Board will have power to require a medical practitioner to submit to an examination by a medical practitioner or other health profession (including the taking of a blood test)

While the inclusion of these powers is a significant step to take, the public has a right to expect safe practices.

Minor offences

There have been a number of minor offences of less than unprofessional conduct that merit a greater penalty than a reprimand and that the Board has been required to refer to the Medical Practitioners Professional Conduct Tribunal. The Board has sought, and provisions are included in this Bill, to provide a limited range of powers to deal with these situations, ie., censure, a fine of up to $5000, suspension of registration for up to one month, the imposition of conditions restricting the provision of medical treatment. Matters of serious unprofessional conduct will still be referred to the Tribunal which will have power to impose penalties, including cancellation of registration.

Insurance

Provision has been included in the Bill to prohibit a medical practitioner from providing medical treatment unless insured to an extent and in a manner approved by the Board. The Board will have power to exempt, conditionally or unconditionally, a person from the requirement to insure.

Registration of medical students

Provision has also been made for medical students to be registered. Medical students have access to patients and therefore they should come within the scope of the Board and the Act. This will also bring

them within the testing and notification requirements in relation to prescribed communicable infections, and medical fitness generally. As with qualified practitioners, the Board will be able to take action to ensure that patients' health or safety is not endangered. Transitional provisions have been included to provide for students who, prior to the commencement of this legislation, were enrolled in an undergraduate course of medical study, to become registered as medical students.

In summary, the Bill establishes the framework for the future. It provides a firm foundation for high standard, effective and ethical medical practice.

I commend the Bill to the House.

Explanation of clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the measure to come into operation on a date fixed by proclamation.

Clause 3: Interpretation

This clause defines terms used in the measure such as 'medical services provider', 'medical treatment' and 'unprofessional conduct'. It gives 'provide medical treatment through the instrumentality of a medical practitioner' an extended meaning and includes interpretative provisions for determining whether a person occupies a position of authority in a trust or corporate entity.

Clause 4: Medical fitness to provide medical treatment

This clause provides that in making a determination under the measure as to a person's medical fitness to provide medical treatment, regard must be given to the question of whether the person is able to provide treatment personally to a patient without endangering the patient's health or safety. For that purpose, regard may be given to the question of whether the person has a prescribed communicable infection (HIV or any other viral or bacterial infection prescribed by the regulations).

PART 2

MEDICAL BOARD OF SOUTH AUSTRALIA

DIVISION 1—CONTINUATION OF BOARD

Clause 5: Continuation of the Board

This clause provides for the continuation of the Medical Board as the Medical Board of South Australia as a body corporate with perpetual succession, a common seal, the capacity to litigate in its corporate name and all the powers of a natural person capable of being exercised by a body corporate.

DIVISION 2—THE BOARD'S MEMBERSHIP

Clause 6: Composition of the Board

This clause provides for the Board to consist of 11 members appointed by the Governor, empowers the Governor to appoint deputy members and requires at least 3 members of the Board nominated by the Minister to be women and at least 3 to be men.

Clause 7: Terms and conditions of membership

This clause provides for members of the Board to be appointed for a term not exceeding 3 years and to be eligible for re-appointment on expiry of a term of appointment. It sets out the circumstances in which a member's office becomes vacant and in which the Governor is empowered to remove a member from office. It also allows members whose terms have expired to continue to act as members to hear part-heard disciplinary proceedings under Part 5.

Clause 8: Presiding member and deputy

This clause requires the Minister, after consultation with the Board, to appoint two members of the Board who are medical practitioners to be the presiding and deputy presiding members of the Board.

Clause 9: Vacancies or defects in appointment of members

This clause ensures acts and proceedings of the Board are not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

Clause 10: Remuneration

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

DIVISION 3—REGISTRAR AND STAFF OF THE BOARD

Clause 11: Registrar of the Board

This clause provides for the appointment of a Registrar by the Board on terms and conditions determined by the Board.

Clause 12: Other staff of the Board

This clause provides for the Board to have such other staff as it thinks necessary for the proper performance of its functions.

DIVISION 4—GENERAL FUNCTIONS AND POWERS

Clause 13: Functions of the Board

This clause sets out the functions of the Board and requires it to exercise its functions with the object of protecting the health and safety of the public by achieving and maintaining the highest professional standards both of competence and conduct in the provision of medical treatment in South Australia.

Clause 14: Committees

This clause empowers the Board to establish committees to advise the Board and assist it to carry out its functions.

Clause 15: Delegations

This clause empowers the Board to delegate functions or powers under the measure to a member of the Board, the Registrar, an employee of the Board or a committee established by the Board.

DIVISION 5—THE BOARD'S PROCEDURES

Clause 16: The Board's procedures

This clause deals with matters relating to the Board's procedures such as the quorum at meetings, the chairing of meetings, voting rights, the holding of conferences by telephone and other electronic means and the keeping of minutes.

Clause 17: Disclosure of interest

This clause requires members of the Board to disclose direct or indirect pecuniary or personal interests in matters under consideration and prohibits participation in any deliberations or decision of the Board on those matters. A maximum penalty of $10 000 is fixed for contravention or non-compliance.

Clause 18: Powers of the Board in relation to witnesses, etc.

This clause sets out the powers of the Board to summons witnesses and require the production of documents and other evidence in proceedings before the Board.

Clause 19: Principles governing hearings

This clause provides that the Board is not bound by the rules of evidence and requires it to act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.

Clause 20: Representation at proceedings before the Board

This clause entitles a party to proceedings before the Board to be represented at the hearing of those proceedings.

Clause 21: Costs

This clause empowers the Board to award costs against a party to proceedings before the Board.

DIVISION 6—ACCOUNTS, AUDIT AND ANNUAL REPORT

Clause 22: Accounts and audit

This clause requires the Board to keep proper accounting records in relation to its financial affairs, to have annual statements of account prepared in respect of each financial year and to have the accounts audited annually by an auditor approved by the Auditor-General and appointed by the Board.

Clause 23: Annual report

This clause requires the Board to prepare an annual report for the Minister and requires the Minister to table the report in Parliament.

PART 3

THE MEDICAL PROFESSIONAL CONDUCT TRIBUNAL

Clause 24: Continuation of the Tribunal

This clause continues the Medical Practitioners Professional Conduct Tribunal in existence as the Medical Professional Conduct Tribunal.

Clause 25: Composition of the Tribunal

This clause provides for the Tribunal to consist of 13 members and empowers the Governor to appoint deputy members.

Clause 26: Terms and conditions of membership

This clause provides for appointed members of the Tribunal to be appointed for a term not exceeding 3 years and to be eligible for re-appointment on expiry of a term of appointment. It sets out the circumstances in which an appointed member's office becomes vacant and in which the Governor is empowered to remove a member from office. It also allows appointed members whose terms have expired to continue to act as members to hear part-heard disciplinary proceedings under Part 5.

Clause 27: Vacancies or defects in appointment of members

This clause ensures an act or proceeding of the Tribunal is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

Clause 28: Remuneration

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

Clause 29: Registrar of the Tribunal

This clause requires the appointment of a Registrar of the Tribunal by the Minister on terms and conditions determined by the Minister.

PART 4

REGISTRATION

DIVISION 1—THE REGISTERS

Clause 30: The registers

This clause requires the Registrar to keep a separate register for each class of registered person and specifies the information required to be included in each register. It also requires the keeping of a register of persons whose names have been removed from a register and have not been reinstated. It also requires the registers of registered persons to be kept available for inspection by the public and permits access to be made available by electronic means (such as the Internet). The clause requires registered persons to notify a change of address within 3 months. A maximum penalty of $250 is fixed for non-compliance.

Clause 31: Authority conferred by registration on a register

This clause sets out the kind of medical treatment that registration on each particular register authorises a registered person to provide.

DIVISION 2—REGISTRATION

Clause 32: Registration of natural persons as general practitioners or specialists

This clause provides for the full and limited registration of natural persons as general practitioners or specialists.

Clause 33: Registration of medical students

This clause requires persons to register as medical students before undertaking an undergraduate course of medical study and provides for full or limited registration of medical students.

Clause 34: Application for registration

This clause deals with applications for registration. It empowers the Board to require applicants to submit medical reports or other evidence of medical fitness to provide medical treatment or to obtain additional qualifications or experience before determining an application.

Clause 35: Removal from register

This clause requires the Registrar to remove a person's name from a register on application by the person or in certain specified circumstances (for example, suspension or cancellation of the person's registration under this measure).

Clause 36: Reinstatement on register

This clause makes provision for reinstatement of a person's name on a register. It empowers the Board to require applicants for reinstatement to submit medical reports or other evidence of medical fitness to provide medical treatment or to obtain additional qualifications or experience before determining an application.

Clause 37: Fees and returns

This clause deals with the payment of registration, reinstatement and annual practice fees, and requires registered persons to furnish the Board with an annual return in relation to their medical practice, continuing medical education and other matters relevant to their registration under the measure. It empowers the Board to remove from a register the name of a person who fails to pay the annual practice fee or furnish the required return.

DIVISION 3—SPECIAL PROVISIONS RELATING TO MEDICAL SERVICES PROVIDERS

Clause 38: Information to be given to the Board by medical services providers

This clause requires a medical services provider to notify the Board of the provider's name and address, the name and address of the medical practitioners through the instrumentality of whom the provider is providing medical treatment and other information. It also requires the provider to notify the Board of any change in particulars required to be given to the Board and makes it an offence to contravene or fail to comply with the clause. A maximum penalty of $10 000 is fixed.

DIVISION 4—RESTRICTIONS RELATING TO THE PROVISION OF MEDICAL TREATMENT

Clause 39: Illegal holding out as registered person

This clause makes it an offence for a person to hold himself or herself out as a registered person of a particular class or permit another person to do so unless registered on the appropriate register. It also makes it an offence for a person to hold out another as a registered person of a particular class unless the other person is registered on the appropriate register. In both cases a maximum penalty of $50 000 or imprisonment for 6 months is fixed.

Clause 40: Illegal holding out concerning limitations or conditions

This clause makes it an offence for a person whose registration is restricted, limited or conditional to hold himself or herself out, or permit another person to hold him or her out, as having registration that is unrestricted or not subject to a limitation or condition. It also makes it an offence for a person to hold out another whose registration is restricted, limited or conditional as having registration that is unrestricted or not subject to a limitation or condition. In each case a maximum penalty of $50 000 or imprisonment for 6 months is fixed.

Clause 41: Use of certain titles or descriptions prohibited

This clause creates a number of offences prohibiting a person who is not appropriately registered from using certain words or their derivatives to describe himself or herself or services that they provide, or in the course of advertising or promoting services that they provide. In each case a maximum penalty of $50 000 is fixed.

Clause 42: Restrictions on provision of medical treatment by unqualified persons

This clause makes it an offence for a person to provide medical treatment of a prescribed kind (and prevents recovery of a fee or charge for medical treatment provided by the person) unless, at the time the treatment was provided, the person was a qualified person or provided the treatment through the instrumentality of a qualified person. A maximum penalty of $50 000 or imprisonment for six months is fixed for the offence. However, these provisions do not apply to medical treatment provided by an unqualified person in prescribed circumstances. In addition, the Governor is empowered, by proclamation, to grant an exemption if of the opinion that good reason exists for doing so in the particular circumstances of a case.

Clause 43: Board's approval required where medical practitioner, specialist or medical student has not practised for three years

This clause prohibits a registered person who has not provided medical treatment of a kind authorised by their registration for 3 years or more from providing such treatment for fee or reward without the prior approval of the Board and fixes a maximum penalty of $20 000. The Board is empowered to require an applicant for approval to obtain qualifications and experience and to impose conditions on the person's registration.

PART 5

INVESTIGATIONS AND PROCEEDINGS

DIVISION 1—PRELIMINARY

Clause 44: Interpretation

This clause provides that in this Part the terms 'registered person', 'medical services provider' and 'occupier of a position of authority' includes a person who is not but who was, at the relevant time, a registered person, medical services provider or occupier of a position of authority.

Clause 45: Cause for disciplinary action

This clause sets out what constitutes proper cause for disciplinary action against a registered person, a medical services provider or a person occupying a position of authority in a trust or corporate entity that is a medical services provider.

DIVISION 2—INVESTIGATIONS

Clause 46: Powers of inspectors

This clause sets out the powers of an inspector to investigate certain matters.

Clause 47: Offence to hinder, etc., inspector

This clause makes it an offence for a person to hinder an inspector, use certain language to an inspector, refuse or fail to comply with a requirement of an inspector, refuse or fail to answer questions to the best of the person's knowledge, information or belief, or falsely represent that the person is an inspector. A maximum penalty of $10 000 is fixed.

Clause 48: Offences by inspectors

This clause makes it an offence for an inspector to address offensive language to another person or, without lawful authority, to hinder or obstruct, use force or threaten the use of force in relation to another person. A maximum penalty of $10 000 is fixed.

DIVISION 3—PROCEEDINGS BEFORE THE BOARD

Clause 49: Obligation to report certain infections of medical practitioner or medical student

This clause requires a medical practitioner treating a patient who is medical practitioner or medical student to submit a report to the Board if the he or she diagnoses that the patient has a prescribed communicable infection. A maximum penalty of $10 000 is fixed for non-compliance. The Board must cause a report to be investigated.

Clause 50: Obligation to report medical unfitness of medical practitioner or medical student

This clause requires certain classes of persons to report to the Board if of the opinion that a medical practitioner or medical student is or may be medically unfit to provide medical treatment. A maximum penalty of $10 000 is fixed for non-compliance. The Board must cause report to be investigated.

Clause 51: Medical fitness of medical practitioner or medical student

This clause empowers the Board to suspend the registration of a medical practitioner or medical student, impose conditions on

registration restricting the right to provide dental treatment or other conditions requiring the person to undergo counselling or treatment, or to enter into any other undertaking if, on application by certain persons or after an investigation under clause 49 or 50, and after due inquiry, the Board is satisfied that the practitioner or student is medically unfit to provide medical treatment and that it is desirable in the public interest to take such action.

Clause 52: Inquiries by Board as to matters constituting grounds for disciplinary action

This clause requires the Board to inquire into a complaint relating to matters alleged to constitute grounds for disciplinary action against a person unless the Board considers the complaint to be frivolous or vexatious or lays a complaint before the Tribunal relating to such matters. If, after conducting an inquiry, the Board is satisfied that there is proper cause for taking disciplinary action and the respondent consents to the Board exercising its powers, the Board can censure the person, order the person to pay a fine of up to $1 000, impose conditions on their right to provide medical treatment, or suspend the person's registration for a period not exceeding 1 month. If the respondent does not consent to the Board exercising its disciplinary powers, the Board must terminate the proceedings and lay a complaint against the respondent before the Tribunal.

If a person fails to pay a fine imposed by the Board, the Board may remove their name from the appropriate register.

Clause 53: Variation or revocation of conditions imposed by Board

This clause empowers the Board, on application by a registered person, to vary or revoke a condition imposed by the Board on his or her registration.

Clause 54: Suspension of registration of non-residents

This clause empowers the Board, on application by the Registrar, to suspend until further order the registration of a medical practitioner who has not resided in Australia for the period of 12 months immediately preceding the application.

Clause 55: Constitution of the Board for the purpose of proceedings under this Part

This clause sets out how the Board is to be constituted for the purpose of hearing and determining proceedings under the Part.

Clause 56: Provisions as to proceedings before the Board under this Part

This clause deals with the conduct of proceedings by the Board under this Part.

DIVISION 4—PROCEEDINGS BEFORE THE TRIBUNAL

Clause 57: Constitution of the Tribunal for the purpose of proceedings

This clause sets out how the Tribunal is to be constituted for the purpose of hearing and determining proceedings under the Part.

Clause 58: Inquiries by Tribunal as to matters constituting grounds for disciplinary action

This clause requires the Tribunal to inquire into a complaint relating to matters alleged to constitute grounds for disciplinary action against a person unless the Tribunal considers the complaint to be frivolous or vexatious.

If, after conducting an inquiry, the Tribunal is satisfied that there is proper cause for taking disciplinary action, the Tribunal can censure the person, order them to pay a fine of up to $20 000 or prohibit them from carrying on business as a medical services provider or from occupying a position of authority in a trust or corporate entity that is a medical services provider. If the person is registered, the Tribunal may impose conditions on their right to provide medical treatment, suspend their registration for a period not exceeding 1 year, cancel their registration, or disqualify them from being registered.

A disqualification or prohibition may apply permanently, for a specified period, until the fulfilment of specified conditions or under further order, and may have effect at a specified future time. Conditions may be imposed as to the conduct of the person or the person's business until that time.

If a person fails to pay a fine imposed by the Tribunal, the Board may remove their name from the appropriate register.

Clause 59: Variation or revocation of conditions imposed by Tribunal

This clause empowers the Tribunal, on application by a registered person, to vary or revoke a condition imposed by the Tribunal on his or her registration.

Clause 60: Provisions as to proceedings before the Tribunal

This clause deals with the conduct of proceedings by the Tribunal under this Part.

Clause 61: Powers of Tribunal

This clause sets out the powers of the Tribunal to summons witnesses and require the production of documents and other evidence in proceedings before the Tribunal.

Clause 62: Costs

This clause empowers the Tribunal to award costs against a party to proceedings before the Tribunal.

Clause 63: Contravention of prohibition order

This clause makes it an offence to contravene an order of the Tribunal or to contravene or fail to comply with a condition imposed by the Tribunal. A maximum penalty of $75 000 or imprisonment for 6 months is fixed.

Clause 64: Power of Tribunal to make rules

This clause empowers the Tribunal to make rules regulating its practice and procedure or making any other provision as may be necessary or expedient to carry into effect the provisions of this Part relating to the Tribunal.

PART 6
APPEALS

Clause 65: Right of appeal to Supreme Court

This clause provides a right of appeal to the Supreme Court against certain acts and decisions of the Board or Tribunal.

Clause 66: Operation of order may be suspended

This clause empowers the Court to suspend the operation of an order made by the Board or Tribunal where an appeal is instituted or intended to be instituted.

Clause 67: Variation or revocation of conditions imposed by Court

This clause empowers the Supreme Court, on application by a registered person, to vary or revoke a condition imposed by the Court on his or her registration.

PART 7
MISCELLANEOUS

Clause 68: Interpretation

This clause defines terms used in the Part.

Clause 69: Offence to contravene conditions of registration

This clause makes it an offence for a person to contravene or fail to comply with a condition of his or her registration and fixes a maximum penalty of $75 000 or imprisonment for six months.

Clause 70: Offence to practise medicine while deregistered

This clause makes it an offence for a person whose name has been removed from a register and not reinstated to provide medical treatment for fee or reward. It fixes a maximum penalty of $75 000 or imprisonment for six months. However, it does not apply in relation to a person exempted under clause 42 and providing medical treatment in accordance with the exemption.

Clause 71: Offence to give, offer or accept benefit for referral or recommendation

This clause makes it an offence—

- for any person to give or offer to give a medical practitioner or prescribed relative of a practitioner a benefit as an inducement, consideration or reward for the practitioner referring, recommending or prescribing a health service or health product provided, sold, etc. by the person;
- for a medical practitioner or prescribed relative of a practitioner to accept from any person a benefit offered or given as a inducement, consideration or reward for such a referral, recommendation or prescription.

In each case a maximum penalty of $75 000 is fixed for a contravention.

Clause 72: Improper directions to medical practitioners or medical students

This clause makes it an offence for a person who provides medical treatment through the instrumentality of a medical practitioner or medical student to direct or pressure the practitioner or student to act unlawfully, improper, negligently or unfairly in relation to the provision of medical treatment. It also makes it an offence for a person occupying a position of authority in a trust or corporate entity that provides medical treatment through the instrumentality of a practitioner or student to so direct or pressure the practitioner or student. In each case a maximum penalty of $75 000 is fixed.

Clause 73: Procurement of registration by fraud

This clause makes it an offence for a person to fraudulently or dishonestly procure registration or reinstatement of registration (whether for himself or herself or another person) and fixes a maximum penalty of $20 000 or imprisonment for 6 months.

Clause 74: False or misleading statement

This clause makes it an offence for a person to make a false or misleading statement in a material particular (whether by reason of

inclusion or omission of any particular) in information provided under the measure and fixes a maximum penalty of $20 000.

Clause 75: Medical practitioner, etc., must declare interest in prescribed business

This clause requires a medical practitioner or prescribed relative of a medical practitioner who has an interest in a prescribed business to give the Board notice of the interest and of any change in such an interest. It fixes a maximum penalty of $20 000 for non-compliance. It also prohibits a medical practitioner from referring a patient to, or recommending that a patient use, a health service provided by the business and from prescribing, or recommending that a patient use, a health product manufactured, sold or supplied by the business unless the medical practitioner has informed the patient in writing of his or her interest or that of his or her prescribed relative. A maximum penalty of $20 000 is fixed for a contravention. However, it is a defence to a charge of an offence or unprofessional conduct for a medical practitioner to prove that he or she did not know and could not reasonably have been expected to know that a prescribed relative had an interest in the prescribed business to which the referral, recommendation or prescription that is the subject of the proceedings relates.

Clause 76: Medical practitioner or medical student must report his or her infection to Board

This clause requires a medical practitioner or medical student who is aware that he or she has a prescribed communicable infection to forthwith give written notice of that fact of the Board and fixes a maximum penalty of $10 000 for non-compliance.

Clause 77: Medical School must report cessation of a student's enrolment

This clause requires the Dean or Acting Dean of a Medical School to give the Board written notice that a medical student has ceased to be enrolled in an undergraduate course of study at the School and fixes a maximum penalty of $5 000 for non-compliance.

Clause 78: Registered persons to be indemnified against loss

This clause prohibits registered persons from providing medical treatment for fee or reward unless insured in a manner and to an extent approved by the Board against civil liabilities that might be incurred by the person in the course of providing any such treatment. It fixes a maximum penalty of $10 000 and empowers the Board to exempt persons or classes of persons from the requirement to insure.

Clause 79: Information relating to claim against registered person to be provided

This clause requires a registered person to provide the Board with prescribed information about any claim made against the registered person or another person for alleged negligence committed by the registered person in the course of providing dental treatment. The clause fixes a maximum penalty of $10 000 for non-compliance.

Clause 80: Self-incrimination and legal professional privilege

This clause provides that a person cannot refuse or fail to answer a question or produce documents as required under the measure on the ground that to do so might tend to incriminate the person or make the person liable to a penalty, or on the ground of legal professional privilege. If a person objects on either of the first two grounds, the fact of production of the document or the information furnished is not admissible against the person except in proceedings in respect of making a false or misleading statement or perjury. If a person objects on the ground of legal professional privilege, the answer or document is not admissible in civil or criminal proceedings against the person who would, but for this clause, have the benefit of that privilege.

Clause 81: Punishment of conduct that constitutes an offence

This clause provides that if conduct constitutes both an offence against the measure and grounds for disciplinary action under the measure, the taking of disciplinary action is not a bar to conviction and punishment for the offence, and conviction and punishment for the offence is not a bar to disciplinary action.

Clause 82: Vicarious liability for offences

This clause provides that if a trust or corporate entity is guilty of an offence against the measure, each person occupying a position of authority in the entity is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that the person could not, by the exercise of reasonable care, have prevented the commission of the offence by the entity.

Clause 83: Board may require medical examination or report

This clause empowers the Board to require a medical practitioner or medical student or person applying for registration or reinstatement of registration as such to submit to an examination by a health professional or provide a medical report from a health professional, including an examination or report that will require the person to undergo a medically invasive procedure. If the person fails to comply the Board can suspend the person's registration until further order.

Clause 84: Ministerial review of decisions relating to courses

This clause gives a provider of a course of education or training the right to apply to the Minister for a review of a decision of the Board to refuse to approve the course for the purposes of the measure or to revoke the approval of a course.

Clause 85: Confidentiality

This clause makes it an offence for a person engaged or formerly engaged in the administration of the measure or the repealed Act (the *Medical Practitioners Act 1983*) to divulge or communicate personal information obtained (whether by that person or otherwise) in the course of official duties except—

- as required or authorised by or under this measure or any other Act or law; or
- with the consent of the person to whom the information relates; or
- in connection with the administration of this measure; or
- in accordance with a request of an authority responsible under the law of a place outside this State for the registration or licensing of persons who provide medical treatment, where the information is required for the proper administration of that law.

However, the clause does not prevent disclosure of statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates. Personal information that has been disclosed for a particular purpose must not be used for any other purpose by the person to whom it was disclosed or any other person who gains access to the information (whether properly or improperly and directly or indirectly) as a result of that disclosure. A maximum penalty of $10 000 is fixed for contraventions of this clause.

Clause 86: Protection from personal liability

This clause protects members of the Board and Tribunal, the Registrars of the Board and Tribunal, staff of the Board and inspectors from personal liability in good faith for an act or omission in the performance or purported performance of functions or duties under the measure. A civil liability will instead lie against the Crown.

Clause 87: Service

This clause sets out the methods by which notices and other documents may be served for the purposes of the measure.

Clause 88: Evidentiary provision

This clause provides evidentiary aids for the purposes of proceedings for offences against the measure and disciplinary proceedings under Part 5.

Clause 89: Regulations

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

SCHEDULE

Repeal and transitional provisions

This Schedule repeals the *Medical Practitioners Act 1983* and makes transitional provisions relating to the constitution of the Board and other matters.

Mr ATKINSON secured the adjournment of the debate.

SELECT COMMITTEE ON GROUND WATER RESOURCES IN THE SOUTH-EAST

The Hon. M.K. BRINDAL (Minister for Water Resources): I move:

That a select committee be appointed to inquire into the following:

(a) the impact of land use change on ground water resources in the South-East;

(b) whether an administrative process can be designed and integrated into the current management system and adequately takes account of the impact of land use change on the South-East ground water;

(c) any other related matter;

and further, that the evidence taken by the Select Committee on Water Allocation in the South-East appointed on 10 December 1998 be referred to the committee.

Mr HILL (Kaurna): The opposition will be supporting this motion but I take this opportunity of putting on the record some of the history associated with it, probably for the second, third and maybe even fourth time. You will know

some of the history of this yourself, Mr Deputy Speaker, because you were involved in what were known as Wotton plans 1 and 2, dealing with the allocation of water in the South-East. As you know, sir, those plans were overturned by the political process when the two Liberal members for that area were defeated and two Independents, the present members for Gordon and Mackillop, were elected.

That also resulted in a change of minister for environment, which included at that stage water resources, and Minister Kotz was introduced. She attempted to correct the problems in the South-East and she became known as the minister for backflips as she contorted herself over this issue and had three or even four policy positions in relation to water allocation in the South-East.

As a result of that, the government was forced to accept the suggestion of the opposition, although it made it its own motion, that a select committee into water allocations in the South-East be set up, and that is what happened. That select committee went into the South-East, talked to all the people and came up with a set of recommendations which were endorsed by the government, in main, although there was one recommendation that it did not accept. As a result of that, policy was established on a bipartisan basis which largely fixed up most of the issues in the South-East.

One of the consequences of that was that the member for MacKillop was able then to rejoin the Liberal Party, something he had been itching to do since the election. This gave him the opportunity to do it, the issues, he thought, having been resolved. But there was one problem: the select committee did not really deal with the issue of forestry. I know that the member for Bragg, who is in the chamber at the moment, would agree with me that we did not give it full attention. As we were going through the select committee procedures, we did not believe that it was such a major issue. I actually regret now that we did not spend more time focussed on that.

The Hon. M.K. Brindal interjecting:

Mr HILL: Well, there is an up side to our not having dealt with it. As the minister says, it does cause him some pain. However, it has caused the people in the South-East pain, and I did not wish to cause them any further pain, because I think they have been suffering under a policy vacuum for some time.

Nonetheless, there is an issue with forestry in the South-East, and I guess it is caused really by the expansion of the blue gum forestry industry. The pine industry, which has been there for a very long time, is a mature industry. It is expanding at a very slow rate, and if it had been left to its own devices there would not have been an issue. Because of tax incentives, the blue gum forestry industry had taken off quite dramatically and was expanding very quickly. As a result of that, water users in the South-East, government departments, and so on, believe that there was an issue. How do you take into account the demand that is placed on the water resource of forestry? That issue could have been addressed through a variety of processes.

Minister Brindal introduced legislation in the middle of last year. There was a committee of the two houses to try to deal with the deadlock between this House and the other place, based on some amendments that the Leader of the Democrats, the Hon. Mike Elliott, had introduced. The opposition said, 'We will not force these amendments on you. We want the bill to go through but, minister, give us an undertaking that you will fix this up.' The minister said, 'I will give you that undertaking.' He said it in the House, but he was not able to give us that legislation.

The minister, I think, had a policy position but he was not able to get it through the Liberal Party because two members of the Liberal Party caucus in particular, the member for MacKillop and the Hon. Angus Redford, had very strongly divergent views from the minister on how this issue should be resolved.

The Hon. M.K. Brindal interjecting:

Mr HILL: They weren't divergent views? I think I am perhaps being a little generous to say they were only divergent views. They strongly disagreed, and in fact were able to exert sufficient pressure that the minister was rolled in his own party room. A decision of cabinet was overturned by the party room on the basis of a claim by the member for MacKillop that he would lose his seat if in fact this proposition that the minister wished to put went ahead.

As a result of that, the government said, 'We will not go ahead with it, but we will set up a review process. We will spend $300 000 on a survey.' I must say that the opposition always thought that this might untangle and, as a sort of safety measure, on behalf of the opposition, I introduced a motion some time ago. I said to the House at the time, 'If the minister cannot sort this out, we will have to have a select committee to sort it out.' So, the opposition was visionary in this regard. We could see that Minister Brindal would not be able to get this through his party, let alone the parliament.

We said, 'This is the way to go.' I guess that I should be complimentary to the minister for eventually—almost a year later—picking up the suggestion made by the opposition. The government is so good at picking up suggestions made by the opposition but never giving credit. That is the government's stock in trade of policy development.

The Hon. M.K. Brindal interjecting:

Mr HILL: I do not need to praise myself.

The Hon. M.K. Brindal interjecting:

Mr HILL: The minister is promoting himself, obviously. After this all came untangled, the member for Gordon threatened in the local media a no-confidence vote in the minister. I said 'Well, if you are prepared to do that, the opposition would certainly be happy to support you.' Clearly, if the minister could not get this through his own party and if it had no confidence in him why should the House have any confidence in him, and I still say that that is the case. Unfortunately, the member for Gordon backed away and, as I say, the minister supported a six-month delay with a $300 000 survey to look at the effect of forestry on water.

I must say to the minister—if he intends to respond to my comments—that I wonder how the select committee will deal with the fact that the minister has an inquiry underway into the impact of forestry on underground water.

The Hon. M.K. Brindal: It is only the science.

Mr HILL: Yes. The minister says that it is only the science, but how can the select committee make decisions if it does not have access to that information? I assume that we will have to wait until that report is completed before making a decision on this important issue. It would be quite unreasonable, I suspect, for us to make a decision while a scientific report is pending which may, in fact, say something completely different. The minister has introduced a motion today to establish, basically, the same select committee that looked at this issue previously. My colleague the member for Wright and I are quite prepared to honour the minister by serving on that committee. We want to do our duty to the House and to the parliament by being a part of that committee.

Interestingly, the minister wanted to establish the same select committee because he wanted to lock in the member for MacKillop. If it had been a new committee, perhaps a different member should have been appointed. I think that the member for Gordon should have been on the select committee because that would have reflected the balance of power in this House. There would have been two Labor members, two Liberal members and one Independent, which roughly reflects the balance of power on the floor. But to establish a select committee of three Liberal members and two—

Ms Rankine interjecting:

Mr HILL: That is exactly right. As my colleague says, as an Independent member was originally appointed, an Independent member should be appointed to this select committee. But what we are getting is a select committee with three Liberal members and two Labor members of parliament and, as a result, that does not reflect the true balance in the House. The member for Gordon ought to have been appointed to the committee. I can understand why he was reluctant to be appointed because he is very good at making these policy suggestions from the side. However, he is probably a little smarter politically than the member for MacKillop and would not wish to be involved in the select committee.

Now the member for MacKillop is involved and he will be caught. Basically, he is being set up by the minister and the government. I believe that he knows this but he is not quite sure what to do. On the one hand he wants to be there so that he can argue his case. The minister smiles as I make these observations because he knows that I am telling the truth. The member for MacKillop is torn: on the one hand he wants to be in there to argue his case on behalf of the constituency which he is hoping to satisfy; but, on the other, he wants to be at a distance from it so that he can criticise it and be seen to be separate from it. He is really caught. I guess that the minister has shown some smarts in doing this. Interestingly, I understand that—

The Hon. M.K. Brindal: That will be circulated in my electorate.

Mr HILL: Some smarts! Interestingly, the minister's office sent me a copy of the terms of reference on 20 April, which state:

> Upon the resumption of parliament, the minister will introduce a motion to establish a select committee to report on the issue of land use change in the South-East. The minister would like your comments on what is being proposed thus far as he will be away next week. Having discussed the matter with both Rory McEwen, Kaylene Maywald, et alia, it is agreed that the select committee should be known as the Select Committee on the Impact of Land Use Change Upon Ground Water Resources in the South-East.

The document then lists three terms of reference. I was surprised then on Monday or Tuesday, I cannot remember which, when I came into my Parliament House office to find that the minister is now intending to include the following term of reference for the select committee:

> The basis on which a levy, if any, should apply to the water holding allocations.

This was the price that the member for MacKillop was asking in order to secure his participation in the select committee. He wanted that term of reference included because he wanted to open up that issue again. That issue had been addressed and resolved by the previous select committee. The member for MacKillop is not happy with it and wanted to open it up again. That is what the minister was prepared to do but, unfortunately for him, the Independents, whose support he needs, of course, were not prepared to wear that, so that has been withdrawn. Again, the member for MacKillop is set up.

Once again, the Labor Party will be called upon to sort out this problem for the government. It will be the Labor Party members who will go into the committee with an open mind and a good heart. They will listen to the evidence, look at the science and the logic and develop a solution that will sort out this problem. The three government members, but particularly the members for Bragg and Stuart, will have to support what the Labor Party recommends, and that will leave the member for MacKillop in a very uncomfortable place. Will he support us and make it a unanimous report or will he put in a report which goes in the opposite direction?

I suspect that is what will happen, and the member for MacKillop will find himself in a very difficult position. The first select committee allowed the member for MacKillop to switch back into the Liberal Party. I suspect that this second select committee will be the vehicle which will allow him to switch back out of the Liberal Party and recreate himself as another Independent, and this will be the issue which will cause that to happen. It will be a very interesting committee. It is important to say that I hope that government members are not anticipating this being something done in a dimly lit room somewhere in Parliament House to the exclusion of people from the South-East.

It is absolutely vital that we visit the South-East, inspect the plantations, talk to people from forestry, the local communities and the relevant members of departments to understand fully what is going on before we make a decision. It will not be a quick fix, it will not be a political fix: it will be a result that is based on good science and best evidence that best takes into account the environment and the local economy, in addition to local social needs. The Labor Party does not go into this with any fixed view: it goes into it with an open mind unlike, I suggest, the member for MacKillop who does have fixed views, and I question his participation in this committee on that basis.

Is it reasonable that an honourable member, whose views are so well known and so well articulated, should be a part of a decision making body where an open mind is required? As I indicated earlier, the Labor Party supports this motion and looks forward to the establishment of the committee and its getting on with its duties.

Mr LEWIS (Hammond): I note the proposition which the minister has put before the House. I hear some of the reasons given by the member for Kaurna for the opposition's support of the proposal. I am amazed that the minister still cannot make up his mind. I am not surprised that he has caught himself in a difficult situation because of the differences of opinion which arise about the very matters in this motion between the members for MacKillop and Gordon—neither of whom seem to be interested in contributing to the debate.

Mr Hill: That is very true.

Mr LEWIS: Well, more particularly notable by their absence from this chamber at this time. I am no less amazed that the area to be examined is defined geographically rather than hyrdrogeologically as the same water resource is also the water resource which comes through the Mallee in my electorate. Regrettably, the minister has seen fit to include that area in my electorate referred to as the Murray Basin. That is a misnomer in hydrogeological terms because the water which provides the recharge comes from the area of the

Grampians in Western Victoria—in that general vicinity—and South Australia's South-East, possibly.

Rainfall does not respect state boundaries and lines on maps and so on, nor do the phenomena by which aquifers are recharged have any regard for where our forebears may have chosen to draw lines on maps and the names they have given to the various localities on the surface of the dry land above sea level. When we debate these matters, we ought to take account of the geology more than the convenient administrative nomenclature and arrangements for the communities that live on the surface. I am dismayed on those two fronts, namely, that the minister has chosen to include the underground water resources of the Mallee which has no runoff water into the Murray River, and that is not peripheral to this proposition if you take into account the remark I have just made about hydrogeology.

Ultimately, of course, it is believed that the water which comes from the Grampians and passes through that aquifer, rising closer to the surface in the southern Mallee area and the central Mallee area—Pinnaroo, Lameroo, Parilla, Geranium and points south and north—finds its way into the river if it is not intercepted along the way. Notwithstanding that fact, it is fresh water, as we all know in that part of the world where it is withdrawn for irrigation purposes in the Mallee, and as freshwater being withdrawn from the aquifer it restricts the flow north-westwards of that body of water towards the river, thereby reducing any problem there may be which is alleged is caused by the water when it passes through the old marine sediments that contain the salt—(not just sodium chloride but predominantly sodium chloride) and, in collecting those salts as it passes through, it becomes saline by the time it reaches the Murray.

I do not know for certain that that happens. I am told on the one hand by those people who want someone else's money for revegetation of the Mallee that the water that is getting into the Murray and bringing the salt with it comes from the dry land recharge in the Mallee and leaches the salt from the soils there and the subsoil layers in the B and C horizons and in the parent rock beneath. They say that they want to mitigate the effects of that rainfall where it falls with such intensity on those occasions. 'Intensity' means the rate of precipitation per hour per unit area. It can infiltrate past the root zone and, in doing so, make a contribution to the ground water hydrological pressure that shifts it into the river.

If we accept that proposition, we cannot then say that is wrong; that, in fact, it is coming from the underground water resources of the Mallee; and that those underground freshwater resources which have their origins, as we all believe and as we are told—and, looking at the geology of the area and the core samples I have seen, I have no doubt about it—in the Grampians or the western districts and South-East of the state. You cannot then say that the water that is getting into the river comes from the Grampians if you agree that it is coming from rainfall recharge. That is why I am critical of the minister for saying, 'We'll just look at the South-East, because that's our administrative area on the surface of things and we'll ignore the Murray and the Mallee itself.'

I am critical of the minister for simply ignoring me and the desire and wish of those people in the Mallee to be separate from the Murray River Catchment Water Management Board. There is no ruddy runoff in the Mallee. There are no rivers in the Mallee. If any water gets in there, it is from recharge, and the way to stop that is to revegetate close to the river where the board already had its boundaries prior to the minister's pre-emptively deciding to proclaim it. If you cannot catch the water from the rainfall recharge by revegetating closer to the river, within 50 kilometres of the river, you will not catch it anyway by proclaiming a bigger area. There is no question about the fact that, if we wanted funds for revegetation of the area outside what was the drainage basin of the Murray, we had Don Blackmore's assurance that the Murray-Darling Basin Commission would treat all those requests and applications for funds with the same measure of priority according to the risk they posed to the river as that involving those which arose adjacent to the river. He said that.

So, the minister cannot rely upon the Murray-Darling Basin Commission requiring the Murray River Catchment Water Management Board's area to cover all the dry land farming area of the Mallee in which we have now developed irrigation, because that is interspersed with the dry land farming in the southern Mallee. You cannot say that is the reason why it had to be proclaimed as part of the Murray River Catchment Water Management Board. That is the simple logic which local people have put to me and put to their own council, the Southern Mallee District Council, in expressing their dismay (indeed, worse—disgust) at what the minister has done to them. They comfort themselves, and they are reasonable people and can be so comforted, by saying, 'Leave us with our committee to make the decisions about what is to be done as an autonomous committee under the board.'

So, what they are really saying is—and if the minister agrees to it, what he is really saying is—that it is in effect a separate board anyway and the board will simply rubber stamp what it desires to do. If it is not, then the minister is deceiving it by saying, 'Yes, I will give you autonomy but I will simply remove that if I do not agree with what you want to do. I will tell the catchment management board to review it and come up with some alternative.' The second case is where the board itself says, 'This advisory committee's advice is wrong, so you'll have to do it the way we want you to do it, not the way you've worked out.' I have made the point before, but not in this debate, and I will make it again now: it makes no more ruddy sense than to put the Fleurieu Peninsula in the Torrens River Catchment Water Management Board.

The Fleurieu Peninsula's runoff does not find its way into the Torrens at any time, and it is only 70 or 80 kilometres away. Yet, a far greater distance between areas south of Lameroo and the River Murray did not deter the minister, mainly because it is remote, I suppose. The attitude is, 'They are way out there; they do not represent anything much; they are just a few voters in one electorate', whereas the Fleurieu Peninsula and the Torrens River cover several electorates and they are pretty sensitive politically for the government and the Labor party. So, we will have to keep them separate.

Why the double standard? Indeed, as far as that goes, if one is going to lump things together in the way in which the minister has done it, then he could quite simply declare the whole bloody state as one catchment water management board—and that would be very efficient, would it not? Why stop at just the Mallee? Why not put the whole South-East, the West Coast, the Pitjantjatjara Lands, as well as the Adelaide Hills and two peninsulas in the same board? It makes about as much sense. One could include Cape Yorke, too. There might be a possibility that some people think that water comes from Cape Yorke to South Australia, and bubbles up and brings salt with it that could contribute to the

problem we are experiencing. It makes about as much sense. It fits with the same logic.

I am therefore fairly disparaging in my view of what the minister proposes by using the surface communities' locations as the basis for determining where the boundaries will be drawn and where this select committee, if it gets up, will focus its attention. All the minister is doing is buying time in order to enable him to resolve the antagonism in political terms between the member for MacKillop and the member for Gordon. Well, I wish him luck in that respect. He can either screw his Liberal Party colleague and keep the member for Gordon on side and supporting the government, or he can screw the member for Gordon and bring down the government. Where does he want the division? Does he want it here on the floor of the House or in the party room? One way or another, it is a running sore, and I do not think the proposition is based on good science in so many instances.

In other circumstances, I might have sought to participate in the committee because, having represented the South-East for a fair while during the earlier years of my time in this place, I have some understanding of it. Ren DeGaris's proposal of 20 years ago, which was treated with disdain by other Liberals, was to establish a royal commission into the underground water resources and the drainage board and its administration in the South-East to see what was done, why it was done, who was doing things and whether or not those things were appropriate. Had we done that, we would never have had the mess that Tom Brinkworth has created in the areas where he has been fiddling around with the flow of water a few years back and which he now acknowledges was a mistake.

If anyone else anywhere else had done the things that he did in earlier years, they would have spent years behind bars. But no-one bothered because he owns such a vast area of South Australia that no-one quite knows what is going on inside his land unless they fly over it and take pictures of it. I tried to do that on one occasion and found, to my dismay, that the minister of the day (the Hon. Peter Arnold) and other members of the Liberal Party were not much interested in the evidence I was getting because it would upset Tom Brinkworth—and Allan Rodda did not want that to happen.

Mr Hill interjecting:

Mr LEWIS: Yes. Altogether, we would not have needed this select committee now if we had listened to Ren DeGaris 21 years ago and established that royal commission. Much of what has happened since would have been avoided and what was happening then would have been sorted out.

I wish the committee, should the House decide to appoint it, well in its work, but please do not overlook the fact that the water you are looking at and dealing with in the aquifer, which is confined until it comes to the point where there is a discontinuity in the Hindmarsh clays in the Mallee, is the water that we in turn have to use. It is the household water for our towns and farms in the southern Mallee; it is our stock water; and it is the basis of our irrigation industry and the value adding that we do to its products. It is not just the South-East's water.

The kinds of arguments I have heard advanced by those people who have applied for and seek to use that water tend to be about as sensitive and considerate as the owners of Cubbie Station and the way in which they treat the water they have on or beneath the land in Queensland, in the tributaries of the upper reaches of the Darling River. Some other folk in those irrigation areas upstream hold the view that because the rain fell there the water is theirs to do with as they please, regardless of the consequences for anyone anywhere else.

I repeat as I began: do not overlook the fact that we in the Mallee rely upon that water and it is not appropriate to come up with recommendations which would stop the movement of it through the confined aquifer to where we get it further north by north-west.

Ms RANKINE (Wright): I support the minister's motion and my colleague the member for Kaurna. The Labor Party is, once again, happy to work cooperatively with members opposite to come up with a sensible resolution in relation to the water issue in the South-East. Certainly, we come to this with a very strong commitment to bipartisanship. We hear in the chamber every day members opposite bleating and pleading for us to help them with solutions to issues that are affecting South Australians—issues which they continually botch and which need some sort of solution once they have done that.

We heard the Premier today asking us for our policies, plans and directions in relation to the price of electricity. It is absolutely no wonder that the members opposite are making these pleas every day. Every time they touch something, every time they get involved in something, it turns into a great big dollop of dog do, and they look to us to pull them out of it. We have SA Water outsourcing, the privatisation of Modbury Hospital and ETSA and, once again, it is the ground water issue in the South-East. This government is either selling stuff off, shutting it down or outsourcing it.

The people of the South-East, however, were not prepared to allow this government to muck up the issue in relation to the water, and so far we have seen three ministers unable to come up with proper solutions. Once again, the government is coming to us to help it solve this problem.

Mr Hill: And we will help them.

Ms RANKINE: We will help them; we will absolutely help them. I agree with the member for Kaurna in relation to the member for MacKillop and his membership of our select committee. I think it is very important to go into this issue with an open mind, and we know, very strongly, the member for MacKillop's views—or do we? As the member for Kaurna said, he was elected on the back of this issue; then he jumped on board the sinking ship; people in the South-East are a bit cranky with him, so he is now looking for this issue to save his skin, once again. As is usual with the member for MacKillop, he is trying to have two bob each way. The forestry industry in the South-East is a vibrant and vital industry which employs hundreds of South Australians workers and supports hundreds of South Australian families.

I can assure the minister that this select committee will have our earnest attention and we will do our very best to arrive at a solution that is responsible and sustainable as far as industry, employment and environment are concerned. We will do our best, once again, to provide a solution that this government has not been able to find.

The Hon. M.K. BRINDAL (Minister for Water Resources): I thank all members for their contribution, in particular members of the Labor Party, the opposition in this chamber, for the pledge of their support. I will be as brief as possible in deference to my Whip, given that it could take some time to reply to the comments that have been made, as all members would realise.

I find some of the comments perhaps good political debating, but a little cheap in that no-one is pretending. Those

who served on the last select committee would know that this is not an issue which any minister on his own or any government can solve easily or quickly.

Ms Rankine interjecting:

The Hon. M.K. BRINDAL: The member opposite says that it has been botched time and time again. I refute that utterly. This is possibly amongst the most profound set of questions that will be asked in this parliament for probably 50 years. It is one of the most important issues facing this nation in this century, namely, the use, application and right to access our most precious resource. That means that, as a minister, I can come in here and ask members opposite, members of my own party and members of the crossbench for support. I will do so completely and unashamedly. Unlike some members opposite who sit on the front and back benches, I do not claim to be God. I do not claim to have all the wisdom and have always claimed that the wisdom of this House exceeds the wisdom of any individual member. A select committee is a time-honoured process used by this House to distil the best wisdom of the 47 intellects in here to get the best answer for the people of South Australia. That is why we are having a select committee.

I say to the member for Hammond that I found his contribution interesting, as I always do. I acknowledge some of the points he made. I say to him, in agreement with his points, that one of the problems we face in this debate is, as he said, an incomplete understanding of the science. I wish I had been here 21 years ago to hear the Hon. Mr De Garis and that as a House we had had the wisdom then, as the member says, to have started to look at some of these issues. However, we have only started to look at them in the past few years and, as the member himself says, the science is woefully incomplete. He may well be right in some of his assertions and I cannot argue with that. As he acknowledges himself, we cannot argue that he is right or is not right. We simply do not yet know enough, but the points he made are well taken.

We have chosen a geographic basis for this because it was perhaps the easiest thing to do because it opens it wider and asks the members of the select committee to try to include all those complex considerations of the Mallee. The shadow minister will know from his membership with me on the select committee for the River Murray that there is a whole web of questions in what the member for Hammond said that could tie us up for another six years and even then we will not come up with a perfect solution.

The reason I have asked for this same membership to be included on the select committee—and I acknowledge the cooperation of the shadow minister in doing this—was simply because the last select committee showed a lot of wisdom and sound judgment in their decisions: something like 37 recommendations, about 36 of which have been or will be immediately accepted by this government. It is because of my confidence in that last select committee that this select committee will help. If that means giving a few plaudits to the two members on the team opposite, then I will do so because it is in the interests of the resource.

Motion carried.

The Hon. M.K. BRINDAL: I move:

That the committee have power to send for persons, papers and records and to adjourn from place to place, and that the committee report on 3 July 2001.

Motion carried.

The Hon. M.K. BRINDAL: I move:

That the committee consist of the Hon. G.A. Ingerson, Messrs Gunn and Hill, Ms Rankine and Mr Williams.

Motion carried.

The Hon. M.K. BRINDAL: I move:

That standing order 339 be and remain so far suspended as to enable the select committee to authorise the disclosure or publication, as it sees fit, of any evidence presented to the committee prior to such evidence being reported to this House.

The SPEAKER: There not being an absolute majority of the House present, ring the bells.

There being present an absolute majority of the whole number of members:

Motion carried.

The Hon. J.W. OLSEN (Premier): I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

STATUTES AMENDMENT (GAMBLING REGULATION) BILL

The Hon. J.W. OLSEN: I move:

That standing orders be so far suspended as to enable me to move an instruction without notice.

The SPEAKER: I have counted the House and, as there is an absolute majority of the whole number of members of the House, I accept the motion. Is it seconded?

Motion carried.

The Hon. J.W. OLSEN: I move:

That it be an instruction to the committee of the whole House on the bill that it have power:

(a) to divide the bill into two bills, one bill comprising all clauses except clause 18 and the other comprising the balance of the bill; and

(b) to insert any necessary words on enactment.

Mr LEWIS (Hammond): Just now I was talking privately to the Premier. I seek from the Premier an assurance that, if this proposition succeeds, the substantive matters that are not part of the cap (and it is the intention of the proposition before us to separate the cap from the rest of the bill and then pass the proposal to extend the cap beyond the end of May and leave the other matters to be debated at some time in the future) will be debated on Tuesday 15 May without qualification and without prevarication or priority to any other matter.

The Hon. J.W. OLSEN (Premier): I am happy to confirm my private discussion with the member for Hammond; that is, that we separate from the bill clause 18 (which refers to the cap), the purpose for which is to ensure that the cap, if supported by the parliament, continues post 31 May, and that this matter will be called on in government business for debate and deliberation on the next sitting day, Tuesday 15 May, as would be the norm. It is not the intention of the government to have this matter referred to private members or to make any other redirection of the measure. It will remain on the *Notice Paper* and be debated as a government bill commencing Tuesday 15 May.

Motion carried.

In committee.

The Hon. J.W. OLSEN: I move:

That further consideration of clause 6(a) and amendments be deferred pending consideration of the motion I intend to move in relation to clause 18.

Mr LEWIS: What is the consequence of our doing what the Premier has just moved? Can he in simple language tell the committee what the effect of that will be?

The CHAIRMAN: For the information of the member for Hammond, the committee was dealing with clause 6(a) when the previous arrangement was made. That clause was not completed, so the Premier is moving that clause 6(a) be debated in its entirety when the rest of the bill is dealt with. In other words, we are now dealing, as the Premier has indicated, just with clause 18.

Mr LEWIS: That is the cap?

The CHAIRMAN: Yes.

Motion carried.

The Hon. J.W. OLSEN: I thank the committee for its consideration of this process. I move:

That the bill be divided into two bills: the first to be referred to as the Gaming Machines (Cap on Gaming Machines) Amendment Bill, comprising clause 18; and the second bill to be referred to as the Statutes Amendment (Gambling Regulation No. 1) Bill comprising the balance of the bill.

Motion carried.

The CHAIRMAN: It is my intention to deal with the Gaming Machines (Cap on Gaming Machines) Amendment Bill first. The question therefore before the chair is that clause 18 stand as printed.

Clause 18 passed.

The Hon. J.W. OLSEN: I move:

That the following words of enactment be inserted—
The parliament of South Australia enacts as follows—
That the short title clause be inserted and that the title be 'a bill for an act to amend the Gaming Machines Act 1992'.

Motion carried.

The Hon. J.W. OLSEN: I move:

That the title of the bill be 'A bill for an act to amend the Gaming Machines Act 1992'.

Motion carried.

Progress reported; committee on the Statutes Amendment (Gambling Regulation No. 1) Bill and the Gaming Machines (Cap on Gaming Machines) Amendment Bill to sit again.

The Hon. J.W. OLSEN (Premier): I move:

That the Gaming Machines (Cap on Gaming Machines) Amendment Bill be now read a third time.

Mr CLARKE (Ross Smith): I oppose the third reading, although I will not take up the time of the House. I have stated my reasons at some length on a number of occasions in this House in the past, as recently as Tuesday. It is an ill-conceived idea. I appreciate that some people genuinely hold the belief that putting a cap on gaming machines will somehow, at least in part, put the genie back into the bottle. That is not the case, and I do not think we should mislead the people of South Australia that that is the case. Indeed, by introducing the cap in the first place all we succeeded in doing was advancing by some five years applications for poker machines in far greater numbers than would have been the case had they run normally.

The other point, which is what this parliament as a whole runs away from, is this: if, simply by an act of parliament such as this, introducing a cap, we have allowed a special class of people who already had licences to significantly increase their wealth—not through any venture capital on their part or by any sweat on their brow—the public of South Australia should be entitled to extra revenue through some form of capital gains tax, so that at least some of that money could go back into the community at the discretion of the government of the day, whether it be to schools, hospitals or the Community Benefits Fund. It is a feelgood resolution that will serve no good purpose at the end of the day other than to make some people feel that they have actually achieved something.

Mr LEWIS (Hammond): I do not share the views that the member for Ross Smith has expressed. My belief—

An honourable member: Are you surprised?

Mr LEWIS: I'm sorry?

The CHAIRMAN: Order! The honourable member will ignore interjections.

Mr LEWIS: My belief is that the bill as it comes out of committee is sound, and that it provides the opportunity for the government now to examine the proposal that the member for Ross Smith said he wished to have examined; that is, the means by which those people and those businesses that own the licences at present are compelled to pay for those licences in a way that reflects the fact that they are rationed in the marketplace for gambling.

I explained during my remarks on the measure before the bill was split that the mechanism available to us to do that is to limit the length of time over which the licence is held and that, once that time has expired, anyone with suitable premises can bid for the licence, and the revenue obtained from selling the licences to the highest bidder goes into the state's revenue. That means that the cost of buying the licence is written off as an expense against income: the money stays in this state and is not paid as income tax to Canberra. That is the first benefit of the proposal.

The second benefit is that if somebody has those licences and is not obtaining as much revenue as he could from them—that is a straight-out business proposition; forget about the morality of it—they may choose to sell the licences before they have expired, and the law should allow them to do that for whatever residual time there is left on the licence. It is not necessary for all the licences to come up for renewal at once every eight years, 10 years or whatever time one decides. Indeed, it is necessary not to have them all come up on one day but, rather, to have them coming up annually or, indeed, four times a year for resale to those who are eligible.

The most important benefit of all is that the government can decide through the advice it will get from the authority, (which it proposes to establish elsewhere in other legislation from which we have just split this bill) that the number of machines operating in South Australia ought to be reduced. That is how you get the genie back in the bottle, I say to the member for Ross Smith: that is how you can also get fair recompense to the public purse for providing people with a licence to print money—because that is exactly what it is.

We can look at all the other issues that are not canvassed in the bill we have before us now, and it is not proper for me to go to them. However, it is quite proper for me to emphasise that the bill as it stands, coming out of committee, achieves exactly what the majority of South Australians want as the first step in that process.

The other steps available to us I have outlined, because they are implicitly a part of the reason why we made the decision to pass this bill through the second reading and committee stages and bring it to the third reading. I urge its swift passage and the government's attention to the mechanisms to which I have referred.

Mr CONLON (Elder): I will be brief. My views on this subject are very well known. The whole notion of a cap is an offensively dishonest one; it is intellectually and politically dishonest. Here we are patting ourselves on the back over our efforts to defend problem gamblers but it does absolutely nothing for them. Let me acquaint the House with this—I have never had a phone call from anyone who wants poker machines about the dangers of the cap. I have not had a phone call from an existing publican saying, 'Oh, I don't like this cap,' because they have their poker machines. In contrast with that, when an amendment to what was formerly this bill was proposed to ban smoking in hotels, I, and every member in this place, had a welter of phone calls, because it was going to make a difference to the industry.

This cap makes no difference to anyone. I stress this because I have spoken to the people who like the pokie industry and they are not worried about it. I have spoken to the people who oppose pokies and who would like to see them gone. In private conversation they tell me that it will make no difference. There is only one person who gains any benefit from this cap and that is the Premier of this state. It is a shallow, dishonest political benefit; it is an act of callous cynicism and the Premier, John Olsen, is the only person who will gain any sort of benefit from this bill, and I simply want the House to recognise that as it twists its shoulder, trying to pat itself on the back.

The Hon. J.W. OLSEN (Premier): Thank you, Mr Speaker. And can I thank honourable members for the reasonably swift passage of this matter through the House. I also thank the House of Assembly for its support in extending the cap on poker machines—an effective freeze on the number of poker machines within the South Australian community—for a further two years, from 31 May this year through to 31 May 2003. I welcome that decision of this House and I trust and hope that the other chamber will also endorse this cap on poker machines.

As has been pointed out, the next two years will give us an opportunity to address a number of issues: the current distribution of machines within the community, whether a cap should continue in the future and the maximum number of machines that ought to be in the South Australian community. Through that two-year period, the parliament will then again be able to address the issue of the proliferation of poker machines within the community. I have consistently had a view about the extent of and number of poker machines within the South Australian community and I have consistently opposed the increase in the number of machines. Following on from the temporary freeze which was put in place last year—which I thank the House and the parliament for so doing—we will now have a period of time when clear deliberation can be undertaken as to those measures I have referred to—number, distribution, whether a cap ought to be in place and whether, in fact, there are simply too many machines in the South Australian community now.

Some public comment has been made that this does not go far enough. The measure in this bill and the measures now contained in the second bill will be debated in full on 15 May, and any subsequent days, depending on the passage of that legislation through the parliament. There has been comment that this does not go far enough in winding back the number of poker machines. Nevertheless, this is a first and important step forward in halting the proliferation. With a pause, we can reflect and look at strategies that can be put in place over a period of time, and retreat if that is the will of the parliament. I would argue to the parliament that that ought to be a course that is followed eventually, after due consideration has taken place. Importantly, the parliament has made a decision this afternoon to put a line in the sand that will continue until 31 May 2003. I welcome that, and I thank the House. South Australia will be better off as a result.

Bill read a third time and passed.

LISTENING DEVICES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 May. Page 1372.)

Mr ATKINSON (Spence): The bill was first before the House two years ago. The government and the opposition agreed on nearly all aspects of the bill, but the opposition supported an amendment by the Democrats that would have established a public interest advocate, a member of the bar whose job would have been to appear at hearings before a Supreme Court judge for a warrant for the police to employ a listening device, a video camera or a tracking device. The public interest advocate would have represented the public's interest in reasonable privacy and scrutinised the applications for a warrant with a trained eye. That is what the public interest monitor has been doing in Queensland. The Attorney-General would not accept the amendment and chose to go without the important and necessary changes proposed by the bill rather than concede to the opposition and the Democrats on this small point.

The new authority proposed for police is important to their investigation of drug trafficking, fencing and organised crime. The time has now come for the opposition to give way in the interests of criminal justice. We do not want police hindered in their investigations.

Mr Conlon: We are being reasonable, Michael.

Mr ATKINSON: Yes, in short. Labor will revisit the public interest advocate when we form a government early next year. To refresh the House's memory, I point out that the bill is designed to update the act to take into account new technology introduced since the act was proclaimed in 1972, such as video cameras and tracking devices. The act does not permit the police to trespass on private property to set up and maintain these devices, such as by nicking mains electricity from the householder. The High Court in Coco v. The Queen decided that authority to use a listening device did not extend to trespassing on premises for installation and maintenance. I refer interested members to *Hansard* on 25 March 1999 from page 1322.

The police have not been able to install video cameras where they are not wanted. The bill will allow the police to seek judicial authority for this. The bill will allow the police to apply to gain entry by subterfuge, to extract electricity, to take non-forcible passage through nearby premises, and to use reasonable force. The judge will have to consider the gravity of the criminal conduct alleged, the significance to the investigation of the information sought, the effectiveness of the proposed method and the ability to obtain the information by other means.

Up to 1999, 143 applications had been made and four refused. In New South Wales in 1995, 1 341 warrants for listening devices were issued and no applications were refused. Of the 758 applications for warrants under the Commonwealth Interception Act in the financial year 1995-96, only 11 were refused. It seems incredible but, in the United States, the combined total for listening devices and

wire taps in 1995 was 1 058. The New South Wales Privacy Commission said that, if New South Wales issued listening devices at the same rate as the United States, only 26 applications would have been made in 1995.

After the information is obtained, the bill says any information may be communicated only in broadly sketched situations, namely, relevant proceedings or relevant investigations. Hearings of criminal charges would be an obvious example, and Public Service disciplinary charges would be another. It could be communicated for the purpose of investigation of alleged misbehaviour or improper conduct of a member of the police force, or an officer or employee of the state, the commonwealth, or another state or territory of the commonwealth. 'Relevant proceeding' is defined as a prosecution, bail application, confiscation or forfeiture of property, taking evidence on commission, extradition proceeding, a police disciplinary matter, and then, in the final paragraph, this:

> Any other proceeding related to alleged misbehaviour or alleged improper conduct of a member of the police force or an officer or employee of the state, the commonwealth or another state or territory of the commonwealth.

Misbehaviour or alleged improper conduct need not be criminal in nature. My friend the Hon. A.J. Redford, who is a government MP, expressed concern about the breadth of that formulation. I, too, was concerned by the breadth of that formulation and putting such a formula in the hands of the Police Commissioner, Mr Malcolm Hyde, and the Director of Public Prosecutions, Mr Paul Rofe. I stated some but by no means all my concerns about placing that formula in the hands of those gentlemen when this was last debated. But, when all is said and done, one must respect the office.

Owing to a deadlock on the bill, it was referred to the Legislative Review Committee. A lawyer with the Crown Solicitor's Office told the committee that the warrants were sought in 1998:

> . . . for homicides, drug-related matters, robberies, shop-breaking offences and a series of matters relating to larcenies, and one case of receiving. In the next year a similar trend followed, but included some abuses of public office.

I would be very interested to know what those abuses were. The same officer told the committee, apropos the public interest advocate:

> The obvious answer is that, of course, the judges cannot check whether or not the police have made full and frank disclosure. The judges cannot check anything beyond what they are provided with and that is true, but neither can a public interest advocate. If a police officer chooses to lie or not to make full or frank disclosure, the public interest advocate will not have the powers and could not conceivably be given those powers because it would mean a backlog and the whole process would no longer be useful.

Later on, the officer concluded his submission by saying:

> So, in my opinion, a public interest advocate is really powerless. All they can do is go on the basis of the documents.

A police witness argued before the committee that representation at the warrant hearing by someone from the Crown Solicitor's Office was as good as having a public interest advocate. He said:

> I believe it is appropriate to consider the fact that the Crown Solicitor's representative is an officer of the court and as such is duty bound to divulge to the judge during the course of an application those facts which may have an adverse effect.

Well, spare me. I am grateful not to have been a member of the committee and thus not obliged to listen to this live. I note that the—

Members interjecting:

Mr ATKINSON: As the Deputy Premier says in response to the member for Elder, 'Some people do,' and I could not possibly comment on that. I note that the Public Advocate, Mr John Harley, who is principally concerned with guardianship matters, appeared before the committee to volunteer his services as the public interest advocate. Mr Harley has the skill and integrity to do this well. The Attorney-General declined his offer.

The six member Legislative Review Committee split evenly on the question of a public interest advocate. The Hon. I. Gilfillan, the member for Torrens and the Hon. R.R. Roberts supported a public interest advocate. The Hon. A.J. Redford and the members for Goyder and Colton opposed a public interest advocate and, with the deliberative and casting vote of the Hon. A.J. Redford, the Liberal Party's position prevailed.

The Liberal Party members of the Legislative Review Committee, though, were not uncritical of the Attorney-General's stance. They proposed a reporting back procedure, whereby the Crown Solicitor's lawyer, having obtained the warrant on behalf of the police, reported back to the same judicial officer on the outcome of the warrant for a listening device. The Legislative Review Committee's report states:

> However, despite the observations of the Chief Justice that reporting back procedures were inappropriate, the majority believes that the Attorney-General should give serious consideration to implementing such procedures as an addition to the present system. The majority thinks there is some merit in the argument Mr Rozenes QC outlined earlier in this report that a reporting back procedure would provide accountability for what is done covertly.

With respect to his argument, Mr Rozenes said:

> It would be nice to have a mechanism where the person who issued the warrant is accountable for the execution of it. At the moment, the issuer of the warrant signs a piece of paper and to all intents and purposes that is the end of it. There is no check. . . to see if the warrant has been properly executed.

The federal report, which quotes Mr Rozenes, states:

> Mr Michael Rozenes QC affirmed that the execution of a warrant covertly was probably an important part of the modern law enforcement process. It just needs to be supervised. I do not mean supervised by some independent police officer; that is not supervision in which the community will have any confidence at all. The judicial office holder who issues the warrant and permits a covert execution of it in terms ought to be responsible for what is done there. Whether that means you take the magistrate on the bust or the raid, I do not know. There has to be some accountability for what is done covertly as there is, is there not, some provision in the commonwealth listening device law that brings the product back to the court in some way?

The Attorney-General rejected the majority report of his own party colleagues from the Legislative Review Committee. He would not entertain their proposal for reporting back, and they meekly accepted his position. The Attorney proposed that the Director of Public Prosecutions be involved in certifying that the warrant was necessary before it was taken by the Crown Solicitor's Office to the Supreme Court justice who hears the matter alone. In my view, that is not a satisfactory resolution of the matter. Again, I have my doubts about the man but not the office. I would hope, though, that Labor could revisit this when it forms a government.

I do not regard the amendment as a useful brake on the Crown Solicitor's Office applying for warrants, but it is better than nothing and, so far as opposition members are concerned, we will not put ourselves in the position of delaying the substantive changes which are needed and which are in the bill by an argument over the public interest advocate. We have hoped that the Attorney would be reasonable for two

years. We have essentially got no concessions from him, but the time has come when the police need these powers, and let no-one say that the opposition delayed them any longer than was necessary. Accordingly, with reluctance, we support the bill.

Mr CLARKE (Ross Smith): I congratulate the member for Spence in his staunch defence of the opposition's position with respect to the public interest advocate. I will not take up the time of the House, basically, by restating all that the honourable member has said on behalf of the opposition. I would like to add my voice in brief, though, to that of the member for Spence about the need for the public interest advocate in such matters. Taking into account the potential for abuse of these listening devices invading the privacy of others, there ought to be some other person one step removed from the coalface, so to speak, in terms of ensuring that those warrants that are obtained are obtained and sought in the first instance out of necessity and in the public interest for the safety of the public and for proper law enforcement.

Too often we take the view in these areas that, in the interests of fighting crime, we must give the state more and more power, and that happens at the potential expense of personal liberties. Certainly, organised crime has become very sophisticated and, at times, our police and law enforcement agencies need additional powers to ensure that these people are caught, dealt with in a court of law and, if found guilty, punished.

However, as legislators we should not lose sight of the fact that those powers can be abused. It has been shown time out of number in history, both in this country and in democratic countries overseas, that these powers are abused, whether it be because of one or two individuals within the law enforcement areas who overstep the mark or because it is systemic. However, it has occurred and continues to occur within the Australian context.

That is why I believe, as the opposition does, that there is a need for a public advocate to ensure some supervision, if you like, or arm's length advocacy, to ensure that the infringements on a person's normal rights to privacy are being applied only for good and proper reasons. Those who seek those warrants must realise not only that they have to substantiate their case to the Supreme Court judge concerned but also that there is a person at arm's length who can argue on behalf of the person who does not even know that they are about to be spied on. It is unfortunate that the Attorney has refused what I would have thought was an eminently reasonable approach to this whole issue that has been advocated by the opposition. I am pleased to hear the member for Spence say that this issue of the Public Advocate would be revisited in the early days of a Labor government, which is not too far off, to ensure that the rights of innocent citizens are protected from necessary invasion.

Mr LEWIS (Hammond): I hear what the minister has said, and I have read what the Attorney-General has said in another place. I hear what the members for Spence and Ross Smith have said, and they make sense to me. I am regrettably, though, left wondering why greater attention has not been paid to the potential abuse of civil liberties that could arise under clause 14, new section (9), whereby we will repeal section 10 of the principal act and substitute in its place powers to seize listening devices. In simple terms, then, let me explain to the House why I am drawing attention to this. There are no penalties in it if any of the police forces or members of staff of similar organisations abuse the power provided in this measure. It provides simply that, if a member of the police force suspects on reasonable grounds that someone has possession of a listening device without the consent of the minister or if on the same basis they have committed an offence or that the policeman suspects they will be committing an offence—

Mr Atkinson interjecting:

Mr LEWIS: The cops can simply steal it and keep it. He does not have to return it; they do not have to give any reason, and there is no penalty for doing it. It is covered by all provisions on page 17. I am worried about that because, as honourable members may well—or they jolly well should know—condenser microphones in most ghetto-blasters are listening devices by definition. They can pick up and record sounds that cannot normally be heard by the human ear.

Mr Clarke interjecting:

Mr LEWIS: Yes. Frankly, if a policeman or policewoman, or one of these other people who are referred to in clause 9(1), paragraphs (a), (b) and (c), wants to, they can break into your house and steal your ghetto-blaster and the condenser microphone that is on it and say that they had reasonable grounds to believe that you were going to use it for something that was forbidden in the act, whatever those reasonable grounds may be, or that they had suspected you had already done so. They take it away, and you have no rights; you cannot get it back. That was the way it used to be with firearms. You confiscate it, and hold it. I know that happened to the son of a former minister in this place, where a shotgun was unlawfully taken from that man by a person who was authorised to take it (but not in the circumstances in which they took it) because they took it, alleging that he had possession of it shooting ducks in a national park. However, the silly bloody inspector did not get his geography right. The man was quite entitled to be where he was, and then the inspector went on and concocted a story. The man's Greener shotgun moulded away and it went rusty, because it was not properly cared for by the National Parks and Wildlife Service.

An honourable member interjecting:

Mr LEWIS: Yes, it was more than once. However, I know of this instance, because there were witnesses who at the time—and the victim in question did not realise—had noticed what had happened, and they came to light only 12 months later. They spoke to me about it in support of their concern about what was being done. We changed that. In my opinion, that other legislation is still not satisfactory. There is still too much power to confiscate a person's firearm. But that is not what this bill is about: this bill is about listening devices. If you have a condenser microphone on a string, it is a listening device, because it can pick up sounds that are not normally capable of being heard by the human ear. That worries me, and it is not a minor worry, because it means that the people who have drafted that provision are the same people who have drafted other provisions in the bill. If I can pick up that kind of oversight in this provision, I am worried there will be similar flaws in other provisions that will result in the abuse of civil liberties.

I am like the members for Ross Smith and Spence, and all members of the government who support the position taken by the Attorney-General that sophisticated criminals now have at their disposal equally if not more sophisticated devices than ever before and that they can use those devices for nefarious reasons. I want it to be possible to stop that. But, at the same time, I do not want to give any of the people

referred to—policemen or policewomen, a member of the staff of the authority who is a member of the Australian Federal Police or a police force of another state or territory or a member of the National Crime Authority—the power to go spitefully, unnecessarily or even innocently but nonetheless improperly nicking people's sound gear, where they should not, and holding it without good cause and reason and, when it is returned, with no penalty on them. That is wrong: there ought to be a penalty for such misconduct.

The Hon. G.M. GUNN (Stuart): The parliament should err on the side of caution when giving police the ability to seize people's property. We must ensure that in all circumstances the individual in question is made aware of their rights and of the mechanisms they have to ensure that every opportunity is given to them to clear their name. I understand the sophistication of certain criminal elements, and the need to cautiously make sure that the police have adequate powers to deal with them. However, those people are not the ones we need to be concerned about. In giving considerable authority and power to any law enforcement agency—not only the police—we must ensure that the average individual has the ability to defend themselves, because when an individual is taken to court by the government they are greatly disadvantaged, as they do not have the resources to defend themselves that the government has. No matter what government or where it is in a democratic world, the government has the ability through the bureaucracy to prolong the proceedings and to drag it out and financially beat all but a few. I have always been concerned about that. In recent days, I have been involved with constituents who have been treated by well meaning but completely misguided bureaucrats in a quite disgraceful manner. Fortunately, though, I had the matters resolved in favour of my constituents.

So, when I examine bills of this nature, I believe that we want to be very careful to ensure that the people who review these operations annually do so very carefully and cautiously and ask the right questions. The parliament should always be very cautious in dealing with these matters.

The Hon. R.G. KERIN (Deputy Premier): I thank members for their contribution to this measure. As the member for Spence said, it has had a long history in this place, with the disagreement on the creation of the public interest advocate. I thank him for the fact he has realised the importance of the other measures and has allowed it to proceed on that basis.

In reply to the member for Spence's inquiry on the matter, the abuse of public office is a criminal offence covered in section 251 of the Criminal Law Consolidation Act. The offence is most often used by the anti-corruption branch of SAPOL. Without going further, it is most likely that these instances recorded involved investigations by the anti-corruption branch.

I am further advised that the search and seizure power is an absolutely standard power to search and seize. It is less invasive than many of the older police powers to search and seize contained in the Summary Offences Act. The most obvious of these is the very broad power contained in section 67 of the Summary Offences Act known as the general search warrant, which allows police to break, enter, search and seize at any time of the day or night, and could be used for this act, whether or not this new section is inserted. In addition, this specific power applies only to declared listening devices; that is, listening devices declared under section 8 of the act which requires a ministerial declaration published in the *Gazette*. I hope that clears up any of the questions that members have asked.

Once again, I thank the opposition for allowing this measure to go through in its current form and for not being pedantic concerning the office of the public interest advocate.

Bill read a second time and taken through its remaining stages.

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

The Legislative Council agreed to the amendments made by the House of Assembly without any amendment.

Mr LEWIS: I rise on a point of order, sir. Why are we waiting?

The SPEAKER: We are waiting for a message to be delivered from another place.

Mr LEWIS: While we are doing so, I wish to acknowledge the sense of excitement I have on the eve of the Centenary of Federation.

ADJOURNMENT

At 5.52 p.m. the House adjourned until Tuesday 15 May at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 1 May 2001

QUESTIONS ON NOTICE

CALL CENTRE STAFFING

34. **Mr KOUTSANTONIS:** How many people staff the 11444 call centre, how many complaints have been received regarding service and how are they resolved?

The Hon. R.L. BROKENSHIRE: The Minister for Police, Correctional Services and Emergency Services has been advised by the Commissioner of Police of the following information:

Police Communications Branch is staffed on a 24 hour basis by five teams, each team consisting of 19 personnel comprising a team manager of the rank of senior sergeant, a team sergeant, two team leaders and 15 other ranks.

The number of personnel per team on duty at any one time will vary, depending on sickness, leave or other contingencies. Start and finish times of teams overlap to ensure continuity and to boost the numbers for peak load periods. A flexible roster system also caters for workloads.

There are six dispatch booths, which must be staffed on a 24-hour basis. The dispatchers provide communication with police patrols using radio and the CAD system covering the wider metropolitan area of Adelaide, which extends from Two Wells to the north, Mount Barker to the east and Victor Harbor to the south.

The police call-takers answer the eight in-coming 000 lines and eight in-coming 11444 lines, with 000 lines having the highest priority as well as other calls put through to Police Communications Branch.

There are over 150 in-coming lines to Police Communications Branch, apart from 000 and 11444 lines. Call-takers are required to answer these calls which are done so on a priority basis. Some of these in-coming lines include:

Airport Emergency Lines
Metropolitan Fire Service
Ambulance Service
Country Fire Service
Alarm Companies
Police Stations
Accident Towing Authority

Ten complaints were received regarding delays in telephone calls not being answered promptly by police call-takers at Police Communications Branch for the financial year 1999-2000. Four complaints concerned delays in answering 000 lines, five concerned delays in answering 11444 lines and one concerning delays in answering the Accident Tow Line.

An analysis of the 10 complaints received against the projected total number of incidents to be entered on the CAD system for this calendar year represents a complaint ratio of .002 per cent.

The complaints are analysed and subsequent responses are prepared and forwarded as required. Where required, the necessary and appropriate action is taken to maintain and improve customer service.

NURSING HOMES

43. **Mr HILL:** How many nursing homes in the Noarlunga area have full time activity coordinators and from which funds are they paid?

The Hon. DEAN BROWN: There are eight high care facilities (nursing homes) in the City of Onkaparinga, which includes the Noarlunga area. All have coordinators to provide activities, who may be called activity coordinators, diversional therapists or lifestyle coordinators.

Funding and accreditation of all private residential aged care facilities in the Noarlunga area is the responsibility of the Commonwealth Department of Health & Aged Care.

Facilities receive commonwealth funding through a generic 'Residential Classification Scale' which determines a level of funding for each resident according to their required level of care. All residents are required to pay a base daily care fee according to whether they are a pensioner, part-pensioner or non-pensioner. Some facilities boost their budget through fund raising. Most residential aged care facilities also have a pool of volunteers to support residents. No facilities reported any other funding sources for their activities coordinators.

Although there is no requirement in the Aged Care Act 1997 for facilities to employ activities coordinators, the aged care standards and accreditation agency strongly recommends that facilities allocate an amount in their budget for this service.

WATER AND SEWERAGE RATES

61. **Ms THOMPSON:** What was the average water and sewerage rate for Morphett Vale residents in 1994-95 and 1999-2000?

The Hon. I.F. EVANS: I have been advised as follows:

The Minister for Government Enterprises is advised that SA Water is only able to provide this type of information on a local government area basis and not on a suburb basis.

MOTOR VEHICLE ACCIDENTS

64. **Ms THOMPSON:**

1. How many motor vehicle accidents and injuries occurred at both the eastern and western intersections of Emmerson Road and Bains Road, Morphett Vale?
2. How many expiation notices for speeding have been issued to Morphett Vale residents since 1999 and what proportion of all notices issued does this represent?

The Hon. DEAN BROWN: The Minister for Transport and Urban Planning has already provided a response to question 1 (printed in *Hansard* on 27 February 2001).

Subsequently, the Minister for Police, Correctional Services and Emergency Services has provided the following information in relation to question 2.

SAPOL records two categories of offences with respect to speeding, being speed camera offences and traffic infringement-speeding offences. Both are dealt with by way of expiation notice.

Between January 1999 to November 2000, 8 980 speeding expiation notices were issued to residents living in the 5162 postcode—an area that includes both Morphett Vale and Woodcroft. This postcode is one of the largest in geographic size and second largest by population.

This represents 1.56 per cent of all speeding expiation notices issued in South Australia.

PROPERTY VALUATIONS

67. **Ms KEY:**

1. What are the processes followed by the Valuer-General in determining the capital value of properties?
2. What detailed sampling is undertaken by qualified valuers to substantiate the upward trends in capital valuations in particular areas?
3. How many objections against valuations were lodged in 1999 and 2000 and how many of these have resulted in a decrease in the Valuer-General's original assessment?

The Hon. M.H. ARMITAGE: The Minister for Administration and Information Services has provided the following information:

1. Every property in the state is revalued on an annual basis, as at 1 January in each year. The process involves analysis of sales for each specific property market segment (submarket group) to determine the extent of change, if any, that has occurred over the previous 12 months. Relevant field work is then undertaken to verify the reliability and accuracy of the proposed value levels. In recent times there has been a significant upward trend for near city locations affecting, to differing extents, all residential properties.

Where it is established that the capital values should alter, the new capital values take effect on the following 1 July.

2. Sales in each property segment are analysed to ensure that they are genuine market transactions and that they accurately reflect the correct property characteristics. For example, as sales transactions occur, any obvious family transactions or transactions clearly not at market levels are excluded. Similarly, the properties sold are inspected to ensure that the database accurately records size, house style, house condition, etc. Corrections are made where necessary.

Once the sales have been analysed, they are compared to the valuation database to determine whether a change is warranted in that submarket group.

3. In South Australia there are approximately 750 000 property assessments. In 1999-2000 there were 3 563 objections (0.47 per cent of all properties) including a small number where the value was thought to be too low. Of these 1 862 resulted in reduced valuations.

EMERGENCY STOPPING RAMPS

74. **Mr ATKINSON:** Are the gravel emergency ramps for heavy vehicles that lose their brakes on the downward track of the Highway from Eagle on the Hill to Glen Osmond adequately signposted?

The Hon. DEAN BROWN: The Minister for Transport and Urban Planning has provided the following information:

The signage for the safety ramps on the new road between Eagle on the Hill and Glen Osmond is in accordance with the Australian standards (AS1742-2) and accepted traffic management practice.

However, some upgrade of general safety related signage will be undertaken, in line with the advice provided to the Legislative Council on 15 March 2001 (*Hansard* page 1069).

STATE UPDATE

77. **Mr HILL:** What is the frequency and distribution of the publication 'State Update from the Premier of South Australia' and what are the associated production, printing and distribution costs?

The Hon. J.W. OLSEN: The following information outlines the costs involved in the production of the State Update:

The State Update is distributed monthly to business leaders, volunteer, service and community groups including sporting and recreation groups, local government, libraries, members of parliament, state government department and regional development authorities.

It must be kept in mind that it is not possible to be completely precise in the actual cost of production due to the varying amount of toner used at the printing stage, which is dependant on the amount of colour that is used in the layout.

This also accounts for the inability to provide completely accurate figures on the average cost of production for the State Update on a month by month basis as the amount of colour used in each month's publication varies considerably. Therefore, the most recent print run, being the February State Update, has been used. These costs should only be considered indicative, however, every endeavour has been made to be as precise as possible.

Item	Number of Units	Unit Price	Cost
A3 Paper	2410	$0.03312	$79.81
A3 Envelopes	34	$0.231	$7.84
DL Envelopes	1220	$0.04	$48.80
Copying (as per lease)	2410	$0.9042	$2179.12
Toner Cost (Black)	0.8 (approx)	$266.99	$213.59
Toner Cost (Colour)	1.5 (approx)	$296.84	$445.26
Distribution (folding, postage and handling)	1220	N/A	$843.98
Miscellaneous Postage (a)	21	$1.47	$30.87
Miscellaneous Postage (b)	1	$5.10	$5.10
Total Cost	2410	$1.60	$3854.37

VEHICLE OWNERSHIP

82. **Mr CLARKE:** Does the minister intend amending the Road Traffic Act to provide that on the sale of a registered motor vehicle both the new and previous owners notify the Registrar of Motor Vehicles of the change of ownership and if not, why not?

The Hon. DEAN BROWN: The Minister for Transport and Urban Planning has provided the following information:

The appropriate legislation is the Motor Vehicles Act. Prior to the introduction of the present system in July 1990, the Motor Vehicles Act made it compulsory for the seller of a motor vehicle to lodge a notice of sale separately from the application to transfer that must be lodged by the buyer. The system did not work as the majority of vehicle sellers failed to lodge the notice of sale.

Since July 1990, while there is no legal obligation on the seller to advise the registrar of the sale of a motor vehicle, the seller may nevertheless do so. Where this information is received, it is recorded on the Register of Motor Vehicles, until such time as the buyer fulfils his or her obligation to transfer the registration.

In addition, the notice of disposal may be completed and retained by the seller as evidence of disposal of the vehicle. The notice of disposal can then be used as evidence of disposal, in the event that the buyer fails to comply with his or her responsibility to transfer the registration, and the vehicle is subsequently detected for a red light or speed camera offence, or a parking offence.

In view of the failure of the pre July 1990 processes—whereby it was compulsory for both the seller and the buyer to notify the Registrar of the sale of a registered vehicle—the government is not considering an amendment to the Motor Vehicles Act to re-introduce the same processes, as proposed by the Member for Ross Smith.