HOUSE OF ASSEMBLY

Wednesday 15 November 2006

The SPEAKER (Hon. J.J. Snelling) took the chair at 2 p.m. and read prayers.

STATUTES AMENDMENT (DOMESTIC PARTNERS) BILL

Her Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as may be required for the purposes mentioned in the bill.

SCHOOLS, AQUATICS PROGRAMS

A petition signed by 4 436 residents of South Australia, requesting the house to recognise aquatics as a legitimate part of the school curriculum which provides valuable water education to young people given our nation's vast number of unprotected coastlines, rivers and lakes and to urge the government to maintain current funding to school aquatics programs, was presented by Mr Pederick.

Petition received.

WORKPLACE RELATIONS LAWS

The Hon. M.D. RANN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: Yesterday the High Court of Australia handed down a decision that has very far-reaching consequences for the future of federal state relations in this country. Not since Federation in 1901 has a decision not referred to a referendum so fundamentally changed the nature of our Australian constitution. Seven High Court justices ruled, in a decision I note that was not unanimous, to alter the very shape of federalism in this country. The High Court ruling on the validity of the federal government's new industrial relations laws was not just about those laws. The effects of the decision are far greater and every Australian should be aware of what really took place yesterday.

In January this year, the industrial relations minister and I walked down to the High Court offices in Adelaide to personally lodge South Australia's own challenge to the federal government's WorkChoices laws. Our statement of claim, prepared by the Solicitor-General, Mr Chris Kourakis QC, argued that the federal IR legislation, which relied on the corporations power in the constitution, went well beyond the powers granted to it under that constitution. For example, the legislation says that, just because a contractor does business with corporations, this is enough of a connection to allow federal industrial laws to apply to the contractor. It was our belief that this stretched the constitution to its breaking point.

Eventually, the states combined to challenge the federal WorkChoices laws in the High Court, because we believed that using the corporations power in the constitution to enact a national industrial relations scheme fundamentally undermined states' rights and that it was a recipe to give Canberra unfettered power. We have here the best industrial relations record of peace in mainland Australia, and we do not want to lose that advantage. Interestingly—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —High Court justices Kirby and Callinan, in separate judgments yesterday, held that the WorkChoices legislation was wholly invalid and, in effect, upheld the states' argument in relation to the corporations power. According to our legal experts, the practical effect of yesterday's High Court ruling confirms our fears. The ruling widens to a very great extent the scope of the commonwealth's power to pass laws on any subject provided that the law is directed at a trading, financial or foreign corporation. I am advised that, given the pervasive role of corporations in modern life, the reach of the commonwealth's power has now been confirmed as being vast.

As the chair of the Council for the Federation representing all the states and territories, I believe that a constitutional convention should be held to consider the future of federal/state relations in our nation as a consequence of yesterday's decision.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: I believe that the convention should be held in Canberra in early 2008 after the next federal election, and on the tenth anniversary of the last Constitutional Convention on whether Australia should become a republic. I also believe that leaders of federal and state oppositions should be invited to attend that conference, along with the Prime Minister and the premiers. I also believe that a constitutional convention should be held after the next federal election, regardless of which party wins. To hold a convention prior to the election would, I believe, see it engulfed in partisan politics. What Australia now needs is a fresh look at federalism so that federal/state relations and our constitutional arrangements can be made more relevant to the realities of the 21st century.

Yesterday's High Court decision fundamentally twists the constitution and further undermines the role and powers of the states, even though Australians were not given a vote to amend the constitution through a referendum. If referenda to change the constitution follow on from such a convention, then at least the people of Australia will have the chance to have their say, because yesterday the people of Australia had no say. Yesterday's decision is the thin end of the wedge. It mandates the federal government's right to use corporations powers to interfere in other state responsibilities—

Ms Chapman interjecting:

The SPEAKER: Order! The deputy leader will come to order.

The Hon. M.D. RANN: —such as health, education, the environment and planning. The High Court decision is not only an assault on fairness in industrial relations, it is also an assault on state and territory responsibilities. Australia is a continent, not just a country, and there are clear regional differences. I do not believe that Australians want what is happening in their street, their neighbourhood, their suburb or their state to be remotely controlled by bureaucrats in Canberra.

PAPERS TABLED

The following papers were laid on the table:

By the Speaker—

Pursuant to Section 131 of the Local Government Act 1999 the following 2005-06 annual reports of Local Councils:
Adelaide Hills
Prospect, City of

By the Minister for Health (Hon. J.D. Hill)—

Coast Protection Board—Report 2005-06
Dog and Cat Management Board—Report 2005-06
Native Vegetation Council—Report 2005-06
Upper South East Dryland Salinity and Flood Management Act 2002—Report 2005-06
Vulkathunha-Gammon Ranges National Park Co-Management Board—Report 2005-06

By the Minister for Housing (Hon. J.W. Weatherill)—

South Australian Aboriginal Housing Authority—Report 2005-06
South Australian Community Housing Authority—Report 2005-06
South Australian Housing Trust—Report 2005-06.

HUNTER, Mr R.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I seek leave to make a ministerial statement regarding the death of Mr Richard Hunter, a Ngarrindjeri elder.

Leave granted.

The Hon. J.W. WEATHERILL: The state government was saddened to learn of the passing of Mr Hunter, and extends its condolences to his family, the Nanguraku peoples, the Peramangk peoples and the Ngarrindjeri nation. Mr Hunter was a much-respected member of the Aboriginal community and was passionate in sharing his knowledge of Ngarrindjeri cultural traditions. With his passing, an important cultural link to the past is lost, but it is important to note that his daughter, Isobel, will continue his good work for the benefit of future generations. I am informed that Isobel and other family members are here today, and I acknowledge their presence. The Rann government recognises that this is a difficult time for all Ngarrindjeri people who not only have lost a family member, a friend and respected leader of their community but who also feel a sadness to lose a member so committed to preserving Aboriginal culture and traditions in addition to his commitment to conservation of the environment.

Mr Hunter was a great advocate for the Aboriginal community of South Australia, particularly those in the Murraylands region. Mr Hunter was a man of vision who was passionate about the protection of Aboriginal heritage, art and culture. He was also highly respected by both Aboriginal and non-Aboriginal people in the Murraylands and throughout Australia. For the past 20 years, Mr Hunter worked tirelessly as a volunteer to establish the Ngaut-Ngaut Conservation Park as a significant tourist experience, creating a business enterprise for Aboriginal people to build on well into the future. It is viewed as a model of co-management in developing partnerships between the Aboriginal community and government. Many local communities and organisations have benefited from his assistance.

In January this year, Mr Hunter received the Citizen of the Year Award to commemorate his significant contribution to South Australia as part of the national Australia Day celebrations. Mr Hunter will be remembered as a traditional owner and respected elder of the Ngarrindjeri who facilitated an exchange of ideas and cultural values not only between communities and government locally but also nationally and internationally. He worked tirelessly to pass Aboriginal wisdom to the next generation so that this great knowledge would not be lost but would be preserved for future generations. The work undertaken to showcase and protect Aboriginal art, heritage and culture by Mr Richard Hunter is an important legacy for all South Australians.

Honourable members: Hear, hear!

MURRAY-DARLING BASIN

The Hon. K.A. MAYWALD (Minister for the River Murray): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.A. MAYWALD: Yesterday in this house the Premier made a ministerial statement stressing the unprecedented extreme drought conditions in the Murray-Darling Basin. He also advised of the outcomes of the recent emergency summit with the Prime Minister and premiers last week and informed members about some of the options being considered to ensure water security for South Australians. I am also aware that members of the opposition took the opportunity to ask a number of questions of the Premier about the possibility of building a temporary weir at Wellington and other measures being considered by the government's Water Security Advisory Group. My absence from the house yesterday was due to the critical importance of meeting with drought-affected River Murray licensees and their communities at forums hosted by the Murray-Darling Basin Natural Resource Management Board. Around 900 people attended meetings at Langhorne Creek, Murray Bridge and Waikerie both yesterday and the day before, and another 500 people are likely to be at Berri this afternoon.

The Leader of the Opposition asked why 760 gigalitres of water was released over the barrages in 2005-06. Approximately 770 gigalitres flowed over the barrages in the 2005-06 water year. Of this amount, approximately 450 gigalitres was unregulated flows, which included 180 gigalitres of return flows from the Barmah-Millewa Forest environmental watering event by New South Wales and Victoria. The remainder (320 gigalitres) is comprised of Eastern Mount Lofty inflows, water received in excess of entitlement flow, (that is, above our 1 850 gigalitre entitlement flow) and rainfall.

Last water year, South Australia received approximately 2 300 gigalitres over the border as a large portion of unregulated flows could not be diverted and stored in Lake Victoria due to capacity constraints, or because it was water that exceeded the inlet capacity of Lake Victoria. Either way it could not be stored. Some 400 gigalitres of this water was in excess of South Australia's entitlement flow. As a result of the extra flows, irrigators received 100 per cent of their allocation in 2005-06. At the time, SA Water reservoirs in the Mount Lofty Ranges were at 96 per cent in December 2005, when the majority of the excess water was available in the river and we had little capacity to hold additional water. SA Water pumped only what it needed, and at that stage it did not need further pumping other than that which was scheduled in its pumping program. Also, this water could not be stored in the Lower Lakes because, once lake levels reach around 0.81 AHD, water starts to spill uncontrollably over islands. The only way to measure this spill is to operate the barrages, and this was undertaken in a release pattern to obtain the best ecological outcomes for the Coorong, Lower Lakes and Murray Mouth.

It is worth noting that the 770 gigalitres was the largest volume that has flowed over the barrages for several years and allowed us to achieve two of the 21 targets in the management plan that we have for the area, which is an extension of the estuarine area and promotion of quite a significant fish spawning event. It is also worth noting that the median flow over barrages is approximately 3 000 giga-

litres per annum, so the 770 gigalitres was well short of this median flow.

In response to the Leader of the Opposition's question about the worst case scenario for irrigator allocations in 2007-08—and I hope he is listening. Is the Leader of the Opposition listening?

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: I am responding to a question from the Leader of the Opposition.

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: I rise on a point of order. It is not acceptable for a minister, in her ministerial statement, to call upon a member who is not listening when he is clearly present.

Members interjecting:

The SPEAKER: Order! There is no point of order as such. When a minister answers a question or gives a statement, it is for the benefit of the whole house, not any particular member. So, I do not think it really gets us very far when ministers call to attention individual members who are not paying attention to the answer. I encourage the minister to go on with her statement.

The Hon. R.J. McEwen: It would have been a courtesy, that is all.

The Hon. K.A. MAYWALD: Yes; thank you. Courtesy and listening to answers to questions is another issue. In response to the Leader of the Opposition's question about the worst case scenario for irrigator allocations in the 2007-08 water year, if the current conditions continue and we do not receive any significant rainfall and, therefore inflows into the system, the worst case scenario could be zero allocations for irrigators and other licensees. However, nobody is in a position to make a prediction about allocations at this point, and the government's Water Security Advisory Group is considering all options to address all scenarios.

In considering worst case scenarios, the government's Security Advisory Group identified, among other things, the possibility of building a temporary weir at or near Wellington. As I have advised people at the public drought forums, it is very early days. The temporary weir would go ahead only in the case of the worst case flow scenarios and only after extensive consultation with affected communities has occurred, feasibility work has been done, and the necessary approvals have been obtained. We hope we do not have to build it, but we absolutely need to do the necessary planning and scoping work now in preparation for the worst.

A number of other issues will need to be addressed, including the need to plan for how we would be able to supply water to irrigators and towns around Langhorne Creek, Currency Creek and the dairy farmers around Meningie and Lake Albert; indeed, all of those communities below Wellington. Other options being considered by the Water Security Advisory Group include the potential to supply water to Clayton and Point McLeay communities through mini desalination plants; minimising losses in the system by blocking off permanently inundated backwaters and wetlands; mining the weir pools and other micro-management techniques; piping water to farmers around the lakes who do not have access to ground water; building a channel from Lake Albert to the Coorong and connector drains from the Upper South-East to the Coorong. All of these issues are being considered. No decisions have been made at this point.

As irrigators and communities struggle with widespread drought, the River Murray environment is also a significant victim. The member for Frome asked about the quantity of water being pumped onto the Chowilla floodplain this year. By the first week in December just under 4 gigalitres of water will be pumped. All of that water is Living Murray water made available by the Murray-Darling Basin Commission for environmental purposes. It is not available to South Australian irrigators, nor could any state unilaterally make it available for irrigators. The total area being watered is about 4.5 per cent of the Chowilla floodplain, which is about .8 per cent of the floodplain in South Australia (less than 1 per cent)—it is a drop in the ocean. We have also postponed and suspended many other watering programs that were on the agenda for this year.

At the drought forums this week, the response from communities has been overwhelming. People are hungry for information. They know how serious things are and that drastic situations require drastic measures. Naturally, they want to be involved in the process of identifying potential solutions and making decisions about their own future. Many questions have been asked and answered; others will continue to be discussed over the next months. I have given, and will continue to give, a strong undertaking from this government that all River Murray irrigators and communities will be involved and consulted every step of the way in coming to terms with what measures we might need to put in place to secure our water supply for the remainder of this year and, probably more importantly, in the worst case scenario, for 2007-08.

Those irrigators and communities know that, while we hope for the best we must, as a responsible government, plan for the worst. While this government does not resile from South Australia's long-term goals to ensure the sustainability of the river, the planning and scoping that we are undertaking at present is critical to making the best possible decisions we can under extremely low river flows. I and my colleagues look forward to strong and responsible bipartisan support from the opposition during this time, in the same way we are receiving from the Prime Minister and his government.

Mr HAMILTON-SMITH: Mr Speaker, I draw your attention to standing order 121 and practices and procedures of the place specified in Erskine May in regard to attacks upon the courts by members of parliament under parliamentary privilege. A moment ago the Premier launched an extraordinary attack against the High Court, naming individual High Court judges with whose decisions he agreed and, by implication, condemning High Court judges whose decisions he disagreed with. I also overheard the senior law officer of this state (the Attorney) interject that those who made decisions with which the Premier did not agree were 'judges by name only'. I ask you to reflect on whether standing orders have been breached and whether the Premier or the Attorney should withdraw their remarks or qualify them.

The SPEAKER: I point out that Standing Order 121 refers to the Governor and the Sovereign. There is no particular reference in it to the courts or the judiciary. However, I do understand that that particular standing order has been expanded somewhat so as to include members of the judiciary. For the Premier to have been out of order or to have been required to move a substantive motion, he would have to have made some personal reflection upon any of those justices. Simply criticising a decision made by the High Court does not constitute in any way a personal reflection or

anything like that, nor do I believe that the comment that the Attorney made across the chamber constituted a personal reflection. So, there is no—

Members interjecting:

The SPEAKER: Order! I am still on my feet. I do not uphold the point of order.

LEGISLATIVE REVIEW COMMITTEE

Mrs GERAGHTY (Torrens): I bring up the 12th report of the committee.

Report received.

Mrs GERAGHTY: I bring up the 13th report of the committee.

Report received and read.

PUBLIC WORKS COMMITTEE

Ms CICCARELLO (Norwood): I bring up the 247th report of the committee, on the Hampstead Road/Regency Road/Muller Road intersection upgrade.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 248th report of the committee, on the Mawson Connector Stage 2, Elder Smith Road.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 249th report of the committee, on the Bio Innovation SA Business Incubator Building.

Report received and ordered to be published.

VISITORS TO PARLIAMENT

The SPEAKER: I draw the attention of members to the presence in the chamber today of students from Gladstone High School, who are guests of the member for Frome, and students from Pembroke School, who are guests of the member for Hartley.

QUESTION TIME

DESALINATION PLANT

The Hon. I.F. EVANS (Leader of the Opposition): My question is to the Premier: will the government fast track the scoping of a desalination plant for metropolitan Adelaide? Western Australia is commissioning a desalination plant to provide some 70 per cent of metropolitan Perth's water supply, and there are discussions in Melbourne about desalination plants. When establishing the Water Security Committee, the Treasurer indicated that all options were being considered.

The Hon. M.D. RANN (Premier): I announced to this house today that in my discussions with the Prime Minister last week, and also with Malcolm Turnbull, the Parliamentary Secretary on Water, in Adelaide this week, we discussed the construction in South Australia of a desalination plant which would be the biggest in the Southern Hemisphere. The proposal is that it will be built somewhere between Port Augusta and around Stony Point and Whyalla. This is considered to be a way of relieving pressure on the River Murray and returning water back to the River Murray, and, at the same time, providing fresh water to the Spencer Gulf cities, to the Eyre Peninsula—including the great city of Port Lincoln—and also, of course, sustaining the major mining developments, including the Olympic Dam expansion. Our proposal to the Prime Minister, our proposal to Malcolm Turnbull, would be for funding that would include a substantial contribution of federal funding under the National Water Initiative, funding from the state government, and funding from BHP Billiton. So, yes, the answer is: South Australia is considering building the biggest desalination plant in the Southern Hemisphere.

GREENHOUSE GAS EMISSIONS TRADING SCHEME

Ms PORTOLESI (Hartley): Can the Premier inform the house about the national emissions trading scheme proposed by state and territory first ministers?

The Hon. M.D. RANN (Premier): Thank you very much for that question.

An honourable member interjecting:

The Hon. M.D. RANN: Oh, you don't believe in global warming? Okay. Unlike the Howard government, the South Australian government has recognised for some time that an emissions trading scheme is a significant policy initiative to cap greenhouse emissions across the nation, and is an important step in tackling climate change. There is no lack of evidence today to show that the planet and future generations face a threat greater than terrorism. The CSIRO report that I tabled in this house in September confirms that the impact on temperature from climate change is already occurring in South Australia. The report found that climate change will have a significant impact on water supply, floods, sea level and storm surges. It also says that high temperatures and lower rainfall will lead to an increase in drought and fire in our state.

While world scientists, and, more recently, economists such as Sir Nicholas Stern, advised world leaders of the need for urgent action to tackle the impacts of climate change, Australia nationally is left flat-footed on the most important policy issue that faces the world today. State and territory governments, as well as the Australian Business Roundtable on Climate Change, have recognised the need for an emissions trading system in Australia to deliver emissions reductions.

On 16 August, New South Wales Premier Morris Iemma, Victorian Deputy Premier John Thwaites and myself, in Sydney, publicly released the discussions paper called 'Possible design for a national greenhouse gas emissions trading scheme'. Put very simply, a national emissions trading scheme will put a cap on the amount of carbon released into the atmosphere. The proposed model in the paper is designed for the electricity generation industry and requires these companies to have permits that grant an allowance to emit greenhouse gases. Penalties will be imposed for breaches of permits, and companies will be able to trade permits, thereby increasing their emissions allowance. Participants in the trading scheme will also be able to increase their permits or allowances by offsetting greenhouse gases through carbon reduction schemes such as tree planting and carbon sequestration.

This proposal has been developed by state and territory governments since January 2004 when the first ministers established the National Emissions Trading Task Force. The discussion paper follows an extensive investigation and a nationwide consultation process. The task force received a

submission from all major industrial sectors, industries, environmental groups and the agricultural sector. The industry round table, which has been consulted on the development of the discussion paper, includes the Australian Chamber of Commerce and Industry, the Australian Coal Association, the Minerals Council of Australia, the Australian Industry Group, the National Farmers Federation, the Australian Aluminium Council and the Business Council of Australia. I am advised that the federal government has been invited on a number of occasions to take part, but it has consistently refused.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: In the absence of national leadership from the federal government, the states and territories have been prepared to go it alone. Although South Australia produces less than 5 per cent of total greenhouse gas emissions in the nation, we acknowledge that we have a responsibility to do all we can to cut our emissions and respond to the perils of climate change. Three months ago Prime Minister Howard and his industry minister, Ian Macfarlane, were claiming that the emissions trading scheme was doomed to fail. *The Australian* of 4 August states:

> . . . last night John Howard said the state scheme was 'doomed to fail' because it would suffer the same fate as the wildly fluctuating European system.

In parliament, on Wednesday 16 August, the Prime Minister said:

> I heard the Premier of New South Wales and the Premier of South Australia waxing lyrical about the plan on radio this morning. . . The hardest hit states under this plan will be the resource-exporting states of Queensland and Western Australia. Workers will see their jobs disappear and jobs exported to other parts of the world. . . let me say to Mr Beattie. . . why don't you stand up for jobs in the coal industry in Queensland? And why don't you tell your Labor mates in New South Wales and South Australia that you are not going to have any truck with a proposal that would cripple the resource industry in Queensland, export jobs from that great state and impose unbearable, higher petrol prices on Australians at a time when we face the prospect of even higher fuel prices. . . I want to say that while we have control of policies in this area, we are not going to sell out the Australian resources sector and we are not going to sell out the workers in the resources industry.

In *The Advertiser* of Monday 21 August, the federal industry minister Ian Macfarlane was reported as saying that there is no need to put a price on carbon as businesses will lower emissions themselves when the technology is available. Mr Macfarlane was also reported as saying that the existing carbon trading schemes, as in Europe, were 'absolute failures'. In parliament, on Thursday 17 August, he said:

> In its climate change policy, this government has the balance right between lowering emissions and maintaining economic growth.

Just a few short months later, the Prime Minister appears to have had an epiphany—a transformation of near biblical proportions. On Monday 13 November, at the Business Council of Australia's annual dinner in Sydney, the Prime Minister said that he would commission a government-business group to develop a carbon trading scheme for Australia. He said:

> The government will establish a joint government-business task group to examine in some detail the form that an emissions trading system here in Australia and globally might take in the years ahead.

The states and territories have been actively working on emissions trading for some time with the possibility of having the scheme commence as early as 2010. The Howard government's intransigence and unwillingness to participate to date has resulted in lost opportunities and lost time to deal with this pressing global issue. I intend to send the task force this discussion paper which does exactly what the Prime Minister now says he wants. It outlines in some detail a possible design for a national greenhouse gas emissions trading scheme for Australia.

DESALINATION PLANT

The Hon. I.F. EVANS (Leader of the Opposition): My question is again to the Premier. Has the state government raised with the federal government the possibility of a desalination plant for metropolitan Adelaide and, if so, has the government discussed with the commonwealth federal funding for such a plant? As the Premier mentioned in his previous answer, the state government met with the Parliamentary Secretary to the Prime Minister on Water, Malcolm Turnbull, and discussed a wide range of water issues. The Deputy Premier previously advised the house that all options are on the table.

The Hon. K.A. MAYWALD (Minister for the River Murray): This is just a rework of the previous question. The answer is quite simple: all options are on the table and being considered. It would not be feasible to build a desalination plant in Adelaide, in the time frames that we need to deal with, in the current drought situation. All the issues of desalination in the long term are on the table for further discussion. We can deliver, however, on the desalination plant in partnership with BHP and the federal government—those talks are progressing. A whole range of issues, which I outlined in my ministerial statement and to which I refer members, is being considered by the Water Security Advisory Group as proposals that we can manage to deal with, potentially, within the time frames that are available to deal with the shortage of supply at the moment.

Mr Pengilly interjecting:

The SPEAKER: I point out to members that, when interjecting, repeating it over and over will not make it any funnier.

EDUCATION, TECHNOLOGY

Ms FOX (Bright): My question is to the Minister for Education and Children's Services. Will the minister advise the house on how new technologies are being used in South Australian schools?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Bright for her question. She has great experience and a keen interest in education and I know she is interested in the technologies used in our schools. I also offer my condolences to the Hunter family at this very difficult time. Technology in schools has moved on significantly from the old days of groups of students crowding around a Commodore 64 terminal as they did in the 1980s and 1990s. I am pleased to advise that South Australian school students will take part in a new online classroom activity as part of a $1.8 million Rann government initiative around this area of learning.

A series of local online activities is being developed through a three-year program, with the first now available for use. Eighteen so-called e-teachers have been appointed across South Australia to lead the program and maximise the use of technology in South Australian classrooms. This new approach will give students and teachers programs at their fingertips, building on programs previously offered at the Technology School of the Future at Hindmarsh. Next year the

Technology School of the Future's activities will be refocused to deliver teacher training to schools across the state using state-of-the-art video conferencing facilities. The student programs at the centre will now be offered directly in schools. Nine staff members will be part of a team delivering these programs across the state, helping to take them out of Adelaide to reach more students in country and remote areas. Nearly $26 million has been spent on investing in broadband internet access for schools, and other new technologies have opened up a whole range of new ways for children to learn.

We will be increasing the speed of our internet access to schools even further in the next year because we want schools to capitalise on the new technology available and new ways of online learning. These programs will complement other online opportunities we have introduced in our schools, including virtual classrooms which connect students in schools often hundreds of kilometres apart using our interactive white board technology, which is increasingly available in schools. It will also give teachers more tools to take learning into the digital age by helping to make lessons more relevant and interesting for today's very technology savvy children. Online learning through the new program opens up many possibilities. I know there are particularly good programs in Ceduna that have been available from these programs with virtual field trips, virtual galleries, heritage treasure hunts, travel buddies, online debates and forums.

Activities could range from such things as, for example, an online discussion with an author to a webcam discussion with experts on wind farms, perhaps supported with online units of work about alternative energies. It could also involve a discussion between students in different schools who are studying the same text, or provide an opportunity for junior school students to talk with kindy pupils about starting school. Classroom activities will be posted online as they are developed, so teachers can browse and select appropriate activities to use in their lessons.

This new District e Teacher Program acknowledges the importance of having high quality online learning experiences in classrooms as a modern way of learning, and has moved a long way since many children (perhaps some of us) crowded around those old Commodore 64 terminals 20 years ago.

DESALINATION PLANT

The Hon. I.F. EVANS (Leader of the Opposition): Does the Premier agree with the comments of the then acting minister for administrative services that Adelaide does not need a desalination plant? In *The Advertiser* of 14 October this year, the acting minister for administrative services stated, 'We don't believe a desalination plant is necessary for Adelaide.'

The Hon. M.D. RANN (Premier): I announce again today that I can confirm my previous statements that we are considering building the biggest desalination plant in the history of this nation and, indeed, amongst the nations of the southern hemisphere. This, of course, would be of direct benefit to all South Australians, including the citizens of Adelaide. It would return water to the River Murray, because it would be creating water that would otherwise be used from the River Murray to supply Port Pirie, Port Augusta, Whyalla, the great city of Port Lincoln, the Eyre Peninsula—

An honourable member interjecting:

The Hon. M.D. RANN: No, not only to supply the needs of BHP Billiton's mammoth expansion at Olympic Dam, but also to provide water for the system that would otherwise be provided from the River Murray. I believe that all of us should be ad idem on this. We have the National Water Initiative, which is a substantial pooling of money, in which our number one bid is for a commitment of more than $100 million, from memory, from the federal government to invest in the biggest desalination plant in Australia, which would benefit all the citizens of this state, including the citizens of Adelaide.

HOSPITALS, WINTER DEMAND

Ms CICCARELLO (Norwood): My question is to the Minister for Health. Has the demand for services in our state's public health system returned to normal after a record-breaking winter?

The Hon. J.D. HILL (Minister for Health): I thank the member for Norwood for her important question. As I have explained to the house in the past, since May this year, our public hospital emergency departments have been experiencing record demand. Unfortunately, this year has not followed the usual trend, which would have seen demand in emergency departments fall in spring. For instance, in the week from Tuesday 4 November to Wednesday 10 November, Adelaide's five major metropolitan hospitals had 4 847 attendances at emergency departments. That represents an 11.5 per cent increase in the number of attendances compared with the same week last year, and a 16.5 per cent increase compared with the year before. So, there are extraordinary pressures in our health system.

In particular, the Lyell McEwin Hospital had a 31 per cent increase in the number of attendances compared to the same week in 2004. The Flinders Medical Centre is also having a record-breaking November, and on a number of days the hospital experienced a 20 per cent increase on last year's attendances. This week, the demand at Flinders has been particularly strong, with 547 emergency attendances between Sunday and Tuesday.

The SA Ambulance Service is also experiencing a record demand for its services. On Thursday 2 November, for example, the service had the highest ever number of ambulance transport calls to emergency departments, transporting 365 metropolitan patients in the space of one day. Due to this strong demand up to 100 extra beds are still being opened across the hospital system. The cause of this late rush on hospital services has much to do with our ageing population but, surprisingly, little to do with the flu, which has not hit our state hard this year. I can only imagine how difficult the pressures would have been on the hospitals if there had been a bad flu year.

We are now preparing strategies so that we can further improve our emergency demand system in 2007. We expect that we will see continued growth in demand, particularly centred on the Flinders, Lyell McEwin and Royal Adelaide emergency departments; therefore a priority will be identifying extra beds and more out-of-hospital care along Adelaide's north to south corridor. We will further improve the efficiency of the emergency patient flows inside hospitals and develop better links with non-government health providers, such as the RDNS and general practice.

In the meantime, again, I thank all the hard-working doctors, nurses, allied health professionals and other officers from our hospitals who have put in such a remarkable effort

over the past six months. I assure them that the people of South Australia appreciate their amazing efforts.

WELLINGTON WEIR

The Hon. I.F. EVANS (Leader of the Opposition): My question, again, is to the Premier. Who is correct on the timing of when the proposed weir at Wellington will be completed—the Minister for the River Murray or the Premier? Yesterday the Premier told the house that the weir will not be completed until December 2007, yet reports coming out of the public meetings indicate that the Minister for the River Murray is advising that the weir will be constructed to catch the winter and spring rains.

The Hon. M.D. RANN (Premier): The Minister for the River Murray and I are ad idem.

HOUSING ASSISTANCE

The Hon. P.L. WHITE (Taylor): My question is to the Minister for Housing. How is the government assisting older social housing tenants to remain independent?

The Hon. J.W. WEATHERILL (Minister for Housing): I thank the honourable member for her question and acknowledge her strong advocacy on behalf of social housing tenants, particularly those in her electorate. I am pleased to announce today a one-off grant of $389 000 to provide more community support for older social housing tenants. This funding is provided through the Office for the Ageing as part of our Ageing Plan and its Kick-Start programs. It will link older people who live in social housing with community programs and services, helping them to become more independent and overcoming their isolation.

A team of community care consultants for seniors will be employed by Housing SA to work across the metropolitan and rural areas in the state to link older citizens with support agencies and programs. The grant and initiative of the government under our Ageing Plan will be used to support a significant proportion of older South Australian social housing tenants who live alone. The funding is targeted at helping those tenants who might be socially isolated, lack the social networks or have limited access to family supports which would otherwise sustain them.

Providing them with more hands-on support means that they will be able to participate in community activities and maintain their independence and health. Members may be interested to know that Housing SA figures show that 33 per cent of Housing SA tenants (that is, 14 409) are aged over 65, with a further 17 per cent (7 315) aged between 55 and 64. In line with the Housing and Community Connections: Older Isolated Social Housing Residents initiative, consultants will work with social housing tenants to meet their needs by:

- building networks;
- exploring options for older tenants to participate in community activities;
- assessing current and future needs in terms of housing requirements; and
- ensuring they are connected with the relevant supports.

This is a great example of an initiative that will help manage the needs of ageing tenants both in the short term and into the long term. By delivering the right services and information, we can ensure that older social housing tenants have access to the services they need and that they feel safe and connected to their communities.

WATER ALLOCATIONS

The Hon. R.G. KERIN (Frome): My question is to the Minister for the River Murray. Given the urgent need for certainty by South Australia's River Murray irrigators, will the minister guarantee that there will be no further reduction from the 60 per cent allocation restriction already imposed on irrigators for this water season; or, if that is not possible, when will the irrigators know their fate for this season? Several irrigators have expressed to me the urgent need to know their allocation as it affects their immediate watering needs.

The Hon. K.A. MAYWALD (Minister for the River Murray): I thank the member for Frome for this very important question, because it is one that is of major concern to irrigators as they work through their irrigation planning for this water year, without even thinking about what they might have to do for the next water year. In terms of the outlook as at 30 October, we looked at all the resources that are available to us and locked in what we believe will be an achievable amount, which is 60 per cent. There are no guarantees, however. We cannot possibly say we guarantee that it will not change, because the moment we locked in that figure, two days later the Murray-Darling Basin Commission reviewed its figures and dropped another 140 gigalitres off the supply that South Australia is likely to receive.

It is impossible in the current circumstances to crystal ball what will happen, but I can guarantee that we will use our best endeavours to lock in that 60 per cent until the end of this financial year. That will include a whole range of measures, including the potential to block off permanently inundated backwaters to get as much water as we can into the channel. It will include mining of the weir pools, because we cannot sustain the normal pattern of delivery of water at 60 per cent. We have given an undertaking to our irrigation community that we will do our best to lock in that 60 per cent to the end of this water year. What happens from thereon in this crystal ball stuff; we just do not know. It is impossible for me to give an unqualified guarantee at this time.

MIGRANT SERVICES

Mr KOUTSANTONIS (West Torrens): Can the Minister for Multicultural Affairs inform the house of what the government is doing to ensure that government agencies are ready, willing and able to deliver to new migrants the services and support to which they are entitled?

The Hon. M.J. ATKINSON (Minister for Multicultural Affairs): South Australia's future depends on many things. Apart from good government, none is more important than having a sustainable, harmonious and productive population. If we did nothing, the South Australian population would decline substantially over the next few decades. The size of the work force as a proportion of the total population would decline even more.

Mr Pisoni: Put on Amanda Vanstone.

The Hon. M.J. ATKINSON: Amanda Vanstone is working cooperatively with the state government on population policy, and I commend her. I notice that both of you are working very hard to bring in physician assisted suicide. Members of the house would be well aware that the Rann government has responded to this challenge through its population policy, Prosperity Through People, and through the state plan that recognises the importance of increasing the population in regional areas. Indeed, South Australia's skilled

migrant intake has increased almost fourfold over the past five years from fewer than 1 900 in 2001-02 to more than 7 000 in 2005-06.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: So, you are on the wagon too, are you? The total migrant intake in 2005-06 for South Australia was more than 10 000. With the success of the government's immigration initiatives, the need for government employees to participate in cultural awareness training is increasing. Members of the house will be pleased to know that the South Australian government has appointed a panel of cultural awareness training providers, who can be used by government agencies to further strengthen the cultural competencies of staff responsible for the planning, development and delivery of services. This will help staff who need to plan for and deliver services in a way that takes into account that many new migrants are accustomed to different arrangements for schooling, health, policing, transport and other matters.

In addition, many are of diverse cultural and linguistic backgrounds. In many situations staff need the assistance of an interpreter to deliver services effectively. I recently signed the contracts for these training providers, and government agencies will be able to get information about their services through the government intranet. The services delivered by each of the training providers will be described on the internet site so that agencies can identify the most appropriate provider for their specific needs and services.

Cultural awareness training could have helped the member for Waite avoid offending the big Polish-Australian community and, at the same time, embracing David Irving style historiography by remarking on the Katyn Forest Massacre, 'Historians are not fully agreed on who was responsible.' Cultural awareness training could have helped the then Liberal member for Lee, Joe Rossi, referring to people from the island of Crete at one of their feasts as 'Cretins'. The providers have been through a thorough assessment process before being offered contracts, and the opportunity exists for additional providers to apply to Multicultural SA to be assessed for possible inclusion on the panel. We can help the opposition.

Mr HAMILTON-SMITH: On a point of order, Mr Speaker: as required by standing orders, members must tell the truth. The matter the Attorney has raised was previously—

The SPEAKER: Order!

Mr HAMILTON-SMITH: —sorted out in a point of order. He is wrong about the Polish community and he has misrepresented my remarks.

The SPEAKER: Order! The member for Waite will take his seat or I will name him on the spot. When you are called to order you return to your seat straight away. Do not try and speak over the chair. The member for Waite knows full well that he has the opportunity to make a personal explanation if he is of a different opinion as to what his comments were from the Attorney-General. However, I would point out the Attorney does stray pretty close to debate, if not actual debate, to be criticising members for comments they may or may not have made. The Attorney-General.

The Hon. M.J. ATKINSON: I am happy to refer the house to the *Hansard* record. We are willing to provide cultural awareness training to members of the opposition. The challenge is to have a sustainable, harmonious and productive population. There is much that needs to be done to attract and maintain new migrants. I am sure that members of the house will welcome the establishment of the panel of cultural awareness training providers as an important part of a range of government initiatives to make our state even more migrant-friendly.

WELLINGTON WEIR

The Hon. I.F. EVANS (Leader of the Opposition): My question is again to the Premier. Is a permanent weir one of the options being considered, if a temporary weir near Wellington is not practicable, and can the Premier confirm that estimates put the cost of a permanent weir at over $100 million? In establishing the Water Security Advisory Committee, the Treasurer said all options are on the table, and the Minister for the River Murray has confirmed that today. When asked yesterday what options are being considered, the Treasurer provided no details.

The Hon. K.A. MAYWALD (Minister for the River Murray): I once again refer the leader to my ministerial statement where I listed a number of the options that are currently on the table. A permanent weir would take several years to erect. We do not have that time, and we may need to put in a temporary dam if the worst case scenario arises next year. Our effort is in dealing with the issues through the Water Security Advisory Committee that can deal with the worst case scenario planning for next year, and that includes a temporary weir at Wellington.

EMPLOYMENT SCAMS

Mrs GERAGHTY (Torrens): Can the Minister for Consumer Affairs inform the house of the actions that are being taken to stop consumers from being stung by self-employment scams which end up costing them money, as opposed to their making money?

The Hon. J.M. RANKINE (Minister for Consumer Affairs): Scams continue to be one of the top three areas of complaint to the Department of Consumer Affairs. It is my understanding that employment scams, in particular, typically become more prevalent at this time of the year. There are a number of reasons why this occurs, but basically the crooks out there tune in to the fact that there are more people looking for employment around Christmas time because their studies have ended or they are feeling the increased financial strain of the festive season.

To help combat that, today I announce a scams campaign that focuses specifically on employment scams. People may well be enticed by schemes that claim to enable them to earn big money with little effort, but they need to be particularly vigilant about get-rich-quick-type offers that seem to be too good to be true. This type of scam can include work-from-home schemes that may simply be pyramid scams, and we know that here in South Australia pyramid schemes are illegal. There are misleading job adverts—

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: As I said, pyramid schemes are illegal here in South Australia. There are misleading job adverts and courses advertised with claims of guaranteed jobs upon conclusion. People should also be aware of anything where they are asked to send money prior to receiving information, or to provide personal details like bank account information to an overseas firm. All these scams are the targets of this campaign. It is probably no surprise to hear that groups targeted by these crooks who perpetrate these schemes

are some of the most vulnerable in our community: young people seeking employment for the first time; people from low socioeconomic groups; women returning to the work force after a long period of absence; indigenous communities; and migrants who are new to the South Australian job market.

Job seekers should be aware of jobs that are not jobs at all, and do their research on any courses that claim to offer employment upon completion. We will be sending information to public and private schools for use in their newsletters and other Department of Education publications. The Indigenous Consumer Assistance Network newsletter will also be used. An editorial will be provided for the careers section Career One of *The Advertiser* and Messenger Newspapers. Other editorials will also be placed in youth publications such as *Rip It Up* magazine. Internet and web site links that offer information about obtaining employment and are targeted to the specific vulnerable groups will also be used. A vigilant attitude to these dubious employment opportunities is definitely the best defence, but I encourage anyone with any further inquiries to contact the Office of Consumer and Business Affairs.

WELLINGTON WEIR

The Hon. I.F. EVANS (Leader of the Opposition): My question again is to the Premier. Has the government requested any advice as to the cost of providing infrastructure to supply water to irrigators and industries below the proposed weir at Wellington and, if so, what is the estimate?

The Hon. M.D. RANN (Premier): Yes, we have. I refer the leader to the ministerial statement made by me yesterday. I refer him to the ministerial statement made today by the Minister for the River Murray. Yesterday I referred to the cost of desalination plants at Clayton and Point McLeay, and also we are making available a very detailed briefing to the leader tomorrow to assist him in his deliberations.

MEAT INDUSTRY, WORKFORCE NEEDS

Mr BIGNELL (Mawson): My question is to the Minister for Employment, Training and Further Education. What is the government doing to assist in meeting the growing workforce requirements of the meat industry in South Australia?

The Hon. P. CAICA (Minister for Employment, Training and Further Education): Not only does the honourable member have a great interest in training requirements but he will be pleased to know that this question focuses on the South-East, with which he has a great affinity. His grandmother still lives in Millicent and I understand that he was an outstanding young performer with the Spuds, the young Murphys. He was a young Murphy and had a distinguished football career in the South-East. I am pleased to advise that the government has taken significant steps to assist the meat industry to address its work force needs, both in the processing and in the retail sectors, through a major collaborative industry project funded through the state government's Workforce Development Fund. This $455 000 project, involving collaboration between the state government and industry, commenced earlier this year and has developed a significant over-arching workforce development framework to meet the skills needs of this burgeoning industry. I would like to thank my colleague, the member for Mount Gambier, for his commitment to providing better training and employment opportunities in his region, and for recently launching the new framework on my behalf.

The meat industry makes a considerable contribution to the state's economy through both local and export trade and is one of the state's largest employer groups. In South Australia the industry currently has a gross revenue of $2.5 billion and employs around 4 500 people. Economic indicators project that an additional 3 000 to 4 000 jobs will be generated in this state in smallgoods manufacture and meat export over the next five years. The project has been managed by the Food, Tourism and Hospitality Industry Skills Advisory Council, which identified significant issues in the industry regarding the recruitment of suitable workers and apprentices and the retention of existing workers. The meat industry framework comprises a number of innovative measures which include the development of scoping tools to identify the immediate workforce requirements of local businesses, the promotion of career pathways that support current employees and the future recruitment of new workers, the design and development of tools to assist managers to address and lead major industry change, and improvements to training delivery that is client-focused and addresses industry needs.

These new measures will continue to build upon the successful project outcomes to date which include:

- the establishment of a school-based apprenticeship program in the South-East to meet the needs of industries in the region, with this project being supported through the delivery of training and work-based assessment provided through the meat studies section of TAFE SA's Regency Campus;
- the development of human resource material to promote the industry as an employer of choice;
- the attraction of new workers through promotional events such as the Butcher for a Day Program, which was recently held in the South-East, with this initiative already attracting 12 young people to undertake school-based apprenticeships in meat retailing;
- the development of a mainstream employment model for the attraction of new workers to meat processing plants in the Upper South-East; and
- consultation with major meat industry processors to formulate a sustainable career-development pathway package for existing workers.

This is a great example of government and industry combining their expertise to work together in a collaborative and positive manner to deliver improved training opportunities and sustainable employment outcomes for all South Australians.

WELLINGTON WEIR

The Hon. I.F. EVANS (Leader of the Opposition): My question is again to the Premier. Can the Premier confirm that the government has received indications that the cost to build water infrastructure to supply water to irrigators and industries below the proposed weir at Wellington may be around $100 million?

The Hon. M.D. RANN (Premier): I will ask the Minister for the River Murray to get a report for you.

NORTHERN EXPRESSWAY

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Transport—and I hope he will answer with as little gesticulation and arm waving as possible, and without theatrics. Is the reason that the Port Wakefield section of the

Northern Expressway project has been reduced to intersection upgrades, and the proposal to expand nine kilometres of Port Wakefield Road to six lanes deleted, because the cost of the blow-out would have been massive, and what was the estimated blow-out? The government originally announced that the nine kilometre section of Port Wakefield Road would be part of the Northern Expressway project and would be upgraded to six lanes. They have now advised it will remain at four lanes.

The Hon. P.F. CONLON (Minister for Transport): I have been looking forward to this because, of course, the shadow minister told everyone he is going to be asking me a string of questions on this today. I am looking forward to finding out how long that string is. I do know that it has taken a long time before Iain has let him ask one at all, but we could all understand why that is the case.

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: I am happy to give you an answer. I am standing here abiding by your quite disorderly request not to engage in theatrics, I think you said, or gesticulations. I am being very orderly and calm, speaking in a quiet voice. I hope you will do your bit and stop interjecting, please, Martin, because that is the sort of person I am.

An honourable member interjecting:

The Hon. P.F. CONLON: No, but he cannot help himself, can he? It does not matter how good my behaviour is.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I am more than happy, sir, simply to answer the question.

An honourable member interjecting:

The Hon. P.F. CONLON: Are you all done now? Thank you.

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. P.F. CONLON: I am determined to be orderly, sir. The nub of the question is that we have done something to change one part of the road to bring the cost down. There were about three questions about blow-outs and so on. The truth is that the member for Waite has been running around all day trying to sell a negative on a story on which no-one else agrees—the commonwealth, the Liberal member for Wakefield, the RAA—but he has been running around trying to sell a negative on a good news story for South Australia. He points to a description that appeared on a Department of Trade and Economic Development web site some time ago about the proposed project as it stood at that time. He says that it has been wound down on Port Wakefield Road to avoid the cost being too high. In fact, almost every single aspect of the project has changed since that time.

The Hon. I.F. Evans: It is how big the blow-out is.

The Hon. P.F. CONLON: I see. It is how big the blow-out was. Of course, he does not mention that 22 kilometres of it is now 23 kilometres. He does not mention that because that would not support his argument. The 22 kilometres of new road is now 23 kilometres. It joins Port Wakefield Road further north than the original proposition, but, of course, the member for Waite in his desperate search for a negative has concentrated—

Members interjecting:

The Hon. P.F. CONLON: There you go, sir. I am determined to be orderly but I simply cannot put up with such disorderly behaviour on the other side. I will slow down until they are prepared to behave, because this is a very good story to tell. The truth is that it is a very positive story for South Australia. Despite attempts by those people on 891 to get Tim Lloyd to say something negative, he simply would not; that is why the Liberal member for Wakefield has said, 'Let's get over it and get on with the project.' It is a terribly important project for South Australia.

The other thing we have been accused of is not consulting on it, and that might be the next question in his string of questions. Our feedback from councils, which is one of the groups that said we had not consulted properly, has been very positive. I note that the commonwealth defence force has been very positive about this today. There have been a number of iterations of this road since its inception in 1997 under a Liberal government as a country road.

The Hon. M.J. Atkinson: Iterations?

The Hon. P.F. CONLON: Iterations—is that all right? Not incarnations—that is too corporeal for my taste. In the desperate search for a negative, we have the opposition spokesperson identifying one part of it. There are changes on Port Wakefield Road, just as there are changes on the new road.

Members interjecting:

The Hon. P.F. CONLON: They cannot help themselves; they are just a rude bunch. Thankfully, I, myself, am a statesman and I can put up with it. He has isolated one tiny part of it. He has not concentrated on the fact, and he will not concede, that the new part of the road is longer and in a different place but, apparently, that is not relevant. It includes a number of upgrades on the Port Wakefield Road. The traffic modelling set is good and fit for purpose in what should be done. All aspects of this enormously important road have changed, and it has had a number of iterations; that is simply life.

This piece of infrastructure will connect up with the completed Port River Expressway, with the bridges over the Port River being constructed and with the deepened Outer Harbor (14.2 metres) to make it a world-class port—something that Victoria has been trying to do for years but has not succeeded with—which will be quietly completed and put in place under this government. The infrastructure upgrades on the Le Fevre Peninsula, spending some $20 million of our money on rail, include the upgraded road and the brand new deep sea grain wharf, which is going to be a tremendous benefit for some in this very place. Of course, the ABB—

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: Sorry? It did what? You built it? Goodness me!

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: It is a bottleneck. We have here some of the most important infrastructure for exporters in South Australia that the state has ever seen, including the biggest new road in living memory, and an enormous contribution to meeting our Strategic Plan targets of increasing exports to $25 billion. One person is desperate to find a negative and that is the member for Waite. I will close by pointing out to him that the federal government cannot find a negative nor can the local Liberal member. The local councils and the defence department are very positive, just as we are very positive. Once again, it is the power of one when it comes to the member for Waite.

Mr HAMILTON-SMITH: My question is to the Minister for Transport. Exactly how much of the $550 million he intends to spend on the Northern Expressway will now be spent on the Port Wakefield Road southern sector

of the project? The government's Major Developments SA Directory 2004 indicated that at that time the widening of Port Wakefield Road between the Salisbury Highway and Waterloo Corner, so as to connect up with the Gawler-Sturt Highway extension to the Port River Expressway, would cost $110 million. Since then the project costs have changed significantly.

The Hon. P.F. CONLON: Ah, the thwack of leather on dead equine! What we will not be doing with this project is dividing up components as an invitation to the private sector to take advantage of the government. I assure people that we are after consultation on this. There will be a lengthy period of consultation; in fact the land acquisitions need to be completed in 18 months. I have heard criticism that that is too long. It is a long time because it a project in conjunction with the commonwealth, and processes on those projects are very long. The honourable member is right: there have been changes since the 2004 website, as there have been since 1997, as I attempted to explain.

On the weekend the latest offering by the member for Waite was that there was a cover-up on this section of the road. The day afterwards we gave out the pamphlets describing this section of the road in consultation—some cover-up! The story from the member for Waite has certainly changed a lot more often than the design of the road has changed in that period. I ask the member for Waite to embrace that this is an extremely important project for South Australia, supported by the commonwealth, the local Liberal members, the councils and everyone except him.

It will go to the Public Works Committee and, if the member for Waite remembers to turn up this time—he did not turn up last time when we were looking at a project on a road (maybe he did not turn up because the original costing for that road under the Liberal government was much lower than it turned out when it went to Public Works and perhaps he was a little embarrassed and did not want to turn up)—he will be provided with all the information. All the safeguards will be outlined; it is 80 per cent funded by the commonwealth. It has not expressed the concerns he has about all this nonsense, but I give a guarantee that it will be fit for purpose and an even bigger guarantee, given your record for building roads, that it will run both ways at once.

Mr HAMILTON-SMITH: Would the minister like to talk about the reasons why the money was not available to make the Southern Expressway two ways: $11 billion worth of debt. If the minister will not tell us the dollar amount for the southern sector of the Northern Expressway, will he give us the percentage split in the costing between the northern part of the Northern Expressway, known as the Sturt Highway extension from Gawler to Port Wakefield, and the second part of the project, the southern sector, known as the Port Wakefield road widening?

The Hon. P.F. CONLON: I cannot discern the difference between that question and the previous one, so I will refer the member for Waite to that answer.

Mr Hamilton-Smith: Tell us the amount.

The Hon. P.F. CONLON: I said I would not do that—you should pay attention. The only further piece of information I can add is that I still cannot see the horse coming back to life.

Mr HAMILTON-SMITH: My question is again to the Minister for Transport. Will he advise the house what reasons he gave in response to the federal minister's demands to know why the Northern Expressway blew out from $550 million and why were the original costings so wrong?

The Hon. P.F. CONLON: Why were they wrong? I was promised a string of questions today and four in we are back to a question he asked six months ago.

Mr Williams: And you still can't answer it.

The Hon. P.F. CONLON: Are you done? You were going all right, Mitch—you were behaving well. I am rather taken aback by the disorderly way these questions have been asked, especially as I am behaving so well. It is disappointing, but I shall strive.

The truth of the matter is that there has been an exchange of correspondence about the costings. I do not really believe that the commonwealth (it certainly has not been our experience) is thinking 'shock, horror', as the member would like to suggest, especially given the nature of transport and other infrastructure projects around Australia in recent times. I provided an explanation before, and I again point out that this project had many parents: it commenced under the previous Liberal government in 1997 as a country road, and it was gradually changed during that time. If members want to understand how the estimations came to be low, they would have to go back through all that history and examine the work that was done. I am quite happy to do it.

Can I say two things about that. The member for Waite, who has engaged in some other disgraceful behaviour lately, a lot of which the member for Mount Gambier knows about; absolutely disgraceful behaviour, some of the lowest I have seen in this place—

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: We can talk about it. I will tell the member's leader what it was later, if he likes.

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: You may wonder why no-one in the media would run it—because they had better taste than you. He has been running around trying to make up negative stories about this, saying that it is a bungle and it is a disgrace. I can guarantee this: no-one has done anything to make it cost more; this is simply what it costs. The entire problem is that, in that work over many years, the project costings were not high enough; the estimation was not high enough. Can the member for Waite understand that no-one has done anything to make it cost more; no-one has done anything wrong to make it cost more. This is simply what it costs. Because not a dollar has yet been spent, the opportunity is that you examine what it costs and the benefit of it and, if it is still of great benefit, you go ahead, and that is what we have done.

That is why the federal minister is quite happy to go along with it, and that is why the member for Wakefield, Mr Fawcett (and I hate to say nice things about a Liberal in a marginal seat, but he seems to be a pretty switched on bloke), said, 'Get over it and get on with it.' The member for Waite would be well paid to accept the advice of the member for Wakefield—the Liberal member who has some interest in his constituents—to get over it and get on with it.

Mr HAMILTON-SMITH: My question is again to the Minister for Transport. Has the commonwealth guaranteed that it will adhere to the 80 per cent funding contribution it was to make, now that the cost of the project has blown out to $550 million? If not, when is a decision expected?

The Hon. P.F. CONLON: I did not listen (because it is not my idea of entertainment), but I have had reports that the commonwealth minister, Mr Lloyd, talked about a number

of things on radio 891 this morning. One of the things that he talked about was the fact that, under the AusLink guidelines, we are required to investigate private funding for the road. I do not think that that inquiry will be completed (and I will check this to make sure it is accurate) until the end of this year. However, by the end of this year, we should have a report that examines the options for private funding. Obviously, no decision will be made about funding until that issue is decided, which would seem to be quite a sensible outcome.

I can indicate, with respect to that issue, what I have said before. My understanding, from my conversations with major players in the private sector, is that that report will show that private funding is not an appropriate solution for it. I am very confident about that. As I understand it, the indication from the minister this morning was that the commonwealth would be comfortable with that. Of course, an interview on a radio station does not amount to a binding agreement from the commonwealth, but I was quite reassured by the things that Mr Lloyd had to say today. In fact, I go so far as to point out that it was a very disappointing day for the member for Waite, because the people who should be, one would think—

Mr Hamilton-Smith: Not really.

The Hon. P.F. CONLON: He said 'Not really.' Do you know why he said that? Because his only political skill is that he does not know when he is in pain. He has had a very poor day, because his federal colleagues would not agree with him on all these key points. However, what I understand Mr Lloyd went on to say, if in fact that was the case, seemed to me to be a very positive indication of an acceptance by the commonwealth that an 80:20 funding mix was correct. I thought that was very reassuring. I thought it was a very good day for us. Of course, as I said, a radio interview cannot be taken as a binding agreement.

I was quite happy with what was reported to me from those conversations today. Not only is it very good news for this government, but it is also very good news for South Australia. All that is very encouraging, and I indicate that we are making good progress. I also indicate to the member for Waite that, as a result of our good approach on buses for the U2 concert, we have managed to get a contribution from the concert promoter to put on buses. Of course, if we had accepted the member for Waite's advice we would have been spending taxpayers' money. It is a win for the taxpayer, a win for the government and another loss for the member for Waite. No doubt he will be getting his answer from Bono soon, and if that does not work perhaps he will try Bob Geldof!

NURSES REGISTRATION

The Hon. J.D. HILL (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Australia's health system relies on medical and nursing professionals from around the world. When an overseas nurse seeks to register with the Nurses Board of South Australia they must follow a thorough process. This process varies depending on the country of origin. I inform the house that nursing registration authorities have detected irregularities in one aspect of the registration process involving applicants from Zimbabwe. Applicants from Zimbabwe are required to provide the following:

- evidence of their personal particulars, including photographic documentation of their date of birth;
- a copy of their nursing or midwifery award;
- a copy of their academic transcript;
- a copy of their initial nursing registration;
- at least two professional references from within the past five years; and
- a Certificate of Good Standing.

I am advised that authorities have identified suspected falsified certificates of good standing among nurses seeking registration in Australia. Certificates of good standing that are suspected to be false have also been found in applications from some nurses in Zimbabwe seeking registration with the Nurses Board of South Australia. I further inform the house of three important steps that the Nurses Board has taken in relation to this issue: first, all current applications from Zimbabwe have been frozen; secondly, future applicants from Zimbabwe will now be required to undertake further stringent requirements; and, thirdly, all certificates of good standing that have been provided for 88 of the nurses and midwives from Zimbabwe who are currently registered in South Australia are being closely examined.

I am advised that 28 of these nurses have been registered in South Australia under mutual recognition with other Australian jurisdictions. The Nurses Board is checking with its interstate counterparts to confirm whether all documentation produced to those interstate boards is legitimate. I am advised that checks of those initially registered in South Australia have resulted in the Nurses Board pursuing further inquiries in relation to 18 nurses. As part of the board's investigation, contact is being made with the 18 nurses and midwives, of whom eight reside in Zimbabwe, two are believed to reside in Zimbabwe, five live in South Australia, one lives in Queensland, one lives in New Zealand and the whereabouts of one is not yet clear.

Meanwhile, the employers of those nurses working in Australia and New Zealand are being informed of the situation as well. Two of the South Australian nurses are employed in public hospitals, and both have been removed from direct patient care while the investigation of their registration continues. The other employers are being encouraged to take the same action. I am advised that the Nurses Board is not aware of any complaints regarding the professional conduct of any of these nurses. I am also advised that this process has identified irregularities in relation to the certificates of good standing, not the professional qualifications of the nurses.

Nevertheless, the government and the Nurses Board are taking a course of action that will preserve the integrity of the registration process. This matter is not unique to South Australia, with false documentation also detected in other jurisdictions in Australia and New Zealand; that is why the matter will be discussed this Friday at the Australian Health Ministers Conference.

POLISH COMMUNITY

Mr HAMILTON-SMITH (Waite): I seek leave to make a personal explanation.

Leave granted.

Mr HAMILTON-SMITH: Earlier in question time today, in answer to a Dorothy Dixer from his own side, the Attorney implied that I had—I think he used the words—'slandered the Polish community' by claiming that Soviet troops had not massacred Polish civilians and military

personnel at Katyn Wood during Word War II. Those claims by the Attorney are completely inaccurate, wrong, and should be withdrawn. The Attorney is referring to remarks made in the house on 1 April 2004, when he spoke of the Katyn Wood massacre and acknowledged that the Soviet Union covered up its atrocity for an extended period. He misquoted me at the time, put words into my mouth and misrepresented an interjection.

I rose on a point of order at that time and made it very clear that I had (and I am quoting from *Hansard*), 'interjected that historians had not always agreed on the circumstances of who killed the Poles of Katyn, whether it was the Nazis or the Russians'. I clarified the point instantly that historians had not always agreed, simply because the Russians had perpetrated a lie that was only fully revealed once the Kremlin collapsed, the Soviet regime fell over and full records were available to historians—a point the Attorney himself acknowledged. I fully acknowledge that the Soviets committed that terrible atrocity, but the Nazis committed an equal number but not that particular one. I have never at any time offended the Polish community. It is deeply offensive, and it is quite rude and inappropriate of the minister, in his capacity as Minister for Multicultural Affairs, to make such an implication, which he should withdraw.

GRIEVANCE DEBATE

NORTHERN EXPRESSWAY

Mr HAMILTON-SMITH (Waite): I rise on the matter of the Northern Expressway to highlight to the house the ongoing bungle which may not only cost taxpayers an extraordinary amount of money but which may deliver the worst bottleneck to this state road transport system that it has ever seen. I urge members opposite who have a stake in this to listen very carefully. Today the minister announced an alignment for a Northern Expressway that ends at Port Wakefield Road—23 kilometres. It seems that the extra kilometres have cost us $250 million. The Northern Expressway will carry, I understand, up to 26 000 vehicle movements per day from the Gawler region to Port Wakefield Road. That figure comes from briefing notes delivered by an officer of government to council and other members at a private briefing some weeks ago, the documents from which have come to the opposition.

The minister proposes to deliver up to 26 000 vehicle movements per day, including semitrailers and freight traffic from Gawler on a now four-lane freeway to Port Wakefield Road, where it will interconnect with the existing four-lane Wakefield Road going north to Port Wakefield, the mining industry and rural industries north. That will combine with traffic flowing north and south from Port Wakefield. So, we will inject up to 26 000 new movements per day onto the existing road, and the only improvements and land acquisitions that he is proposing to make along Port Wakefield Road are enough to simply upgrade the intersections and, I think, put in some turning lanes, and that is it.

Traffic will now scream along a 110 km/h freeway with overpasses and interchanges non-stop from Gawler to Port Wakefield Road and—bang!—hit stoplights and move into the existing four-lane Paul Wakefield Road where there are variable speed limits and multiple intersections, which will cause traffic to stop, where there are roads connecting, and where there are none of the things which we were promised in the initial concept and which were reported in council notes at the policy and strategic planning meeting will be provided. They are that Port Wakefield Road would have been a freeway standard road with high-speed connections at each end; six lanes with divided carriageway; 110 km/h pronounced speed limit; and restricted access with limited interchanges and overpasses. Simply, those things will not happen on the Port Wakefield Road, and that was confirmed today.

Just imagine what it is going to be like on long weekends when traffic is already bumper to bumper from Adelaide to Port Wakefield Road. Imagine what it is going to be like at other times, as rural and mining traffic heads south along Port Wakefield Road and crashes with interstate traffic coming off the Sturt Highway through Gawler on the overpass on to Port Wakefield Road. This is a fiasco. This is a disaster waiting to happen. This is an example of stuff-ups from a minister for stuff-ups, and it is likely to become the crowning stuff-up of this government.

The project has already blown out from $300 million to $550 million, and that is after slicing the southern sector from the project. Not only that, as I understand it, the landowners have not been consulted about the alignments announced today. *The Advertiser* this morning reported that people have not been advised or informed and land acquisition prices have not been negotiated. Although there has been communication with council, I understand that it has not been very extensive. A lot of work is yet to be done. People are finding out as they read *The Advertiser* that their property is going to be acquired suddenly and mysteriously. I hope it is done better than South Road. This morning's *Advertiser* spells it out: the work has simply not been done.

There are two or three significant problems with this. I simply say to the minister that this bit of infrastructure is going to be with us for 100 years; let's get it right. To cover up a cost blow-out it would have been at least another $200 million to $250 million. The minister is failing to upgrade Port Wakefield Road. We will not be able to connect the Northern Expressway with the Port River Expressway. If you need the extra money to get it right you had better go and find it, you had better come up with a plan, because it would be better to get this right now than to be going back again in two, three or four years to try to complete the project and the expressway.

It is not only a fiscal mess, it is a strategic mess. We have a freeway to the north that does not link with the south; it does not make sense. This minister has got it wrong yet again. After a series of mistakes, here comes the biggest one ever. I urge members opposite to get a grip of this project, because you are pushing off into the out years of the budget and you are making a future problem for some future government to solve.

Time expired.

OBESITY

Ms SIMMONS (Morialta): As a member of the Social Development Committee, I was pleased to attend part of the 10th International Congress of Obesity in Sydney in September. One of the many excellent presentations that I heard was from Jo Salmon, who is based in Melbourne. She looked at the role of environmental changes (both physical and social) in promoting children's physical activity. Research has found, not surprisingly, that the built and natural physical and social structures in which everyday life occurs are likely to be

important influences on the physical activity of children. The physical and social environment affects a child's ability to play actively. The ability of children to wander freely nowadays is very much curtailed by parents' fears for their safety, whether this is because of increased traffic on the roads or an increased fear of paedophiles and crime on the streets.

Children and their parents no longer seem to know their neighbours because more people are out at work during the day. The community seems to have ceased taking responsibility for their collective children in their neighbourhood. Children are not encouraged to go out to play in the streets or ride around on their bikes like we were 20 or 30 years ago. In fact, many parents will prioritise many other activities to prevent children from asking to go outside the front door.

Today, many homes in Australia have two or three television sets, computers and electronic games. It has been found that the more of these a home has, the more inactive the children become. Research has also found that there is a high incidence of inactivity in homes that have pay television, and that boys are more susceptible to the amount of electronic equipment in a home than girls.

Changes in urban design in the past 15 years are also having a significant effect on people's inactivity. By trying to control urban sprawl, governments across all three tiers are now infilling blocks in the metropolitan area with courtyard homes with much smaller backyards. Even traditional size blocks are seeing much bigger houses being built on them leaving—intentionally, I hasten to add—much smaller gardens to tend.

This smaller yard size means that children are unlikely to be able to have the sports or play equipment that they need to exert cardiovascular exercise, such as trampolines, swing sets and basketball rings, or space to kick a ball around. Another downfall is that their parents do not need to exercise as much as they used to to look after these smaller and often paved back yards. Another significant indicator of a child's ability to stay active out of school hours was found to be whether a child had friends or peers living close by that they could call on easily, and whether the parents actually allowed this easy access. Similarly, families with more than two children were more active, indicating that the rough and tumble of family life is important to good health. Interestingly, children of single parents were more active.

I think that it is important that we remain cognisant of these environmental changes that have crept into our communities in recent years and their social and physical effects on our children. Obesity is not all about junk food. An increase in physical activity is also vital, and we must make sure that our efforts to control this epidemic take in all aspects of change.

MURRAY RIVER WATER SUPPLY

Mr PEDERICK (Hammond): Yesterday the Premier described depending on the River Murray for South Australia's fresh water supplies as untenable. He talked about Waterproofing Adelaide, a 20-year plan to reduce our dependence on the Murray. Let me give members some history on this. It has been known for a very long time that depending on the Murray was dangerous. The quantity, quality, survival of the river and preservation of the entire river system has been on the agenda for nearly 130 years and it impacts on much more than just the state's drinking water. Let us also end the mistaken belief that the Lower Murray and lakes were originally salt water. Indigenous people had occupied the area for centuries in semi-permanent settlements because of the availability of fresh water. In the 1820s, white sealers regarded the lake as a great source of fresh water.

The natural flow of the river was more than enough to hold back the incoming tide. The river began to slow once development and irrigation began. In the early 1900s, people who paid a premium price for land adjoining these waterways began to fight for their rights as the reducing flow allowed the sea to affect the lower reaches of the Murray and land values began to tumble. In 1912, farmers complained that a slimy green scum was poisoning their stock. I acknowledge the drastic situation that we now find ourselves in and I know there is no silver bullet solution, but current-day landowners and other business people in the area are entitled to ask: why now? The problem has existed since the 1880s, longer than records have been kept.

There seems to be a prevailing attitude that, if we are short of water, we take it out of the country. Let us take it from the people who use it to support themselves and their families and grow the produce the rest of the state and country depend on. Let us give it to others to put in their Scotch glasses and pour on their lawns. We hear a lot about bipartisan support, as if the opposition is standing in the way of finding solutions. Given the location of our electorates, nothing could be further from the truth. Bipartisan support means that we are all in it together, seeking solutions to common problems. If we are all in it together, what about getting the urban population and other industry to share the load?

The government talked yesterday about fast-tracking certain plans, but the Premier could not tell us which ones. I have attended two meetings this week, one at Langhorne Creek on Monday and another in Murray Bridge yesterday. Great care was taken to explain the gravity of the situation before Minister Maywald spoke. Incidentally, it was curious to note that the STAR Force was in attendance at these two meetings, but we did not even need the local copper at a forum with 200 people the week before. Country people came to all these meetings looking for answers and water, not arguments and blood. If there was one strong feeling outside the obvious concerns, it was that their perception is that country people are carrying the load again while city people tip water on their lawns.

While farmers and other primary producers tighten their belts and struggle to keep producing food etc. for them, all they worry about is which day to water their lawn and how long to leave a tap running. If we are in a one in 1 000 year drought, why are urban people not on level 4 or 5 restrictions? Does it take a one in 10 000-year drought to get to level 5? Perhaps asking the urban population to go without would cost too many votes.

Premier Rann said in this house yesterday, 'We don't want to build a weir, but we have to act in the interests of South Australians.' Many of my constituents downstream of Wellington would be grossly offended to discover that as of yesterday they are no longer South Australians. As for consultation, consider this: the Premier's big announcement two weeks ago about the proposed Wellington weir caused immense concern and near panic among the population of the Lower Murray and lakes. Now we are told it may not be feasible anyway. Yet when we ask the government questions about other options, we are told they are looking at a whole series of them. The Deputy Premier said yesterday, 'We are not going to put them in the public domain at this stage because some may be discarded.'

What was different about the weir? The difference was that the Premier saw an opportunity to impress the so far unaffected voters in metro electorates by showing how he was going to save them all from doom and destruction at the expense of their fellow Australians in the country. We have also not heard from the local Ngarrindjeri people whose burial grounds will be affected, and we have not heard from the yuppies at Hindmarsh Island, which will turn into Hindmarsh Hill, especially if they open the gates.

Time expired.

CRC CARE LAUNCH

Ms BEDFORD (Florey): Earlier this morning I had the honour to represent the minister for environment at a very special ceremony at the Mawson Lakes Campus of the University of South Australia. The event was to celebrate the launch of CRC CARE, which is the Co-operative Research Centre for Contamination Assessment and Remediation of the Environment. Through the vision of former Pro Vice-Chancellors, Ian Davey and Robin King, the university has secured the services of Professor Ravi Naidu who as managing director has worked in collaboration with the team to establish what I understand to be the only research centre of its kind in the world. I imagine that it delivers, therefore, world's best practice in the remediation of soils, water and air.

I was welcomed to the event by Professor Paul Perkins, CRC CARE Chairman, whose breadth and depth of experience and expertise is second to none and, no doubt, instrumental to the future success of this impressive operation. I also spoke at length with Mr Paul Barrett, Deputy Executive Director of the Australian Institute of Petroleum. Mr Barrett also has extensive knowledge in many areas and travels widely in his role. This centre puts South Australia well and truly ahead of the pack in an area where local and world demand will mean enormous long-term benefits to the state. Australia has more than 100 000 contaminated sites and within the Asian region I understand there are an estimated five million contaminated sites. The cost of clean-up in Australia is estimated at well over $5 billion, so you can see the potential that this contamination work will have for us. It is a threat to not only the world's economy but our own environment and the health of mankind and all creatures of the planet.

The days of digging up contamination and moving it somewhere else are, I hope, well and truly over. This practice must cease if we are to see any improvement in areas where contamination has had such a terrible impact. The centre will work on urgently needed long-term affordable solutions, and its work will focus on understanding how to deliver cleaner, safer food and water supplies and living conditions. Apart from reducing the toll of chronic degenerative disease caused by toxic contamination of the world's biosphere, CRC CARE's goals will see a new export industry in environmental risk assessment and clean-up technology and skills.

Australia has a serious shortage of skills in environmental risk assessment and remediation, and this university partnership of scientific, industry and government organisations (working to devise new ways of dealing with and preventing contamination) will foster a generation of young Australians who are highly skilled at solving and preventing the problems of contamination. The program aims to cultivate approximately 75 new PhD graduates and courses of other associated industry-ready graduates through this exciting venture at Mawson Lakes.

The students will enjoy learning in a brand new, soon-to-be-started building adjacent to the existing facilities beside which the launch was held this morning. Professor Denise Bradley, Vice-Chancellor and President of the University of South Australia, who opened proceedings this morning, has guided the building project through to almost a reality. Her guidance and judgment have meant that the University of South Australia is at the forefront of this emerging industry because the ramifications and successful applications that come from CRC CARE will revolutionise food production and environmental strategies from now on.

The research program will focus on four areas, including risk assessment, developing reliable methods and technologies for assessing the risk associated with contamination problems in soil, air and groundwater; remediation technologies, developing methods and technologies to restore sites to meet regulatory safe and environmental standards for safe community environment; prevention technologies, determining how to safely reuse these sites without creating further contamination issues; social, legal, policy and economic issues, seeking to understand the drivers associated with environmental contamination and remediation so that the solutions put forward will be economically sound, socially acceptable and rapidly adoptable.

CRC CARE will demonstrate these multidisciplinary solutions at sites across Australia that will serve as a proving ground. The CRC CARE research will provide the base for good business from the good scientific work it will produce. They plan a business case and market opportunities in conjunction with their many partners, along with the Department of Defence and other state and federal entities. I think there are four universities and many other companies.

Time expired.

ENERGY COMPANIES

Mr HANNA (Mitchell): I speak today about a number of problems in relation to energy companies. I suppose the moral of the tale is what a disaster it has been to privatise those essential services. As a member of parliament working in my suburban office, I have had so many difficult dealings with AGL, TRU Energy, Origin, ETSA Utilities, and the list goes on. It is certainly a lot more difficult than it used to be with the multiplicity of providers and their own individual complaints processes. I will give some examples.

One problem relates to connections. I had one example where Origin Energy had been contacted numerous times before my constituents moved into their house. They confirmed and reconfirmed that power would be provided at a certain time. They moved in but they went without power for three days, as the connection was not provided as promised, and that was during the middle of winter. Another example in relation to connections is where an old lady was told that she would have to be at home between 3 p.m. and midnight for connection to take place, and that was by ETSA and AGL. Of course, that is a completely unrealistic time frame, especially if it means waiting in a house without electricity.

There are also many problems to do with contracts. The practice of companies in trying to twist and turn people to their own company from another has led to a number of problems. A lot of people do not understand that there are severe exit fees if they then think that the promised contract

was not as special as the salesperson said it was going to be. I had one old gentleman who could not understand why he was getting a bill for $89; that was from TRU Energy. When we investigated at my office, we found that it was an exit fee because he was leaving a three-year contract after one year—an $89 penalty, mind you—and, because we were taking time in getting to the bottom of the matter, he then got a letter from lawyers in Victoria charging an additional $45 recovery fee. He was up for nearly $140 without having deserved to pay that.

I also have another problem with TRU Energy where a consumer was sent a bill for $728 because it was discovered that she had been undercharged for a whole year prior to that. The fact that the energy had been used was not the issue but, for somebody on a very limited income, to suddenly get a $728 bill, far in excess of their weekly income, is a real problem. I know, too, when there are problems with bills and a person challenges the amount that is charged, the person is told that, if they want their meter checked, they will have to pay. This is a real deterrent to many people on low incomes. It happened in my case at home in Marion. I thought the meter was wrong because I was being charged several hundred dollars per quarter on my energy bill. It turned out that the meter was wrong and, fortunately, I was able to discern that over time myself, but meanwhile had to haggle with the company for payment.

I had another bizarre case where ETSA handed over the wrong meter details to Origin and Origin started charging the wrong account. The person I was dealing with was getting bills from Origin but not in relation to the meter she had. Because that meter was not registered with either ETSA or Origin, it fell back to AGL, as a default provider, who then started issuing bills, even though the woman had never had anything to do with AGL. Eventually we were able to disentangle the mess. With this multiplicity of energy companies, and the fact that each of them is so difficult to deal with in terms of customer complaints, people out in the suburbs, many of whom are on low incomes and with limited ability to deal with contracts and even the English language, are coming into real strife. As it turns out, it was well and truly a disaster to go private with those major energy companies.

LOCAL GOVERNMENT ELECTIONS

Mr PICCOLO (Light): I rise today to congratulate the new mayors whose councils are in my electorate. I congratulate Robert Hornsey, the new Mayor for Light Regional Council.

Mr Goldsworthy: A strong Liberal.

Mr PICCOLO: I thought they were members for the whole electorate; I did not realise they were party endorsed candidates. I congratulate Brian Sambell, the new Mayor for the Town of Gawler, and Martin Lindsell, Mayor for the City of Playford. Over the next 3½ years I look forward to the opportunity of working with them and with their new councils to improve the living standards of our mutual constituencies. Each council faces its own challenges, some requiring cooperation and collaboration with other spheres of government.

As mentioned on previous occasions in this place, Light Regional Council has a few challenges before it. It is no secret that Mayor Hornsey has a number of challenges before him if the Light Regional Council is to regain the confidence of the community. He has my support for and confidence in his reform agenda.

I take this opportunity to acknowledge the contributions made by the former mayors of those three councils: Mayor Des Shanahan of Light Regional Council; Mayor Helena Dawkins of the Town of Gawler; and Mayor Marilyn Baker from the City of Playford. Between the three of them they have contributed 54 years of volunteer service, an effort that needs to be acknowledged by this place.

Des Shanahan was first elected to the council of Light in 1983 and continued as a councillor until the amalgamation of that council with Kapunda in 1996. During that time at Light council he was deputy chairman of the district council for three years and chairman for a further three years. In 1996 he was elected as a councillor to the newly formed Kapunda Light council. During his local government service former mayor Shanahan has been very active in many local government areas. He was a delegate to the Local Government Association, central local government region, and the Local Government Finance Authority. He was also a member of the council's machinery advisory committee, the Kapunda tourism advisory committee, the rating policy review advisory committee, the performance evaluation review committee, the Roseworthy township community committee, the Kapunda main street upgrading of power committee and the development assessment panel. He was an executive member of the Mid North local government reform board, a member of the Barossa Valley review committee, the Barossa community services board, the steering committee to form the Barossa regional economic development authority, and numerous other positions.

He is a farmer and has lived in the district all his life and has been very active in the various farm organisations, for example, the South Australian Farmers Federation. He has had a long association with local government and can be proud of the contribution he has made to that community. He has also been a member of the Freeling CFS and the Barossa Light Gawler Football Association, and he has made numerous contributions to that region.

I also acknowledge the contribution made to the Town of Gawler by Mayor Dawkins. Mayor Dawkins was my deputy while I was mayor and I acknowledge publicly that, even though we had our differences politically, she was a loyal deputy and we worked well together. Her contribution will not go unnoticed. She served on a number of committees and was mayor when I was elected to this place earlier this year and made an enormous contribution as mayor. I was sad to see her lose her position.

Mayor Marilyn Baker was the former mayor of the city of Elizabeth until two councils merged to become the City of Playford. Mayor Baker has lived in the Elizabeth area since 1959 and joined council the same day I joined in October 1981. After 14 years, Mayor Baker became the mayor of the City of Elizabeth in 1995 and became the first mayor of Playford when the two councils amalgamated. She has worked tirelessly for that community and we should acknowledge the contribution she has made. I am sure she will go on to do other things. I take this opportunity to congratulate the new members of councils in those areas and, as a former elected mayor, I know how hard a job it can be to serve in that way.

Time expired.

CONSUMER CREDIT (SOUTH AUSTRALIA) (MAXIMUM ANNUAL PERCENTAGE RATE) AMENDMENT BILL

Mrs PENFOLD (Flinders) obtained leave and introduced a bill for an act to amend the Consumer Credit (South Australia) Act 1995. Read a first time.

Mrs PENFOLD: I move:

That this bill be now read a second time.

Legislation to strengthen consumer protection from payday lenders is long overdue. The Rann government has had more than four years to address this issue. The last review of the code in South Australia was carried out in 2001 by the then Liberal consumer affairs minister, Trevor Griffin, and the use of credit has changed enormously in the period since that time. Christmas will take its usual toll, with debt causing extra pressure on families, and we cannot afford to just sit back and wait for the government to act, perhaps some time next year, or maybe the year after or the year after that.

As shadow minister for consumer affairs, I am alarmed at recent developments in the credit industry. Over the past few years, a growing number of operators targeting the financially vulnerable have spread across Adelaide and, in the absence of adequate regulation with respect to their behaviour, thousands of South Australian families are being trapped in a vicious debt cycle. I am speaking specifically of the phenomenon of what is broadly called 'payday lending'. In its present form, this can be one of the most unscrupulous and socially destructive industries I have seen. Some unscrupulous operators lure customers into borrowing small amounts of money—usually several hundred dollars—for two to four weeks, which carry fixed fees (not annual interest rates), which are easily rolled over, or another loan negotiated back-to-back if the first loan is not paid out.

Both the South Australian Council of Social Service and the Central Community Legal Service have expressed concern over the past few months about the growing number of consumers who are getting into financial difficulty because they are unaware of the often astronomical charges for payday loans. Both bodies feel that regulation is long overdue. The government's Office of Consumer and Business Affairs (OCBA) is being inundated with complaints about unscrupulous operators, and this is taking up the valuable time of this already understaffed office.

Payday lending is a rapidly growing industry, largely because of the deregulation of the financial sector. Banks are deprioritising less profitable areas—that is, low income earners—by limiting loans suited to them. Australian banks do not offer personal loans of less than $2 000 for less than one year. They instead provide small loan facilities through credit cards, which are either not available, or are not available quickly enough in an emergency, for people on a low income or those with damaged credit ratings. As a result, demand for payday lending has grown. There are now more than 20 payday lenders operating in South Australia via shops, toll-free phone lines and internet sites.

The main problem with payday lending is the exorbitantly expensive credit, which is disguised as administrative or set-up fees. For example, a typical 14-day loan of $200, when combined with a membership fee of $25 and a loan charge of $44, equates to an interest rate of 897 per cent per annum. The system exploits the very people it claims to help. The irony is that, by going to a fringe credit provider, consumers often worsen their existing financial problems, because they do not have the means to repay the loans fast enough to avoid becoming trapped in a vicious debt cycle.

One of the most striking problems I have identified is that many customers are totally unaware of the inherent risks of taking out payday loans, having been attracted by no, or ostensibly low, interest rates, which are not expressed as an annual interest rate, incorporating the high fees and charges, as in other states. I would like to stress that I am not unsupportive of the credit industry. There is, indeed, a place for short-term loans, but this fringe of the industry needs to come under tighter control to avoid the exploitation of vulnerable customers.

It is unacceptable that vulnerable consumers, welfare recipients, the working poor and those with badly damaged credit ratings should be exploited by payday lenders. I am particularly concerned about evidence that this phenomenon is exacerbating the woes of problem gamblers and, thereby, many families. The vast majority of payday lenders are based in low socioeconomic areas, and many are located close to gambling facilities. We all need to exercise caution in relation to credit use, and I am not keen on legislative controls. However, it is clear to me that greater protectionist legislation is urgently required in this instance.

South Australia is lagging behind other states when it comes to protecting vulnerable consumers against payday lenders. What is needed to combat this alarming trend is a proactive approach, which this government simply has not provided. The Minister for Consumer Affairs has voiced concern about the industry for some time, and last month she finally put out yet another discussion paper. That is despite a discussion paper on this exact topic which was released in August 2003 by the Ministerial Council on Consumer Affairs and which led to legislation in most other states. This government has failed to provide adequate protection to the thousands of South Australians trapped in debt cycles caused by this unscrupulous and immoral service from fringe credit providers.

It took until last month for the minister to finally announce that the government intended to reform the payday lending industry and release her discussion paper. This followed criticism of the government and a stated intention by me and others in the preceding weeks to regulate the payday lending industry. It is typical of Labor's crisis management approach that it does not address issues until they hit the press. This issue has been around for years, and the only reason for the government starting to act now is the pressure on it, not concern for the victims and the plight in which they find themselves.

As the name suggests, the bill seeks to amend the Consumer Credit Code. The code is based on the Australian Uniform Credit Laws Agreement of 1993, in which each state and territory agreed to maintain uniform legislation in the area of consumer credit. However, interest rate caps are not covered by the agreement. New South Wales, Victoria and the ACT have all capped effective annual interest rates at 48 per cent. This Consumer Credit Amendment Bill seeks to amend the code to bring South Australia in line with other states by also requiring a 48 per cent cap, and it requires that all fees and charges for a loan are expressed to the borrower as part of this per annum interest rate. The aim of this bill is for the industry to operate in a regulated way rather than to kill the industry altogether and force consumers into the jaws of totally unregulated loan sharks.

I believe that an effective interest rate of 48 per cent per annum will provide a reasonable balance. Some payday

lenders have argued that an effective cap would eliminate payday lending entirely. However, the government's discussion paper on payday lending states that, as far as the Office of Consumer and Business Affairs is aware, none has put forward sufficient detail of their cost to establish this conclusively. More tangible proof of at least one organisation's survival—Amazing Loans—despite a 48 per cent interest cap comes from the financial pages of *The Australian* in October this year, which stated:

> Amazing shares have skyrocketed to an, er, amazing 206 per cent since listing in April at $2.50.

The company now has 18 outlets across the eastern seaboard capitals, and of great concern to me is expanding into Adelaide and regional areas. The article further states:

> Amazing's interest in expanding outside of New South Wales is understandable given there's a legal cap of 48 per cent (including fees) on consumer credit in that state.

The article recommends against investing in Amazing, and states:

> Criterion suspects much will depend on employment levels given that the typical $30 000 a year Amazing customer would be the first to get the pink slip in a downturn.

A final quote of interest states:

> The sector prefers to describe itself as 'micro-lending', which to us is more redolent of benevolent grants of seeds or goats to struggling Somali farmers.

Certainly, payday lending is a wolf dressed up as a lamb and one we do not want in South Australia to exploit our most vulnerable just because our government has not acted swiftly enough. A 48 per cent cap may force some payday lenders out of the market and may reduce the availability of credit to low income and vulnerable consumers due to a reluctance by mainstream credit providers to service those consumers. However, I think it is unlikely and, in my view, this risk is outweighed anyway by a responsibility to provide effective consumer protection against undesirable practices and products.

There should still be room for legitimate providers to operate in a marketplace with this new law in place. We have a duty to strengthen consumer protection for vulnerable people in our community, and supporting this bill to cap interest rates for payday loans sends a strong message to the credit industry and the general public that this is a duty that is not being taken lightly. Something is finally being done; and, hopefully, with the support of the Labor government, this bill will be through both houses before Christmas.

Mrs GERAGHTY secured the adjournment of the debate.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: ANNUAL REPORT

Ms BREUER (Giles): I move:

> That the 59th report of the committee entitled Annual Report 2005-06 be noted.

I move this motion with pleasure today because this morning the committee held its 400th meeting. I thank the committee secretary, who arranged a lovely cake for us to celebrate 400 meetings of our committee. It was also very good that Mr Ivan Venning, the previous presiding member of the committee, could attend, because the member for Schubert and I are the longest-serving presiding members. It was a very pleasant occasion for us all. It has been a very busy year with the committee completing two inquiries, tabling five reports and assessing five aquaculture policies and 42 plan amendment reports.

The first inquiry completed was into marine protected areas, and the committee made 25 recommendations. I am pleased to say that the minister's response supported all 25 recommendations. This was the first inquiry from the committee to produce a minority report, and of the four recommendations proposed in the minority report the minister supported one recommendation. The second inquiry completed was into native vegetation and the Eyre Peninsula bushfire, and included the committee visiting the area affected by the bushfire.

The committee made 21 recommendations with respect to this inquiry, and the minister's response supported 20 of them. During this year, the committee also had statutory obligations under the Upper South-East Dryland Salinity and Flood Management Act 2002, which required the committee to report to the house. Several issues were raised with the committee by landholders regarding the construction of drains in the region. The committee visited the area in September 2005 to view first-hand the progress of the scheme and to talk with a variety of landholders—both those in support of the construction of the drain and those less supportive of the approach being taken.

The committee also provided advice to the Minister for Environment and Conservation on the issue of the construction of the Didicoolum drain. The committee intends to table the annual report covering the period 2005-06 very shortly. Pursuant to the Aquaculture Act 2001, the committee considered five aquaculture policies and had several briefings from departmental staff. I pay tribute to Mr Ian Nightingale, head of the aquaculture department. He has always been very cooperative, and his information has always been invaluable in the committee's findings.

Under the Development Act 1993, the committee considers all PAR reports once gazetted. Further information was obtained and all witnesses were called for six of the 42 PAR reports considered during the year. This included the City of Adelaide—Central West Precinct Strategic Urban Renewal Plan Amendment which was very controversial and which resulted in the committee tabling the PAR before this house. Parliament was prorogued prior to the matter being finalised, but I am pleased to report that the committee's involvement contributed to a timely resolution to the issue between the parties.

Following the March 2006 state election, there has been a change in membership of the committee. The Hon. David Ridgway and I are the only two members remaining on the reconstituted committee. I would like to take this opportunity to thank the previous members: the Hon. Gail Gago; the Hon. Sandra Kanck, who was there for some time; the Hon. Malcolm Buckby, a favourite of ours and previous member for Light; and the member for West Torrens, for their work and support during the operation of that committee. The new members of the committee contain some old and new faces—some very old faces—the member for Schubert, who was a previous member of the committee and previous chair; the member for Fisher; the Hon. Russell Wortley; and the Hon Mark Parnell. I would like to thank them and the Hon. David Ridgway for their work in these past few months. We have worked very well together, and we look forward to continuing to work together. The committee has resolved, of its own motion, to undertake two inquiries, the first into coastal development, and the second into natural burial. The committee expects to hear witnesses early in the new year.

We have had a number of submissions already, and I look forward to reporting to the house on these inquiries in due course.

I would like to take this opportunity to thank all those who prepared submissions and presented evidence to the committee. The committee members appreciate the work undertaken, and some have undertaken a considerable amount of work, and certainly the time required in preparing information for the committee. We thank those members of the public and the government departments who have assisted in our understanding of the issues. A big thank you to all of those people.

I would also like to thank the staff of the committee for their assistance in the preparation of materials for the committee and the coordination of our meetings and our committee visits and, in particular, our secretary Phil Frensham. A special thank you also to Ms Alison Meeks, who has been the research officer for our committee for the past two years, and who is actually finishing with our committee in December and moving back to her previous department. Her work in the past two years has been invaluable. We are sorry to lose her. I know that she will do very well in her new role in her department, and we certainly wish her the very best. We were sorry to see her go, as I said, but her contract was up, and it was opportune for her to go back to her previous department. She did have a three-month extension on her original contract. We wish Alison good luck and all the best in her future, and we thank her very much for her support. With that, I commend this report to the house.

Motion carried.

ROAD TRAFFIC (SCHOOL BUS SEAT BELTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 September. Page 883.)

Mr RAU (Enfield): This is an issue which obviously has been a matter of concern to members of parliament and members of the public in recent times. I think we all recall with great concern some of the material we have seen in the news media and on television, and some of the dramatic and horrific scenes of children being injured as a result of these bus accidents. I do not think that anybody on either side of the house has an argument about the fact that it is important to do everything that can be reasonably done to ensure that children who are using these buses are properly cared for and protected as best we are able to do so. It also appears to be the case, as I understand it, that the primary difference between the proposition being advanced by the member for Waite in his private member's bill and the way in which the government is approaching the matter can be shortly summed up in terms of timing. So, really, there is not a contest between us as to whether or not certain steps should be taken.

The only issue, as I understand it, between what the government's current policy is and what the member for Waite seeks to achieve is a question of timing. By way of background, I would like to deal with a couple of matters to put the issue in context. First, on 15 August this year the government announced that high standard lap-sash seat belts, which are essentially the same as those in ordinary motor vehicles, will be phased in as school buses are replaced, as well as other comprehensive safety and comfort measures. Those measures include: reinforced floors to prevent seats being torn out; new guidelines for educational strategy to require students to wear belts; roll over strength to prevent the roof collapsing in the event of a collision or a roll over; lights that flash as the bus stops for students to abort or alight; a uniform yellow colour for government-owned school buses; rear signs telling passing motorists to slow to 25 km/h; and air-conditioning.

It is evident from the proposals that this will be an exercise that will take some time before all of these measures are implemented, and it will be a progressive phasing-in of these proposals. In this respect, we are, along with Western Australia, leading the nation in terms of responding to this particular issue. I thought it would be useful to go behind this and examine it. The fundamental question is balancing up the current risk to students with the cost, not just the government but to private industry, of an immediate change in the arrangements, as opposed to a phased-in change, because that is really where the debate seems to be focused.

As I understand it from information which comes from various studies done by experts in the area—and I do not profess to be one of them—it seems that first of all and fortunately there are relatively few fatalities associated with school buses, on an annual basis. Obviously, any fatality associated with a school bus is unacceptable, and we would like to do as much as we can to prevent them, but I think we need to recognise that a number of the fatalities that are associated with school buses are not, in fact, associated with the bus being in motion as such and, therefore, will not be rectified or remedied of themselves by the introduction of compulsory seatbelts.

For example, as I understand it, the statistics indicate that a substantial proportion of those students who are injured or, in severe cases, killed in circumstances surrounding the use of a school bus, it is in the process of getting out of the bus. That is, they step out from behind the bus, they are not seen and they are hit. Obviously, wearing a seatbelt is not going to make any difference in that situation. Also, there are other accidents of a static nature, that is, where the bus is not in motion and it has something to do with the way in which students are getting on or off the bus. These, in fact, make up a substantial majority of the injuries associated with school buses.

This is also dealt with, as I indicated previously, in the government's proposals. The government's proposals include: lights to flash as the bus stops for students to board and alight; a yellow colour for the school buses; and rear signs telling passing motorists to slow. These proposals are all directed at this other form of risk to students using school buses. We all know that children often do not look where they are going, get carried away or do not have a great deal of road sense. Those particular issues are not going to be resolved by the wearing of seatbelts.

The statistics, as I have indicated, break down roughly in this way: a third of those people injured in school bus related accidents were pedestrians, a third of them were occupants of other vehicles and a third were bus occupants. So, again, we have a situation where we do not really have the bulk of the problem associated with crash situations where students are thrown around the bus. It brings me back to the issue which is simply this: do we introduce overnight what amounts to a dramatic change in the system and incur a substantial cost to the government in a single year in circumstances where the risks associated with being transported in a school bus in terms of accidents involving a crash with a bus—as distinct from an accident involving getting onto or off a bus—are in fact substantially less than would be the case for other motor vehicles on the road, or do we actually

try to phase this in? It is not just a matter for the government, because members may be aware that in the non-metropolitan areas school buses are run by private operators.

The Hon. R.J. McEwen: Most of them.

Mr RAU: Most of them. These private operators operate within the context of a contract held with the government for the purpose of doing that work.

The Hon. R.J. McEwen: That is not the only purpose a bus is used for.

Mr RAU: As the honourable minister points out, that is not necessarily—and, indeed, is not usually—the only purpose the bus is used for. So, to impose such an impost upon those private operators—who have already entered into a contractual arrangement with the government based on certain financial calculations they have made which, obviously at the time of their original contract with the government, do not include these types of measures—would be very unreasonable.

The other thing, of course, is that some of these operators—and I know that the member for Waite has seen some of these folk at the Economic and Finance Committee in the previous parliament—according to the evidence that they gave before that committee, are not well-heeled people and it would be some years before they could even afford to replace a bus. It is not simply a matter of automatically being able to buy a new bus each time they renew a contract every couple of years. Sometimes they hang on to these things for a period of time.

It seems to me that everyone agrees on what needs to be done. Everyone agrees that we want to minimise beyond the already relatively low risk—as much as possible any risk—associated with crash-related fatalities, and to address immediately the other causes of death and injury related to buses, such as getting on and off them and the basic behaviour of children around intersections when buses are stopping. It is really a question of timing, and for that reason, on balance, it seems to me that the appropriate thing is that we should be staying with the government's present arrangements. If one looks at the steps that are already in train, we are on the right track and there is no need to speed it up in the way—and at the cost—the member for Waite proposes.

Time expired.

The Hon. R.B. SUCH (Fisher): I think the sooner school buses can be fitted with seatbelts the better. I say that in the context that I believe that we have been very lucky so far that we have not had more serious accidents involving school buses in South Australia. The issue goes beyond the provision of seatbelts, important as that is. I think it is time that we had a close look at the design standards for buses used not just for transporting children to school but buses generally. We should also look at some of the ramifications in the city areas as well.

I make the point—and I think this is a very important aspect—that many people in the country do not wear seatbelts in their own vehicles, and they should. The cost in the loss of lives in the country due to people not wearing seatbelts—and it is not just country people but also city people who do not wear seatbelts in the country. I do not know what the reason is—whether it is a sense of freedom—for choosing not to wear a seatbelt when they get out on the open road. To me it is utter foolishness. I have heard of experiences where someone has been thrown from a vehicle and had their neck broken—they would have survived had they been wearing a seatbelt.

In fact, 16 years ago this Friday, my nephew and another passenger were in the rear of a Torana being driven by a lad from Murray Bridge, with two lads in the front, and my nephew and the girl in the back were both killed when the driver lost control. They paid a very heavy price. I cannot understand this mentality of not wearing a seatbelt, whether you are in the city or in the country, but it is hard to emphasise to children to wear a seatbelt if there is one in the school bus if the parents do not reinforce that by wearing a seatbelt and having their children wear a seatbelt when they are travelling in the family car or in a ute used on a farm. Country people in particular, but also city people, need to heed the message about wearing seatbelts. We hear the euphemism that the police use in relation to people thrown out of vehicles, and often it is because the person is not wearing a seatbelt.

I commend the Freemasons for their generosity in supporting the provision of seatbelts. Not only are they generous in respect of this issue but, as members may have observed, they are also very supportive of trying to find a cure for prostate cancer and making people aware of that issue. The city aspect of this issue is that the city buses do not have seatbelts either, those run in metropolitan Adelaide under contract to the government, and people have raised with me—and I would be interested to hear from the member for Heysen—the fact that we have buses coming down the Freeway travelling at the legal maximum with people standing. They are not in the situation where they could have a seatbelt, even if there was one, but I would hate to think what would happen to those people in a fully-laden commuter bus coming down the Freeway chock-a-block with people standing, as well as those sitting, if there were a serious accident.

There is no easy answer to that other than to provide a lot of buses and to provide the option of a seatbelt in them, but in the metropolitan area at the moment we do not provide seatbelts for passengers in buses. Likewise, our buses can take wheelchairs but they are rarely used by people with wheelchairs. There is no way of securing a wheelchair, so we ask the wheelchair user to turn the wheelchair to the rear of the bus and hope that, if the bus has an accident, they do not get too badly hurt. I believe that the member for Waite should be commended for this bill. It is not an issue that should be seen as partisan. We are talking about the lives of young people, in particular, children and students, and especially those in country areas. The point that I made at the outset is that, the sooner we can have school buses fitted with seatbelts, the better.

I know it is not easy to require students to comply, because the driver will, hopefully, be paying attention to the road, but at least the option is there and over time the children will learn and be influenced to wear the seatbelt provided. I commend the member for Waite for pushing this issue. There has been some response from the government in recent weeks that it is going to move to accelerate the process but, as I have already said, we have been very fortunate that there has not been a major disaster involving children on any of these buses. In fairness to the private operators, the contractors, if you require a higher standard that involves providing a seatbelt, then the contract price should take that into account. You cannot expect the bus operator to pick up the cost from totally within their operating margins.

I think this is a useful and productive exercise that the member for Waite is pursuing and I hope that the government listens. I am a great believer in prevention rather than trying

to deal with a problem after it has manifested itself. If you save one life, it is surely worth it. This process of fitting seatbelts, no doubt, will be phased in over time. It should be mandatory that all new buses come fitted with seatbelts and those that can be retro-fitted should be. The buses that are getting old and past their use-by date should be phased out and the operators assisted to phase out those buses and to get more modern buses that are fitted with seatbelts. I commend the member for Waite for what he is seeking to do, because ultimately it is about protecting the most vulnerable in our community, that is, our children.

Mr PEDERICK (Hammond): I wish to make a small contribution to this discussion and commend the member for Fisher for his comments. Being a rural member, I have one son already on a rural bus, as with thousands of other children across the state who travel on school buses to get their education. My son Mack's bus has to pull up twice a day on the main Melbourne road, which in itself raises questions. Our children are our most precious resource and, as the member for Fisher indicated, one death will be one too many. One comment I wish to make is about children not sitting down. With the provision of seatbelts in buses, there is room in this amendment that drivers will not be prosecuted for children not sitting down, but they will make their best endeavours to ensure that children are sitting down.

We can probably all go back in history to when we were on school buses and the unruly behaviour that some people may have participated in—but I guess it would not have been anyone from this place! Another issue along these lines is that perhaps we need to pay more attention to the maintenance backlog on country roads. The backlog of maintenance is about $200 million for the state contribution, and it appals me when I drive around country areas to see the lack of spending going into road maintenance when we will have, in the next few years, towards a billion dollars spent on metropolitan road improvements.

In closing, I echo the sentiments of the member for Fisher in relation to private operators, that they do need to be appropriately compensated if seatbelts are fitted, and I think they do need to be fitted.

An honourable member interjecting:

Mr PEDERICK: It is all about money—that is exactly right. They need to be paid a relevant contract rate to take this into account.

Mrs PENFOLD (Flinders): I rise to enthusiastically support this bill on behalf of all our regional students, their parents, grandparents, friends and families who recognise that their loved ones are often on substandard roads for long periods in buses that are far from new. Along with the member for Waite, I also have concerns that this government is reluctant to support the provision of seatbelts in our school buses, despite providing millions of dollars for trams to replace free, almost-new buses in the city. Concern is so great that a fund has been established by the Masonic Foundation to help the government more quickly to install these seatbelts in buses, and I commend the Masonic Foundation for that. I urge all those city people who use the free city buses to give a thought to our young country people and donate a few dollars towards this very worthy cause.

While the risk to our regional students is considered low—as has just been stated by the member for the city seat of Enfield—if we have a serious accident, as occurred recently in my electorate of Flinders on Eyre Peninsula, it could cost dozens of young lives. Fortunately no lives were lost on that occasion, but, with 12 000 kilometres of unsealed road on Eyre Peninsula alone, it could happen at any time. Why do we have to wait until it is too late and then take action? How much better to do it now. Hold off the extension of the tramline and buy new buses for our country students, not just with seatbelts but also with padded seats and with air-conditioning, not buses like those which were delivered under this Labor government to some country schools and which had to be withdrawn when it was found that they were built for sealed roads and air conditioners became clogged with dust and stopped working. In addition, the doors sprang open while the bus was moving, which automatically switched off the ignition, so I am told; again caused by the dust and rough roads encountered by these buses. I support the bill.

The Hon. R.G. KERIN secured the adjournment of the debate.

PARLIAMENTARY COMMITTEES (FORESIGHT COMMITTEE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 September. Page 1020.)

The Hon. R.B. SUCH (Fisher): This is my third attempt in the second reading debate, and I think I have three minutes remaining. To summarise the issue: as I pointed out previously, governments in other countries have a process where they try and look at issues well in advance and deal with them well in advance as best they can. I think the current problem we are experiencing with lack of water is one issue that would come well within the ambit of this committee, where you look at an issue down the track, in advance, and try to deal with it. Others would be ageing, educational services, changes in farming—the list goes on and on.

Currently our committee system looks at past issues, sometimes current issues, but rarely does it look into the future, as happens in countries such as Japan, Germany and the United Kingdom. As I have said before, the United Kingdom's foresight committee is based within the Public Service—I think it is better to have it based within the parliament—and public servants and people from the private sector are called to give evidence. It is not simply trying to guess what is going to happen in the future. It is not crystal-ball gazing. It is looking at likely challenges for society arising from changing social and economic trends, population changes, developments in science and technology, and then working out the best way to try to influence the future and cope with the changes that are likely to emerge from those sort of developments.

I urge all members and the various parties and groupings within both houses to support this measure because I think it would indicate that, as a parliament, we are willing and able to look at issues well in advance. We know what some of them are going to be, and we can look at ways of trying to deal with them well in advance of their manifesting themselves in a way that will create difficulties for our community. From talking to members individually, I feel that there is a lot of support for this measure. I trust that we can implement it and, in that way, better serve the people of this state, not only this generation but those to come. I commend the bill to the house.

Mrs GERAGHTY secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: BAKEWELL BRIDGE REPLACEMENT PROJECT

Adjourned debate on motion of Ms Ciccarello:

That the 241st report of the committee entitled Bakewell Bridge Replacement Project be noted.

(Continued from 30 August. Page 784.)

Mr HAMILTON-SMITH (Waite): I believe I had sought leave to continue my remarks on this matter. I made the point that, on this side of the house, we had some serious reservations with the final product on the Bakewell Bridge. I think that has been aired publicly and fairly exhaustively. At least we are getting an underpass but, as has been aired, we have serious concerns about the lack of a pedestrian pathway to the north, and cyclists have very serious concerns about the safety of the tunnel. I think those issues have had a fairly thorough airing, and there is probably not much point now in holding up the Public Works Committee report any further.

It is simply that we think, with these and other matters, since they are long-term pieces of infrastructure that are going to be there for 50 or 100 years, the government ought to get them right in the first instance. This is yet another example—along with the Northern Expressway and South Road tunnels—of cases where it is a good idea to make sure you have the right amount of money put aside, the right plan and, even if you do have to chip in a little bit more, it is probably better to do it now than pass the problem off to future generations.

The opposition has made its point. We support the Public Works Committee report with the reservations we have noted, and we look forward to its passage and the construction of the underpass.

The Hon. R.B. SUCH (Fisher): I welcome this project, and I notice that it will facilitate the transportation of double-deck container trains in order to make it a bit easier than is currently the case. The key points that I want to make—and I endorse the point made by the member for Waite—are that it is important when these sorts of projects are undertaken that there is adequate protection and facility provided for cyclists and pedestrians. It should be a given in this day and age that, when the department of transport issues a design brief, proper provision is made for cyclists and pedestrians. I would like to see in Adelaide a genuine network of cycleways and walkways for our citizens. We do not have it and I would like to see it. When we plan infrastructure like this, it should be accommodated.

My final point is that it should be designed with a view to the future, and I do not know whether it is, but I am pretty sure that I wrote to the minister about it because I write to him about everything else. I trust that the planning of this facility to replace the Bakewell Bridge will allow for a light rail system in the future should we get to a point of introducing one in the metropolitan area—and, hopefully, we will. I would make it a condition when designing and building something like this that there is scope in the future to allow for innovative transport provision which would include electric light rail—in other words, a tram. If that has not happened, I think it is very remiss of the department of transport.

It should happen with all the other projects so that, in five or ten years, when the current diesel electric rail service starts to get a bit wobbly and needs to be replaced, we then go to a standard gauge light rail system which can link in with the standard gauge Glenelg tram system. That network can be accommodated in infrastructure projects such as the Bakewell Bridge replacement as well as infrastructure projects happening around the city. To do otherwise, in my view, would be foolish and short-sighted, and our generation will be criticised if such provision is not made. I ask the minister, even at this late stage, that the design and construction of this replacement—and we know that it is underway now—be modified so that it can accommodate the introduction of a light rail network should that eventuate in the not too distant future.

Motion carried.

DOG AND CAT MANAGEMENT (MANAGEMENT OF CATS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 June. Page 689.)

Ms PORTOLESI (Hartley): With due respect to the member for Fisher, the government does not support the bill. However, this should not be interpreted as a lack of support for responsible cat ownership—quite the contrary, even though I am allergic to the furry little creatures. The government supports any program that encourages responsible cat ownership or addresses the problem of feral and stray cats. I am aware that the Dog and Cat Management Board is developing strategies to achieve such outcomes. However, the bill as it stands presently is not the answer. It is impractical and provides councils with additional responsibilities, which they do not appear to want. Only one council has so far introduced cat registration. In fact, in 2003 the government circulated a series of proposals to all South Australian councils seeking their views on cat legislation and future options.

While cats are excellent companion animals, it is generally recognised that they can cause public nuisance and impact on native wildlife, problems principally caused by unowned cats or irresponsible cat owners. Half the councils responded and, although all sought amendments to the cat provisions of the Dog and Cat Management Act, there was no consistency in the type of changes envisaged. This bill requires all owned cats to be registered and, while this may be a component of responsible ownership, it falls far short of ensuring it will be achieved. There seems to be an assumption that because dogs are registered cats should be as well. Registration is a good management tool for dogs, as both their owner and registration status are both relatively easy to determine. That is not so for cats, rabbits or ferrets. Does anybody in this place own a ferret?

The bill provides that councils must include cats in their animal management plans and that such plans may provide for curfews, confinement and limiting of numbers. Section 26A of the Dog and Cat Management Act already provides for councils to include cats in their animal management plans. The bill allows councils to introduce by-laws for the management of cats—powers already conferred by section 91 of that act.

On the subject of the detention of cats—and I wish we were more concerned about the detention of people than we are about cats—the bill provides that councils may detain cats in facilities approved by the Dog and Cat Management Board, but does not specify the grounds on which they are to be detained, the impounding period or process of notification of

a cat being impounded. Presumably these matters are to be left to by-laws, which councils can already make.

I said earlier that one council had gone down the path of compulsory cat registration, and that is Kangaroo Island, which introduced it on 1 July 2006. The government commends the council on its initiative, particularly given that the overwhelming majority of its residents wanted cat management. The registration provides a small funding source to offset the associated cost. The council has introduced by-laws limiting cat numbers unless permission is granted by the council and requiring confinement of cats. However, the model is in the early stages of implementation, and whether or not it is an appropriate model to adopt statewide is yet to be determined. A few councils have introduced other by-laws limiting the number of cats or stipulating that they must be desexed or confined to their owners' property. However, the majority has not and those which have done so generally have used a by-law to address a particular problem. The government believes it is inappropriate to introduce legislation, which local government will have to enforce, when there is no clear agreement on the approach to be taken.

Looking to other states, Victoria has introduced cat registration, but it has now also introduced mandatory point of sale microchipping for both dogs and cats. Without such a form of life-long identification, establishing the owner of a cat is difficult, if not impossible. This bill does not provide for point of sale microchipping, so it is likely to be unworkable. The bill provides that cats must be identified in accordance with the regulations. As the bill provides for cat registration disks, presumably the regulations are envisaged to require cats to wear the disks on a collar. It is recognised that cats with collars lose them on a regular basis. It would be unreasonable for a person to be prosecuted because their cat lost its collar. Again, microchips provide a means of identification which cannot be lost, but this is not contemplated by this bill.

The proposed amendments increase the emphasis on cats in the functions of the Dog and Cat Management Board. The existing act states the primary role of the board, namely, to plan for, promote and provide advice about the effective management of dogs and cats throughout South Australia. The proposed amendments add nothing to that statement. A key function of the Dog and Cat Management Board is to keep the act under review. The board is doing this and has also established excellent communications with councils. When and if the board recommends cat registration and/or other management systems, with the support of council, the government will seriously consider those recommendations.

Mr GOLDSWORTHY secured the adjournment of the debate.

SUMMARY OFFENCES (GATECRASHERS AT PARTIES) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953 and to make a related amendment to the Criminal Law Consolidation Act 1935. Read a first time.

The Hon. M.J. ATKINSON: I move:

That this bill be now read second time.

At the last election, the Labor Party made this election promise:

Gatecrashers

The public disorder caused by gatecrashers is a significant community concern. There has been an increase in incidents where groups of uninvited guests attending private functions caused disturbances and, on occasions, assaults. The Rann government will clarify the law so that home owners, or persons in authority, can require uninvited persons to leave the premises and not return and, if necessary, use reasonable force to remove them.

The bill fulfils that pledge. I seek leave to have the balance of my remarks inserted into *Hansard* without my reading them.

Leave granted.

This Bill proposes changes to the *Summary Offences Act* that will put that promise into law.

There is, of course, a general regime governing trespassers in the *Summary Offences Act*. The core provision is section 17A which says:

17A—Trespassers on premises

(1) Where—

(a) a person trespasses on premises; and

(b) the nature of the trespass is such as to interfere with the enjoyment of the premises by the occupier; and

(c) the trespasser is asked by an authorised person to leave the premises,

the trespasser is, if he or she fails to leave the premises forthwith or again trespasses on the premises within 24 hours of being asked to leave, guilty of an offence.

Maximum penalty: $2 500 or imprisonment for 6 months.

(2) A person who, while trespassing on premises, uses offensive language or behaves in an offensive manner is guilty of an offence.

Maximum penalty: $1 250.

(2a) A person who trespasses on premises must, if asked to do so by an authorised person, give his or her name and address to the authorised person.

Maximum penalty: $1 250.

(2b) An authorised person, on asking a trespasser to leave premises or to give a name and address, must, if the trespasser so requests, inform the trespasser of—

(a) the authorised person's name and address; and

(b) the capacity in which the person is an authorised person under this section.

(2c) A person must not falsely pretend, by words or conduct, to have the powers of an authorised person under this section.

Maximum penalty: $750.

(3) In this section—

authorised person, in relation to premises, means—

(a) the occupier, or a person acting on the authority of the occupier;

(b) where the premises are the premises of a school or other educational institution or belong to the Crown or an instrumentality of the Crown, the person who has the administration, control or management of the premises, or a person acting on the authority of such a person;

occupier, in relation to premises, means the person in possession, or entitled to immediate possession, of the premises;

offensive includes threatening, abusive or insulting;

premises means—

(a) any land; or

(b) any building or structure; or

(c) any aircraft, vehicle, ship or boat.

(4) In proceedings for an offence against this section, an allegation in the complaint that a person named in the complaint was on a specified date an authorised person in relation to specified premises will be accepted as proved in the absence of proof to the contrary.

These provisions resulted from a careful and lengthy debate in the Parliament as a result of strong complaints from farmers and country people about trespassers going onto private property looking for "magic mushrooms". The result was that there was no "mere trespass" offence—there was a "trespass plus" offence. The "plus" is that the trespasser has been asked to leave by the occupier and has failed to do so.

The structure proposed in this Bill for dealing with trespass by gatecrashers builds on this fundamental decision and the resulting legislative structure.

The Labor policy and the Bill are focussed on dealing with gatecrashers at private parties. A "private party" is a defined term. It means a party to which admittance is allowed by invitation only. Those who hold parties on the basis of free entry to all who turn up do not and should not fall within the scope of this Bill. Neither do those parties which may be "private" in the defined sense, but for which the organisers should organise their own security—such as those who hold parties in corporate boxes at the football. Those who hold a party on licensed premises should comply with the separate and rightly distinct regime imposed by the *Liquor Licensing Act*. That being said, though, the proposed measures will apply whether the party is being held in a private home or in a hired hall or other premises.

In general terms, the sequence of the sub-sections in proposed s 17AB follow an anticipated factual sequence of gatecrashing.

- The person in charge reasonably suspects that the person or persons are gatecrashing and requires proof of entitlement to be there—say, an invitation.
- The person fails that test and is told that they are not welcome, whereupon that person is deemed to be a trespasser.
- The trespasser is asked to leave (either in person or as a member of a group) and fails to leave. That constitutes an offence. The maximum penalty is twice that of the general trespassing offence.
- Supplementary supporting offences attacking the use of offensive language, behaving in an offensive manner and failing to give name and address by the trespasser.
- Police powers to enable police removal of anyone reasonably suspected by police of committing an offence against this section.
- Additional police powers to deal with loiterers in the vicinity of the private premises based on the existing model of general loitering provisions in s 18 of the *Summary Offences Act*, together with an enhanced penalty for failure to comply.
- Amendment of the defence of property provisions of the *Criminal Law Consolidation Act* to make it clear that they apply to the situations contemplated by the proposed provisions.

These are innovative and well-thought out proposals which precisely reflect Labor election policy. They should command the support of the Parliament.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Summary Offences Act 1953*

4—Amendment of section 17A—Trespassers on premises

This clause makes a consequential amendment to section 17A. The material in the 2 subsections that are to be deleted is now to be covered by proposed section 17AC.

5—Insertion of sections 17AB and 17AC

This clause inserts new sections as follows:

17AB—Trespassers etc at private parties

This provision creates a number of special offences relating to trespassers at private parties, makes provision for removal of trespassers at, and persons loitering in the vicinity of, private parties and provides special evidentiary arrangements in relation to offences under the provision.

A ***private party*** is defined in the provision as party, event or celebration to which admittance is allowed by invitation only, other than a party, event or celebration that is held by or on behalf of a company or business, in a public place or on licensed premises.

Under the provision, an authorised person at a private party may require a person suspected of being a trespasser to produce evidence that he or she is entitled to be on the premises. If the person fails to produce such evidence, the person may be advised that he or she is trespassing on the premises and at that point will be taken to be a trespasser for the purposes of the other provisions of the clause and for the purposes of section 15A of the *Criminal Law Consolidation Act 1935* (which is the provision about defence of property). This provision is in addition to the ordinary laws about trespassers and is designed to assist authorised persons in establishing that a person is a trespasser and that powers under the provision may be exercised in relation to that person.

The provision then creates the following offences:

- A person who trespasses at a private party and who, having been asked to leave the party, fails to do so or returns during the party, commits an offence punishable by a fine of $5 000 or imprisonment for 1 year.
- A person who trespasses at a private party and uses offensive language or behaves in an offensive manner commits an offence punishable by a fine of $2 500.
- A person who trespasses at a private party must, if asked to do so by an authorised person, give his or her name and address to the authorised person. Failure to do so is an offence punishable by a fine of $2 500.

Proposed subsection (7) deals with removal of a trespasser from the party premises at the request of an authorised person. Proposed subsections (8) and (9) deal with people who are not trespassers but who are in the vicinity of a private party. Under subsection (8), police may, on grounds specified in the provision, request a person to cease loitering, or request persons in a group to disperse. Under subsection (9), a person of whom such a request is made must leave the place and the area in the vicinity of the place in which he or she was loitering or assembled in the group. Failure to do so is an offence punishable by a fine of $2 500 or imprisonment for 6 months.

The provision also contains provision for proof that a private party was being held and for proof of a person's status as an "authorised person".

17AC—Authorised persons

This provision requires an authorised person exercising powers under the current section 17A or new section 17AB to disclose certain information on request by the person in relation to whom the powers are being exercised and making it an offence to falsely pretend to have the powers of an authorised person under either of those sections.

Schedule 1—Related amendment to *Criminal Law Consolidation Act 1935*

The Schedule makes a related amendment to section 15A of the *Criminal Law Consolidation Act 1935* to make it clear that a person commits a criminal trespass for the purposes of the provision if the trespass is committed in circumstances where the trespass itself is an offence or constitutes an element of the offence (the latter situation being the subject of the amendment). The trespass offences under section 17A and proposed new section 17AB of the *Summary Offences Act 1953* are framed such that the trespass is not an offence of itself and so this amendment will clarify that the commission of one of these offences will nevertheless be a criminal trespass for the purposes of section 15A.

Mr HAMILTON-SMITH secured the adjournment of the debate.

STATUTES AMENDMENT (AFFORDABLE HOUSING) BILL

The Hon. J.W. WEATHERILL (Minister for Housing) obtained leave and introduced a bill for an act to amend the South Australian Housing Trust Act 1995, the South Australian Cooperative and Community Housing Act 1991, the Housing and Urban Development (Administrative Arrangements) Act 1995, the Residential Tenancies Act 1995, the Housing Improvement Act 1940 and the Development Act 1993. Read a first time.

The Hon. J.W. WEATHERILL: 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.

The *Statutes Amendment (Affordable Housing) Bill 2006* is an important initiative of this Government to address the situation facing those South Australians who need assistance to find a home within our community.

The South Australian Housing Trust was formed in 1936 as the first state housing authority in Australia, one year before the Housing Commission of Victoria, and by 1940 had completed 512 houses in the metropolitan area and had started building houses in Whyalla.

The first Annual Report of the SA Housing Trust stated:

> "The provision of accommodation necessary for decent living at low rentals for persons coming within the lower income group is vital to the maintenance and expansion of the industrial life of this State. Further, the health, morals and general tone of the community are closely involved in the matter.

The next 70 years has seen the SA Housing Trust construct more than 100 000 houses, and has undergone a number of changes. The 1980s were a particular period of change for the Housing Trust and for SA, with the introduction of the Low Deposit Home Purchase Scheme, the Rental Purchase Scheme and a mortgage relief scheme and the establishment of the first housing co-operative.

The 1990s saw a restructure of the Housing Trust with the Emergency Housing Office becoming integrated into the Housing Trust allowing private rental services to be delivered from all Housing Trust offices, and the Development, Policy and Planning and Major Projects divisions formed. Other changes included the establishment of the Public Housing Appeals Unit, the formation of the South Australian Community Housing Authority (SACHA) to oversee community housing associations and co-operatives, and the proclamation of the Aboriginal Housing Authority (AHA).

The evolution of the SA Housing Trust has resulted in a diversity of programs to meet housing needs groups in the community, but with reduced Commonwealth funding this has resulted in the targeting of housing trust resources to the highest needs groups. This has meant housing the most vulnerable people in our community but has also resulted in the need to sell houses in order to survive, with approximately 45, 450 housing stock remaining. This has also meant those people who traditionally would have been housed by the Housing Trust, such as low income workers and their families, were unlikely to access public housing, which has left a considerable and growing gap in our society of people who cannot afford to access housing.

As a result in March 2005 the Labor Government released the Housing Plan for South Australia, which aims to return South Australia to the forefront of innovative housing policy and help improve the economic and social well being of individuals, families and communities. The Housing Plan contains five main objectives being, affordable housing and strong communities, high needs housing, housing and services for Aboriginal South Australians, strong management and service coordination and environmental sustainability.

In May 2005 the Government commissioned a review into the social housing system within South Australia to determine the capability of the housing system to deliver on the Housing Plan for South Australia. The review identified the need for reform to enable housing outcomes to be delivered at a systemic rather than agency level through the provision of a continuum of housing supply, assistance and support options. Accessible and affordable housing services and supply are regarded as key contributors to broader social inclusion outcomes for citizens.

As a result in May 2006, the Government announced its housing reform agenda to provide for a continuum of services, quality of service, stronger governance and best use of resources. This will include the creation of "one stop shops" so people needing more than one service can get all the help they need in one place. People needing services will get them from newly created Housing SA offices, a single entry point for all our Government housing services.

The important role of the SA Housing Trust will continue, with a renewed role as a high needs housing provider to continue to provide for those most vulnerable in our community. In addition to help meet the increasing gap of people who cannot afford their own home, a new South Australian Affordable Housing Trust has been created as a division of the SA Housing Trust to help deliver more affordable homes for South Australians who are locked out of the housing market.

The new Affordable Housing Trust will recapture the early ambition of the Housing Trust to meet the housing needs of low-income workers and families. We want to give the young people of today the same start that the Trust gave to their parents and grandparents. It will seek to meet the needs of those families who now apply but miss out on public housing because of tighter targeting. It will allow further targeting of tightly subsidised public housing to assist those in most need.

The Housing Trust and its new Division, the Affordable Housing Trust, will work in a complementary fashion to address the Government's target to reduce housing stress. Housing Trust assets will provide higher subsidy services to those in greatest need, including personal support needs, in the community. The Affordable Housing Trust will focus on partnerships with the not for profit and private sectors, with lower Government subsidy requirements to families in housing stress but requiring services which are less capital intensive than public housing.

The Affordable Housing Trust will focus on providing a wider set of solutions. It will be supported by a Board that will include South Australians with experience in the housing industry, the service sector, local government and planning who will provide ideas and networks to market responses. Importantly, the Affordable Housing Trust and its Board of Management will focus on addressing the growing affordability crisis which has seen the ratio and average annual household income to house price double from 3.5 to 6.5 over the past decade.

Nationally, affordable housing is an increasingly recognised issue. South Australia has played a leading role in promoting this issue. A National Action on Affordable Housing Framework was endorsed in August 2005, which is a 3-year plan to promote a national, strategic, integrated and long term vision for affordable housing through a comprehensive approach by all levels of government. In August 2006, joint Local Government and Planning Ministers approved a national approach to the adoption of affordable housing policies within planning systems.

The Affordable Housing Trust will work with local government and planning authorities to provide the legislative and policy framework to encourage developments that include affordable housing targets of 15% affordable housing including 5% high needs housing. A variety of home ownership supply schemes are being developed, that in conjunction with Homestart financing packages for people on low incomes, will enable people to purchase a home who otherwise would not have been able to enter into the housing market. This is providing a new market segment and I encourage developers to consider the opportunities presented by this growing market.

Various rental initiatives are also being developed. In September 2005, Expressions of Interest for affordable rental supply projects were sought and some 75 responses were received. These provide an opportunity to work with the not for profit and private sector to examine ways to work together collaboratively to increase affordable housing outcomes for the community. We believe this and other programs can be further expanded beyond the restrictions contained in the current legislation in order to obtain the best use of assets to increase the supply of affordable and high needs housing. However these decisions must be made with transparency, probity and value for money to ensure the wisest use of taxpayers funds. It is through providing a clear leadership structure and vision and working together with industry, community groups and other government authorities in a transparent and open manner that we can work towards achieving housing affordability for all.

The Affordable Housing Bill is an integral part of the Labor Government's housing reform. The Affordable Housing Bill will provide the legislative support to the new governance structure and housing objectives including the Affordable Housing Trust and its role in working with industry and partners to deliver more affordable housing outcomes in the market.

The Affordable Housing Bill amends legislation to provide for a contemporary set of housing arrangements where responsibility for strategy, asset and housing services is established under clear Ministerial control and a greater emphasis is given to the delivery of affordable and high needs housing outcomes.

These governance structures that will provide for Ministerial and Chief Executive of the Department for Families and Communities accountability will be reflected in the amended *South Australian Housing Trust Act 1995* and the *South Australian Co-operative and Community Housing Act 1991*. The SA Housing Trust is retained in recognising its important role in the provision of housing for those most disadvantaged. The SA Affordable Housing Trust will be established as a division of the Housing Trust, and will focus on working with industry and community partners in finding innovative solutions to housing needs of low to moderate income earners, including the best use of assets to deliver housing outcomes. This includes the ability to provide grants to the not for profit and private sectors, where value for money, probity and transparency is demonstrated, signifying the government's commitment to work with

these sectors in finding innovative solutions to affordability problems.

Offices for Community and Aboriginal Housing have been established within the Department for Families and Communities to provide for ongoing recognition of the importance of both community housing and the housing needs of Aboriginal people. These will replace the South Australian Community Housing Authority and the Aboriginal Housing Authority. In addition an Aboriginal Housing Association will be created to specifically focus on providing access to safe, affordable and culturally appropriate housing.

A number of administrative issues that support the new governance arrangements will also be reflected in the *Housing and Urban Development (Administrative Arrangements) Act 1995*, the *Residential Tenancies Act 1995* and the *Housing Improvement Act 1940*.

Importantly, these amendments have also recognised important issues, such as the need to protect equity shares currently held with the Community Housing Fund. Provisions are made for share equity investments to be held in an appropriate account.

Provisions have also been made in regards to appeal provisions under the *South Australian Housing Trust Act 1995* to provide consistency with the *South Australian Co-operative and Community Housing Act 1991*, which currently has legislated provisions for appeals. Last financial year some 392 applications were lodged and in recognising the important role of the Public and Community Housing Appeals Panel for citizens, an appeal process has been legislated.

To reinforce the importance of affordable housing and the need for a system response, amendments have been included in the *Development Act 1993*, to specify the need to consider affordable housing in strategic planning and local council development plans. This will enable councils to make local assessments of housing need and plan for affordable housing in the future. If we want to provide for a supply of houses that our children and grandchildren can afford to buy or rent, then we need to encourage our planners, developers and decision makers to work towards a diversity of housing types, sizes and prices people can afford.

To assist with this, the *Housing and Urban Development (Administrative Arrangements) Act 1995* will be amended to include the promotion of planning and development systems that support sustainable and affordable housing outcomes within the community, including by participating in the referral system established under section 37 of the *Development Act 1993*, which will enable the certification of developments that meet the 15% affordable housing targets.

It is essential that the planning system support housing affordability objectives in order to provide for systemic and larger scale responses to meet the growing affordability needs.

I commend the Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *South Australian Housing Trust Act 1995*

4—Amendment of section 3—Interpretation

These amendments make consequential changes to the definitions under the Act, including by deleting definitions that will no longer be required. The definition of the ***Department*** is to be revised so that the Minister will be able to designate the appropriate administrative unit by notice in the Gazette. (This is particularly important as it will be the Chief Executive of this Department who will constitute SAHT.)

5—Substitution of heading

This is a consequential amendment.

6—Amendment of section 4—Constitution of SAHT

This amendment provides that SAHT will be constituted of the Chief Executive.

7—Amendment of section 5—Functions of SAHT

These amendments relate to the functions of SAHT. It is to be made clear that the functions of SAHT include assisting people to secure and maintain affordable and appropriate housing by supporting initiatives in various sectors to increase the supply of affordable housing within the community. This may include the provision of support so as to allow the private or not-for-profit sectors to meet housing needs within the community. New subsection (4) will state that in conducting its affairs, and after taking into account Government policy, SAHT should employ the most appropriate and effective mechanisms to meet its aims and objectives.

8—Amendment of section 7—Specific powers of SAHT

It is to be made clear that SAHT is able to provide financial and other assistance to secure housing outcomes in the private sector. This assistance may be provided in a variety of ways. The provision of financial assistance will be subject to obtaining the approval of the Treasurer.

9—Substitution of Part 2 Division 3

Part 2 Division 3 must be revised as there will no longer be a board of management of SAHT constituted under the Act. However, a number of the duties that currently apply under section 16 of the Act are to be retained (with some modification relating to providing transparency and value in managing available resources and meeting expectations as to probity and accountability) and applied to the Chief Executive in constituting SAHT.

10—Repeal of Part 2 Division 4

All staff are now employed within the Department and so Division 4 is no longer required for the purposes of determining the staffing arrangements for SAHT.

11—Amendment of section 18—Committees

SAHT will be required to establish a committee to promote initiatives to increase the supply of affordable housing within the State.

12—Amendment of section 19—Delegations

13—Amendment of section 21—Further specific powers of SAHT

These are consequential amendments.

14—Amendment of section 23—Transfer of property, etc.

The requirement to give notice under subsection (3) is to be removed. It will be made clear that this section (and the mechanism established by it) is not intended to limit in any way the operation of another provision of this or any other Act that allows for the transfer of any asset, right or liability of SAHT (including section 6 which vests in SAHT all the powers of a natural person).

15—Amendment of section 26—Dividends

This is a consequential amendment.

16—Amendment of section 27—Accounts and audit

This amendment will make it clear that the accounts of SAHT may include accounts (and related financial information) that relate to the operations of SAHT under any other Act.

17—Repeal of sections 30 and 31

The preparation of a code of practice and charter will no longer be required by statute. The annual report under the Act will now be prepared by the Minister under proposed new section 42A.

18—Insertion of Part 3A

The arrangements for the review of various decisions of SAHT by an independent body will now appear in the Act. The relevant appeal body is to be the *Housing Appeal Panel* constituted under this new Part. The scheme will retain the current arrangements under which a person who is dissatisfied with a reviewable decision commences the process by applying for an internal review of the decision. If the matter cannot be resolved by an internal review, the person will apply to the Appeal Panel under new section 32D. Section 32D reflects a number of the practices that apply under the current administrative processes, including that the Appeal Panel prepares a recommendation for consideration by the Minister. The Minister will then determine the matter. It will be made clear that the Minister is not required to conduct a hearing or to invite submissions, and the Bill will provide that the Minister should not depart from the terms of a recommendation except for cogent reasons.

19—Insertion of section 42A

The Minister will now be responsible for preparing an annual report that relates to the operation and administration of the Act. This report will incorporate the audited accounts and financial statements of SAHT. It will be possible to combine this report with an annual report of the Minister under another Act that is also administered by the Minister.

20—Insertion of section 43A

The Minister and the Treasurer are to be given powers of delegation for the purposes of the Act.

Part 3—Amendment of *South Australian Co-operative and Community Housing Act 1991*

21—Amendment of section 3—Interpretation

These amendments make consequential changes to the definitions under the Act.

22—Insertion of section 6A

The South Australian Community Housing Authority is to be dissolved. New section 6A will set out the functions that the Minister will specifically assume under the Act.

23—Amendment of section 7—Power of Minister to delegate

These amendments relate to the Minister's ability to delegate functions or powers under the Act. A key entity under the Act will now be SAHT. It is proposed to allow a function or power to be subdelegated, if the instrument of delegation so provides.

24—Repeal of Part 2 Division 2

The provisions relating to the constitution of the Authority are to be repealed.

25—Substitution of heading

Part 2 Division 3 will now set out the functions and powers of SAHT under the Act.

26—Amendment of section 16—Functions and powers of SAHT

These amendments reflect the role that SAHT is to assume under the Act, and the fact that the Minister is now to assume certain functions.

27—Amendment of section 17—Delegation

These are consequential amendments.

28—Repeal of section 18

All staff are now employed within the Department and so section 18 is no longer required for the purposes of determining staffing arrangements under the Act.

29—Amendment of section 18A—Transfer of property, etc.

30—Amendment of section 18B—Tax and other liabilities

31—Amendment of section 18C—Dividends

These are consequential amendments.

32—Substitution of sections 19 and 20

Section 19 of the Act is to be revised so that the accounts of SAHT under the Act may be included as part of the accounts of SAHT under the *South Australian Housing Trust Act 1995*. Under section 20, the Minister will now be responsible for preparing an annual report that relates to the operation and administration of the Act. The report will be able to include the combined accounts of SAHT under a combined report under the *South Australian Housing Trust Act 1995*.

33—Amendment of section 21—Registers and inspection

The Minister will now assume responsibility for the registers required under the Act.

34—Amendment of section 22—Registration

35—Amendment of section 25—Amalgamation

36—Amendment of section 27—Alteration of rules

37—Amendment of section 28—Powers of a registered housing co-operative

38—Amendment of section 31—Abolition of doctrine of constructive notice in relation to registered housing co-operatives

39—Amendment of section 32—Application for membership

40—Amendment of section 33—Voting rights of members

41—Amendment of section 36—Control of payments to members etc

42—Amendment of section 39—Qualification of a committee member and vacation of office

43—Amendment of section 47—Preparation of accounts and audit

44—Amendment of section 48—Accounts and reports to be laid before annual general meeting

45—Amendment of section 49—Returns and other information

46—Amendment of section 50—Right of inspection

The Minister will now assume responsibility for the registration of housing co-operatives and for the statutory functions and administrative arrangements surrounding the requirements associated with registration under the Act.

47—Amendment of section 51—Issue of investment shares

The Minister will give any approval associated with the issue of investment shares by a registered housing co-operative under the Act.

48—Amendment of section 52—Share capital account

If a subsidised housing co-operative issues investment shares, the amount received by the co-operative must be transferred from its share capital account to SAHT, to be held in an appropriate account.

49—Amendment of section 56—Loss or destruction of certificates

50—Amendment of section 57—Redemption of investment shares

51—Amendment of section 58—Cancellation of shares

52—Amendment of section 62—Interpretation

These are consequential amendments.

53—Repeal of Part 7 Division 2

The South Australian Community Housing Development Fund is to be dissolved and its capital, and related interests, are to be transferred to SAHT.

54—Amendment of section 64—Financial transactions

SAHT will now assume the role of being a party to any funding agreements with registered housing co-operatives.

55—Amendment of section 65—Creation of charge

56—Amendment of section 66—Enforcement of charge

57—Amendment of section 67—Creation of option

58—Amendment of section 68—Paying out the charge

SAHT will now be the relevant party for the purposes of a statutory charge under the Act.

59—Amendment of section 70—Powers of investigation

This is a consequential amendment.

60—Amendment of section 71—Grounds for intervention

61—Amendment of section 72—Appointment of administrator

62—Amendment of section 74—Winding up

63—Amendment of section 77—Distribution of assets on winding up

64—Amendment of section 78—Defunct co-operatives

The Minister will now assume responsibility for any investigation, intervention or winding up under the Act.

65—Amendment of section 79—Outstanding property of former co-operative

66—Amendment of section 80—Disposal of outstanding property

Outstanding property of a co-operative that is dissolved will vest in SAHT.

67—Amendment of section 82—Offences

This is a consequential amendment.

68—Amendment of section 83—Assistance to tenants

SAHT will now assume the role of assisting a tenant who may be affected by the winding up of a registered housing co-operative.

69—Amendment of section 84—Appeals

These amendments will provide for the Housing Appeal Panel to have statutory jurisdiction to hear appeals under Part 11 of the Act.

70—Amendment of section 88—Persons under disability

71—Amendment of section 92—Power to reject documents etc

72—Amendment of section 93—False or misleading statements

73—Amendment of section 94—General power to grant extensions and exemptions

74—Amendment of section 95—Ability of Minister to convene special meetings of co-operatives

75—Amendment of section 96—Evidentiary provision

76—Amendment of section 98—Failure to supply appropriate information

77—Amendment of section 102—Proceedings for offences

78—Amendment of section 103—Government guarantee

79—Amendment of section 104—Remissions from taxes etc

80—Amendment of section 105—Fees in respect of lodging documents

81—Amendment of section 106—Rule against perpetuities

82—Amendment of section 107—Regulations

83—Amendment of Schedule 1—Housing associations

84—Amendment of Schedule 2—Associated land owners

These are consequential amendments.

Part 4—Amendment of *Housing and Urban Development (Administrative Arrangements) Act 1995*

85—Amendment of section 3—Interpretation

These amendments make consequential changes to the definitions under the Act.

86—Amendment of section 5—Functions

The functions of the Minister under the Act are to include specific reference to the role of promoting planning and development systems that support sustainable and affordable housing outcomes within the community, and supporting the achievement of these outcomes by acting as a prescribed body under section 37 of the *Development Act 1993*.

87—Repeal of sections 12 and 13

88—Amendment of section 14—Validity of acts

These amendments relate to provisions that now appear in Part 2 of the *Public Sector Management Act 1995*.

89—Amendment of section 17—Staff

90—Amendment of section 21—Specific powers

91—Amendment of section 23—Transfer of property etc

These are consequential amendments.

Part 5—Amendment of *Residential Tenancies Act 1995*

92—Amendment of section 5—Application of Act

Proposed new section 5(1a) of the Act will allow certain classes of rental/purchase agreements that relate to land owned wholly or in part by the South Australian Housing Trust, or a subsidiary of the Trust, to be brought within the jurisdiction of the Residential Tenancies Tribunal (rather than excluded by virtue of the operation of section 5(1)(e)).

93—Amendment of section 24—Jurisdiction of Tribunal

The jurisdiction of the Tribunal should extend to cases involving a subsidiary of the South Australian Housing Trust.

Part 6—Amendment of *Housing Improvement Act 1940*

94—Insertion of section 6

It has been decided to include a power of delegation for a housing authority under the Act.

Part 7—Amendment of *Development Act 1993*

95—Amendment of section 3—Objects

The objects of the *Development Act 1993* are to include specific reference to promoting or supporting initiatives to improve housing choice and access to affordable housing within the community.

96—Amendment of section 23—Development Plans

A Development Plan may, in connection with promoting the provisions of the Planning Strategy, set out objectives or principles relating to the provision of affordable housing within the community.

97—Amendment of section 30—Strategic Directions Reports

98—Amendment of section 101A—Councils to establish strategic planning and development policy committees

These amendments relate to the provision of reports by councils that set out the council's priorities for implementing affordable housing policies set out in the Planning Strategy. These amendments assume the passage of the *Development (Development Plans) Amendment Bill 2006*.

Schedule 1—Transitional provisions

This schedule sets out transitional provisions associated with the implementation of this measure.

Mr HAMILTON-SMITH secured the adjournment of the debate.

LIQUOR LICENSING (AUTHORISED PERSONS) AMENDMENT BILL

The Hon. J.M. RANKINE (Minister for Consumer Affairs) obtained leave and introduced a bill for an act to amend the Liquor Licensing Act 1997. Read a first time.

The Hon. J.M. RANKINE: 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.

The purpose of this Bill is to amend sections 111 and 112 of the *Liquor Licensing Act 1997* (the "Act") to restrict the categories of persons permitted to use force in the removal of minors from licensed premises, and to ensure consistency with sections 116, 124 and 127 of the Act.

The *Statutes Amendment (Liquor, Gambling and Security Industries) Act 2005* introduced a package of amendments to the *Liquor Licensing Act 1997*, *Gaming Machines Act 1992* and *Security and Investigations Agents Act 1995*.

Those amendments were intended to deal with the infiltration of organised crime into the security and hospitality industries; as well as violent and aggressive behaviour by crowd controllers working in licensed premises or at licensed events. Licensed crowd controllers working on licensed premises are now required to be approved by the Liquor and Gambling Commissioner.

The *Statutes Amendment (Liquor, Gambling and Security Industries) Act 2005* amended sections 116, 124 and 127 of the Act to allow only "authorised persons" to use force to remove minors, persons guilty of offensive behaviour or persons who have been barred from licensed premises. The definition of "authorised person" is limited to the licensee, responsible person, police officer and "approved crowd controller".

Section 111 of the Act relates to "areas of licensed premises declared out of bounds to minors" and section 112 relates to "minors not to enter or remain in certain licensed premises". These two sections were not part of the amendment package introduced by the *Statutes Amendment (Liquor, Gambling and Security Industries) Act 2005* and as a result under sections 111 and 112 an agent or employee of the licensee is permitted to use force to remove minors from licensed premises.

This is inconsistent with the recent amendments which restrict the category of persons who may use force to remove or prevent the entry of persons onto licensed premises. In order to ensure consistency throughout the Act, sections 111 and 112 have been amended to include the requirement that only an "authorised person" as defined by the Act may use force to remove minors from the licensed premises.

The Bill also inserts the definition of "authorised person" into the interpretation section of the Act, therefore the definition will apply to the Act as a whole.

The Bill also includes minor administrative amendments to improve the lay out of the Act but have no impact on the substance of the sections.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that operation of the measure will commence on 1 February 2007.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Liquor Licensing Act 1997*

4—Amendment of section 4—Interpretation

The *Liquor Licensing Act 1997* currently includes a number of definitions of ***authorised person***. The term is defined differently for the purposes of different sections of the Act. This clause inserts a new definition of the term into the interpretation provision of the Act. As a consequence of this amendment, the meaning of "authorised person" will be consistent throughout the Act.

An ***authorised person***, in relation to licensed premises, is—

- the licensee of the premises; or
- a responsible person for the premises; or
- a police officer; or
- an approved crowd controller.

5—Amendment of section 111—Areas of licensed premises may be declared out of bounds to minors

Section 111(3) provides that a minor who enters a part of licensed premises that has been declared to be out of bounds to minors may be required to leave by the licensee, a police officer or an agent or employee of the licensee. If the minor does not leave, the licensee, police officer, agent or employee may exercise reasonable force to remove the minor.

This clause amends the section so that an authorised person, as defined in section 4, may require a minor to leave and may use force if the minor fails to do so.

6—Amendment of section 112—Minors not to enter or remain in certain licensed premises

Under section 112(2), if a minor enters or remains in licensed premises in contravention of the section, or in contravention

of a condition of the licence, the licensee, an employee of the licensee or a police officer may require the minor to leave. If the minor fails to do so, those persons are authorised to use reasonable force to remove the minor.

This clause amends the section so that an authorised person, as defined in section 4, may require a minor to leave and may use force if the minor fails to do so.

7—Amendment of section 115—Evidence of age may be required

Section 115 currently provides that an authorised person may require a suspected minor to produce evidence of his or her age. For the purposes of the section, an authorised person is an inspector, a police officer, the occupier or manager of regulated premises or an agent or employee of the occupier.

The amendments made to section 115 by this clause change the term "authorised person" to "prescribed person" but do not otherwise alter the provision. This amendment is necessary because the group of persons authorised to require a minor to produce evidence of age under the section is not the same as the group that falls within the definition of ***authorised person*** to be inserted into section 4.

8—Amendment of section 116—Power to require minors to leave licensed premises

Under this section, authorised persons may require a person reasonably believed to be a minor to leave licensed premises and, if the person fails to comply with the requirement, may use reasonable force to remove the person.

Section 116 currently includes a definition of ***authorised person*** that applies only for the purposes of the section. That definition is deleted by this clause so that the new definition inserted into section 4 applies.

Under section 116(3a) and (3b), procedures to be observed by authorised persons in or in connection with the removal of minors from licensed premises may be prescribed. Those subsections are removed by this clause because new section 137B, to be inserted by clause 12, will provide for the making of such regulations.

9—Amendment of section 124—Power to refuse entry or remove persons guilty of offensive behaviour

Under section 124, authorised persons may remove, or prevent the entry of, persons who are intoxicated or behaving in an offensive or disorderly manner. The section currently includes a definition of ***authorised person*** that applies only for the purposes of the section. That definition is deleted by this clause so that the new definition inserted into section 4 applies.

Under section 124(1a) and (1b), procedures to be observed by authorised persons in or in connection with the prevention of persons from entering, and the removal of persons from, licensed premises may be prescribed. Those subsections are removed by this clause because new section 137B, to be inserted by clause 12, will include provision for the making of such regulations.

10—Amendment of section 127—Power to remove person who is barred

Section 127 provides that if a person is on premises from which the person is barred, an authorised person may require the person to leave the premises. If a person who is barred seeks to enter the premises or refuses or fails to comply with a requirement to leave the premises, he or she may be prevented from entering, or removed from, the premises by an authorised person using the force reasonably necessary for the purpose.

The section currently includes a definition of ***authorised person*** that applies only for the purposes of the section. That definition is deleted by this clause so that the new definition inserted into section 4 applies.

Under subsections (2a) and (2b) of section 127, procedures to be observed by authorised persons in or in connection with the prevention of persons from entering, and the removal of persons from, licensed premises may be prescribed. Those subsections are removed by this clause because new section 137B, to be inserted by clause 12, will include provision for the making of such regulations.

11—Amendment of section 131A—Failing to leave licensed premises on request

Section 131A, under which it is an offence to fail to leave licensed premises on the request of an authorised person, is amended by the removal of the definition of ***authorised person*** so that the new definition of that term inserted into section 4 applies.

12—Insertion of section 137B

Under new section 137B, the regulations may prescribe procedures to be observed by authorised persons in or in connection with the prevention of persons from entering, or the removal of persons from, licensed premises or a part of licensed premises. The regulations may also prescribe procedures to be observed by authorised persons in or in connection with the removal of minors from licensed premises or a part of licensed premises.

An authorised person is required to comply with any procedures prescribed under section 137B.

Mr HAMILTON-SMITH secured the adjournment of the debate.

PUBLIC FINANCE AND AUDIT (AUDITOR-GENERAL RETIREMENT AGE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 1155.)

Mr HAMILTON-SMITH (Waite): This bill seeks to amend the Public Finance and Audit Act 1987 to increase the age at which the office of the Auditor-General becomes vacant from when the Auditor-General reaches 65 until the age of 70. This is an important bill. At the outset, I say that the opposition commends the work done by the current Auditor-General. We recognise his long years of service to the state and what an asset he has been over the years in ensuring that the public accounts of government and the advice available to parliament has been of a high order.

In contributing to the bill, however, I indicate that the opposition does have some concerns about the bill based on a number of principles, which I will address later. Before I do, I point out to the house that, under current legislation, the present Auditor-General would need to retire in February 2007 when he reaches the age of 65, hence the reason for this bill. I draw to the attention of the house a particular extract from the Treasurer's second reading explanation of the bill on 26 October 2006 when he said:

> The Auditor-General is appointed by the Governor under the Public Finance and Audit Act 1987. The office of the Auditor-General is independent of politics and operates to ensure that the public finances of South Australia are used appropriately and to the best possible benefit of the state. Clearly, the role of the Auditor-General is a significant instrument of democratic accountability and transparency. The role is essential to effective governance. This bill raises the retirement age for the position from 65 to 70 years so that the occupants of the office of the Auditor-General can continue to make their valuable contribution to the people of South Australia. I commend the bill to members.

Before I proceed with my contribution, the house also needs to be aware that, in a press release dated 18 October 2006, Premier Rann said:

> The Auditor-General, Ken MacPherson, will not be forced to retire when he turns 65 early next year and will be able to work for another five years.

Premier Mike Rann further said:

> . . . the legislation governing the Auditor-General contains an anomaly in that it has a retirement age of 65, which means it was never amended to recognise changes made to age discrimination laws in the early 1990s. Cabinet has decided that the Auditor-General's Act should be amended to provide a retirement age of 70 in line with the retirement age of Supreme Court judges. The Auditor-General, as an independent lifetime statutory officer, is governed by his own legislation.

The Premier further said:

I am sure it was nothing more than an oversight that the legislation was not amended when compulsory retirement was outlawed in South Australia in 1993. At the very least the Auditor-General's Act should have been amended at that time to bring it into line with other independent lifetime appointments, such as Supreme Court judges. I believe it is still an important safeguard to have a retirement age for independent officials, that's because if, due to age and consequent ill-health, that officer is not able to perform his or her duties—or at least perform them to full capacity—it would be virtually impossible to dismiss them.

The Premier's press release further states:

In any case, our current Auditor-General, Ken MacPherson, is still doing an outstanding job as an independent watchdog on our future finances and is still very enthusiastic about his role. He shows no signs of slowing down. We will be delighted if he makes the decision to stay on and not retire at the beginning of next year. The amendment will be introduced to parliament on October 26.

In discussing this bill, I want to address a number of claims made, first, by the Premier, particularly when he said:

. . . provide a retirement age of 70 in line with the retirement age of Supreme Court judges.

I am advised that Supreme Court judges hold office until they turn 70. It used to be life tenure. The reason they have been given a retiring age of 70 (which is longer than the standard retiring age of 65) is because, usually, they are not appointed until fairly late in life, and to qualify for their pension scheme requires 15 years' service. These circumstances do not apply, as I understand it, to the Auditor-General. In his second claim, the Premier stated:

I am sure it was nothing more than an oversight that the legislation was not amended when compulsory retirement was outlawed in South Australia in 1993.

I am also advised that this claim may be wrong. There was no oversight in 1993. The Labor government's second reading explanation of the Statutes Amendment (Abolition of Compulsory Retirement) Bill in the Legislative Council (4 August 1993) states:

It should be noted that, even with these amendments, a number of people will still be subject to compulsory retirement ages in South Australia. With respect to positions of Valuer-General, Solicitor-General, Auditor-General, Electoral Commissioner, Deputy Electoral Commissioner and Ombudsman the working party has recommended a review as to whether or not it continues to be appropriate to oppose a compulsory retirement age. In reaching this decision, the working party took into consideration the fact that similar principles apply to these positions as to the judiciary regarding the requirement of independence from control by the executive. In particular, this is reflected in the procedures for removal from office which contains similar characteristics to that of the judiciary.

In other words, parliament at that time agreed to retain the compulsory age of 65 for all statutory office holders except judges and 70 for others. I think that the government should have picked up this point before drafting such a media release and attributing comments to the Premier.

The third claim, which again relates to the Premier's statement, is as follows:

I believe it is still an important safeguard to have a retirement age for independent officials. That is because if, due to age and consequent ill-health, that officer is unable to perform his or her duties, or at least perform them to full capacity, it would be virtually impossible to dismiss them.

I believe this claim is also wrong. In the Public Finance and Audit Act 1987, section 26 ('Suspension of the Auditor-General from office') provides:

(1) the Governor may suspend the Auditor-General from office—
(a) for incompetence, or—
(b) for mental or physical incapacity to carry out official duties satisfactorily; or
(c) for neglect of duty.

In regard to statutory office holders, I am advised that the only other person who reports directly to the parliament is the Ombudsman. The Ombudsman's Act (section 10) provides that his term expires on the day that he attains the age of 65 years. The solicitor-general, the electoral commissioner, industrial commissioners and magistrates are all required to retire at 65 under their respective legislation. There is no proposal from the government in this bill or in any separate act or initiative to extend the terms of the officers I have just mentioned—only the Auditor-General.

Mr Hanna: It makes it look like they're picking favourites.

Mr HAMILTON-SMITH: Indeed, my friend the member for Mitchell makes an interesting observation about the dangers of governments playing favourites. There is no suggestion from this side that that is the case in this particular instance, but he does raise an interesting principle, and I will come back to that. There are a number of other issues that I want to draw to the attention of the house. I am also of the belief that it is wrong as a matter of principle to extend an incumbent. Even if it were decided to extend the term, the law should be changed to apply to future appointments. To do otherwise can create a perception in the public mind that an incumbent whose term has been extended will be more favourably disposed towards the government that facilitated that extension. I think that may be the point to which my honourable friend was making reference earlier. I also feel that it is wrong in principle to legislate for one person alone. Laws should be based on sound principle, not personalities. These two matters have also been raised by the member for Mitchell who, I understand, put out a press release on (I think) 25 October 2006 in which he made this point.

There are some other issues to be considered. For example, when one looks at what occurs in other states, one finds some interesting discoveries. In the commonwealth, for example, a term of 10 years applies in the case of the Auditor-General and there is no eligibility for reappointment. I understand that in the ACT there is a term of seven years for the Auditor-General with no eligibility for reappointment. In New South Wales there is the same provision of seven years, with no eligibility for reappointment. It is the same in the Northern Territory: seven years with no eligibility for reappointment. In Queensland a term not longer than seven years applies with no eligibility for reappointment. In South Australia it is until age 65. In Tasmania it is a term of not less than five years or until retirement. In Victoria it is a term of seven years, eligible for reappointment, and in Western Australia it is until the age of 65 and for an extra 12 months if authorised by the Governor.

One needs to reflect upon the standard applied in other jurisdictions when considering one's position on this particular bill, because it is about good governance. During the last parliament the Liberal Party agreed on a package of amendments to be moved to the Public Finance and Audit Act as it related to the position of the Auditor-General. One of those amendments was to limit the appointment of any future auditor-general to a term of seven years consistent with the general practice in most other jurisdictions. Consistent with that policy, I give notice that I will move an amendment to the bill to so provide.

Whilst I acknowledge the outstanding contribution that has been made to the state by the current incumbent, Mr Ken MacPherson, and whilst I thank him for his years of hard service and understand generally why the government would not want to lose such a fine officer, I think there are some

important matters of principle that the house and members must consider. We need to do so with equity and fairness and with the principles of good governance foremost in our minds. I therefore say to the house that the opposition feels that it cannot support the bill as it stands and that it will seek to amend it by providing for a fixed seven-year term of appointment for any future auditor-general with no option of reappointment. We do so purely on the basis of the principles and observations that I have drawn to the attention of the house in my contribution. I look forward to dealing with the matter in committee.

Mr HANNA (Mitchell): I speak against the Public Finance and Audit (Auditor-General Retirement Age) Amendment Bill. I strongly object to it. My objection has nothing to do with the present incumbent of the position. I do not know the man who is currently Auditor-General. I only know of his work through the reports which are tabled in parliament and, I suppose, sometimes matters which might appear in newspapers. I have no reason to doubt that he has exercised his role diligently and thoroughly. My objection rests squarely on my commitment to the rule of law. I believe that this legislation undermines the rule of law. By that I mean that the parliament should be making laws which apply to everyone, without picking out individuals for their benefit or detriment.

This bill picks out one particular public officer and gives that public officer a benefit—at least a perceived benefit—of being able to continue in the position he holds for a longer time. I have had no communication with the Auditor-General. I do not know if that is or is not what he wants and that is, indeed, beside the point. If the government was genuine about changing this position so that the Auditor-General from time to time had that position until the age of 70, then it could be put into place for the next Auditor-General and then there could be absolutely no objection on my part. Frankly, I think the better approach is that which has been described in relation to interstate and commonwealth appointments for similar public officials, whereby a term of seven or 10 years is established. I think it should be non-renewable. This is the best way to ensure that the person doing the job carries on that job without fear or favour.

There is the possibility of a person being beholden to a government that legislates to give them a particular benefit by means of legislation. Even if that is not realised in fact, there is still the very serious problem of public perception for those who care about a government legislating to benefit a particular individual whose role is to scrutinise the government on behalf of the public. There is then a real perception problem, even if there is no issue raised in this particular case of untoward motives on the part of either legislators or the Auditor-General himself.

In summary, I cannot agree that this is a good idea. If the government is genuine about extending the retirement age to 70, I would expect it to take that approach with a range of other public officers, such as the Ombudsman and the DPP. If the government is genuine about changing the rules for the office rather than the individual, I would expect it to apply in the future, that is, for the next incoming Auditor-General and not to the present incumbent. I make it plain that my argument is not a personal one but, rather, it is about good legislating so that the laws we put in place apply in principle no matter who be the incumbent of this particular public office, or any other of a like nature.

Ms CHAPMAN (Deputy Leader of the Opposition): I wish to make a contribution to the Public Finance and Audit (Auditor-General Retirement Age) Amendment Bill 2006. I note the valuable contribution made by the member for Waite, and I hope that the contribution is listened to by the government, particularly when it comes to the debate as flagged by amendments. To the best of my knowledge, I have never met the current Auditor-General, Mr Ken MacPherson. In my short time here in the parliament, I have learned of his very important role as outlined in the Public Finance and Audit Act. My prior experience with his office has only been at a management level when I was formerly the chair of the Audit Committee for the TAB some years ago. The Audit Committee had responsibility to the Executive Board of the TAB in relation to funds of some $650 million a year and, as you would expect, in a wagering industry, there were very strict audit controls in relation to arrangements for wagering and, in particular, to protect the integrity of the betting process and, under the legislation, it was a body that was required to be audited.

My experience with the Auditor-General's office in that time was that officers provided valuable advice to my committee and to the board, and indeed to executive officers of the TAB. They regularly attended our meetings and gave advice in relation to proposed procedures, and that advice, as I indicated, was invaluable. That was my direct experience with them. The only thing that sticks in my mind was that the fees that attracted having the Auditor-General involved in a public instrumentality were, on my assessment, fairly excessive. As I understand it, it still operates on the basis that the Auditor-General's Department is to be paid proper remuneration for all the work that its officers carry out. I recall that it was a fairly hefty fee that came out of the expenditure of the TAB.

The member for Waite has outlined a number of aspects of this bill which are of concern. One which I think is important to bring to the attention of the parliament is that the Office of the Auditor-General is one which is accountable to the parliament, not to a minister, not to the government, but to the parliament.

It is that important element to which I briefly wish to refer. In doing so, I place on record that the Auditor-General must, pursuant to section 31 of the Public Finance and Audit Act 1987, audit the accounts for each financial year of each public authority. To do so, he is granted considerable powers pursuant to section 34 of the act, so that he or an authorised officer, in conducting their examination, have powers that include obtaining information by summons; requiring the appearance by persons or the production of any relevant accounts, records and documents; inspecting any such documents; requiring a person to give access to the information that is, in the opinion of the Auditor-General or authorised officer, relevant to the audit or examination and to provide that information to the Auditor-General; requiring the person appearing before him or her to take an oath or affirmation; inspecting any building or premises, any cash or goods or the operation of any public authority; and, indeed, entering any building or other premises. And significant penalties apply to anyone who fails, without reasonable cause, to abide by his direction.

Importantly, pursuant to section 36 of the act, the Auditor-General is to prepare an annual report and provide it, within a certain time frame, to the Treasurer and to the President of the Legislative Council and Speaker of the House of Assembly. He is vested with considerable powers to carry out

this very important responsibility, and what puzzles me in the process of this bill before the house is the government's decision to amend this legislation significantly without any prior consultation with the very body that the Auditor-General is obliged to report to, namely, the parliament. We have had notice of this as a parliament by virtue of announcements by the Premier in the press. Many other positions appointed for the purpose of carrying out functions are, in the main, reportable to and accountable to ministers, but this is a different situation.

The position of Auditor-General is not exclusive but is fairly unique. We do have the Ombudsman and a number of other positions that ultimately are accountable to the parliament but, like the Ombudsman, the Auditor-General is accountable to us, the 47 members of this house, and to the members in the Legislative Council. He is accountable to the parliament: not to the Premier, not to any individual ministers or even to the Treasurer, because it is their conduct he is vested with this responsibility to check, monitor and report to this house. I am puzzled as to why no-one in the government, particularly the Premier and/or Treasurer, had given notice to the parliament as to why this was necessary and had not consulted with it prior—

The Hon. P.F. Conlon: We had a first reading, second reading, two houses. Goodness me!

Ms CHAPMAN: The minister interjects that we have had notice by virtue of the first and second reading. That is notice. I am talking about consultation with the stakeholders, and the stakeholders are this parliament. I just place on record that I am very concerned at this government's action in failing to do that and that we as a parliament should find out about this process as a result of a press release by the Premier. I wish to have that on record. As indicated by the member for Waite, we will be moving amendments that we hope will remedy the erroneous direction in which the government wishes to take the employment terms of the Auditor-General, and I sincerely hope that the government at least listens to the meritorious arguments that have been put by the two preceding speakers and that we end up with something that is important for the future functioning of the parliament in its assurance that it has a process for the independent examination of the books of account of this government.

The Hon. R.B. SUCH (Fisher): I state at the outset that I have great respect for the Auditor-General. I think he is doing and has done a great job, but I do have some concerns with this measure because it looks contrived, and I would argue that, if 65 is inappropriate as the cut-off age, then 70 in my view is just as inappropriate. In fact, I would be inclined to make the amendment that the reference to 70 be deleted and there be no age restriction, but I will come to that in a moment. I would be much more comfortable having no limit rather than something that looks contrived. I am uneasy about changing the rules for an incumbent, although I have nothing against the Auditor-General either personally or in his professional capacity. However, I think that there would be criticism in the community if the rules are changed for someone part-way through their service, not only in this position but in any other.

So I just make those brief points. I understand and appreciate that the government is locked in at this stage because of the decision of caucus, but I would suggest that maybe in another place consideration be given to deleting all words after '65' in lines 12 and 13 so that there is no age prescription at all. In relation to the argument that the Auditor-General should have the same retiring age as a judge, I do not see any necessary linkage between what the Auditor-General does and what a judge does, so I do not think that argument carries any weight whatsoever. In fact, if we support a policy of non discrimination on the basis of age, which is already reflected in much of our legislation, then why would you want to put in another provision which discriminates on the basis of age? I think increasingly in the future we are going to see people working longer and longer. The Minister for Transport assures me he does not want to be Minister for Transport when he is 85, but we are going to see more and more people working longer, and we have to get over this obsession that when someone is 40 they have had it. Some people might have had it at 40, but not necessarily.

So I put to the government—and maybe the opposition would like to consider it in another place—that it re-think this bill and get rid of the age prescription altogether. I am not suggesting that it would be an attempt to do anything untoward, but I think it would look less like a contrived position, and it overcomes the age discrimination factor because all you are doing is moving the age discrimination five years up the ladder. So why do it? I think that would satisfy the legitimate aspects relating to the Auditor-General's employment and service. I gather, as I said, that the government is locked in because of caucus, but an amendment along the lines—and I would leave this for the other place—of leaving out subsection (c), which is the advice I have, would deal with the issue that I am concerned about. The Auditor-General can work on; he can stay on until he is in his 70s if he likes, as long as he is able to do the job, and it avoids the discrimination which, under this bill, is replacing one discriminatory provision with yet another. So what happens when the Auditor-General of the future gets to 69? Are we going to change it again? Just take it out and be done with it.

The Hon. P.F. CONLON (Minister for Transport): I thank members for their contributions, and I will work through them in reverse order. To the member for Fisher, can I say that the intention is to equate it to Supreme Court judges. First of all, I do not accept some of the comments that have been made earlier that the Ombudsman is like the Auditor-General. With the greatest possible respect to the Ombudsman, I do not think he holds a position anywhere near the importance—to this parliament, at least. The primary reason, as I understand the logic, for equating it to Supreme Court judges is that, where an appointment has no term, it is felt that there should be something that concludes the term, and in this case that is reaching the age of 70. I can understand that viewpoint, and I can also understand the viewpoint that perhaps this should not be considered just for the Auditor-General, and it is something I am certainly happy to take back to the Treasurer—who, I understand, is winging his way to Japan—for consideration. It may well be that other positions like the Solicitor-General should have a retirement age of 70. Quite apart from anything else, a retirement age of 65 simply does not reflect the health that people enjoy at the age of 65 these days, as opposed to days gone by.

An honourable member interjecting:

The Hon. P.F. CONLON: As I said, the reason there is a limit at all is because the term itself is unlimited, and that is the subject of some debate by amendments from the opposition. I will deal with those proposed amendments in a moment.

In response to the contribution of the member for Mitchell, I can understand that he holds those viewpoints. I understand

he has phrased it far differently from the quite insulting way it was put by the lead spokesperson for the opposition. He says there is a 'perception' of some advantage. Can I say that if a government wanted to take advantage of extending the retirement age we would not be doing it for this incumbent; we would be doing what has been suggested by the member for Mitchell, that is, we do it for the next person, then we get rid of the current incumbent, who has demonstrated a tremendous capacity for independence, and we would get our own person—perhaps a nice 40 year old—and put them in the job for 30 years, someone who would look after us. That is what a government that wanted to take advantage of the appointment of an Auditor-General would do. It certainly would not be in here moving a bill which extends the retirement age and applies it also to an incumbent who has an absolutely impeccable track record for independence and criticism of government where it is warranted. While I can understand that the member for Mitchell sincerely holds those viewpoints, I certainly cannot agree with him.

I come to the contributions of the opposition spokespersons. Their contribution was: 'Of course, nothing against the current incumbent, wonderful fellow, independent, great guy and does a wonderful job. It is nothing to do with him, we just don't think we should do it for him. In fact, let's limit the term altogether.' I bet you that was exactly the debate in the Liberal Party room, was it not? I bet that is what they said. 'Nothing wrong with the current incumbent, lovely fellow, great bloke, but we just do not want to do it for him.' I bet it was more along the lines of, 'That—expletive deleted—', because let us be absolutely honest. The current Auditor-General has been—and I excuse new Liberals in this place, a lot of whom I have a lot of respect for, but the behaviour of the Liberal Party in this place towards the Auditor-General, this current incumbent, over the last eight years has been nothing short of disgraceful.

The Auditor-General had to come to this place to get a bill to protect himself against legal action by the Liberals when they were in government. The Liberals attacked him here and in the other place and, it is rich for them to come in here with words of what a wonderful bloke he is and that it is just a matter of principle. I bet that was the discussion in the party room, wasn't it? Who in this place believes that was the case? Let's keep a straight face. I bet that was the discussion in the party room: I bet it was not. I bet the discussion was along the lines of, 'We do not like this bloke and we are not going to do anything for him.'

That has been a persistent pattern of behaviour. I will not go through the long list of egregious sins they committed when they were in government towards the Auditor-General but, suffice to say, he had to come to this place to seek a bill to protect himself against the Liberals taking legal action against him. In discharge of his duties of independently reporting, he got nothing but resistance, obfuscation and difficulty out of the former Liberal government. As we saw, they had good reason to dislike him because much of his work led to the demise of some of their former ministers, as it should.

I do not mind our being criticised by the opposition for suggesting that we are trying to do something political and underhand. I said earlier that, if we wanted to rort something, we would let the bloke retire, change the retiring age to 70 for our incoming person, and then sit back and enjoy it. The truth is that, in doing this, we extend it for the position, and it happens to affect the current incumbent. That person has an absolutely impeccable, unchallengeable record of independence. They were quite happy to come in here a few weeks ago on the Auditor-General's Report and attack ministers, including me, about the Auditor-General's Report, saying he had identified bungles and shortcomings. On the other hand, they are certainly not prepared to let a person, who many in their party have a fierce antipathy towards, go any further.

I am quite happy to consider, as I am sure Kevin Foley will, that this provision should be extended to others. I think there is absolutely nothing wrong with equating an auditor-general with a Supreme Court judge, and I think the role is extraordinarily important. It may well be in other states that they have term-limited appointments. I do not agree. I think the track record of our Auditor-General and his excellent work over many years shows that we have it right. You do not change things just because other people do it; you examine what is occurring and how it is working, and you make a decision on that. The fact is that we have an excellent system and an excellent Auditor-General.

In changing this to a quite commonsense equation with Supreme Court judges, it might happen to benefit the incumbent, and I do not know what he wants to do. I have no idea. I place it on the record that I have no idea whether the Auditor-General wants to work beyond next month, let alone the age of 65. If it happens to benefit the current incumbent in making a commonsense change in equating him with a Supreme Court judge, so be it. I am happy to take the occasional criticism of this Auditor-General because he has done an outstanding job for years. I think it is absolutely an appallingly unfair reflection by the opposition.

Pick on us if you want—pick on the politicians—but to suggest, as the opposition has, that perhaps the Auditor-General might respond in kindness rather than his traditional independence through having his retirement age extended is an appalling reflection on a person who has never demonstrated anything but the most fierce independence. We cannot accept that from the opposition and, on behalf of the Auditor-General, I place on record that I think it is an appalling reflection to suggest that anyone would consider that he would adjust his behaviour of a lifetime in the position merely because the retirement age has been extended.

In closing, I am quite happy to consider whether other positions should have a retirement age of 70. Certainly, it seems to me to be consistent with some other things that have gone around, but I am quite happy with the notion that the Auditor-General should be equated with a Supreme Court judge, given the level of importance of the position.

Bill read a second time.

[Sitting suspended from 6.03 p.m. to 7.30 p.m.]

In committee.

Clause 1.

The CHAIR: I indicate that at this stage that, if the member for Goyder is considering moving the amendments in the name of the member for Waite, I will rule them out of order. The reason for so doing is that they, in my view, extend beyond the scope of the bill submitted by the government in that they relate to the terms of office of the Auditor-General rather than being confined to the retirement age.

Clause passed.

Remaining clauses (2 to 4) and title passed.

Bill reported without amendment.

The Hon. P.F. CONLON (Minister for Transport): I move:

That this bill be now read a third time.

The Hon. G.M. GUNN (Stuart): I do not wish to delay the house at the third reading for a great length of time. However, as the bill comes out of committee, it is unsatisfactory to the opposition, because the appropriate changes we sought to place in this legislation have not been given a proper airing. Therefore, it is necessary to clearly indicate that not only are we unhappy but we need to have explained to us in great detail why this proposal has suddenly been plucked out of the air and we are being asked to vote on the third reading. As someone who has had experience in how the office of Auditor-General operates, I do not think that this is a wise appointment, and I sincerely hope that a process in the other chamber takes place that will ensure—

The Hon. P.F. Conlon: I have no doubt it will, Graham.

The Hon. G.M. GUNN: Well, this is one of the most important offices that this parliament can create. The Auditor-General reports to this house, as he or she rightly should. In no way should there be any thought that this appointment has been extended because it may be in the interest of one particular group or another in the parliament. I am totally opposed to it and I am very unhappy.

I have looked at the role of Auditor-General in this country and overseas and I know how the Auditor-General is appointed in the United Kingdom, and I am aware of the role of its public accounts committee. The chairman of the public accounts committee is an opposition member, and discussions take place with the Prime Minister. I am fully aware of that. I know of time limits in other states around Australia, and this government has put in place a process in which all departmental heads are on contract. As the bill comes to the third reading it is unsatisfactory and I am very unhappy about it. It is not in the interests of good government, and I do not think some of the experiences we have had as members of the opposition and as members of the Liberal Party are satisfactory. I was particularly unhappy about them.

The minister at the table was on a committee that I had the privilege of chairing. I would hear on the radio that the Auditor-General was coming and I as chairman knew nothing about it. It was a misuse of the office and that is why I will not be party to this. If I am pushed I can go into much greater detail, if members want me to.

Members interjecting:

The Hon. G.M. GUNN: If you had not given me a chance you would have been here until midnight because I know how to use this place if I am pushed into a corner.

Mr Kenyon: I have a wife and family.

The Hon. G.M. GUNN: My family has grown up since I have been in this place—don't worry about it, Tom.

Ms Breuer interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.M. GUNN: If the honourable member remains here for as long as I have been, I hope if nothing else she gains a little wisdom.

Ms Fox: Because wisdom is only gained by staying here forever?

The Hon. G.M. GUNN: The member wants to enjoy it, because she is a oncer. She wants to enjoy it, because she will not be here long. If the member thinks that this is good legislation, if she thinks this is enhancing the role of the parliament and the proper scrutiny of the government accounts, she really wants to have a close look in the mirror. If she really thinks that this is in the interests of the people of South Australia and that it will ensure good, open and accountable government, and that there was independent advice, free from any consideration other than the interests of the welfare of the people of this state, I think she wants to have a good look in the mirror. I have no hesitation in saying that, not only am I opposed to it but I am also concerned—

The Hon. R.J. McEwen interjecting:

The Hon. G.M. GUNN: It is all right for the minister at the table to try to curtail people from speaking—

The Hon. R.J. McEwen: Interjecting, not speaking. Interjecting is not acceptable in the house.

The Hon. G.M. GUNN: Well, interjections always put me off. It really does—

The Hon. R.J. McEwen: Interjecting is disorderly.

The Hon. G.M. GUNN: Disorderly and out of order, and you can be ejected for it. There is a question that needs answering, and that is: has the legislation that the commonwealth announced and enacted during the last budget process in relation to superannuation had anything to do with the legislation that we have before us? I am opposed to the bill.

Bill read a third time and passed.

DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 September. Page 1104.)

Mr GRIFFITHS (Goyder): The opposition supports the bill. Given the lengthy debate and consideration of amendments that occurred in the other place with respect to this bill (and the Hon. Mark Parnell's passion for environmentally sensitive development principles certainly shone through in that debate), it is not my intention to comment at great length on what is proposed by the government. I just want to place a few issues on the record.

I came into this place having worked in local government for 27 years (in senior positions for the last 12 years), so the Development Act is quite familiar to me. Over those 12 years, many hours have been spent with councillors and staff debating the principles of development control in which the need to grow a community while, importantly, preserving the quality of the locality, was foremost in everyone's thoughts. Many hours were spent with residents and potential developers outlining the development principles of council in circumstances in which they felt they should be able to do what they wanted but, frustratingly, their land was in a zone where the development principles did not allow that type of development to occur.

The preparation by a council of what is currently termed a plan amendment report (but which I note has been changed to development plan amendment) should really be a demonstration of the future vision for the community. The development plan is a key tool in the development process. If we get this document right (which is, again, the future vision of a community), the assessment of applications becomes a much easier process and will make the operation of the development assessment panels much easier.

When the development assessment panels legislation was introduced and debated several months ago, members of the Liberal opposition pointed out that we believed it would have been best to deal with the development plans bill first, because we viewed this as the key planning and development tool. The Development Act came into operation in 1994, with the act and regulations establishing the statutory process and procedures for the South Australian planning and develop-

ment system. As time has gone by, the act has undergone substantial change, with amendments in 1997, 2001 and 2005. This bill, as I understand it, is the second of a range of bills intended to be introduced by the government involving the Development Act. We look forward to the additional bills being introduced.

Development planning which is forward looking and provides the right environment for South Australia to experience economic growth, and which will support a strong future for our youth and provide the opportunity for an increased population, must involve state and local government working together. I am advised that this bill improves the liaison between the two levels of government and will provide greater surety to the community and applicants when seeking to develop property.

The need to involve the wider community in preparing development plans has long been acknowledged in legislation. However, from a practical aspect, it has resulted in only a very small percentage of the population taking an interest. Taking an interest in planning, for most people, is not an issue until they want to do something or a neighbour wants to do something or a major development is proposed in an area important to them. Planning needs to be better than that. It needs to be inclusive so as to ensure that a shared vision is created in development plans, which leads to a productive future for South Australia.

I am pleased that this bill provides the opportunity to consider physical and social infrastructure needs. The requirement of ensuring that the relevant minister and government agencies provide councils with information on infrastructure planning is a step forward, because the establishment of—or, conversely, the lack of—infrastructure will be a key factor in determining what development is able to occur within a locality. Those of us who reside in regional South Australia have long lived with the frustration of knowing of often fantastic development opportunities not being able to proceed because the required infrastructure was not in place. If this bill assists in providing a solution to these infrastructure problems, it will be well received.

I note that the bill sets out revised procedures by which local government is to consult on proposed amendments to the development plan. Given my comment about the general lack of involvement by the community in the past in this process, my hope is that the revised process works. Process A relates to the complex controversial matters, and will ensure that the required agency and community consultation takes place. Anyone who has worked through difficult development applications would appreciate the emotion that these types of applications often create. Process B relates to most policy amendments in which the key issues are agreed by the minister and council, with simultaneous consultation with the groups identified in process A, but with a shorter time frame. Process C is similar to process B, but with a shorter community consultation period.

Agreement for each of these processes between the minister and council will be reached during the statement of intent stage of the development plan process. Across local government, the criticism of the development plan process has been the very lengthy time delays, with the period between initial formulation of a section 30 review and eventual formal endorsement by the minister, in the worst case examples that I have heard of, sometimes being up to four years.

It appears as though these time frames are being reduced, because during 2003-04 (on a medium time frame basis) it took 29 months to work through the process. In the last financial year this period was reduced to 21 months. Planning SA staff have worked diligently trying to get through plan amendment reports as soon as possible. I can understand that, but I am aware of one ridiculous example of where the planning consultant of one council made contact with the Planning SA officer who had been reviewing his draft. Arrangements were made to visit the council area to talk about specific proposals.

The planning consultant picked up the officer from the Planning SA office, they headed off and, about an hour into the trip, the Planning SA staffer said, 'Why are we going to such and such a location?' He no longer had responsibility for that area. This was several years ago, admittedly, and I acknowledge the efforts made by Planning SA over the last few years to reduce the backlog and ensure that councils and communities have the opportunity to see that the current needs of that community are catered for in the development plan as quickly as possible.

In his second reading explanation in the other place, the minister referred to the marked increase in activities by councils in preparing plan amendment reports, and the fact that this is spreading resources thinly. It is pleasing to note, however, that the number of plan amendment reports that are over two years old has actually reduced from 45 per cent to 41 per cent. So, hopefully, things are back on track. The number of PARs over two years old may not seem an important figure, but it reflects the degree to which development plans are up-to-date and able to deal with changing circumstances and need.

Any council with an out-of-date development plan will find itself with a development assessment panel that is unable to move a community forward. As such, I support the government, Planning SA and local government strongly in their efforts in this area. Consultation undertaken with relevant groups by the opposition indicates that general support exists for the bill. During this process the Local Government Association raised quite a few points, but a fax received yesterday from the LGA confirms that minister Holloway has provided a satisfactory explanation in some areas and confirms that some specific amendments sought would not be supported. This facsimile also confirmed that the minister has agreed to give further consideration by way of discussions with the LGA on section 25(5) (the development of standard policy modules) and section 31A (the investigation of council actions by the minister). I confirm that the opposition has no amendments for consideration, and it is prepared to support the bill in its current form.

Mr HANNA (Mitchell): I will be brief in expressing some reservations about this bill. I suppose that, ultimately, the most important thing is that communities get an adequate opportunity to be consulted when new development plans are being formulated before they are approved. It is not just a matter of having a display at the local shopping centre or the local council offices. In many cases I think that some councils do the minimum. There is a lack of real engagement with the community, because a development plan amendment really does need to be spelt out to the people. Many times I have received inquiries at the electorate office about planning issues, whether it be about urban infill or building two storeys in a particular zone. When people do not get the answer they want and they find out that the guiding light is the relevant development plan, often they are very disappointed, because they feel they have never had a chance to be consulted about

the overall scheme. Of course, once they are set in place, many local individual planning decisions are a virtual fait accompli and unappealable. Having said that, I will comment on the many amendments moved in the other place.

I support the thrust of those amendments, but I note that the Hon. Mark Parnell was unsuccessful in moving numerous amendments. I think that one quote cited in the upper house is worth repeating in this place. The submission of the Marion council states:

> Council welcomes a greater emphasis on sustainable development. However, the proposed amendments within the bill do not reflect any significant changes that will progress greater sustainable development outcomes. The objects of the bill could be further improved to emphasise the principles of ESD as per the Environment Protection Act.

That quote does spell out one of the important considerations of the legislation. Councils, and increasingly the community, are becoming committed to the principles of ecologically sustainable development; although, of course, many hard decisions are to be made when it comes to the individual developer, and sometimes just someone who wants to build on out the back or add another storey to their home. However, the plan amendment reports and the development plans are all about living in a community in a sustainable way; and living in a community does mean that we must make individual sacrifices.

We must place limits on our own behaviour so that the community as a whole might thrive. As the matters to which I have referred have been dealt with in the other place, I see no reason to delay the proceedings of the House of Assembly tonight. I will be one of the many people keeping a close eye on how the legislation is implemented and, in fact, how it is used by councils.

The Hon. P.F. CONLON (Minister for Infrastructure): I thank members for their contributions. I do not think that we could add any more to the debate that has occurred at some length upstairs. I thank members for their contributions. I am sure that every member in the place desires a good planning system. There is simply a slightly different viewpoint about what constitutes one, but we all do it with the best of intentions.

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

STATUTES AMENDMENT (PUBLIC SECTOR EMPLOYMENT) BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 900.)

The Hon. P.F. CONLON: Madam Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Mr WILLIAMS (MacKillop): As the house knows and all members are fully aware, only yesterday the High Court of Australia handed down a judgment in favour of the commonwealth government and the legislation that it passed to establish what is known as WorkChoices in Australia, utilising section 51(10) of the Australian Constitution to give itself the powers to involve the commonwealth in industrial relations matters, certainly within those sectors of the economy which come under the jurisdiction of that particular section of the Constitution.

The definition of those sectors of the economy that come under the WorkChoices system is found in section 6 of the Workplace Relations Act 2006. All the states joined in the case against the federal government. The states suggested that the federal government was usurping their power from the states and ran a joint case in the High Court. It is interesting to note that behind the scenes, I think it is fair to say, none of the states really expected to be successful, which suggests that the whole High Court exercise, expensive as it may be for the taxpayers of, in this case, South Australia, was nothing more than playing politics, nothing more than trying to get up some newspaper stories and to run the ALP's agenda. The ALP wishes to keep this issue running and bubbling along as well as it can until the next federal election, believing that it will get some traction with the electorate on this issue.

Mr Hanna interjecting:

Mr WILLIAMS: They will, somebody interjects. I am not too sure that I agree with the member for Mitchell. I am not too sure that the ALP will get much traction on it. The reality is that I think most of the steam has gone out of the ALP's campaign against WorkChoices. The reality is that WorkChoices—

Members interjecting:

Mr WILLIAMS: I thought that would raise is a voice or two from over there. The reality is that WorkChoices is settling in very well. Industry is very pleased with it. One of the things—

Ms Ciccarello interjecting:

Mr WILLIAMS: I know that it is unparliamentary or out of order to respond to interjections, but I do worry very much about the workers. If members want to have a debate about how to treat workers, I can tell the member for Norwood that at least the Liberal Party had the guts to go to the last election telling the workers in the public sector of South Australia of its intentions. At least we had the guts to be honest, telling the public sector employees in South Australia what we were going to do, which is completely different from what the government did. We know what the Premier and the Treasurer said, and a couple of months later they will do exactly what we were going to do—exactly. So, do not sit over there and try and intimate that you are the friends of the workers and that we are the enemy of the workers. We do not mind taking the working men and women of South Australia into our confidence. We do not mind working with them. We are not going to mislead the working men and women of South Australia. We never intended to do that, and we will not do so in the future.

Members interjecting:

Mr WILLIAMS: Members opposite do not like the truth. It is rather ironic that the Premier keeps lauding how well South Australia is doing and how well South Australia is going to do on the back of the mining industry. He keeps talking about Roxby Downs, that fantastic operation in the Far North of South Australia which for most of his life he has vehemently opposed, but he keeps lauding what it is going to do for the future of South Australia. I can tell every member opposite that everybody who works for BHP Billiton at Roxby Downs is on an AWA. Why are they are on an AWA: because it works better for them and it works better for the company. It works better for working men and women and it works better for the company.

Mrs Geraghty: Not so.

Mr WILLIAMS: 'Not so,' says the member. Well, why are people flocking up there to get work? Because it works better for the working men and women and it works better for

the company. A whole heap of nonsense is talked about the federal WorkChoices legislation, but it seems to be working very well. Unemployment is still going down, as the federal government predicted. More men and women in South Australia who want to work are finding that they can get jobs. More people are willing to employ working men and women, giving them the income to take home to support their families. That is what WorkChoices is doing for Australian working men and women, and it seems to be working very well.

The government has not only decided to waste a lot of South Australian taxpayers' money running a futile case in the High Court—they knew it was futile from the start—but it has introduced this piece of legislation because the government believes, yet again, that it can get a bit of publicity out of it. I am absolutely certain that the working men and women of South Australia are not particularly interested in this. In reality, those men and women who work in government agencies which are purportedly affected by this, are not in any danger, as is the wider community and the wider work force across the nation. I think it was probably six weeks ago that the Prime Minister was in Adelaide to witness the signing of the one-millionth AWA. There are one million Australians who are pretty happy working with an AWA, and the number is going up.

Within the public sector in South Australia with regard to the industrial relations climate or environment, I think we can identify broadly three groups that may or may not be affected in one way or another by the WorkChoices legislation. Regarding the group of purely administrative staff, I do not think there has ever been any question that they would be taken over by WorkChoices, or fall into the net of WorkChoices. With regard to the group of public corporations (SA Water, the Land Management Corporation and ForestrySA), there is no doubt that they will fall within the WorkChoices framework.

However, in respect of the group in the middle (which this bill is about) there is some conjecture about where they might fit into the system. The government's argument is that this bill clarifies that situation. The bill may clarify the situation, but I do not think it actually delivers much for the people involved. I do not think those people were under any threat whatsoever, to be quite honest. That is why I say that the bill is a little bit of nonsense. It is a little bit of window-dressing and it is designed more about politics than substance. Having said that, I indicate that the opposition will not oppose the bill. We can count, so there is probably no point in opposing it. I use that terminology rather than to say we support it. We do not necessarily actively support the measure because we think it is unnecessary.

The bill picks up a number of agencies. I have the number written somewhere in my notes, not that it is overly important, but I think there are about 23 or 24 agencies where there is some conjecture about their status with regard to WorkChoices. It basically establishes an employing authority, and that generally will be the chief executive of the agency—it varies from agency to agency. Generally, it will be one person in the agency. It can be a particular person; it can be a particular position. That person or position will be the employing authority rather than the corporate entity under which the agency operates in respect of a whole range of other functions that the agency needs to carry out. The government believes this removes any doubt as to whether WorkChoices may be able to come in and gather the workers under these agencies within the WorkChoices framework or net.

The bill uses two model clauses. One is the employing authority and the other sets up the matters pertaining to staffing within the agency and the conditions of employment within the agency. By and large, those two model clauses are repeated over and over throughout this bill, which amends a significant number of statutes. I think there are 25 or more, and they range in alphabetical order from things like—

The Hon. J.D. Hill: Does it have the Adelaide Dolphin Sanctuary?

Mr WILLIAMS: No, I do not think it does, but it starts with the Aboriginal Lands Trust and works right through the alphabet to the Technical and Further Education Act. So, there is a whole range of agencies, some of which are treated a little differently. The Technical and Further Education Act is one and I know that the fine Emergency Services Act is another where the model clauses are not used as they are in most of the others, because those acts have a range of other clauses pertaining to the employees and the conditions of employment, etc. There are different instruments used to amend those, basically to achieve the same end, that is, to break the nexus between employment and the body corporate. That is basically what the bill does across the range of statutes.

The bill also sets up the South Australian Industrial Relations Commission as a dispute resolution agency, an alternative agency outside of WorkChoices, so it would, in theory, give parties by written agreement the opportunity to use the South Australian Industrial Relations Commission as opposed to the structures that are set up under WorkChoices. Again, I suspect that this will not be used. I cannot imagine a situation where an employer and employee will both sign an agreement to have their dispute adjudicated within the South Australian Industrial Relations Commission, given that one of the subclauses in the bill provides that the South Australian Industrial Relations Commission, in acting under this schedule, may make any determination as to the scope or operation of the relevant referral agreement or as to the meaning of any provision of the referral agreement, and any such determination will then have effect according to its terms.

I cannot for the life of me imagine any employer/ employee relationship where both parties sign an agreement referring their dispute to the South Australian Industrial Relations Commission, particularly with a clause like that that allows the commission, once the dispute is referred to it, to adjudicate on the scope or operation of the referral. I think that opens up a Pandora's box and I do not know why that clause is in there, so I will be asking the minister to explain that during the third reading. As I said, the Liberal Party will not be opposing the bill. We do not think that it will have any adverse effects. It is rather interesting that in the estimates committees I noted in a question to the acting minister that the budget line for the South Australian Industrial Relations Commission indicated a similar expenditure to that of the previous year. I pointed out that the government took the opportunity, in the knowledge that WorkChoices was a fact of life, not to reappoint three commissioners.

I cannot understand how we can not reappoint three commissioners yet the budget for running the commission will stay virtually the same. Notwithstanding this clause in the bill, I do not think this is going to cause any great deal of work for the Industrial Commission because I cannot see anybody utilising the South Australian Industrial Relations

Commission as an alternative dispute resolution mechanism to what they would get within the WorkChoices framework. Having said that, I do have several questions that I will put to the minister during the committee stage.

Mr HANNA (Mitchell): I want to speak briefly in support of this bill. I have consulted with public servants about this, and those I have spoken to are more than happy to be free of the threat of the WorkChoices legislation. Of course, we have a long, tangled history of industrial relations and interrelationship between the federal and state jurisdictions, and that has just taken a new turn, perhaps, with the High Court's view of the corporations power as expressed in the decision this week. In relation to our workers, we need to do what we can to protect them from the liberties allowed and the advantages that employers may take by means of the WorkChoices legislation. If we can protect our South Australian Public Service by this means, then let us do so.

Mr RAU (Enfield): I want to speak very briefly to the bill. I appreciate very much that, as I understand the member for MacKillop, the opposition supports the bill in its present form—I think that is good. It is obviously a matter that should not be the subject of a dispute between government and opposition, and I applaud members opposite for that.

I want to make some brief remarks about some of the comments made by the member for MacKillop prior to getting to the crescendo of his address which was to say that he supports the bill. He went on at some length about how desirable AWAs are, how everybody loves them, how millions of them are out there and that people cannot wait to embrace AWAs and so forth. I point out to the member for MacKillop that, leaving aside whatever he might think of WorkChoices legislation in its present form and leaving aside whatever he might think about AWAs, the thing he and some of his colleagues seem to be deliberately avoiding confronting is the fact that WorkChoices legislation represents a dramatic departure from 100 years or more of federation in terms of the balance between state and federal government.

I urge the honourable member in one of his quieter moments to go into the library which has a full copy of the decision of the High Court. He does not need to waste his time reading the majority decision, which has led us to the path we are presently in. Justice Callinan (who, if I recall correctly, was appointed by the Howard government from Queensland on the understanding that he would not be a judicial adventurer and, therefore, should be somebody with whom the member for MacKillop feels very comfortable) has written an excellent judgment which explains exactly why this is such a dangerous course for the federal government to have taken and why it is such a lamentable position for all the states to be put in. If the honourable member is not entirely convinced by him, he can look a little to the left and read Justice Kirby's remarks which are equally interesting but for entirely different reasons.

It concerns me that the member for MacKillop's focus in this seems to be on whether, in his opinion, WorkChoices offers a better alternative to the state systems and that he does not see the wood for the trees. The WorkChoices argument is not just about whether or not the federal government can design a better program than the state governments have or can; it is also about whether the federal government can reach into the pocket of the state, remove any aspect of the state's essential functions, and take it over at will.

I would have thought that the member for MacKillop, who I understand in the spectrum of things is a relatively conservative gentleman, would be one of those people within his party who would be traditionally a state's writer. I recall when Peter Reith was scaring us all half to death about the octopus coming out of Canberra with the four referenda put up by Lionel Bowen some years ago. One of them was extremely provocative—it wanted to recognise local government—and there were other equally sinister referenda put up. One that got up provided that High Court judges have to retire at 70. The other three, which were absolutely innocuous, were knocked over by the very sort of person whom I think the member for MacKillop genuinely represents in his constituency.

I really urge members of the opposition to think about what they are doing in embracing WorkChoices. You are embracing a big porcupine, and one day the system you are embracing now will not be administered by John Howard. One day you may live to regret the applause which you are now putting on the public record for the fact that the commonwealth government can reach into the business of the states and do as it pleases. That is the real issue with WorkChoices. That is the issue which all of you should really try to wrap your head around. That is the issue on which you are being dragged through the mud by your federal colleagues. You are going to get yourself into an awful mess. The remarks you are putting on the public record now will come back to bite you.

I am sorry to mix my metaphors—porcupines are not known for biting—but the point is that this is not about WorkChoices. People having industrial affairs administered properly in their local area is an important issue but, for God's sake, when you are embracing this thing, think about what you are embracing. Today it is WorkChoices but, in a decade's time with a government you do not like, it may be something else. It will not sound very good to complain from your side of politics about the commonwealth interfering with the behaviour of the states.

Ms CHAPMAN (Deputy Leader of the Opposition): As the opposition spokesperson covering health and other matters, the particular interest I have in this bill relates to a very significant number of employees who work in the health industry. They are not only the 20 000-odd nurses in this state but also significant numbers of interns, doctors, allied health workers and other employees who are currently employed in the provision of health services in South Australia. In relation to this bill, I have looked at, specifically, the Ambulance Services Act and the South Australian Health Commission Act, which I particularly wish to address.

I say, first, that this legislation is not new. Each of the states of Australia that have a Labor administration have, one by one, taken this legislation to their parliament. Late last year, New South Wales (I think) opened the batting on this as part of an orchestrated campaign around Australia to challenge public understanding and to create a fear campaign in relation to the federal industrial relations laws that have been introduced. So each of the Labor governments brought into their parliaments legislation to say, 'We need to protect our nurses and midwives,' and other professions, of course, that are relevant to this, 'and we need to pull them away out of the federal system, protect them with legislation in our states, to secure them into the state award system and shield them against this dreadful legislation that had been introduced at the federal level.'

That is the brief history in relation to other states, and, to the best of my knowledge, that has not raised any opposition from around the country. Oppositions have been prepared to support the legislation or, at the very least, not oppose it, because they too recognise the importance of maintaining the state system. So it has not been an issue which has been obstructed by oppositions. We simply say it was presumptive, to say the least, in the full knowledge that there was a second orchestrated campaign by state governments around Australia to spend taxpayers' money to go off and challenge that legislation in the High Court. It was presumptive, therefore, for governments around the country to flag and announce and introduce and pass legislation of this kind when the matter had not even been determined by the High Court.

In this case the government announced that they were going to do it, some months ago—a bit behind the times as far as the other states were going, but nevertheless they announced they were going to do it as well. I recall in August this year the Minister for Health had advised—in fact, I think it was at the nurses conference—that he was going to introduce this legislation, that it was necessary for their protection etc., before the High Court decision had even been handed down. All of this would have been completely unnecessary, of course, if that decision had gone the other way. But, as we know, yesterday the decision of the High Court made it very clear that the federal industrial relations laws stand, they are valid, a proper exercise of power has been utilised, and they will prevail; and, as the member for MacKillop has outlined, they have produced some highly satisfactory results for Australia, and in particular for the Australian worker ever since.

I am interested to listen to other contributions in this debate about the danger of what happens when we allow those in the federal arena to take control of issues of importance for which subsequently states can be left to hang out to dry. I was hardly in this place a matter of months when we had the first of a myriad of legislation in this house which had been a direct consequence of premiers' COAG meetings with the Prime Minister, and ministerial meetings at the attorneys-general level, where agreements had been reached, and marched back into this parliament the legislation which transferred and handed over the power to the federal government. I think the insurance law reform was the first one: handball it all to the federal government, hand it all to the federal arena. Then we had the myriad of terror legislation of which the controversial aspects of detention were raised. What did we do? We had the fait accompli presented to this parliament, as it was around Australia, to hand that to the federal government.

Those are just some examples of what has happened, but they continue to go on, where we get advised here in this parliament that when things get too hard, and we need to have a national approach, we have to hand it all to the federal government, just like when the Premier was here in the house yesterday telling us how we need to have a national approach to deal with our very chronic water conditions in South Australia arising particularly out of a sustained drought. We have to hand it all to the federal government. Let John Howard fix it up, let John Howard, the Prime Minister, take this, and we need to work cooperatively with him. Yet when it comes to the Prime Minister saying, 'I am going to provide a choice for workers in Australia and provide a system for which they can have that opportunity to have a choice,' what do we have from this Labor government? We have outrage, and what is more, we have the expensive processes, not only of the High Court challenge, the time of coming into this government with legislation which we say is unnecessary, and now we have an announcement today, I think it was—it may have been yesterday—of a constitutional convention that the taxpayer is going to be picking up the bill for us to go and try and challenge all this again.

I think the government needs to take a very clear look at the funding that they are allocating—that is taxpayers' money—to try and have a huge scare campaign—and that is what this is about, a scare campaign as we lead into the next federal election, to try and justify their cause. Yet, on the other hand, month after month we come into this parliament and we are handing over powers to the federal government arising out of high profile, big media events, when the Prime Minister and the premiers of this country all get together and decide they are going to hand it over. Well, be consistent in that. What I say is this, and I have made this public, so the Minister of Health is on clear notice of this issue—on 3 August we made it absolutely clear that the working benefits that nurses currently enjoy in public hospitals are not in jeopardy; no South Australian nurse already working in a public hospital will be forced into an individual contract if they do not want to; that the Liberals support enterprise bargaining, and that nurses will not be prevented from being part of collective agreements through their union. We made that publicly clear on 3 August, and yet this government continues to go on with this publicity stunt of trying to convince South Australians that they need to come in and give this legislative umbrella of protection, which they clearly do not need.

The overwhelming majority of workers we are talking about here are in the health industry and the significant majority are nurses. Yet they battle on with this, press it through and want to get more publicity. I place on the record my concern at how irresponsible it is of the government to misinform not just the nursing community but others in employment through government instrumentalities and the associated bodies referred to in this bill about their rights under the federal legislation. Clearly this legislation is not about penalising our nurses but about offering choices. That is what we are on about. Under WorkChoices nurses can work under an individual or collective agreement. It is time the government realised that it has lost that issue. The High Court has made its decision. We have WorkChoices federal legislation, it is in place and it is within the law, and that has been determined by five out of seven High Court judges hearing this matter. It is about time they understood that they have not won this, and to keep throwing taxpayers' money at it is a disgraceful waste of money.

For the nurses in this state the government should be providing better conditions under which they can work in public hospitals. If it is really concerned about the public work force in this state it would be dealing with the conditions under which nurses are having to work in emergency departments and in public hospitals. They are clearly under pressure, under stress and working long hours. That is what it should be addressing. That is what taxpayers' money should be going to, so we can undertake more procedures and give more relief to the profession employed in our public hospitals. That is what the priority should be and not this window dressing and scare campaign.

The Hon. J.D. HILL (Minister for Health): I thank the four members who have spoken for their contributions and their support. The lead speaker for the opposition, the

member for MacKillop, clearly enunciated the purposes of the legislation. He added a particular spin to it, with which I do not necessarily agree, but he understands the legislation and explained those purposes quite well. It is to bring employees into the protection that the state can give to public servants—those who work in the public sector and work for entities that are not strictly under the Public Service arrangements, particularly in health and other organisations, to which he has referred, as did the member for Bragg. It will create clarity and certainty for those employees. I also thank the member for Mitchell for his contribution and the member for Enfield for his excellent contribution and for putting it into a strong, historic context.

The Liberal Party, the state's rights party traditionally in Australia, has argued against every expansion of commonwealth power, particularly when the Labor Party was in office federally. When Whitlam and others have been in power they have argued against any extension of commonwealth power, but now they embrace so warmly, without any fight at all, this incredible expansion of federal power. I agree with the member for Enfield that members opposite in time will regret this. I have this fantasy where Mark Latham is still the leader of the opposition and perhaps becomes Prime Minister: what he would do with these powers! It will be interesting what history shows, but the member for Enfield explained it very well. It is quite remarkable that the two judges of the High Court, the most conservative and most liberal, both opposed the legislation for different reasons but essentially came to the same conclusion.

We then had the contribution of the member for Bragg. She reminded me of George Reid, the New South Wales Premier, who become the fourth Prime Minister of Australia. He was known as 'Yes/No Reid'. He participated in the constitutional conventions and agreed that we should have a federation. All of the premiers who agreed had to go back to their states and argue the yes case. He used to say on the stump, 'Yes, you should vote for the referendum', and then he would go on and give all the reasons why people should not vote yes. The New South Wales electorate voted against the constitutional convention provisions and it was lost. From then he was known as 'Yes/No Reid'. The member for Bragg is 'Yes/No Chapman' because she said that the opposition will support the legislation and then gave all the reasons why they ought not support it. If she is consistent the opposition would argue against the legislation.

If the opposition thinks WorkChoices is a good deal, why is it not amending this and introducing its own legislation to have all the public sector in South Australia made subject to work choices legislation? Why does it believe that the public sector should be excluded from this nirvana that has been created by John Howard? If they have the conviction of their beliefs, that is the position they should be taking, rather than agreeing with the position put by the government. We do not have the constitutional power in our state to protect all workers here, but we can protect this group of workers who work for the state government, and that is what this legislation is about. I commend the bill to the house and look forward to the committee stage.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr WILLIAMS: I need to ask this question only once, because it is repeated throughout the bill. The bill sets up the employing authority. Generally, that will be the CEO, or a particular person within the agency. Who employs the person who is designated as the employing authority?

The Hon. J.D. HILL: The explanation I have been given is that the employing authority, as the member suggested, would generally be the chief executive—although in the health department it might be the regional chief executive. The employing authority will be the Crown. The Crown is not a corporate entity, so that is the basis of it. The Chief Executive is an employee of the Crown. The Crown is not a corporation, so it cannot be subject to the provisions of the commonwealth legislation. All the people who are then employed by that authority—the chief executive—are covered by this legislation.

Mr WILLIAMS: Therefore (and this may already be the case), the chief executive (if that is the person), in the case of all the agencies that are subject to this act, will be employed under some sort of contract with the Commissioner for Public Employment. Is that the way in which it operates?

The Hon. J.D. HILL: Generally, the chief executives will be portfolio chief executives—like the head of health, the head of education, and so on—and they are employed under the public service management legislation, but directly employed by the Crown, as I understand it.

Mr WILLIAMS: Clause 4 refers to the Aboriginal Lands Trust Act. Under what instrument is the executive officer there employed?

The Hon. J.D. HILL: In relation to the Aboriginal Lands Trust, the employing authority will be the Chief Executive Officer of the Department of the Premier and Cabinet. As I understand it, what happens is that the employees will be employed by that authority and then delegated to the individual instrument for which they are working; they will be assigned.

Mr WILLIAMS: Is it fair to say that that is the model that flows right through?

The Hon. J.D. HILL: Yes.

Clause passed.

Clauses 5 to 26 passed.

Clause 27.

Mr WILLIAMS: In my second reading contribution I referred to the schedule that is inserted by clause 27, which establishes the South Australian Industrial Relations Commission as a dispute resolution agency, or gives it the power to adjudicate under WorkChoices as an alternative dispute resolution agency. I highlighted that paragraph 2(12) of the schedule (I refer to page 21 of the bill at line 25), provides:

> The commission may, in acting under this schedule, make any determination as to the scope or operation of the relevant referral agreement, or as to the meaning of any provision of the referral agreement, and any such determination will then have effect according to its terms.

I suggested during my second reading contribution that that subparagraph would, I think, frighten the hell out of anyone, to be quite frank. I cannot imagine too many employers being willing to sign a referral agreement that may be subject to those sort of processes within the commission. Can the minister explain why that clause is there and its intention? Can he also explain why he believes that people will use the South Australian Industrial Relations Commission when they are subject to that sort of clause?

The Hon. J.D. HILL: One can never tell in advance whether or not provisions will be used, but there is a belief that it will be used, because it is similar to provisions that are there now. As I understand it, it is the job of the Industrial

Commission to interpret awards. If you are going to go to an adjudicator for the resolution of a matter, you need to have the powers to resolve it. If an employer and employee are in an intractable situation, they will want someone to interpret and work it out for them. You cannot have it adjudicated if you say, 'I will let it be adjudicated only if it is on my terms.' You really must have someone else to create the objective playing field.

Mr WILLIAMS: My reading of that provision suggests that, once they get into the Industrial Relations Commission of South Australia (having agreed to have that as their dispute resolution agency), they are then subject to the interpretation. My understanding is that the two parties—the employer and employee; it can be a group of employers and a group of employees—make a written agreement setting out the conditions under which they will utilise the South Australian Industrial Relations Commission to settle their dispute.

They can be quite clear about that but, once they have signed off on that and gone before the commission, it seems to me that the commission can interpret that agreement in any way it sees fit. Once they have signed the agreement and gone before the commission, they are then bound by the decisions of the commission and have no way of backing out. Certainly, if I were in a situation I do not think I would be game to go before the commission knowing that the commission had the power to reinterpret the agreement that put our case before it in the first place. I would be fearful that the commission might interpret completely differently my original intention, and then I would have nowhere to go.

The Hon. J.D. HILL: There is a range of jurisdictions, I suppose, in which to do that. If two parties have a contract between them and they cannot agree on how it should be interpreted, they go to a third party, a tribunal, which interprets it for them. You are talking about a body that is practised in making these determinations. It will not do it unfairly. It will take into account natural justice and all the other judicial procedures that people appointed to that board would know about.

The member for Bragg is familiar with family law; it is a similar kind of issue. You get a breakdown in a marriage—both parties said they would love, honour and obey or that they would love, honour and cherish forever and ever, and that does not happen any more. There will be debate—'You said I could have that and I said you could have this'—and who is to know? You take it to an umpire to sort it out, and they do it on the basis of fairness to give everyone a chance to have their say. Any evidence that is available gets presented, and that is how it gets resolved. They are not compelled to go to this body. Ultimately, its value will be determined or demonstrated by its practice over time.

Clause passed.

Clauses 28 to 84 passed.

Clause 85.

The Hon. J.D. HILL: I move:

Page 43—
Lines 13 to 18—
Delete the definition of employing authority and substitute:
employing authority means—
(a) subject to paragraph (b), the Chief Executive of the department; or
(b) if the Governor thinks fit, a person, or a person holding or acting in an office of position, designated by proclamation made for the purposes of this definition;
Lines 21 to 24—
Delete subsection (2) and substitute:
(2) The Governor may, for the purposes of the definition of employing authority—
(a) designate different persons as employing authorities with respect to different classes of employees (or potential employees);
(b) in making a designation under paragraph (a), include the Chief Executive of the department;
(c) from time to time as the Governor thinks fit, vary or revoke a proclamation, or make a new proclamation for the purposes of the definition.

I am advised that the bill currently provides for the establishment of a new non-corporate employing authority for the health sector in lieu of the existing arrangements under the SA Health Commission Act where each incorporated hospital or health unit is a separate employer. These amendments will allow for the establishment by proclamation of different persons as employing authorities, and I indicated that health would particularly require that. At present 51 incorporated hospitals and health units under the SA Health Commission Act employ more than 28 000 employees as of June 2005.

The amendments will allow government additional flexibility in its employment arrangements for the public health sector having regard to its size, complexity and diversity.

Mr WILLIAMS: The opposition is happy with all the amendments the minister has on file.

Amendments carried; clause as amended passed.

Clause 86 passed.

New clause 86A.

The Hon. J.D. HILL: I move:

Page 43, after line 27—Insert new clause as follows:
86A—Amendment of section 29—Management of hospital
Section 29(2)—delete 'officer or employee of the hospital' and substitute:
to a person employed at the hospital

This amendment is consequential on the first two amendments I moved.

New clause inserted.

Clause 87.

The Hon. J.D. HILL: I move:

Page 43, line 31—
Delete 'The' and substitute:
An
Page 44—
Line 5—
Delete 'The' and substitute:
An
Line 10—
Delete 'The' and substitute:
An
Line 15—
Delete 'The' and substitute:
An
Line 29—
Delete 'the person who constitutes the' and substitute:
a person who constitutes an
Line 33—
Delete 'the' and substitute:
an
Page 45, lines 5 and 6—
Delete 'the employing authority' and substitute:
an employing authority designated by the Chief Executive

These are consequential. In fact, I think that all of the amendments relate to the initial two.

Ms CHAPMAN: The proposed new section to cover staff has in it some protective mechanisms so that an employing authority may direct a person employed under the section to perform functions in connection with operations and activities of another incorporated hospital, and some other ancillary matters; further, that an employing authority is acting under the section, subject to direction by the minister. We then have a clause which, on my perusal of the rest of the bill, is also

in most of the other instrumentalities and departments. It provides that no ministerial direction may be given by the minister relating to the appointment, transfer, remuneration, discipline or termination of a particular person. My question, minister, concerns the following. The current South Australian Health Commission Act makes provision for restrictions on the power directed by the minister to current boards, which includes to not interfere or affect clinical decisions for the sale or disposal of land and property or, in relation to employment of a particular person, the assignment, transfer, remuneration, discipline, termination of a particular employee. That is currently in the act and particularly identifies a restriction on the power of the minister to exercise a direction against an incorporated hospital.

In light of the minister's announcement that there will be a new bill introduced in the parliament to take over the employment of medical professionals and staff—and, of course, we get to see that bill—is it proposed that section 29C of the existing South Australian Health Commission Act will be repealed, and will you be proposing to repeal the new subclause 6 that we are about to vote on?

The Hon. J.D. HILL: This is a hypothetical question. It is based on a bill which is yet to be drafted. I cannot really give a definitive answer to the member's question. We may have to subsequently amend this legislation if the government agrees to my recommendation in relation to the creation of a new health care bill. I cannot say at this stage what will be in that bill, because it has not been drafted. We are working on broad principles at this stage, and we will need to go out to pretty thorough consultation. I am not trying to equivocate: I just do not have a particular answer that I can give to you. I recognise that we may well have to come back and make some amendments to this.

Amendment carried; clause as amended passed.

Clause 88.

The Hon. J.D. HILL: I move:

Page 45—
Line 13—
Delete 'The' and substitute:
An
Line 18—
Delete 'the' and substitute:
an
Line 21—
After 'the employing authority' insert:
or another employing authority
Line 22—
After 'the employing authority' insert:
or another employing authority
Line 29—
Delete 'the' and substitute:
an
Line 32—
After 'the employing authority' insert:
or another employing authority
Line 33—
After 'the employing authority' insert:
or another employing authority

Amendment carried; clause as amended passed.

Clause 89.

The Hon. J.D. HILL: I move:

Page 46—
Line 4—
Delete 'The' and substitute:
An
Line 14—
Delete 'The' and substitute:
An
Line 20—
Delete 'The' and substitute:
An
Line 25—
Delete 'The' and substitute:
An
Line 39—
Delete 'the person who constitutes the' and substitute:
a person who constitutes an
Page 47, line 2—
Delete 'the' and substitute:
an

Amendment carried; clause as amended passed.

Clause 90.

The Hon. J.D. HILL: I move:

Page 47—
Line 19—
Delete 'The' and substitute:
An
Line 24—
Delete 'the' and substitute:
An
Line 27—
After 'the employing authority' insert:
or another employing authority
Line 28—
After 'the employing authority' insert:
or another employing authority
Line 37—
After 'the employing authority' insert:
or another employing authority
Line 38—
After 'the employing authority' insert:
or another employing authority

Amendment carried; clause as amended passed.

Clause 91.

The Hon. J.D. HILL: I move:

Page 48, line 13—
Delete 'the' and substitute:
an

Amendment carried; clause as amended passed.

Clause 92 passed.

Clause 93.

The Hon. J.D. HILL: I move:

Page 48, line 20—
Delete 'the' and substitute:
an

Amendment carried; clause as amended passed.

Clause 94 passed.

Clause 95.

The Hon. J.D. HILL: I move:

Page 48, line 33—
Delete 'the' and substitute:
an

Amendment carried; clause as amended passed.

Clauses 96 to 130 passed.

Schedule 1.

The Hon. J.D. HILL: I move:

Clause 1, page 64, after line 14—
Insert:
(d) a person who, immediately before the commencement of this clause, was employed by an incorporated hospital or an incorporated health centre under the South Australian Health Commission Act 1976 will, on that commencement, be taken to be employed by an employing authority under that Act (as amended by this Act) designated by the Governor by proclamation made for the purposes of this paragraph.
Clause 3, page 65, line 18—
After 'then the' insert:
relevant

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendments.

The Hon. J.D. HILL (Minister for Health): I move:

That this bill be now read a third time.

I thank the members of the opposition for the cooperative way in which they have allowed this bill to be handled. On behalf of the Minister for Industrial Relations, I also thank his advisers on this matter: Elbert Brooks, Kate Stephens, Jenny Dunstan and Greg Parker, and also the parliamentary counsel, Richard Dennis.

Honourable members: Hear, hear!

Bill read a third time and passed.

DENTAL PRACTICE (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 September. Page 1026.)

Ms CHAPMAN (Deputy Leader of the Opposition): The opposition supports the bill. I indicate that I have some comments to make in relation to this bill. The history of this bill is one which is interesting in the context that the government announced that it would make provision for legislation in a number of health practitioner disciplines. It dealt with—in what has been colloquially called a template form—the expectations and obligations for various health practitioners and their registration boards over the past two years. In 2004, they dealt with legislation covering medical practice. In 2005, chiropractic and osteopathy, podiatry, physiotherapy and occupational therapy have all been dealt with. Largely, they have introduced this template form.

The outstanding professional disciplines to be dealt with are in the dental, psychology and optometry fields. My understanding, in the relatively short time we have had an opportunity to consult on this bill, is that the history of this bank of bills is that they have been out for consultation for the last couple of years and, in the case of this bill in particular, there have been some significant amendments and toing and froing with the relevant parties but, ultimately, this bill comes before us. We have had an indication from the government that they will shortly follow that up with the dealing of the psychology and optometry professions in their respective bills. In fact, they have been introduced and I expect that the government will wish to have them dealt with as soon as practicable.

We are now some years down the track since the initial purpose of this legislation had come about. I indicate that I was informed in a briefing on Monday of this week via the minister's office that a number of relevant organisations have been consulted and that they have included a number of organisations relative to dental and oral health, significantly, the Australian Dental Association (SA Branch) and also the representative associations for oral surgeons, paediatric dentistry, dental laboratories, prosthetists (I think I have pronounced that correctly) and prosthodontics—whatever they do.

The Hon. M.J. Atkinson: Come on!

Ms CHAPMAN: I do not mean to be disrespectful to them but I am not sure what they do. The orthodontists and peridontologists have all been covered, and the hygienists, technicians and other relevant bodies along the same line have been consulted and, without exception, we are told, are in support of this bill. It is clear from our inquiry that there have been some significant reservations about the development of this bill but it is seen as a fait accompli. The government is keen to put through this bank of bills and, whilst it has conceded amendment on some matters, it is pressing ahead with other aspects.

First, on the question of dealing with National Competition Policy, I want to ensure that we are in compliance with that. Because the new health agreement to be effective from 1 July next year is under current consideration and negotiation, it is important to have this aspect tidied up, and the opposition has no objection to that. It will simply allow a dental services provider to have a removal of the ownership restrictions, and it is now possible for any fit and proper person to own a dental clinic. There is also provision under the definition of 'dental services provider', consistent with previous bills, for the exclusion of exempt providers. This ensures that recognised hospitals, incorporated health centres and private hospitals within the meaning of the SA Health Commission Act are not accountable to both the minister responsible for the administration of the act and the board for the services they provide.

Again, this is consistent with the legislation, but I just make the comment that that is a matter we take with some reservation. We see no reason why these hospitals and health centres should not be responsible to the minister, as they are, but also accountable to the board for the services they provide, and that that will actually be a weakening measure. Nevertheless, we note the government's confirmation that they will still have an obligation to report medical unfitness and unprofessional conduct to the board. That is a level that we suggest weakens overall accountability for the standard of services provided in that circumstance.

There is another area in relation to medical fitness, which covers the same areas as the Medical Practice Act, and we have no issue with that. I come to the provision that offences by inspectors will not remain in the act. This is covered currently in section 53. On the information I have been given, this essentially means that, if the board wishes to appoint an inspector for the purpose of investigating the conduct of a particular professional, it will now be required to obtain that inspector through the public service. There are some exceptions to that which allow them to go outside of that, particularly in a circumstance where there is not someone employed under the Public Service Management Act who has significant skill or qualification to cover the dental procedure that is under consideration in relation to the conduct of a particular practitioner.

We note that. It is not something that we see as necessarily desirable, because it does restrict the capacity for the board to make determinations about who they have to inspect these people but, clearly, if they are not receiving sufficient cover and insurance, and the like, they will have no choice but to carry out that appointment with those restrictions. In the amendments that deal with the representative bodies, we are moving from references to associations to a new definition of 'representative bodies.' I inquired as to who they would be and was informed that they will be a number of the associations already in existence, which I referred to earlier and which have been consulted, which are known.

I am a bit disappointed that we do not know exactly the extent of that list or what the new qualification will be for someone to be a representative body that is able to be prescribed under the regulations or what the minister has in mind there. At least we have the assurance that those currently out there will be included and there is no one identified who is to be excluded, on the briefing that I was

provided. We have no problems with ensuring that practitioners do not have to disclose their personal address and provisions for casual vacancy. There is reference to the term of office. As these board appointments seem to be very much in the control of the minister, I am not sure that that is entirely necessary.

It is interesting, with the legislation we have debated in this house tonight, that we are asking in the one night to extend the appointment of the Auditor-General without these time restrictions yet here we are looking at the next piece of legislation where board members are not to hold that position for more than three consecutive three-year terms. Obviously, if someone goes off the board for three years the minister can put them straight back on for another nine years, so it does raise some questions. That might sound good for all the reasons that have been ignored in the previous bill in relation to the Auditor-General but, nevertheless, can easily be subverted.

The Hon. J.D. Hill: I do not think I will be around to appoint anybody for a second nine-year term.

Ms CHAPMAN: That can easily be got around, I just alert the government. The other matter I wish to indicate is in relation to prosthetists. The scope of their practice is to be removed from the act and placed in the regulations and, again, this is in this one size fits all template that we have on this. We are creating new responsibilities and obligations for a number of these professional disciplines and, yet, when it comes to their scope of practice which I would have thought to be critical for it to be defined in the act, again, this is being sent off to the regulations to be dealt with there. The argument in favour of that is that it is just easier to update the scope of practice as technological advances come to fruition but, of course, things change all the time and that is why we have a parliament—we come back and change the law. I do not know whether that is really an answer but I note that it seems every other bill has followed that line.

One other matter I raise is in relation to the medical fitness of dental practitioners and dental students and, again, the students are being captured in this new lot of legislation. My only concern is that it could impose quite a significant extra cost on students, and I wonder who is going to pay for that because, obviously, in each of these professions—and I am not familiar with all the current academic qualifications as they go through the training—but they have university lectures and practical experience both on-site at the university and in placements in various health facilities and, in some courses, that may start at year one. That is where they would have access and exposure to members of the public as patients and what we are trying to do is capture them here in this legislation so that they also have to come up to certain conditions in relation to standards before they are let loose on the public, so to speak, even if they are in a supervised situation. Yet, in other disciplines, it appears that the introduction of the student to the public patient is one that may come much later in the course, so the cost for some professions will be much more expensive if they have to start registering as students and paying the annual fees and so on from day one in the course or professional degree they are undertaking. I make the point that there will be a significant number of students who are brought into this obligation who will require quite a lot of extra resource to attend to that but, most importantly, who is going to pay for that and pick up that cost?

The only other matter I indicate because it has been flagged in the context of this legislation is that we have two further bills to go and the opposition may have a different view in relation to at least one of those, so I indicate that to the minister now. I look forward to having a briefing from the two ministerial officers who were provided on Monday to cover those other areas.

The Hon. J.D. Hill: Which ones do you have concerns with?

Ms CHAPMAN: For psychology and optometrists. I will contact the minister's office to commence discussions on that. They were made available on Monday but the investigation into the matter had not occurred at that point. In anticipation that the government may wish to bring those two final concluding bills in this bank of bills in the next week, we will need to attend to that. Otherwise, I indicate that the opposition supports the bill.

Mr HANNA (Mitchell): I outline two general concerns: one relates to the legislation and the other is perhaps peripheral. The concern I raise with intensification of capital investment in the dental practice industry, if one can call it that, is that we might see megapractices arise. I say this is a concern because of what I have seen with general medical practices. I take the example of the large medical practice that is situated on Morphett Road near Westfield Marion. There are good things about that practice because, with investment money from interstate, 22 GPs have collected there and, because of the concentration of professionals in one spot, there is a variety of work opportunities—full-time, part-time, casual—which is good for the medical practitioners. It is centrally situated—that is good—and it is able to be open 24 hours because of the number of practitioners involved. All of the practitioners there bulk bill. That practice has some positive aspects but also some downsides. I know that when that practice was set up offers of substantial sums of money were made to existing general practitioners in sole practice or small partnerships in the surrounding suburbs. After those practitioners were bought out effectively and located in the one large practice, there was actually a dearth of practitioners in those surrounding suburbs. It is true that someone in Trott Park can hop in a car and go over the hill or down to Noarlunga to get to one of these larger medical centres, but to see a local GP in Trott Park or Sheidow Park can mean waiting several days. The notion that by increasing the competition, at least in terms of capital investment by allowing outside capital—that is, other than dentists—into the provision of dental services does not necessarily mean benefits for all consumers.

I just sound a note of caution with that because I could see the same thing happening with dental practice and a lot of pressure being placed on sole practitioners. I think it must be getting harder and harder for the suburban dentist to have a practice on one of our arterial roads out in the suburbs, and I think to see their demise would actually be a sad thing, because there is something to be said for dentists who are willing to go out into the suburbs and become known as the local dentist; indeed, a local identity. There is something to be said for that.

I understand that this bill is part of a series of proposals which result from the state government's commitment to national competition policy principles, so I am not suggesting we can amend it or overturn it at this point. I know that there is not the will to do that, but I just hope that, in the various professions which are the subject of this range of legislative proposals, this does not lead to disadvantage to consumers rather than the supposed benefits of more competition.

The other general area of concern I have relates to the provision of dental care for our ageing population. The fact is we have more people than ever in nursing homes, and there is something else that is new in these times, and that is the number of people—whether we say over 50 or over 70—who are keeping their own teeth. We have had 30 years or so of a philosophy in dental practice that people should keep their teeth as long as possible. The good thing about that is that people feel whole and they feel they have control of their own teeth, and so on. We are also seeing a rise in dementia, and I see that this is creating a real complication in the proper provision of dental practice. It is not the case, as it was 30 or 50 years ago, that it is a simple matter to minister dental practice to such people. I have a very vivid image of my grandfather's teeth floating in a glass. It is not something you see very often any more.

Where there are large numbers of people with dementia, whether they are in nursing homes or in their own homes, I think we are going to see a difficulty matching those people up with dentists. In one way I am pointing out that it is very difficult for dentists to do house calls because of the equipment that they require. This is in some way related to the bill because this opening up of dental practice provision to greater competition could mean that aged-care services, or nursing homes or groups that provide aged-care services, might employ dentists; that is, dentists who rove around between a series of nursing homes, and so on. That could be a good thing, but it also means that loss of connection between patient and dentist.

As I expressed previously, it would be sad to see the loss of the relationship between the patient and the local dentist—a longstanding relationship—simply because someone has progressed to dementia or has moved residence to a nursing home. I am not sure what the answer is to that. I can see that, as this legislation is implemented and a greater variety of dental practices emerge, there may be a solution, but there may also be some disadvantages to consumers.

Mrs REDMOND (Heysen): I am glad to have the opportunity to make a long contribution on the second reading of the Dental Practice (Miscellaneous) Amendment Bill which—

Members interjecting:

The SPEAKER: Order! The member for Heysen has the call.

Mrs REDMOND: Thank you, Mr Speaker. Just for that, I will keep going.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The Attorney-General's interjecting is out of place.

Mrs REDMOND: The government introduced this bill supposedly, apart from anything else, to be consistent with the government's commitment to national competition policy, but we all know that the genuineness of the government in using the national competition policy to push through these reforms is just a furphy. It has had exemptions in relation to it since 2001, but the government, nevertheless, cites that amongst the first reasons in the second reading explanation which is never read in this house; it is always just inserted into *Hansard* instead of being read. It talks about a range of things and, of course, it has introduced a range of legislation—

The Hon. M.J. Atkinson: And you are reading them for the first time, as you speak.

Mrs REDMOND: And I can go even more slowly if the Attorney-General would like me to. If he cannot keep up with my comments, I am happy to oblige him.

The Hon. J.M. Rankine interjecting:

Mrs REDMOND: I note the minister commenting that no-one cares, but, believe me, I care. I care about the Dental Practice Act and the validity of what the government is saying about what it wants to do. Now, it says that what it wants to do is to amend it to ensure that it is in line with national competition principles but, of course, that is not the case because, as I said, it has had an exemption in relation to it since 2001.

The government has already amended the legislation in the same way in relation to medical practice 2004, and in the past 12 months or so we have done chiropractic, osteopathic, podiatry, physiotherapy and occupational therapy. Today in the Legislative Review Committee we dealt with the regulations under those various changes that have already passed both houses. There are a couple of others to go on with—psychology and optometry. There would be a need for some psychology changes for certain people in this chamber.

The Hon. J.D. Hill interjecting:

Mrs REDMOND: No, I was not referring to you, minister, not at all. The definitions have been expanded, so there is a new professional status and the act introduces some registration details and some compliance responsibilities. I have serious misgivings about some aspects of this legislation.

The Hon. M.J. Atkinson: Misgivings that arrived in the last five minutes?

Mrs REDMOND: Absolutely, and every time the Attorney interjects I will add another five minutes of comment on my misgivings. The Attorney has a habit in this house of deciding that, if he says something on the record about someone else or some other member, that makes it true. It is a remarkable habit he has and he expects people to rise to the bait every time, but that is the nature of the Attorney's behaviour in this place and he seems to think it is clever. Notwithstanding my misgivings about the genuineness or otherwise of the government's claims in relation to the national competition policy being the reason for proceeding with this bill, I will conclude my remarks and allow the final passage of the bill.

The Hon. J.D. HILL (Minister for Health): I thank members opposite for their support of the legislation. To answer a few issues raised by the member for Bragg, I am advised that students are already part of the existing legislation; they do not pay fees and this was introduced into the legislation in, I think, 2001 by the Hon. Dean Brown as health minister. This was the first act to be amended to cover students.

The scope of practice for prosthetists in the regulations, I gather, is supported by the ADP (Australian Dental Prosthetists). An honourable member asked whether, after a term expires, if you have been on for nine years you can be reappointed. You have to be off for three years before you can be reappointed. If I appoint somebody for nine years and I am still around after a further three years to appoint somebody it would be a remarkable achievement as the longest serving health minister in the history of the world.

The Hon. M.J. Atkinson: But you can do it.

The Hon. J.D. HILL: I can do it. Representative bodies will be part of the consultation process for the regulations. I assure the member that any representative body which has an interest in dental health issues and which chooses to be

consulted will be attended to. The member for Mitchell raised an issue about dementia. Regulations were introduced in 2005 to deal with special needs in dentistry matters. I believe that covers the issues raised by members during debate and I thank the opposition for its support of this legislation.

Bill read a second time. Bill reported without amendment.

The Hon. J.D. HILL (Minister for Health): I move:

That this bill be now read a third time.

I thank the opposition for its support of the legislation. This is an important piece of reform. I also thank departmental officers Nicki Dantalis, Rob Smetak and Kellie Tilbrook for their work on this, and also thank Christine Swift from Parliamentary Counsel.

Bill read a third time and passed.

EVIDENCE (SUPPRESSION ORDERS) AMENDMENT BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 4, page 3, line 9—Delete 'immediately' and substitute:

as soon as reasonably practicable

No. 2. Clause 4, page 3, lines 32 and 33—Delete 'the nominated representative of each authorised member of the news media' and substitute:

each authorised news media representative

No. 3. Clause 4, page 4, lines 2 to 5 (inclusive)—Delete the definition of *authorised member of the news media* and substitute:

authorised news media representative means a person—

(a) who is nominated by a member of the news media to be the member's authorised representative for the purpose of receiving notices under subsection (10)(c); and

(b) who has given the Registrar a notice specifying the representative's nominated address for the receipt of notices under subsection (10)(c); and

(c) who has paid the relevant fee or fees (which may consist of, or include, periodic fees) fixed by the regulations;

No. 4. Clause 4, page 4, lines 11 to 19 (inclusive)—Delete the definition of *nominated representative*.

MAGISTRATES (PART-TIME MAGISTRATES) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT (EXTENSION OF PERIOD OF SCHEME) AMENDMENT BILL

Second reading.

The Hon. J.D. HILL (Minister for Health): 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.

Introduction

The *Upper South East Dryland Salinity and Flood Management (Extension of Period of Scheme) Amendment Bill 2006* seeks to extend the scheme being implemented under the *Upper South East Dryland Salinity and Flood Management Act 2002* for a 3-year period, and to make consequential amendments as a result.

The Upper South East (USE) Project was developed in the early 1990s to address community concerns about dryland salinity, waterlogging and ecosystem fragmentation and degradation. On 19 December 2002, the USE Project was given specific enabling legislation: the *Upper South East Dryland Salinity and Flood Management Act 2002* (USE Act). The USE Act has an expiry date of 19 December 2006. However, it is now apparent that the construction of the drainage network for the USE Project will be incomplete at this time. It is necessary to extend the USE Act for a 3-year period (and to provide for ongoing rights with respect to compensation) to ensure that all provisions continue for the short term, to enable the completion of the drainage network.

Extension of the USE Act for a 3-year period

The Bill essentially proposes to extend the USE Act by 3 years to enable the USE Act to continue until 19 December 2009, at which time USE Project works will be completed. This will provide assurance for the completion of the USE Project and it will ensure the continuation of all provisions that are necessary to ensure that the integrity of the USE Project is maintained.

The completion of the drainage network is essential for meeting the environmental, economic and social components of the USE Project, including the control and management of surface water, removal of saline groundwater and provision of fresh water to meet wetlands and threatened species management requirements.

Compensation provisions for landholders to seek compensation for net loss suffered due to drainage works

Consequential amendments are required to compensation provisions as a result of the proposed amendment to extend the USE Act for a 3-year period.

Currently, the USE Act provides that landholders may seek compensation from 19 June 2006 until 19 December 2006 if they believe they have experienced a net loss in land value. This was based on the assumption that works would be completed and land returned to landholders by 19 June 2006 thereby allowing a six-month period in which compensation claims could be made.

The Bill includes provisions that will ensure that the existing compensation provisions continue and are extended.

Landholders who believe they have suffered a net loss in land value due to the works undertaken will be able to make a claim for compensation by 18 June 2007 where land is officially returned to the landholder between 18 June 2006 and 17 December 2006. Where land is officially returned on or after 18 December 2006, the landholder will be able to make a claim for compensation within 6 months from the return of the land. This provides greater flexibility in approach for landholders.

Furthermore, amendments have been included to take into account that while drainage construction will be completed by December 2009 it can take some time after completion of construction to return all surplus land to landholders. The amendments provide that land can be returned up to one year after the expiry of the USE Act, that is 19 December 2010, or up to 19 December 2011 by proclamation by the Governor. Landholders will continue to be able to seek compensation for a six-month period from the date the land is officially returned. The Bill provides that the expiry of the Act will not affect these compensation provisions.

Obsolete references

Some additional consequential amendments are also contained within the Bill to tidy up and remove provisions within the Act that are obsolete and do not need to remain once the USE Act is extended.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Upper South East Dryland Salinity and Flood Management Act 2002*

4—Amendment of section 13—Entitlement to compensation

This clause (which is to be taken to have commenced on 18 June 2006) amends section 13 of the principal Act to reflect the extension of the operation of that Act by this measure.

In particular, the amendments contemplate an entitlement to compensation arising at one of two times, namely on the issuing of a land transfer finalisation declaration by the Minister, or (if no such declaration is issued) on the land transfer finalisation date in relation to the relevant parcel of land. The date that applies is the ***relevant date***. The definitions of ***land transfer finalisation date*** and ***land transfer finalisation declaration*** are inserted by the clause.

The time limits for making a claim for compensation under the section have been amended accordingly by the clause. Two time limits within which a claim for compensation must be made are established. The first relates to a claim where the relevant date occurs between 18 June 2006 and 17 December 2006. Such a claim must be made on or before 18 June 2007. This period addresses those landowners with claims under the section prior to its amendment by this measure, and preserve the right of those who would otherwise be affected by the amendment to access compensation within a timeframe consistent with (or, in terms of the time available to make a claim, more favourable than) that currently provided by the principal Act. The second time limit, reflecting the extension of the operation of the principal Act by this measure, requires a claim for compensation where the relevant date falls on or after 18 December 2006 (and hence beyond the end date originally envisaged) to be made within 6 months after the relevant date. This provides a rolling time limit to accommodate the ongoing nature of the transfer of the land back to its original owners during the extended period, but does not require the landowner whose land has been returned to wait until the expiration of the Act to be able to claim compensation under the section.

The clause also inserts into section 13 procedural provisions related to the above.

5—Amendment of section 43—ERD Committee to oversee operation of Act

This clause shifts oversight responsibility for the operation of the Act from the ERD Committee to the Natural Resources Committee, and repeals an obsolete provision.

6—Insertion of section 43A

This clause inserts a new section 43A into the principal Act. That section requires the Minister to prepare the Upper South East Drainage Network Management Strategy, which is to set out broad strategic policy and proposals regarding the management of the Project Works, key environmental features and agricultural issues, insofar as they are relevant to the Project. The new section sets out procedural and administrative matters related to the Strategy.

7—Amendment of section 45—Expiry of Act

This clause extends the operation of the Act, previously due to expire on the fourth anniversary of its commencement, to 19 December 2009.

The clause also inserts new subsection (6a), which provides that the expiration of the Act does not apply in relation to the operation of section 13 (as amended by this measure) until all of the steps envisaged by the section have been completed, all dates under the section have occurred and all claims for compensation under the section have been finalised.

The clause also inserts new subsection (6b), which provides that the expiration of the Act does not apply in relation to the Strategy required under section 43A, nor to the Minister's obligation to continue to review the Strategy.

Hence, the expiration of the Act will not adversely impact upon a claimant who has complied with the Act.

Ms CHAPMAN secured the adjournment of the debate.

ADJOURNMENT

At 9.39 p.m. the house adjourned until Thursday 16 November at 10.30 a.m.