LEGISLATIVE COUNCIL

Wednesday 4 June 2003

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

PAPERS TABLED

The following papers were laid on the table:

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

Regulations under the following Acts—
- Firearms Act 1977—Application, Licence Fees
- Land Tax Act 1936—Certificates Fees
- Petroleum Products Regulation Act 1995—Fees
- Tobacco Products Regulation Act 1997—Licence Fees

By the Minister for Mineral Resources Development (Hon. P. Holloway)—

Regulations under the following Acts—
- Mines and Works Inspection Act 1920—Fees
- Mining Act 1971—Fees, Annual Fees and Rents
- Opal Mining Act 1995—Fees
- Petroleum Act 2000—Application, Licence Fees
- Petroleum (Submerged Lands) Act 1982—Fees

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

Regulations under the following Acts—
- Adoption Act 1988—Fees
- Associations Incorporation Act 1985—Fees
- Authorised Betting Operations Act 2000—Licence Fees
- Bills of Sale Act 1886—Fees
- Births, Deaths and Marriages Registration Act 1996—Application Fees
- Botanic Gardens and State Herbarium Act 1978—Admission, Advisory and Identification Fees
- Building Work Contractors Act 1995—Fees
- Business Names Act 1996—Fees
- Community Titles Act 1996—Fees
- Controlled Substances Act 1984—
  - Pesticide Licence Fees
  - Poisons, Licence Fees
- Conveyancers Act 1994—Fees
- Co-operatives Act 1994—Fees
- Cremation Act 2000—Permit Fee
- Criminal Law (Sentencing) Act 1988—Forms, Fees
- Crown Lands Act 1929—Application, Document and Miscellaneous Fees
- Dangerous Substances Act 1979—Licence and Other Fees
- Development Act 1993—
  - Private Certifiers, Fees
  - Significant Trees Variation
- District Court Act 1991—Criminal, Civil Division Fees
- Environment Protection Act 1993—
  - Beverage Container Fees
- Fees and Levy
- Environment, Resources and Development Court Act 1993—
  - General Jurisdiction Fees
  - Native Title Fees
- Explosives Act 1936—Explosives and Fireworks Fees
- Fees Regulation Act 1927—
  - Probate, Guardianship Fees
  - Proclaimed Managers and Justices Fees
  - Registered Agents Fees
- Freedom of Information Act 1991—Fees and Charges
- Gaming Machines Act 1992—Indemnity, General Fees
- Goods Securities Act 1986—Fees
- Harbors and Navigation Act 1993—Schedule 14 Fees
- Heritage Act 1993—Fees
- Historic Shipwrecks Act 1982—Register Copy Fees
- Housing Improvement Act 1940—Section 60 Statement Forms
- Industrial and Employee Relations Act 1994—Agents Fees Revoked
- Land Agents Act 1994—Fees
- Liquor Licensing Act 1997—
  - Application and Licence Fees
  - Dry Areas—Coober Pedy
- Local Government Act 1999—Schedule 2 Fees
- Lottery and Gaming Act 1936—Licence Fees
- Magistrates Court Act 1991—Civil, Criminal Division Fees
- Motor Vehicles Act 1959—
  - Expiation Fees
  - Schedule 5 Fees
- National Parks and Wildlife Act 1972—
  - Hunting Fees
  - Kangaroo Harvesting
  - Wildlife Fees, Permits, Royalties
- Occupational Health, Safety and Welfare Act 1986—Inspection, Application and Licence Fees
- Partnership Act 1891—Fees
- Passenger Transport Act 1994—Schedule 4 Fees
- Pastoral Land Management and Conservation Act 1989—Lease Fees
- Plumbers, Gas Fitters and Electricians Act 1995—Periodic Fee and Return, Fees
- Prevention of Cruelty to Animals Act 1985—Fees
- Private Parking Areas Act 1986—Expiation Fees
- Public and Environmental Health Act 1987—Waste Control Fees
- Public Trustee Act 1995—Commission and Fees
- Radiation Protection and Control Act 1982—Ionising Radiation Fees
- Real Property Act 1886—
  - Fees
  - Land Division Fees
- Registration of Deeds Act 1935—Fees
- Roads (Opening and Closing) Act 1991—Fees
- Road Traffic Act 1961—
  - Expiation Fees
  - Miscellaneous Fees
- Second-hand Vehicle Dealers Act 1995—Fees
- Security and Investigation Agents Act 1995—Fees
- Sexual Reassignment Act 1988—Certificate Fees
- Sheriff's Act 1978—Fees
- South Australian Health Commission Act 1976—
  - Private Hospitals Fees
  - Recognised Hospitals and Health Centre
- State Records Act 1997—Document Record and Other Fees
- Strata Titles Act 1988—Fees
- Summary Offences Act 1953—Application Fee
- Supreme Court Act 1935—
  - Fees
- Probate Fees
- Trade Measurement Administration Act 1993—Application and Licence Fees, Testing Charges
- Travel Agents Act 1986—Fees
- Valuation of Land Act 1971—Fees and Allowances
- Water Resources Act 1997—Permit, Licence and Other Fees
- Worker's Liens Act 1893—Fees
- Youth Court Act 1992—Fees.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the 28th report of the committee 2002-03.

Report received and ordered to be read.

The Hon. J. GAZZOLA: I bring up the report of the committee on regulations under the Fisheries Act 1982 concerning giant crabs, together with the minutes of evidence.

Report received and ordered to be published.

ECONOMIC DEVELOPMENT BOARD

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a ministerial statement on the Economic Development Board made in another place today by the Premier.

QUESTION TIME

SPEAKER, QUALIFICATIONS

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking you, Mr President, a question about the Parliament House web site.

Leave granted.

The Hon. R.I. LUCAS: As you would be aware, sir, the Speaker of the House of Assembly has made a number of claims in relation to the importance of honesty and integrity in public life. My attention has been drawn in recent days to the Parliament House web site. When one turns to the web site for the Speaker of the House of Assembly, one sees that it refers to his education and his qualifications as being a Masters Degree in Business Administration from the University of Adelaide, Roseworthy Agricultural College. When one turns to the member for Hammond's section of the web site a similar claim under education for the member for Hammond is that he has completed a Masters Degree in Business Administration from the University of Adelaide, Roseworthy Agricultural College.

My attention has also been drawn to information provided to the recent 33rd Conference of Australian and Pacific Presiding Officers and Clerks in July 2002, when pen pictures of the speakers and clerks were provided and where, under education and qualifications, the Speaker of the South Australian House of Assembly lists simply a Masters Degree in Business Administration from the University of Adelaide. My attention has also been drawn to information provided through the Parliament House Library facilities and, again, under 'South Australian Members of Parliament' the member for Hammond lists under 'educational qualifications' a Masters Degree in Business Administration from the University of Adelaide, Roseworthy Agricultural College.

I have some personal past knowledge of the member for Hammond's endeavours to undertake a Masters Degree in Business Administration. As I have recounted in this place, some 20 years ago the member was unsuccessful in completing a Masters Degree in Business Administration, and I confess to my inadequacies in being able to assist the member in the successful completion of some accounting subjects with some background and finance that was required. Certainly, my knowledge is that, until recent times the member for Hammond, the Speaker, did not have a Masters Degree in Business Administration.

This month I have tried to make inquiries of the University of Adelaide, and I must say that I have had no official response as of today, but certainly unofficially someone associated with the program has indicated that they are not aware that the member for Hammond has recently completed a masters degree in business administration. I do note that the member for Hammond's web site, in addition to the claim about a masters degree, does have as his personal philosophy on life the following: 'Tell me what I need to know, not what you think I would like to hear.' It is in that vein that I ask you, Mr President, the following questions:

1. What guidelines govern the accuracy of information that members of parliament place on parliament's web site?

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Cameron is very unkind. My questions continue:

2. Will the President raise the issue with the Speaker as to whether he has completed a masters degree in business administration from the University of Adelaide and, if he has not, will he remove such a claim from parliament's web site?

3. Would the President be concerned if any member of parliament was fraudulently misrepresenting their qualifications on parliament's web site and, if so, what options are available to the parliament to ensure honesty and integrity of information provided to the public through parliament's web site?

The PRESIDENT: There are a number of issues involved in the question. I am not aware that there are any guidelines in respect of what should be put on a member's web site. I have been made aware in very recent times—two minutes ago, in fact—that it was the practice of the people constructing web sites to ask members to sign off on the content. Will I raise the issue with the Speaker and member for Hammond; and would I be concerned if there were misrepresentations on the web site? I do not know that that it is an issue that I as President need to raise with the member for Hammond. If there were inaccuracies on any of the web sites, I would be concerned from the point of view that those web sites are a reflection of the parliament and that there were misrepresentations on them. However, I point out to all members that the information on web sites is normally provided by the member. If the information is inaccurate or inappropriate, the responsibility lies with the member. Beyond that, I do not think that I can add anything further in respect of the matter raised by the honourable member.

The Hon. R.D. LAWSON: I have a supplementary question. Would you, Mr President, ask the member for Hammond to indicate whether the initials 'MBA' stand for 'master of business administration', or, if not, for some other words; and, if so, what words?

The PRESIDENT: I will take that question on notice and make an inquiry of the Speaker. I do not know that it is necessarily the business of this council, but it is a legitimate question and, as in all things, I am directed by the will of the council.

ABORIGINAL DEATH IN CUSTODY

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

Leave granted.

The Hon. R.D. LAWSON: Yesterday, in a ministerial statement the minister informed the council of the tragic death of a young Aboriginal man in the Port Lincoln prison. In the ministerial statement, the minister referred to recommendations of the Royal Commission on Aboriginal Deaths in Custody and, in particular, to the recommendation that, where appropriate, Aboriginal prisoners should be offered the opportunity to share cells with other prisoners to reduce the potential for death in custody. The minister also referred to a number of renovation programs conducted at the Yatala

Labour Prison to remove hanging points and also a number of improvements made to other prisons in the system, although he did not specifically mention in that context the Port Lincoln prison. My questions to the minister are:

1. Was the prisoner whose death was reported sharing occupation with another prisoner? Was he offered that opportunity in line with the recommendations of the royal commission?

2. What steps have been taken specifically at the Port Lincoln prison to address issues arising out of the recommendations of the royal commission?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): The circumstances in relation to the sharing of cells through the recommendation of the Aboriginal deaths in custody inquiry brought about changes to the way in which the treatment of Aboriginal prisoners was considered different from that of mainstream prisoners. As I have said on other occasions, a death in our cells—whether it be of an Aboriginal prisoner or of a member of the broad non-Aboriginal community—is tragic. The department watches as much as it can in relation to the recommendations from the Royal Commission into Aboriginal Deaths in Custody. Over time, it has been working its way through the prison system eliminating hanging points and also monitoring prisoners in their cells, assessing whether a drug and alcohol problem is associated with entry and, if prisoners or people entering prison are on any prescription drugs, making sure that either deprivation or overdose does not occur.

A number of protocols have been set up by the department, and I will formally outline them as part of this answer. The Department for Aboriginal Affairs and Reconciliation will continue to monitor and report on any known Aboriginal deaths in custody within South Australia. The state government, through DAARE, has developed a protocol with the state Coroner that is implemented in the event of an Aboriginal death in custody. That protocol allows DAARE to review any relevant documents, reports, agreements and previous coronial recommendations. Following such reviews, DAARE prepares a written report for the Coroner that contributes to the inquest process, as well as reporting on potential breaches of the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

An honourable member interjecting:

The Hon. T.G. ROBERTS: Well it is. What I am saying is—

An honourable member interjecting:

The Hon. T.G. ROBERTS: No, what I said yesterday was that there will be a coronial inquiry. I am informing the council now that steps will be taken. Following the review, DAARE prepares a written report for the Coroner and contributes to the inquest process. So, with regard to the questions asked by the honourable member in relation to whether work has been done in the Port Lincoln prison to eliminate the hanging points within the cells or within the prison itself, those answers will be provided by the coronial inquiry. Recommendations about any future prevention of deaths in prisons will be partly based on this individual's death.

In relation to the broad issue, when you were in government, your government was working its way through the elimination of hanging points. I am sure that, when you were minister, you would not have given a guarantee that every hanging point had been eliminated in every prison, because it is not a guarantee that anyone can give.

In relation to police lock-ups, I am sure there are many places where, if someone wanted to make a determined bid, they could do harm to themselves. In some cases, there would still be hanging points for those people to use. We are working our way through those issues. Fortunately, no Aboriginal person is known to have died in custody in South Australia since May 2001. That was previously the last death in custody. We have a good record in this state, and we are prepared to defend it and improve on it. Any single death in custody is a blot on our record, and there is no doubt about that.

Where possible, the department has tried to adhere to the recommendation for sharing. Sometimes, if there are differences within Aboriginal groups within prisons, it is not possible to share. Sometimes there are violent differences between prisoners and one would not want to have them sharing a cell. It is an operational matter, in which the operations manager of the prison would make a decision within a particular circumstance, as to whether the prisoner had a single cell under observation or a shared cell. I am not aware of the circumstances—whether a single cell was offered or whether an offer to share a cell was made.

What I did say yesterday was that the protocols for investigation would reveal the circumstances in which the prisoner died. Before the commencement of the coronial inquest—and I do not think that this will breach any protocols—I will endeavour to bring back a reply for the honourable member in relation to the operational procedures that preceded the prisoner's death. I will check with the department to see what procedures, processes and attempts to reduce or eliminate all hanging points in the prison have been made since the Aboriginal deaths in custody royal commission reported.

MURRAY RIVER FISHERY

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

Leave granted.

The Hon. CAROLINE SCHAEFER: In the targets and highlights of the minister's portfolio, one of the targets for this financial year is to complete the restructure of the Murray River fishery. As members can imagine, I have been inundated with inquiries from those fishers involved in the Murray River fishery, asking what will take place. The restructure is mentioned again on page 5.12. My questions are:

1. When does the minister anticipate this will take place?
2. How much money has been set aside?
3. Where is it shown in the budget?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The future of the river fishery will depend on the outcome of the appeal to the Supreme Court, which I believe is due within a few days. When that decision comes down and we have the benefit of that decision, we will know how to proceed. I do not know that I can say much more about the appeal, given that a decision has not been handed down. Obviously, the future of that fishery depends on the outcome of that decision. Depending on that decision, as soon as it comes down and we know the court's view, I will have to go back to cabinet, one way or the other, with some further proposals in relation to it. At this stage we are waiting for that decision to be announced.

The Hon. CAROLINE SCHAEFER: A supplementary question: is the minister saying that there is no money set aside within the budget for compensation under a restructure

of the Murray fishery? If so, why does he list it in one of his targets?

The Hon. P. HOLLOWAY: The package that I offered to river fishers last year—the whole scheme—that was approved by cabinet is in abeyance awaiting the outcome of that decision. Some money has been paid to two fishers who took packages in relation to the river fishery restructure, but exactly how that fishery is restructured will depend very much on the outcome of the decision.

The Hon. Caroline Schaefer interjecting:

The Hon. P. HOLLOWAY: There was money set aside in relation to compensation, but if and when there is compensation, and the quantum thereof, will depend on the outcome of the court decision. Depending on what that outcome is, the river fishers themselves may wish to exercise their legal options, and if they choose to take action through the courts then the government will ultimately be bound by those legal decisions. There is some money in the budget in relation to ongoing activities within the river fishery, in particular the funding of research. However, in relation to the actual restructure, cabinet has approved it but is awaiting the court decision which I will have to take back to cabinet and which will determine exactly what the final form and nature of any restructure is.

INDIGENOUS ART

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about initiatives in indigenous art.

Leave granted.

The Hon. G.E. GAGO: On Monday 2 June, the ABC's *7.30 Report* screened a story on an indigenous art exhibition opened by the Northern Territory Chief Minister, Clare Martin. I have also seen some fabulous photographs from this exhibition. The exhibition was held at the Peppimenarti Community Council and featured paintings, weavings and cultural articles. The initiative has provided an opportunity for Aboriginal artists, in particular, to produce and market their work and showed the emergence of new Aboriginal talent. In particular, Aboriginal men were being encouraged to display their artistic skills. My question is: is the minister aware of any initiatives of a similar nature under way in South Australia and, if so, could he inform the council of them?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her questions and acknowledge her ongoing interest in the issue of Aboriginal affairs. It is good to report a good news story in relation to the Aboriginal communities in the north-west, particularly in Ernabella, which does suffer from a lot of problems associated with petrol sniffing and alcohol abuse. The arts centre that has been set up there has been developed over some time. The centre itself is an outstanding contribution to enterprise building within Ernabella and it is one of the few areas in which incomes are earned away from CDEP and the public purse. I was invited to view the Ernabella Arts Centre, along with the federal minister for Aboriginal affairs and the federal health minister, which has recently been opened. The other good story to tell is that there are four community arts centres that have formed a cooperative, to sell their art into the broader community within South Australia, Australia and overseas.

The Ernabella Arts Centre has recently engaged the services of a professional potter, Mr Peter Ward, to help train aboriginal men in the art of forming high-quality pottery pieces, which they can then decorate with their own art designs. I saw several major works which were destined for an exhibition on the east coast later this month, and while the pieces were of traditional and classical shape, often seen in fine art exhibitions, the decorations were uniquely aboriginal. A blend of the two styles made the pots appealing, and I can understand why people are willing to pay very high prices for the works that are being created. The centre coordinator (Hilary Furlong) described the ceramic project and its objectives as recognising a need for a creative outlet for the local Aboriginal men's talents as well as complementing the women who are doing a magnificent job in the areas in which they work.

The Hon. Diana Laidlaw: Did you go to the last Jam Factory exhibition of their work?

The Hon. T.G. ROBERTS: I did not, no. Traditional art work such as the batik and silk-screened painted fabrics produced by the local Aboriginal women have world-wide recognition for their excellence and quality, and it is a well recognised success story. They are probably some of the works that the honourable member is talking about. This venture will be expanded to produce smaller pottery pieces for sale to visitors to the centre and will provide an important income source for local Aboriginal men. The potter formerly employed at the Jam Factory had previously visited the arts centre as a tourist and recognised the talents of the local Aboriginal men, and the pottery project was developed in recognition of a need to give local men a creative outlet for their talents.

The boredom associated with lack of choice and opportunity in employment was leading to a division in the community between the men and the women, the women being recognised nationally and internationally for their talents and the men having no outlets for their creative urges. So, this is an excellent program. We will be doing all we can to encourage its development and expansion. The Premier made a large injection of funds to the program earlier in the budget 2002-03—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: I thank the honourable member for advertising that! We hope that we can continue the good work that is coming out of Ernabella and the other communities that are now taking up a broad range of art designs and formats and getting their works into the marketplace.

VISITORS TO PARLIAMENT

The PRESIDENT: I draw members' attention to the presence today in the gallery of some very important young South Australians from the Temple College. They are here today as part of their education studies. We hope that they find their visit to our parliament both educational and interesting. I understand that they are being sponsored by the deputy leader of the Democrats, the Hon. Ian Gilfillan.

Honourable members: Hear, hear!

MOUNT BARKER POLICE STATION

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the minister representing the

Minister for Police a question about the privatisation of the Mount Barker Police Station.

Leave granted.

The Hon. IAN GILFILLAN: On 30 April in this place I asked some questions directly related to the Mount Barker Police Station, where there has been quite a stressful situation for the serving police and in the community. Hills police Chief Superintendent Tom Rienerts last year stated that the police station is grossly undersized. I have had no answers back to the series of questions relating to that matter. However, there is an interesting revelation in the budget.

In previous budgets the government had set aside $10.5 million for the building of a new police station at Mount Barker. Now this money has gone: it is not showing in the budget. Instead of investing the $10.5 million to build a police station, the government is entering into a contract to have the police station built and owned by private capital and then rented back to the police department, a classic case of the Public Private Partnership (PPP) in operation. I spoke yesterday about the Democrats' misgivings about governments entering into PPPs, and I cited the New South Wales experience.

The PRESIDENT: Order! There are too many private conversations taking place in the chamber. I remind members of their duty. I cannot hear the Hon. Mr Gilfillan.

The Hon. IAN GILFILLAN: I cited the New South Wales government's experience with the Port Macquarie Base Hospital, which entered into a PPP. The hospital was valued at $50 million but actually has cost the government $143.6 million, and that is over and above the cost of running the hospital. Of particular concern is the way that taxpayers, through this example, pay up to three times the value of the public asset, yet it remains owned by a private company.

In this particular case (the Mount Barker Police Station), all South Australians can consider the economic comparison between building and owning, and renting. Comparing $10.5 million at the top rate of interest (4.75 per cent) with $475 000 a year in rent, the cost would be about even. It is expected that the government may well pay in excess of $1 million for this PPP, so quite clearly there is a case for saying that the government is 'doing dough'. I ask the minister:

1. What is the estimated annual rental fee for the Mount Barker Police Station for the next 20 years?

2. What putative interest did the government apply to the $10 million when making the calculation that the taxpayers of South Australia would be better off with a public private partnership?

3. At what stage does the government believe that any actual so-called economic benefits will be apparent for members of this council and other taxpayers to see in budgeted figures?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The honourable member raises a number of questions in relation to a particular project, the Mount Barker Police Station. I will obviously need to get a response from the Minister for Police. However, I will take issue with one comment that the honourable member made when he said that these PPPs are privatisation. What we are talking about is constructing new projects; we are not talking about selling assets that have been in the ownership of the state. We are talking about constructing new facilities and using a system described in the capital investment statement as follows:

> The PPP program is identifying projects where the private sector can more efficiently manage the risks associated with providing services to the public. In these cases the government enters into a contract for the provision of specified services with the private sector.

We are talking here about constructing new buildings. The government, in the past, may have had its own construction arm, but the government is now not in the business of building buildings. What we are talking about here is an effective way of providing those building services to the public. Governments have always rented office space. The office for the minister for agriculture is in a private building and has been for many years. As well as owning some buildings, governments also rent space in a number of buildings, if it is more efficient and appropriate to do so—and they have done so for many years. So, I think it is important to correct the—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: No. The Labor Party has not criticised PPPs; our policy was quite clear before the election that we support PPPs in the right cases.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Every particular project can be judged on its merits. In fairness to the Hon. Ian Gilfillan, he has sought assurances in his question about whether there are net benefits for the taxpayer. At the end of the day, that is the key question. The question asked by the Hon. Ian Gilfillan is important: if we are to proceed with these projects, they should be in the interests of the taxpayer. I will get an answer for the honourable member.

CARER FUNDING

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the minister representing the Treasurer a question about funding for carers.

Leave granted.

The Hon. A.L. EVANS: The Home and Community Care Program (HACC) provides vital support for families in the community who care for people who are frail and aged or who have chronic illnesses or disabilities, and their carers. The commonwealth offer for 2003-04 provides for both CPI increases in current services in the community and growth funds. The commonwealth also provides for increased funding beyond CPI but, in order for the state to take up the money, the state must match the commonwealth funds. In the formula for the HACC offer, the commonwealth provides 62¢ for every dollar, which the states must match with 38¢ for every dollar if they receive the funds. This year the state budget matches the offer to provide for CPI increases but not the increased growth funds beyond CPI.

I estimate that about $3.5 million in growth funds will be beyond the offer of CPI. This represents recurrent growth funds to the state. The failure to match all the money results in a cumulative, long-term loss of money to the state for much needed services to carers of the frail aged and those who are chronically ill or who have disabilities. I understand that the state budget 2003-04 does not provide for the full matching of the commonwealth funds for HACC beyond the CPI. My questions to the minister are:

1. Will the state match the full commonwealth offer for 2003-04? If not, why not?

2. What has the government agreed to match of the commonwealth's offer for the Home And Community Care program?

3. What is the combined long-term cumulative loss to this state of the government's failure to match the commonwealth's offer for the HACC program?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question, and I will refer it to the minister in another place.

The Hon. KATE REYNOLDS: As a supplementary question: will the Treasurer explain why the government has decided not to provide full matching of commonwealth funds for HACC, when the 2001-02 Labor election policy called for an increase in the level of the commonwealth offer in recognition of the fact that South Australia needs extra funds for its much older population, compared with other states? I would appreciate your advice here, Mr President, being a bit of a novice at asking supplementary questions: may I ask another?

The PRESIDENT: I think you asked for one supplementary question. I will allow the minister to answer, then your options will be open again.

The Hon. T.G. ROBERTS: I will refer that single supplementary question to the Treasurer in another place and bring back a reply.

The Hon. KATE REYNOLDS: As a further supplementary question: will the Treasurer inform the council when the South Australian government last failed at least to match the commonwealth HACC growth funds offer?

The Hon. T.G. ROBERTS: I will refer that question to the Treasurer in another place and bring back a reply.

ELECTRICITY SUPPLY, ERNABELLA

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the Ernabella community power supply.

Leave granted.

The Hon. T.J. STEPHENS: In a written response to a question I asked the minister on 19 February 2003, the minister stated that the inductive reactors for the Ernabella power line would be delivered by May 2003. He further stated that stage 1 of the power generation project at Umuwa would be commissioned by April 2000. These deadlines were given after the construction of new generation facilities had been delayed and the power supply to Ernabella disrupted on many occasions. My questions are:

1. Will the minister confirm that these deadlines have been met?

2. Will the minister update the council on the incidence of power supply disruptions to the Ernabella community since 19 February, and has this impacted on water supply to the community again?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): Without having the detailed knowledge of the answer to the question in relation to the deadlines, I will endeavour to get a reply and bring it back to the honourable member. In relation to the problems associated with the interruption to supply, on my last visit I was advised that, in some cases, the system is not able to withstand the heavy rain events which occur from time to time, and that it is difficult to give guarantees on supply (which is the same as for any other part of the state), although the single rain events in that area appear to be less frequent but heavier than perhaps in other parts of the state. I will try to get a reply to the member as soon as possible. The other thing about which I have been talking to the AP Executive is to institute some training programs for young Aboriginal people to become versed in maintenance programs. This has not happened to date.

What has been happening generally is that large projects have been tendered. The successful contracting companies arrive in the communities. They build and put into place—under difficult circumstances in many cases—the plant and equipment. It could be housing, power stations, or a sun farm, and all its related electrical equipment. The maintenance processes are then contracted to people who do not live on the lands. Generally, the successful applicants live in Alice Springs, Adelaide or, in relation to the sun farm, Melbourne, which, in many cases, causes a break in the communication line. Since the new formation and the cooperation between the AP Services and the Pitjantjatjara Council Services, the AP Services are now starting to put together a team, which, in the future, will be able to deal with the problems that they will have as a result of growth within the area.

However, at this stage, they do need the services of an electrical engineer who is able to be accessed relatively quickly and who is able to draw up training programs for apprenticeships to build up the skill levels of the communities so that they can identify and deal with those problems. Hopefully, by building up those skill programs young Aboriginal or Anangu people can complete the studies required to become conversant with dealing with the difficulties caused by isolation and the problems which they face. As the honourable member has said, water is another difficult problem. Some bores were dry from November and, in fact, some of them were still being worked on as late as May. As a result, people, particularly in the homelands, were without water for a considerable time, which is unacceptable.

That issue is being looked at. ATSIC and the AP Executive are discussing the issues. In the future, stronger guarantees have to be given to the people who live in the area. They, too, deserve the services which we in the rest of the state expect. They also deserve continuity of supply—as much as you can guarantee continuity of supply—in a safe and effective manner.

The Hon. T.J. STEPHENS: I have a supplementary question. Given that the minister, in reply to an earlier question from the Hon. Ms Gago, said that he had just been to Ernabella, can he confirm that there are no backup systems in place at peak times if there is a disruption?

The Hon. T.G. ROBERTS: I will try to get a reply to that question. On my understanding, there are some generators in the area, but I think they are restricted to a small number of homes. In the case of a blackout, a few homes would have back-up power provided by generators installed for their use, but, more broadly, I think there would be total blackouts.

OLD ADELAIDE GAOL

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, a question about the Old Adelaide Gaol.

Leave granted.

The Hon. DIANA LAIDLAW: On 28 May, as part of a question I asked of the minister on the future of the Queen's

Theatre, I also asked about government plans to transfer the old ownership, maintenance and management of the Old Adelaide Gaol from Heritage South Australia to Arts South Australia. Since asking this question, I have been alarmed to learn that the minister has not limited his consideration regarding the future of the Old Adelaide Gaol to simply transfer issues between his agencies but that he and his department have been actively considering options to close the gaol. Apparently, on top of the building audit costs, which my question on 28 May sought to clarify, I have been told that there is a recurrent funding problem following the loss of a catering contract arrangement with Ayers House. My questions are:

1. Will the minister guarantee that the government will not close Old Adelaide Gaol to visitors or amend the opening hours generally, and that the minister will not close the Old Adelaide Gaol for functions?

2. How is the recurrent shortfall for the operations of the Old Adelaide Gaol to be addressed this year, and what are the arrangements for next year?

3. Will the minister provide me with an analysis of the management options for keeping the Old Adelaide Gaol open, long term?

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

WOOL INDUSTRY

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the wool industry.

Leave granted.

The Hon. R.K. SNEATH: It has been widely reported in the media over the last few weeks that severe acute respiratory syndrome (SARS) has had a significant impact on Australian exports such as seafood. That has been attributed to consumers in a number of our key Asian markets staying in rather than dining out. Will the minister inform the chamber whether the SARS virus has had any impact on the Australian wool industry?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his continuing interest in the wool industry. The effect of SARS on our wool industry has also been very significant. China is our major buyer of wool. It takes 42 per cent of Australia's production and over 50 per cent of the state's wool. The outbreak of SARS coincided with a break in wool sales over the Easter period. Alongside the strengthening Australian dollar, the effect of the virus on the price of wool has been threefold and has been a major contributor to the recent dramatic fall in the eastern market indicator, from 1 100¢ to 850¢ a kilogram of clean wool. In many major centres Chinese consumers have stopped shopping, which has led to a decline in transaction volumes of around 30 per cent for textiles. Secondly, many mills in the wool pipeline are experiencing difficulties in passing on their products, resulting in increased stocks being held in store. In addition, the majority of textile mills are running at significantly reduced capacity due to worker absences as employees remain home in fear of the virus. It is those three factors that have been affecting that important Chinese market.

One positive that can be drawn from this event is that it has occurred during a time of the year with lower auction volumes. It is important for the industry and associated service providers that the Chinese re-enter the market before the peak supply in October. One hopes that that is the case, so that the wool industry will flourish, including jobs for shearers and others associated with the wool industry.

LOCAL GOVERNMENT FUNDING

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Local Government, a question about decreased funding for local councils.

Leave granted.

The Hon. KATE REYNOLDS: My office has been notified about concerns regarding a lack of funding for local councils in the state budget announced last week. According to the Local Government Association, while the budget did include increased funding for stormwater management, it did not address the underlying mismatch between council responsibilities and resources. South Australian councils will continue to get the lowest per capita state grants of any state or territory in Australia. In the 2003-04 budget, the septic tank effluent drainage (STED) scheme has been returned to 2000-01 funding levels, following a reduction of almost $1 million. The Local Government Association believes that this 25 per cent reduction in funding will extend the current 20-year backlog of new schemes across regional South Australia and will prolong environmental and health risks where septic tanks overflow. The association is also disappointed that funding for the regional roads program was not restored, leaving it still at $700 000, down from $2.2 million in 2001-02.

Local Government Association President, Councillor Max Amber, has said that councils would now face another year of budget stress and pressure on rates because of the community demands, cost rises, cost shifting by other governments, and inequity in the distribution of commonwealth funding to councils in South Australia. The state budget documents also reveal that some funds would be conditional upon councils providing matching funds, while a doubling of the solid waste levy was expected to cost councils approximately $2 million each year. It has been predicted that there is a gap of about $100 million in the next year in what councils should be expending on maintenance and renewal of community infrastructure, such as roads, bridges, drains and recreational facilities, against what they would be able to spend. I have been informed that councils are now working even harder to reduce this funding shortfall and are to introduce efficient asset management practices. However, councils have said that they cannot do this without access to significant new support from the state and commonwealth governments. My questions are:

1. Is the minister concerned that a reduction in funding for the septic tank effluent drainage scheme could prolong environmental and health risks where septic tanks overflow; if not, why not?

2. Will funding for the regional roads program be restored in future budgets to enable councils to adequately service the 750 000 kilometres of local roads (80 per cent of the state's road network) for which they are responsible?

3. How will the minister act to alleviate the financial strain being felt by local councils as a result of cost shifting by other governments and reduced funding from this state government?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will take those important questions on notice and bring back a reply.

PREMIER'S REMARKS

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Premier, a question about the 'spin doctor of the month' award.

Leave granted.

The Hon. A.J. REDFORD: For some time now, I have been pondering the prospect of commencing a 'spin doctor of the month' award. Unfortunately, I put it on the backburner until I saw the transcript of a radio interview on Triple M last Thursday morning. The Premier was interviewing himself on the Triple M breakfast show—a show to which I listen for the purpose of avoiding politics. By way of background, Chris Kenny, in his book *State of Denial*, refers to the following exchange:

> Abraham remembers telling Rann that a particular story sounded familiar and asking how many times it had been announced. Apparently Rann responded that it was 'the 13th time but we've put a different spin on it every time'.

Well, budget morning on Triple M was vintage Premier Rann. While Jars and Millie were making breakfast, this exchange took place:

> Millie: In the Triple M kitchen and joining us this morning, Premier Mike Rann.
>
> Rann: I've got these mushrooms; I found them in the parklands.
>
> Millie: They're a funny colour.
>
> Rann: I had them the other day and I felt really strange in parliament. (Laughter) They looked like mushrooms to me.
>
> Millie: OK now Jars, you're on toast duty. What are you going to be cooking this morning?
>
> Jars: Mushrooms and tomatoes. What do you want—toast or vegemite or jam?
>
> Rann: I think a bit of toast. I'm trying to get my cholesterol. . . down.
>
> Millie: You've joined us this morning for a number of reasons. You have something very exciting to announce?
>
> Rann: It's big budget day today. Now I've already announced that we're going to have the second world's biggest film festival in 2005, but exclusively on MMM, $750 000 this year for live music.
>
> Millie: Nice work.
>
> Jars: Well done, big fella.

Now what the Premier was talking about was the live music fund moved last year in another place by the opposition, successfully opposed by the government, moved again in this place and again opposed by the government. It is the same fund that the government earlier this year announced would be used for the Adelaide Symphony Orchestra—before it backed down. It was exclusive to Triple M, SAFM, the *Advertiser*, the ABC, the Messenger, the parliament, 5AA, the people of South Australia, the music industry and the hotel industry. An extraordinarily exclusive little group! The interview goes on:

> Rann: Also we're going to have a live music festival. A new one. Three days in November this year, showcasing the state's local music. When you think about all the Adelaide favourites that we've had over the years—The Super Jesus, Kasey Chambers, Fruit and all the rest. This is about live music, down in the West End. . .
>
> Jars: [We'll call it] Jars's Jazz Festival. (Laughter)
>
> Millie: Do you want your eggs runny or soft?
>
> Rann: I better lay off eggs. Stick with the tomatoes and mushrooms. These mushrooms are having a good effect on me actually.
>
> Millie: So a 3 day festival. You're going to pump some money into it. Get the local musicians out there. That's wonderful.
>
> Rann: It's going to inhabit the West End essentially. We're the Festival State so I just think that November will be a great time. This is about live music. We've got to get behind those live local bands.

What Mr Rann was announcing here was Music Biz Adelaide—a Diana Laidlaw initiative started in 1997 and last year launched by the Premier himself. To quote Jars: 'Well done, big fella'. The only new thing about this is the name. My questions are:

1. Will the Premier accept the inaugural spin doctor of the month award?

2. Does the Premier think he fooled Jars and Millie when he said that the announcement was exclusive to Triple M?

3. How many more times does he think he can announce the fund and Music Biz Adelaide?

4. Can the Premier confirm that the last Adelaide film festival was bigger than Cannes, Berlin, Vienna, Toronto, Vancouver and the Sundance film festivals? Will the next one be bigger than those?

The PRESIDENT: That was probably very good radio but it was far too long for an explanation. I do not know whether it is really the business of the council.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): It is interesting to hear members opposite talking about reannouncements and so on. In fact, just this morning the shadow minister for primary industries put out a press release which accused the Rann government of announcing in this year's budget that it will spend more on capital investment for the state library and the art gallery than it will on capital investment for the entire Primary Industries and Resources portfolio. Of course—

Members interjecting:

The Hon. P. HOLLOWAY: Well, no, it is true. Of course, one of the reasons is that we are spending money on the state library. But the thing is, it is not a new development. Why are we spending more money on the state library? I presume that members opposite are saying that, on coming into government, we should have left the library up there half finished. Is that what they are talking about? That would be really clever!

Members interjecting:

The Hon. P. HOLLOWAY: The previous library was to the credit of the Hon. Diana Laidlaw. That was a project she began, and this government is happy to finish that. In relation to my portfolio, my department is all about services; it is not about constructing buildings. I thought it was interesting that the implication of the letter is that somehow or other this government should not be continuing the work of the previous minister by finishing the work begun on the library.

This government happens to think that that is a good project and worthy of completion. We will spend our capital money in appropriate areas as we think fit. I think there is a little bit of spinning around in circles going on with the opposition. I think a few of them are starting to get clean bowled by their own spin. The honourable member's question really is not worthy of an answer. However, if the honourable member wishes to present his own award, I suspect that he will probably be a worthy recipient himself. I do not think anyone else will take very seriously any award that he offers.

The Hon. A.J. REDFORD: As a supplementary question, does the minister then agree with Jan McMahon's comment on radio this morning, as follows:

> You see that the government has actually duplicated media releases when it's talking about child protection. . . they've done that on a couple of points in terms of child protection.

The Hon. P. HOLLOWAY: I have not seen those particular press releases. They are not in my portfolio. All I can say is that, in relation to areas such as child protection, this government is taking important initiatives and doing everything it can to ensure that those initiatives are understood by the people of the state. And long may that continue. In relation to promotion of statements, let us just refer to yesterday's question time. There was a question by the Hon. Nick Xenophon in relation to the Government Advertising (Objectivity, Fairness and Accountability) Bill, and I stated:

> . . . it is quite clear from the then opposition's point of view we had no objection to governments providing information in relation to the budget.

Of course, the Leader of the Opposition disputed it. Let us just for the record incorporate what I said in the second reading response, putting the then opposition Labor Party's view in relation to the bill. In the Legislative Council on Wednesday 4 July (page 1 834) I said this:

> Governments have always undertaken a certain amount of advertising and, certainly, this opposition has accepted that there is a genuine, legitimate role for governments to advertise on occasions. A good example of that might be after every budget, when taxation changes are made and various decisions affect people. Previous Labor governments have issued brochures outlining what has happened in the budget. This Liberal government has done the same and the opposition has accepted that as legitimate activity. It might be legitimate for a government to advertise changes such as one sees in a budget.

I then went on to outline why we supported the bill in relation to other areas of government. I stand by what I said. What I can also provide in relation to that matter, because it is relevant to the question asked by the honourable member in relation to government spending on publicity, is that in this year's budget the government has spent $80 448 in relation to—

The Hon. CAROLINE SCHAEFER: On a point of order, the time for questions has long expired without an extension.

The PRESIDENT: I do not think you really need to go there. There has been a long convention that there be time to finish the answer. There have been extensive extensions of time to allow questions. Relevance might have got you over the line, but that one does not.

The Hon. P. HOLLOWAY: I will be very brief. In the budget last year $98 119 was spent. In the last Liberal budget $190—

The Hon. A.J. REDFORD: On a point of order, this is tedious and repetitious. It has nothing to do with the question, and I draw your attention to the issue of relevance.

The PRESIDENT: I am advised that the minister is obliged to answer the question the way he feels he can. On this occasion I think it best to let him complete it so we can get on with the important business of the chamber.

The Hon. P. HOLLOWAY: In the last Liberal budget $190 053 was spent. That figure included a brochure to 651 000 households at a cost of $40 000 in late May 2001, and a TV/radio advertisement campaign.

MATTERS OF INTEREST

SCHOOLS WINE SHOW

The Hon. CARMEL ZOLLO: The inaugural (2003) Schools Wine Show was held last week, and I was pleased to represent ministers Holloway, White and Lomax-Smith at the awards ceremony. The show, at Urrbrae Agricultural High School, was principally sponsored by the Enterprise and Career Education Foundation, a federally funded organisation, which I understand is now about to be managed from within the Department of Education, Science and Training. The foundation describes its aims as helping all young people develop the skills and knowledge needed to make a transition to work, further study and adult life, and recognises that effective learning extends beyond the classroom.

With that in mind, ECEF brokers alliances of mutual benefit with employer groups, schools, vocational training schemes and education organisations to create exciting opportunities for young people. The 2003 Schools Wine Show was an excellent example of such an exciting opportunity. The day was also sponsored by the South Australian Farmers Federation, through its education project work, and the National Bank. The organising committee consisted of Jane Bartlett, the education project officer with SAFF, as well as Linda Symons from Transition Broker—Southern Futures, and Dean Cresswell, Deputy Principal, Urrbrae Agricultural High School. The day was one of education and training promotion in viticulture.

I am certain I do not have to remind members of the importance of the wine industry to this state. Hopefully, the day sowed the seed that might lead many more young people to be attracted to a career in viticulture. The day-long event also featured several viticulture-related workshops, ranging from technology in the vineyards to developing sensory skills for assessing wine quality. Twenty-two schools were represented on the day, with 15 schools entering a total of 40 wine entries (including Parndana on Kangaroo Island). It was a pleasure to chat with two students from Unity College, Murray Bridge, who entered the pruning section. Regrettably, neither won, but both ladies were pleased to have participated.

Mr Bill Healey, the Chief Executive Officer of ECEF and guest speaker on the day, presented the awards and congratulated all the participants, in particular those who were successful. Judge Philip White spoke highly of the quality of the wines and the vision of establishing the show. I know that all join him in hoping to see the event become a permanent one on our calendar and, perhaps, the inauguration of an Australia-wide schools wine show. Philip White emphasised the value adding aspect of the industry—wine is not just a drink. None would argue with the proposition that its appreciation goes hand in hand with food and with a quality of life. Tourism is also an important value-add to the industry.

The other two judges were Andrew Ewart and Linda Slaghekke. The day was truly a day of vision and celebration of the success of viticulture vocational education students, workplace employers, schools' viticulture programs and school wines, which we had the opportunity to taste on the day. The results of the show were as follows:

Three classes of reds and two classes of whites were judged on the day, with the winners being:

- Class A Red (Totally school produced)

Winner: Trinity College; Runner-up: Nuriootpa High School.

- Class B Red (Aspects of production off school site)
  Winner: Willunga High School; Runner-up: Keith Area School
- Class C Red (Totally student produced)
  Winner: Angus Wood (Lucindale Area School);
  Runner-up: Gavin Miller (Lucindale AS)
- Class A White (Totally school produced)
  Winner: Trinity College; Runner-up: Mitcham Girls High
- Class B White (Aspects of production off school site)
  Winner: Willunga High School; Runner-up: Nuriootpa High School.

The day also included the presentation of several awards for excellence in viticulture education:

- Viticulture Workplace Employer of the Year
  Winner: Cheryl May (grape grower from Parndana, Kangaroo Island)
- Viticulture Vocational Education School of the Year
  Winner: Faith Lutheran Secondary School
- Viticulture Vocational Education Student of the Year
  Winner: Daniel Ruwoldt (Faith Lutheran Secondary School)
  Runner-up: Donna Marks (Unity College)

I congratulate everyone involved in this very successful event and, in particular, Jane Bartlett of SAFF deserves special thanks.

YOUNG PEOPLE AND UNIONS NETWORK

The Hon. J. GAZZOLA: The United Trades and Labor Council of South Australia launched its new Young People and Unions Network on 10 April at the Australian Services Union in Kent Town. The network, called U-Who, was formally launched by Greg Combet, the Secretary of the Australian Council of Trade Unions. At the launch were representatives from the South Australian government, including Frances Bedford MP, Vini Ciccarello MP, Paul Caica MP, the Hon. Gail Gago MLC, and myself. Apologies were received from the Hon. Bob Sneath and ministers Conlon, Key, Lomax-Smith and Weatherill, who expressed their support but were unable to attend due to prior commitments. Also in attendance were representatives from organisations from across the youth sector, including the Office for Youth, the Youth Affairs Council, Young Christian Workers and student organisations from all three South Australian universities.

The aim of the U-Who network is to encourage young workers to improve their wages and working conditions by joining and becoming active in trade unions. Young workers are among the most exploited in the work force. They are also the most likely to be unaware of their rights or entitlements or how to go about getting them. In a nationwide survey conducted by the Australian Young Christian Workers in association with the United Trades and Labor Council entitled 'Don't bother coming in today', it was found that 55 per cent of young workers do not know their correct rate of pay or think they are being underpaid; 33 per cent of young workers have worked unpaid overtime; 61 per cent of young workers have been forced to work while sick; 51 per cent of young workers have experienced repercussions for refusing shifts; and 41 per cent of young workers want more work but cannot get it.

The U-Who network goes beyond the traditional confines of the union movement. This network is comprised of young people who are either involved in, or supportive of, trade unions, and it includes representatives from student unions and across the youth sector. The formal launch of the network was the culmination of months of work by network members which began with a stall at the Big Day Out in January, a first for the union movement. This was followed up with stalls across university campuses during Orientation Week when network members sought the views of young people through comprehensive surveys and spread the word about unions and their relevance to young workers. As young U-Who spokesperson, Alana Hale, said, the network made it a priority at the beginning of the year to get out and about amongst young people.

The U-Who network is just one part of the UTLC's youth strategy. Under the proactive leadership of new secretary, Janet Giles, the UTLC is quickly establishing itself as the voice for young workers. Formally launched on 10 April were: a new call centre phone number for any young worker who wants to join a union but does not know where to start; a web page designed specifically for young workers offering free advice and information plus contact details for all unions; and a new cooperative approach between trade unions and student unions to provide advice to, and protect the rights of, students seeking work through campus employment services.

Other initiatives will include: the launch later this year of the UTLC's new advocacy centre to provide legal and industrial advice and representation to young people who have been treated badly at work; regular school visits by U-Who representatives as part of the Life Skills program; and the design of new curricula introducing unions to secondary school students. There is no real voice for young workers who are not union members. Through the establishment of U-Who and its other initiatives, the UTLC is positioning itself as the new one-stop-shop for young workers who want a voice at work. U-Who should be congratulated and supported.

WINDMILL COMPANY

The Hon. DIANA LAIDLAW: For this the last matter of interest that I will address in this place I wish to focus on one of the many high points in my 20 plus years in the Legislative Council: Windmill, the performing arts company for children and families. I launched this company in late February 2002 in the final days of my term as minister for the arts. For me, it was a dream come true: the first time in decades anywhere in Australia that a new performing arts company had been established through a government initiative. Better still, the focus was on children, and the former Liberal government ensured that the company was well funded from the outset with $1 million for each of its first three years, with all of this investment to be directed to children and their families.

I was fortunate to be brought up with lots of opportunities to attend performances and visit art galleries, which laid the foundation for my lifelong interest in the arts. Certainly as minister for the arts it was my passion to ensure that children, from the very earliest age, in South Australia and beyond gained both first-hand experience of the magic of the stage plus a regular program of work that always achieved high production quality values. This agenda, of course, also served the best interests of the arts overall, because children will provide the next generation of audiences.

Next month, Windmill Performing Arts will celebrate the first birthday of its performances during its July season of Robinson Crusoe. In its first year, Windmill has scored some phenomenal successes. It has presented 80 performances of seven productions in Adelaide to over 33 000 children and adults. Last month it won a Helpmann award for each category in which it was nominated: best visual or physical theatre and best presentation for children. It is an extraordinary achievement for any company to win two Helpmann awards; it is amazing that Windmill in its first year of operation won these two awards. When one considers the competition from the national companies (the Australian Ballet, the Australian Opera and well resourced companies interstate and companies funded by the federal government) it makes Windmill's achievements absolutely sensational. It was *Twinkle Twinkle Little Fish* which won the two Helpmann awards. This production has also toured Sydney, Montreal and New York.

In South Australia, Windmill has worked with the Adelaide Symphony Orchestra, the State Opera of South Australia and Come Out. Nationally, it has worked with Playbox and the Queensland Performing Arts Centre. Internationally, it has worked with Theatre Kazenoko Kansai. The production of *World of Paper* toured Sydney, Melbourne and the Castlemaine Festival. It has been an active first year of operation.

I am pleased to note today Windmill's community policy, which allocates 15 per cent of its tickets to disadvantaged sectors of the community. Under this policy, many people on low incomes and children who have never been exposed to the theatre are now experiencing the theatre for the first time. Windmill has also given performing arts experiences to diverse audiences from the regions and across areas of disadvantage in Adelaide. So, it is producing theatre in Adelaide and taking it to the outer metropolitan areas and the country.

By any measure, this has been an extraordinary first year which has produced an incredible diversity of programs from the gentle beauty of *World of Paper* to the poignant and uplifting opera production *Brundibar*. Next year, this extraordinary company will be featured in the 2004 festival with its production of *Riverland*, which was announced as one of the festival highlights last week. We will also see a new adaptation of Hans Christian Andersen's *Snow Queen*, a co-production with the Sydney Theatre Company. I am thrilled also that Windmill has developed a close initiative with the Department of Education and the University of South Australia's de Lissa Institute. It will be providing workshops for children and their families, and there is an important research project called Children's Voices being commenced to study the impact of live performance on learning. This will have national significance. I understand that Windmill finished its first season with a budget surplus. Congratulations.

Time expired.

RURAL HEALTH

The Hon. D.W. RIDGWAY: I rise today to bring to the attention of this council the sad state of rural health in South Australia, particularly in Mount Gambier. Our rural health system in this state is in an appalling condition. The poor condition of the system is not just limited to the plight of one-GP towns—a fact of life in most remote areas—but now it appears that there is an ongoing crisis in the provision of medical services, especially in Mount Gambier. On the weekend just gone I was interested to read the section on South Australian rural health featured in the *Weekend Australian*.

Born and bred in Bordertown, I was not surprised to learn that there is an ongoing problem in attracting doctors to country areas. This problem is so acute in South Australia that, of the 400 or so rural doctors, 20 per cent have been recruited from overseas. According to the chairman of the rural divisions group of the South Australian Division of General Practice, part of the problem is '10 years of under-representation in our medical school'. In a table of comparisons of the percentage of local students undertaking medical studies in 2001, Adelaide University and Flinders University had the lowest percentage of local students of all the major medical schools in Australia.

Overall, in last year's intake in this state, 48 per cent of the medical students were local, compared with 91 per cent 14 years ago. While this figure reflects a higher percentage of overseas and interstate students, the effect on our regional health services is devastating. While the problems in the rural health system are no doubt bigger than the student numbers alone, we need to find some way of addressing the lack of local graduates, who possess local knowledge and training and, at the very least, cost less for country practices to recruit.

The problems in the provision of medical services to Mount Gambier are long running, and at this stage the situation seems to have reached a crisis. This was highlighted again yesterday with news of the resignation of the promotions officer of the Mount Gambier Hospital under circumstances described by the *Border Watch* as 'regrettable'. The collective groan, as outlined in yesterday's *Border Watch* editorial, was:

> . . . regrettable that someone who had embraced the role with such unbridled passion and enthusiasm should feel the need to step aside and regrettable that an institution which has been rocked by personnel departures over the last 12 months should lose another quality employee.

This comes after a front page article in the same newspaper last Friday that outlined the number of doctors in doubt or departing, leaving the region without an accident and emergency service and without a surgical service for patients referred on by local GPs. After an accident requiring surgery or emergency services, residents will have to travel to Victoria or several hours to the nearest towns. This government has shown a consistent record on one issue: rural and regional neglect. In an interview with the *Border Watch*, the member for Mount Gambier and the Labor minister for regional development, stated:

> . . . on the hospital matter I personally do not know what the issue is. All I can say is every time I have been asked to help, I have been a strong champion and delivered. But it is not in the budget because it's not money. The 8.4 per cent last year was more than was required.

This approach has led to a groundswell of concern amongst the community. The local AMA president, Dr Dunn, has described the situation as 'deadly serious', in stark contrast with the minister's view. The minister's statements in this article have also generated significant concern among residents of the region. I quote from a letter to the editor from Mr Peter Brown in the *Border Watch* yesterday:

> I read with amazement that Rory claimed to have fixed everything regarding our health service. He says that he doesn't know what the problem is! Based on this comment alone he needs to resign his position. . . Rory says he is part of the 'leadership team' for health service in the South-East. . . that's a joke.

In the same interview in the *Border Watch* the minister stated:

> All I can say is my track record is—on every single issue that has got a specific detail to it, that I have been asked to deal with, over five years now, I have delivered.

The specific details of the minister's track record on health are: the loss of two general surgeons, four anaesthetists without contracts, the loss of an obstetrician and a physician, the failure to negotiate contracts for two orthopaedic surgeons and the resignation of another obstetrician and the Director of Medical Services. This represents a loss of over 50 years of medical experience from the South-East. This is a damming indictment on the government and the local member.

MENTAL HEALTH

The Hon. SANDRA KANCK: Children with mentally ill parents have a very tough time of it, often having to assume adult responsibilities before their time. Although public attitudes to mental health are changing, such young people continue to suffer as a consequence of being all but invisible in the system. A current situation involving some people I know is indicative. The mother, a sole parent who has been on various tranquillising drugs for some years, attempted suicide and was admitted to the intensive care unit of one of our major hospitals. No attempt was made to contact or ascertain information from the 16-year old daughter—information which might have helped the medical and nursing staff to more accurately diagnose and better support the mother.

The mother was discharged a week later to an empty house with no-one to care for her, so not surprisingly within a fortnight she became psychotic, was apprehended by police and this time was put in the psychiatric unit of the same hospital. The daughter, who has no other close relatives, has lived with a family friend since the mother's suicide attempts, but one wonders what happens to other children in similar circumstances. Although still a minor, she is arguably old enough to look after herself, but she is emotionally vulnerable at the present time and has very recently as a consequence of these difficulties experienced suicidal ideation and requires counselling in her own right.

Throughout these two periods of hospitalisation the family friend strove to no avail to get a family assessment done by the hospital. During this time the family friend encouraged the young woman to apply for youth allowance so she would have some money to support herself, but the system is set up with barriers and hurdles to prevent this. In order to qualify, CentreLink requires a 100-point ID check. Gathering material for a 100-point ID check is not easy at the best of times and, when you are 16 years of age and locked out of your own home by the mother (the house keys remained with the mother in hospital, with the mother refusing to allow her daughter to visit), it is doubly difficult.

A CentreLink officer told the daughter that the verification problem could be sorted out if the treating doctor would provide a written statement confirming the circumstances of her mother's mental state and hospitalisation, but the mother would not agree to that information being provided. Why, given the mother's mental state, was her word the deciding factor? As the family friend says in a letter to the advocacy group Children of Mentally Ill Consumers (COMIC):

> If guardians and carers have a right to know information about their children and/or dependants, a reciprocal and mutual right must exist that goes the other way.

Also:

> If I am mentally incapacitated, my rights to confidentiality and privacy is doubtful.

Regardless of how it ought to be, the best the daughter was able to do was to get a copy of the police incident report to lodge with CentreLink. Fortunately, other direct interventions on her behalf to a sympathetic CentreLink officer are bearing fruit. CentreLink requirements are tough enough; having the state agencies refuse to cooperate hardly helps.

Meanwhile, the mother had finally agreed to meet with the daughter at the hospital but, before that could happen, the psychiatric unit discharged the mother. Apparently, the psychiatric unit is a law unto itself, as it comes under the control of the department of mental health and not the hospital itself, so it is not in any way required to link in with efforts of hospital social workers. A complaint has been lodged with the hospital, the minister has been provided with a copy of that complaint and the matters are now being worked through. I have deliberately not named the hospital in my comments, as my grievance is not with the hospital but with the system itself.

Knowing both the mother and the daughter, who is now 17, I confidently assert that, if it was not for the family friend and the financial support given to her by that friend, this young woman would be homeless and in moral danger. I will conclude by quoting some of the questions the family friend poses in her complaint:

> How are decisions made when family members who are affected by a patient's incapacity are not consulted and their needs not factored into a proper assessment and care plan? Why did not any staff even acknowledge that a child might need to know how her mother was doing or what would happen to her? Without proper contact or communication, how does the institution ensure that a patient is capable of functioning in the community? What would have happened to a child, say, aged three, eight or 14 in the same situation?

That really does need answering, and promptly, because I am left wondering how many three, eight or 14-year olds are going through a similar experience right now. Is the system serving them poorly, too? What are they being told, if anything? What are their rights? Do they have any, or are their parents' rights to privacy paramount? This is just one case. It has revealed cracks in the system and those cracks need to be exposed so they can be properly repaired and not papered over.

AUTISM

The Hon. A.L. EVANS: I rise to speak on Autism Awareness Week, an event that is held every year in South Australia and which was celebrated last month in May. The rationale behind staging the annual event is to give support organisations, sufferers, families and carers the opportunity to promote and raise the awareness of autism across the community. Last month's Autism Awareness Week was marked by a number of stories in the media. The Autism Association conducted a number of information sessions. The week's activities culminated with the annual Autism Association ball and charity auction.

The highlight of the week was a public march through the streets of the city of Adelaide at the start of Autism Week. Around 500 people voiced their anguish and concern at the overall lack of funding for autism. The marchers were not

professional protesters; they were not particularly well organised; and they had only a few banners and placards to announce their cause. It was an event born out of desperation and a sense of injustice.

The source of most frustration is the lack of public funding allocated for this disability as compared with other disabilities, and the fact that the amount of money required to help those with autism is not a massive figure. The 500 marchers gathered on the steps of Parliament House where a number of people addressed the crowd, including a number of parents, a grandparent, the past CEO of the Autism Association and I. The speeches delivered by the parents and the grandparent were emotional and spoke of the positive aspects of living with autism, as well as the dreadful challenges, stress and anxiety caused by this disability. All the speakers called for greater recognition of this situation by the community and requested that the government of South Australia rectify the current injustices, review its priorities with respect to funding and provide sufficient funding for appropriate support and treatment for all sufferers of autism spectrum disorder.

Autism is often referred to as the invisible disability. It carries this label as most sufferers appear normal. Consequently, very few people are aware of the deep stress, grief and major challenges faced by people with this disorder. In addition, the families and the carers of people supporting family members with autism often feel that they confront a community that does not fully appreciate the challenge that they have to face every day. The number of people being diagnosed with autism is growing at an alarming rate. In this state alone, there are currently approximately 1 500 clients registered with the Autism Association. This number has doubled over the past four years. This explosive growth in numbers has meant that, in real terms, the amount of funding provided per person for all aspects of care, development, education and support is dramatically less than what it was four years ago.

We currently have in our hands research that shows that early intervention therapy for young sufferers is a key to reducing the impact of the disability and reducing the burden on taxpayers in later life, as they are less likely to need as much special education and/or as many adult support services. Unfortunately, early intervention support is the very thing that has been cut, not expanded, forcing those parents who can afford it to purchase expensive private therapy. Early intervention support is one area where funding and resources would make a real long-term difference.

SAMAG

The Hon. R.I. LUCAS (Leader of the Opposition): I raise the issue of SAMAG, an issue I raised by way of a question yesterday. As members will be aware, the issue of the position of Robert Champion de Crespigny with SAMAG and his position also with the Australian Magnesium Corporation was raised soon after his appointment early last year. In one interview with ABC regional radio, Premier Rann was asked:

> The SAMAG saga is one that's gone on for quite a while. . . seems to continue. . . with your new head of the economic development initiative. . . Robert Champion de Crespigny's role with magnesium is interesting with Queensland. . . are you concerned there is a. . . potential conflict there?

Premier Rann's response was an unequivocal no. He said:

> . . . de Crespigny will not be involved with the SAMAG issue. . . we've made that very clear publicly before. . . obviously where a member of the board has a conflict of interest, they won't be involved.

I advise that I am quoting Premier Rann directly and I am not making any allegation at all. Premier Rann is making it quite clear that de Crespigny will not be involved with the SAMAG issue—'we've made that very clear publicly before.' Another radio report at the time headed 'Premier denies Economic Development Board's new chair has a conflict of interest' states:

> The Premier denies the leader of the state government's new Economic Development Board has a conflict of interest over the proposed SAMAG magnesium plant near Port Pirie. The former head of Normandy Mining, Robert Champion de Crespigny, still holds a key board position with Australian Magnesium Corporation.

I interpose, I am not sure that that is correct, but I am quoting from the transcripts provided by Premier Rann's media monitoring service and that is the report that went to air on ABC radio, but I do place on the record that there is some question mark about that. The transcript continues:

> That company owns the Stanwell Magnesium Plant in Queensland which would be a direct competitor with the SAMAG project. Premier Mike Rann says Mr de Crespigny's position will not threaten future funding for any South Australian magnesium operation: 'Obviously where there are potential conflicts of interest—I mean the fact is that government policy is to support SAMAG. Mr de Crespigny as the Chair of. . . will be the Chair of the board, the board will have eight or nine people—outstanding industry leaders from across the board.'

A number of interviews were conducted at the time which made it quite clear that Premier Rann was going to quarantine, if I can use that word, Mr de Crespigny from decisions in relation to SAMAG because of these particular issues being raised.

As has now been highlighted, Mr de Crespigny has written a letter not only to the Hon. Mr McEwen but also senior federal ministers (the Hon. Nick Minchin and the Hon. Ian Macfarlane), who are critical ministers in terms of whether or not federal funding will be provided to this project. I note that in that letter—and I read a good part of it yesterday in question time—Mr De Crespigny said:

> Over the last year or so, I have strongly recommended that this overview of the project be made so that you can all hear when people may challenge some of the assumptions.

It is clear from Mr de Crespigny's own words that, over the last year, he has been active in terms of strongly putting his point of view in relation to this issue.

In his statement in parliament on Monday of this week, the Hon. Mr McEwen said:

> As one would expect, had Robert Champion de Crespigny any reservations about this project, would bring them to my attention—that is the nature of the man.

One might understand why Mr de Crespigny would raise the issues with one of his ministers, the Hon. Mr McEwen, but it begs the question as to why the letter was written to the two senior federal ministers, Mr Macfarlane and Senator Minchin, and that issue is not addressed by the South Australian government. The second issue is: if Mr de Crespigny was quarantined from the SAMAG issue, why did minister McEwen say to Mr de Crespigny at his meeting, 'Are you interested in an update on SAMAG?' The minister must have known the quarantine arrangements for Mr de Crespigny.

Why did minister McEwen offer an update on SAMAG if he was aware of the guidelines? I have raised very serious questions now about what were the guidelines and whether

or not they were breached. It is interesting that another question was asked of Premier Rann—he has run for cover on this issue. It is time for an urgent clarification from Premier Rann of what the guidelines were and whether they have been breached at all by this particular occurrence.

Time expired.

MEMBER FOR HAMMOND, CONDEMNATION OF

Adjourned debate on motion of Hon. Diana Laidlaw:

That this council condemns the member for Hammond for the injurious comments on the Hon. D.V. Laidlaw and the Legislative Council in general in the other place on 14 May 2003 when addressing the Constitution (Gender Neutral Language) Amendment Bill,

which the Hon. J.F. Stefani had moved to amend by inserting the words:

and requests the President to seek an unequivocal retraction and apology in writing from the member for Hammond for his reflections on the Legislative Council, its members and staff.

(Continued from 28 May. Page 2444.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The background to this motion was a debate in the House of Assembly on the Constitutional (Gender Neutral Language) Bill. Council members will recall that the Hon. Diana Laidlaw moved the Constitutional (Gender Neutral Language) Bill and this government, out of respect for the honourable member and the contribution that she has made over many years, agreed to facilitate debate on that bill. It went to the other house. As I have pointed out on other occasions, an issue arose with the impending resignation of the Hon. Diana Laidlaw at a time when one or other of the houses may not have been sitting.

The question arose as to what constituted a quorum in relation to an assembly of members to elect a replacement for a casual vacancy in the Legislative Council. As a result, the question of replacing casual vacancies arose during the debate on that bill in the House of Assembly. Of course, an amendment was moved to change those provisions. It was during that debate that the comments which are the subject of this motion were made.

In particular, the member for Hammond spoke to that amendment. Given the member's well recognised interest in the constitution, it is not surprising that he would make a contribution on that. As a former member of the House of Assembly, I know that from time to time it is not uncommon in that house, where the Speaker also represents a specific electorate, for the Speaker to vacate the chair and comment on particular matters. That was certainly the case during my four years in the parliament when Norm Peterson was Speaker, and I believe that other Speakers have also made contributions.

The member for Hammond essentially made two points during the debate on the casual vacancy which is the subject of the motion. He criticised the vacancy provisions as they apply to the Legislative Council, comparing them to a rotten borough. He also criticised the tendency of members of the Legislative Council to resign before their time has expired. He specifically mentioned the Hon. Diana Laidlaw once by name in that context. The government does not support the criticism made during that debate in relation to casual vacancies because, after all, the system was introduced by a former Labor government, and we believe that it has worked remarkably well over recent years. Nevertheless, it is the view of the government that, if members wish to speak out during debate on a subject and express opposition, they should be able to do so. It was appropriate given the nature of the debate.

Let me also stress that we do not support the criticism of members who retire early, in particular, Diana Laidlaw. As I said earlier, it is rather ironic that his comments arose as a result of our facilitation of the Hon. Diana Laidlaw's bill. The government would not have facilitated that debate if we did not have the upmost respect for the Hon. Diana Laidlaw, including her integrity. It is not in any way challenged. On the contrary, in resigning early from this chamber, I believe the honourable member is acting in a generous way and in the best interests of her party and this state. It is entirely appropriate, as it is for other members. Nevertheless, in that debate, as I read the speech, the member for Hammond criticised the tendency of members of this chamber to retire early because of the lack of constraints relative to those of the House of Assembly.

Statistically, over the past decade, I can recall only two members of the House of Assembly resigning, necessitating a by-election, which is a significant disincentive. In the upper house there is not that disincentive, and that is essentially the point the member for Hammond was making. Statistically he is correct. There have been more casual vacancies. Indeed, I must say that I have been the beneficiary of one of those in the past 10 years. The only two lower house vacancies I can recall were created by the Hons Lynn Arnold and Martyn Evans. There may have been others in the past decade who have resigned from the house.

Certainly, a greater number of upper house members have resigned. Why should that not occur, given that there are eight year terms in this place? I believe that that sort of turnover is a positive thing, and so do members of the government. But should we be condemning someone who expresses a contrary viewpoint? I make quite clear that members of the government have no questions whatsoever in relation to the Hon. Diana Laidlaw's integrity or motives—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, if the motion were to reinforce that. The government will not condemn members of another place for making comments in the context of debate.

An honourable member interjecting:

The Hon. P. HOLLOWAY: It is up to their house. There is a very important principle at stake here. If members of this parliament make comments in breach of standing orders, it is up to members of this council to challenge them and it is up to you, Mr President, to deal with them.

An honourable member interjecting:

The Hon. P. HOLLOWAY: If they are made in this chamber. Similarly, it is interesting that, during this debate, no attempt has been made by any member of the other house to take action in relation to the comments. I would suggest that, whereas the Hon. Diana Laidlaw might find the comments offensive, if she has a look, she would find that she was mentioned only once. The offensive comment is:

I am disturbed, equally by the increasing inclination there is now for members of another place simply to resign when it suits them. There is no requirement on them to remain to qualify for their superannuation.

He continues:

I guess I could be cynical and say that Ms Laidlaw and other members before her, no less, have found it unlikely that they would

enhance the level of their superannuation, unlikely to get higher office. . .

As a house of parliament we cannot go through every word that is spoken in the House of Assembly and move motions condemning every member who makes comments like that. As I said, in this context he says that the way the council replaces casual vacancies creates a rotten borough because parties determine the replacement rather than elections. Members may not agree with that, but is he not entitled to told that view? Voltaire said:

I may disagree with what you say, but I shall defend to your death the right to say it.

I can understand why the Hon. Diana Laidlaw has moved the motion and defends herself. She is entitled to do that. We as a government have to decide whether we want to go down the track of condemning members of the House of Assembly.

Members interjecting:

The Hon. P. HOLLOWAY: No, we will not. It is their responsibility. It is a pity members of the minor parties are not here to consider the point.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, but the Hon. Sandra Kanck is the only person. Where do we go from here? If we set a precedent that every comment that is perceived as injurious to a member of another house is condemned in the other house, where will it end?

An honourable member interjecting:

The Hon. P. HOLLOWAY: In her response, the Hon. Diana Laidlaw herself made accusations against the person doing it. One can understand why she would feel aggrieved. But do we want to get to the stage where we have tit for tat in this place whenever people make injurious comments about members of another place—

An honourable member: Or this place.

The Hon. P. HOLLOWAY: Or this place. We have standing orders in this parliament. We should abide by them, and they should be upheld. Similarly, that should be the case in the House of Assembly. However, it is up to the House of Assembly to deal with its members and comments if they find them offensive. Certainly, the Hon. Diana Laidlaw has every right to defend herself. I can understand why she has initiated this debate. I repeat again, from the government's point of view—

An honourable member interjecting:

The Hon. P. HOLLOWAY: No, we will not support this motion. I will repeat our grounds for doing so, because I want to make them clear. As far as the honourable member's integrity is concerned, it is just a tragedy. That was the background to the bill—we facilitated it because of our respect for the Hon. Diana Laidlaw. It is unfortunate that, as a result of that debate, we now have this matter at the end of a session when we have an enormous amount of business to go through. Nevertheless, the government cannot support a motion that condemns other members for comments they might make. However much one might not agree with those members, we believe that members in the other house have the right to make their comments subject to the rules of their house. They are subject to the standing orders of their house, and it is up to that house to enforce them.

The Hon. Diana Laidlaw interjecting:

The Hon. P. HOLLOWAY: We believe the best outcome for this matter is that it be adjourned. The Hon. Diana Laidlaw has had an opportunity to defend herself. We defend her right to do that. I repeat that we support her integrity in relation to the matter, but I think it is about time that we moved on from this whole debate. I am sorry that the whole issue in relation to that constitutional debate ever arose. Nevertheless, we have to move on and behave like an independent house of parliament that does not get involved in or continue fights with the other house about who said what at what time.

The Hon. SANDRA KANCK: The Democrats support this motion and the amendment moved by the Hon. Julian Stefani. The member for Hammond has made comments that should be challenged on a number of fronts. Firstly, that the Legislative Council is 'useless'; secondly, that filling casual vacancies by the current method is ignoring the interests of the public; thirdly, that Independent members cannot be replaced by a casual vacancy and that could lead to a constitutional crisis; fourthly, the Legislative Council is effectively a rotten borough; and, fifthly, that members retiring early from the Legislative Council do so only after maximising their superannuation.

I want to go through each of those. In relation to the comment that the Legislative Council is useless, the member for Hammond said:

In its current form, and constituted as it is, and performing its tasks, or the lack of them, it is useless.

The member for Hammond infers that we in this place are not performing our tasks. An examination of the House of Assembly *Notice Paper* is instructive as to who or who is not performing tasks. Discounting the bills that have originated from this place and motions or messages, there are 24 government bills in various stages of debate or non-debate, as it might be, and, presumably, we will be expected to deal with those 24 government bills in our next nine days of sitting.

The worst on that record is the Public Finance and Audit (Auditor-General's Powers) Amendment Bill, which was introduced 10 months ago. Then there is the Nurses (Nurses Board Vacancies) Amendment Bill, which was introduced almost eight months ago and which has had no second reading debate at all. Following that is an assortment of bills which were introduced in November and December last year and which are making no progress at all. I lament the fact that, for whatever reason, the House of Assembly is not progressing this legislation, especially because, in the process of trying to pass what will end up being three bills a day, because of this House of Assembly created backlog, it will allow the detractors of the Legislative Council to argue that we are not doing our job well, but the evidence shows that it is this council that is handling legislation effectively. The member for Hammond also said:

It [the Legislative Council] contributes nothing to a clearer understanding of the issues that can be obtained from relying on what has been presented in the public interest in debates here in this place [the House of Assembly].

I want to refer to some comments that have been made in the past in the House of Assembly about the role of the Legislative Council. In 1996, the man who is now Treasurer—then simply the member for Hart—Kevin Foley said:

We have attempted, as best as we can in the short time available to the opposition, to draft an amendment to deal with that issue. If there are any unintended consequences, it may be that we shall need to have a closer look at it. We have some time to do that, because we have the debate in the upper house.

Also in 1996, he said:

> In the upper house, we do not endeavour to frustrate, to have bills thrown out and to play political brinkmanship, which may well have been the approach of former oppositions. What we want to do in the upper house is exactly what we want to do here—achieve a constructive outcome.

In 1998, the Hon. Kevin Foley said:

> We may choose to raise issues in another place if we are not satisfied with the answers. If there are issues that we find from tonight that we may wish to address further, we can look at amendments or further debate in another place.

This shows that when legislation is pushed through, drummed through the House of Assembly, it becomes the role of the Legislative Council to slow stuff down, to look at things in a realistic and objective manner, and to come up with solutions. I have lost count of the number of times that bills have been improved as a consequence of the Legislative Council giving them proper attention and, consequently, amending them. Only in the past few weeks, I heard the Hon. Rob Kerin suggesting that a bill that had passed the House of Assembly would be improved when it was debated by the Legislative Council.

The second point that I believe needs to be addressed in relation to the comments made by the member for Hammond, is that filling casual vacancies in this chamber by the current method is ignoring the interests of the public. He said:

> We [members of both chambers] have reconstituted that chamber for the convenience of parties, regardless of, indeed ignoring, the public interest in the process.

The member for Hammond has determined in his mind—which presumably we must accept as the ultimate truth—that the public interest is best served by holding, at the very least, a referendum to confirm a recommendation for a casual vacancy, if not a general election. He argues that spending up to $1 million to accomplish this is justified. One could argue just as easily—and, indeed, I would—that spending $1 million to verify a nomination is a very bad use of public money and, hence, against the public interest; particularly when that money could have been spent on our health system or schools.

The member for Hammond suggested that a seat in the Legislative Council could be purchased—and it is interesting how some minds operate at this level. I draw members' attention to a little history when members of the Liberal Country League defected to form a new party called the Liberal Movement. In the late 1980s, in exchange for Liberal Movement members returning to the fold of the Liberal Party, the Liberal Party offered to pay the campaign debts of the Liberal Movement and all but one of those members (that being Robin Millhouse) rejoined the Liberal Party. Yes, clearly, seats can be bought. They were purchased then—and I wonder whether the member for Hammond was in one of those two political parties, as either one of the purchasers or one of the purchased. When that occurred, that purchase included the purchase of seats in the House of Assembly.

Seats can just as easily be purchased, if you are going to think at this level, in the preselections for House of Assembly seats, before they ever get to a general election. That such things are possible in either house should not be a reflection on the motives of members in this council. If the member for Hammond is arguing that it is in the public interest to have an election for a Legislative Council casual vacancy, he should consider this would almost always return a member of one of the two major parties. I suggest that that might not be in the public interest.

The member for Hammond also suggested that Independent members cannot be replaced by a casual vacancy and, therefore, a constitutional crisis would eventuate if an Independent seat were left vacant. I certainly question that. The Hon. Terry Cameron is an Independent member in this place. If he was to retire early, he would be replaced by a Labor Party member because he was elected as a Labor Party member. The Hon. Nick Xenophon does not belong to a party per se, but he ran on a ticket when he was elected in 1997, and his grouping had a ticket in the election in 2002. Clearly, voters did express some preferences for those people in both those two elections.

I again revisit a little bit of history. I think it was in 1997 there was a Senate casual vacancy, and a joint sitting of this parliament was held to elect someone to replace Senator Steele Hall who until that time had been a Liberal Movement senator. At that point the Liberal Movement no longer existed and I believe the electoral office and the parliamentary officers went back to look at the voting at that time and found someone who had been on the same ticket as a member of the Liberal Movement when Senator Steele Hall had been elected. In that case Janine Haines was chosen in that joint sitting to fill the position of senator for, I think, six weeks. I believe the evidence counters that particular assertion about casual vacancies and the potential for constitutional crises.

The next thing that the member for Hammond said (and this is the quote that a lot of people have taken offence to) was that the Legislative Council is 'every bit as rotten as the rotten boroughs of the 1700s and 1800s in the United Kingdom'. That is absolute and utter nonsense. The Legislative Council is the chamber of the parliament which is the most democratically elected and most reflects the wishes of the community in terms of its makeup. The 2002 state election results show that 97.1 per cent of voters for the Legislative Council chose to vote for a party rather than an individual member, and it is therefore entirely appropriate that when a member retires they be replaced by someone from that party. Anything else would be against the public interest that the member for Hammond claims to represent.

The member for Hammond also implied that members retiring from the Legislative Council do so as a matter of their timing after maximising their superannuation. I believe the Hon. Diana Laidlaw has argued her case very cogently, but I want to go into bat on behalf of my former colleague, Mike Elliott, because I believe that those comments are a reflection on him as well. The Hon. Mike Elliott retired last year after 17 years in parliament, and most members here understand the personal circumstances that led to his decision to leave, even if the member for Hammond chooses to ignore the facts so that he can tailor his argument. If superannuation had been the only consideration then the Hon. Mike Elliott would have retired four years earlier. He chose to stay on in this place because he believed there was important work to be done, and he stayed for as long as he was able. To suggest otherwise is an absolute insult.

I want to thank the Hon. Diana Laidlaw for putting this motion forward, and I thank the Hon. Julian Stefani for his amendment, which will allow the Legislative Council to put a clear position to the Speaker. It is inappropriate and not in keeping with his stature as the Speaker of the House of Assembly for the member for Hammond to be demeaning individual members of the Legislative Council or the role of the Legislative Council. In doing so he has demeaned not only the Legislative Council but also the whole of the parliament and brought the whole of the parliament into

disrepute. It is appropriate that his comments be condemned and that he be asked to apologise.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to support the motion moved by my colleague and friend the Hon. Diana Laidlaw, and I agree with a good number of the comments that the Hon. Sandra Kanck has just put on the public record as well. However, I do want to indicate my grave concern at the indication from the government members, and in particular the leader of the government in this place, of their unwillingness to support my colleague the Hon. Diana Laidlaw. As the Hon. Sandra Kanck has indicated, these remarks could equally be seen to have been addressed to our former colleague and her former colleague, the Hon. Mike Elliott, because of his recent retirement. I am gravely concerned, because I think at this stage we are seeing a concerted campaign by some against the Legislative Council.

We know that you, Mr President, on our behalf, together with others, are endeavouring to, if I can use a colloquial expression, fight the good fight for the Legislative Council in the current ongoing debate in respect of the Constitutional Convention and other issues. However, I think that members in this chamber, if we are going to adopt what I would term the spineless approach that the Leader of the Government has indicated in relation to this out and out attack—not only on our colleague the Hon. Diana Laidlaw and our former colleague the Hon. Mike Elliot but all members of the Legislative Council—by the Speaker of the House of Assembly, we will do so not only to our personal cost but, more importantly, to the cost of the institution of the Legislative Council.

That is what in a significant part is driving my colleague the Hon. Diana Laidlaw, because I know that as she prepares to leave her service, her long distinguished service in the Legislative Council, she retains a great love for the institution of the Legislative Council. I know that through this motion she wants to place on the public record—and hopefully have support from all members—this out and out attack on her integrity. But I know equally that she is wanting to speak out on behalf of all members of the Legislative Council and this chamber as part of our bicameral system in South Australia.

If the Leader of the Government is not prepared to stand up on behalf of members of this chamber and on behalf of this chamber in this battle, then we are going to be left sadly lacking in this ongoing debate. This motion is just one small part of an ongoing war which is being waged against the Legislative Council. We would hope that the Leader of the Government and government members join in a bipartisan way with other members of this chamber to defend the Legislative Council and its role.

It is no secret that when we were in government some of our colleagues, fellow ministers in the lower house, were upset with some of the Liberal members of the council and the processes of the council. However, what I will say is that members of the Legislative Council and ministers in particular were prepared to stand up for the Legislative Council and defend within the forums of the former government—

An honourable member interjecting:

The Hon. R.I. LUCAS: Throw them out? We were prepared to defend the role of the Legislative Council and on occasions made it quite clear to members of the House of Assembly, including ministers, that there are processes and conventions in the Legislative Council which we would protect irrespective of the views of our own members in the House of Assembly. I refer to defending conventions like, for example, the convention of members of the government chairing select committees even though they would be in a minority. I also refer to conventions that we did not support, such as not making changes to the standing orders unless all members of the Legislative Council were prepared to do so, when in the lower house they ram through changes to standing orders whenever the majority of members in that chamber happen to support such a change.

They are conventions that members of the former government were prepared to defend. Also, conventions that said that on a Wednesday private members business did hold sway over government business and our lower house ministers upon occasion got very upset with us. So we said, 'If all members of the Legislative Council are prepared to give precedence to matters of government importance or government legislation, we are prepared to support it. But we will support the right of individual members in relation to private members business.' As an opposition, almost without exception, out of 50 or 60 issues, this is the one that we want to see resolved now, on behalf of my colleague the Hon. Diana Laidlaw, and we support her in respect of this particular issue. We will then move on to government business, in particular shop trading hours, water restrictions and the cognate debate on human embryos and human cloning.

The Hon. T.G. Cameron: We've been waiting to debate shopping hours all week.

The Hon. R.I. LUCAS: Well, we have been ready since Monday, but of course the government has delayed the debate. In my view, this issue is not to be considered just in relation to the merits or otherwise of this particular set of circumstances. It is part of an ongoing war against the Legislative Council, and all members in this chamber need to bear that in mind. As I said, I am very disappointed, on behalf of my colleagues, in the spineless approach from government members to these issues. I will not go through all the detail of the criticisms made by the member for Hammond in relation to the Legislative Council being useless. The 'rotten boroughs' accusation I think is gravely offensive against the Legislative Council, and all I can say is that in my 30-year experience of the Liberal Party I have no knowledge at all of anyone or any organisation being able to buy their way into a preselection for $1 million or, indeed, for a lesser sum.

I must say that I did not hear all the comments the Hon. Sandra Kanck made in relation to the Liberal Movement arrangements. I will need to check the *Hansard* record. If the Hon. Sandra Kanck was implying—and I am not suggesting she did, because I did not hear all the comments—any impropriety or corruption in relation to the Liberal Movement/Liberal Party or LCL negotiations and mergers in the 1970s, then certainly on behalf of the Liberal Party I would very strongly reject any such allegation. My recollection of the time, although I would need to check the record, was that in relation to the preselections in a number of seats, what was negotiated was a different process of preselection, where equal numbers of Liberal Movement delegates and Liberal Party delegates came together.

So, if it was 60 delegates in total, it was 30 from the Liberal Movement and 30 from the Liberal Party, and the candidates from the Liberal Party and the Liberal Movement put themselves up. It happened in Goyder and in Murray, in Mawson, I think, and it might also have happened in Mitcham, but in a number of seats there were different preselections between Liberal Movement and Liberal Party

delegates, and that was part of the negotiation. There may well have been, as part of the merger arrangements, an absorption of the debt of the Liberal Movement. I do not know and do not recall the detail of that. Certainly, even if there was, I would absolutely reject in any way that in some way a particular Liberal Movement member was guaranteed, in those organised preselections, any seat in parliament. I know that in one, because of the equal numbers, they had to go to two or three ballots because the numbers were 15 all or 30 all—

The Hon. J.S.L. Dawkins: They were 20 all in Goyder.

The Hon. R.I. LUCAS: No, I am thinking of another one in the city where they had to go to two or three ballots. It may have been that in the end they pulled the name out of the hat or someone changed their vote at the last moment, but it was the third go at it before the issue was settled.

The Hon. J.S.L. Dawkins: And they got an allowance for unendorsed members to stand, too.

The Hon. R.I. LUCAS: My colleague the Hon. Mr Dawkins obviously has a very good memory of some of these issues. But that is not the main issue. I want to indicate that on behalf of the Liberal Party I reject absolutely this aspect of the allegation of rotten boroughs. If the member for Hammond believes he has allegations about unions or whatever buying, through donations to a particular party, endorsement of one of their secretaries or organisers in the parliament, then that is for the member for Hammond to make a specific allegation about and have that matter investigated. It is certainly not an issue of which I have any direct knowledge.

If he wants to be specific about an allegation concerning a union or union officer, let him make that allegation rather than the rotten borough allegation which, in essence, taints all members and all parties in the Legislative Council. The most abhorrent part of the speech by the member for Hammond was the cynical reflection on my colleague the Hon. Ms Laidlaw and, as the Hon. Ms Kanck has indicated, also potentially equally directed at the Hon. Mr Elliott, although it is only the Hon. Ms Laidlaw who is directly and specifically mentioned in this condemnation. He indicated the following:

> . . . Ms Laidlaw and other members before her, no less, have found it unlikely that they would enhance the level of their superannuation, unlikely to get higher office in the duration of the time they would spend there for the rest of their term and, therefore, inconvenient to stay regardless of what that means, as the public may see it by degrees, treatment in disdain of the public interest.

As my colleague the Hon. Ms Laidlaw has indicated, supported by the Hon. Sandra Kanck, I also reject absolutely that in any way they have been the motivations of the Hon. Diana Laidlaw or, I accept, of the Hon. Mr Elliott in relation to the decisions they have taken about their retirement. Whilst I do not have direct personal knowledge of the superannuation arrangements of the Hon. Ms Laidlaw, and I am not going to discuss those arrangements, given that we entered at about the same time I have some general knowledge. Certainly, the allegation by the member for Hammond is outrageous. He would know how hurtful that allegation would have been for the Hon. Ms Laidlaw as she is about to leave the parliament.

I do not intend to take up much more of the time of the council. My views are well and truly on the record. I do want to indicate that I have had some discussion with my colleagues the Hon. Ms Laidlaw and the Hon. Mr Stefani, and I have put on the record a slight amendment to the amendment that the Hon. Mr Stefani has moved. Without putting words in his mouth, I understand that the Hon. Mr Stefani is comfortable with supporting the amended amendment, if I can put that on record. I move:

> Leave out 'request the President to seek' and insert
> 'calls on the member for Hammond to issue'.
> Leave out 'in writing from the member for Hammond.'

The motion would then read:

> That this council condemns the member for Hammond for the injurious comments on the Hon. D.V. Laidlaw and the Legislative Council in general in the other place on 14 May 2003 when addressing the Constitution (Gender Neutral Language) Amendment Bill and calls on the member for Hammond to issue an unequivocal retraction and apology for his reflections on the Legislative Council, its members and staff.

As I indicate, that is probably the more appropriate way for the Legislative Council to go. It does not leave you, Mr President, in the position of needing on our behalf to present yourself at the door of the Speaker in relation to this issue. If this motion were supported, it would make the views of the Legislative Council absolutely clear: that we condemn the member for his comments and are calling on the member to issue an unequivocal retraction and apology for the reflections on the council, its members and staff.

The Hon. DIANA LAIDLAW: I thank the members who have indicated support for the motion, they being the Hon. Sandra Kanck and the Hon. Rob Lucas. I have also received indications of support from other members in this chamber, they being the Hons. Terry Cameron, Nick Xenophon and Julian Stefani, and I have not yet had an opportunity to speak to the Hon. Andrew Evans.

I think the fact that everybody but the Labor Party is united in support of this motion indicates the low level with which the Labor Party regards this chamber. Notwithstanding the pleasant remarks extended to me by the Hon. Mr Holloway on an individual basis, I think that, overall, his contribution was lamentable. Essentially, what he said was that there is licence now for the House of Assembly to say anything about this chamber and any member of it on a personal level. That is a standard that I would never want to see in this chamber and, if it is going to be applied in this place and across the parliament as a whole, I am pretty pleased that I am going, because I would never have upheld such a standard when I came here, and I would not want to be party to it now.

It has been suggested in interjections that I am thin-skinned. I have so much weight and thick skin that I would love to have some thin-skin, but that is not the issue in this debate. I have always held dear my own integrity, but my regard for the integrity of all members of this place is what is at issue here. The Hon. Gail Gago said that this is an inglorious exit. I think she has not been here long enough to understand the plot, because she just does not get it. I could not have sat back and tolerated this. The member for Hammond in the other place knew that his comments were against standing orders, but he did not care. He did not care about breaking the rules of the other place, the same rules which he insists we should apply in this place—of course we should—but so should he set an example of the highest standard as the Speaker and in terms of his conduct from the floor as the member for Hammond.

To add further emphasis to these issues, he was at it again yesterday in the other place (*Hansard*, page 3326) in terms of his ruling in respect of budget questions asked by the

Hon. Dean Brown. I think it is good that the Speaker says that we want to maintain standards and that we want to raise public opinion of our performance and the place for parliament in our system—I support all that—but his own conduct demeans the rules which he says should apply and demeans what he requires of all of us. He does not set an acceptable example.

I support the amendment in its amended form. Enough has been said on this matter; I just hope that the government and particularly the Hon. Mr Holloway in his senior position as Leader of the Government in this place shows more backbone in terms of fighting for the Legislative Council. This place has a proud history. Let us not see that with this leader and this Labor government this—

The Hon. R.K. Sneath: You condone Mr Venning's behaviour, do you?

The Hon. DIANA LAIDLAW: I'm talking about you and the behaviour of the Labor Party in this place.

The Hon. R.K. Sneath: You haven't said anything about Mr Venning's behaviour.

The Hon. DIANA LAIDLAW: Well, that has been dealt with by the Liberal Party—and so it should have been. At a time when the Legislative Council is under a concentrated attack from the media, it should not be internally undermined by the other place, supported by the Labor Party's comments in this place today. I regret the contribution of the Leader of the Government on behalf of the Labor Party generally.

Amendment to amendment carried.

The council divided on the amendment as amended:

AYES (15)

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

NOES (6)

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

PAIR(S)

Majority of 9 for the ayes.

Amendment as amended thus carried.

Motion as amended carried.

The PRESIDENT: I take this opportunity to make a couple of points of clarification. It is not a question of the chair debating the merits of the matter before the council. During the debate in explanation to his amendment the Leader of the Opposition expressed concern that, if the original amendment had been passed, there would have been some problem with me on behalf of Her Majesty's Legislative Council presenting myself to the Speaker. Let me make it very clear that, as in all cases, any direction from the Legislative Council to me will be carried out to the letter. I said on the first day that I was elected to this place that I had great respect for the practices, protocols and procedures of this place and would maintain the dignity of the council in my present seat at all times. There are no new standards; standing orders will be applied as they are meant to be applied from now on as they were before.

With respect to another interjection, about Mr Venning and his conduct from the chamber, there was an assertion that nothing was done. I take some offence at that because as the chairman of the council at that moment I drew that to the honourable member's attention and I ordered him to desist. I noted that he was spoken to by the Opposition Whip at that time. Having cleared those matters up, I now call on the business of the day.

SHOP TRADING HOURS (MISCELLANEOUS) AMENDMENT BILL 2003

Adjourned debate on second reading.

(Continued from 2 June. Page 2523.)

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank all members for their contributions. The issue itself has been around for a long time. I think we all know what the issues are. The discussions, the lobbying and the consultations have been long and arduous and, hopefully, we can pass the bill through this council. Given the number of times the shop trading hours issue has been before this parliament for changes, alterations or regulations, I think many people in this state are arguing that they want some certainty and direction. The witnesses we heard at the select committee came from three vantage points: small, medium and large businesses.

In general terms the consumers' views were put fairly succinctly, and in many cases the vested interests did not make any contributions or countenance any compromise to their stated positions. I have always taken the view that it should not be parliament that is discussing or trying to get the dog's breakfast that we have in relation to shop trading hours at the moment to a point where there can be some consensus within this state. That responsibility should be left for the vested interests themselves, that is, the shop retailers and those in the industry, to round table—which I think is starting to happen—and to come to the government with a recommendation that can be put and agreed upon by both major parties and Independents in both houses. I know it is a bit Pollyannaish—

The PRESIDENT: Order! I think the minister will be assisted if the conversation behind him ceases.

The Hon. T.G. ROBERTS: I was being a bit Pollyannaish to believe that that would happen, but to this point we have probably got as close to a consensus among the parties as we could reasonably expect. I understand that some members, who have not decided whether to support the government's position or the amendments that the opposition has put forward, are still deciding their positions, but I understand that those discussions have either just reached their final position are or in the process of doing so. I will not hold up the debate any longer. The sooner we get into committee and discuss the differences that may appear between the two positions then perhaps the nearer we can get to either an agreement to disagree or a conference of both houses. I thank members again and look forward to the committee stage being as smooth and quick as possible.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.D. LAWSON: Will the minister indicate when the government would intend to bring this bill into operation?

The Hon. T.G. ROBERTS: The intention is that late nights would come into effect a month after the proclamation

of the act; and Sunday trading would come in on 26 October in line with daylight saving.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. R.D. LAWSON: In clause 4 of the bill it is proposed to amend section 4(1) of the act by deleting from the definition of 'exempt shop' paragraph (a)(iii); namely, a shop in which more than four persons are physically present at any time outside normal trading hours for the purpose of carrying on, or assisting in carrying on, the business of the shop. Does the government have in mind any particular shops or class of shops which are presently permitted by this exemption to remain as exempt shops? Does the government have any estimates of the number of shops that will be affected by this particular exemption being removed?

The Hon. T.G. ROBERTS: The act currently allows general stores less than 200 square metres and supermarkets less than 400 square metres to trade as exempt shops only if they have less than four staff. It removes the anti-employment position. The number of stores that would be able to trade, if passed, is not known. That figure is not readily available. However, it is more likely that those smaller shops may choose to employ more than four staff to continue trading as exempt.

Clause passed.

Clause 5.

The Hon. R.D. LAWSON: In relation to clause 5, I indicate to the committee that a number of questions were asked in another place by the opposition spokesman, the Hon. Iain Evans, and the Minister for Industrial Relations provided answers. Bearing in mind the time, it is not my desire to repeat those questions and to seek again that information, but I do commend to all members of the committee the responses which were given in another place, because the opposition certainly relies upon the accuracy of those assertions.

Clause passed.

Clause 6.

The Hon. R.D. LAWSON: Will the minister indicate why it is proposed to delete subsection 2(b), which stipulates that the act does not apply in relation to a shop conducted at an exhibition or show which is approved of by the minister. The deletion of those words will mean that the act does not apply to shops at agricultural or horticultural exhibitions, or shows; and it will not apply to shops conducted for a period not exceeding one week if the proceeds are devoted to charitable and other similar purposes. Why is the present exclusion relating to shops conducted at exhibitions or shows being removed?

The Hon. T.G. ROBERTS: It has been explained to me that the clause is no longer relevant as more explicit consideration is given in the bill at clause 5, where it is more descriptive.

The Hon. R.D. LAWSON: Is it not the case that this clause provides that the legislation will not apply to shops conducted at an exhibition, and the new provision will make that not an exclusion but simply an exemption because a ministerial discretion will be allowed?

The Hon. T.G. ROBERTS: I am told that the situation is similar. The exemptions will be approved by the minister under the proposed new act, as they were under the previous act. They will have the same status under the proposed new act.

Clause passed.

Clause 7.

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

Page 7, lines 23 and 24—Leave out 'or, for that purpose, remove' and substitute:

, or take away a copy of

Section 8 of the current act provides that inspectors have certain powers, specifically, they may 'inspect or take copies of any book, paper, document or record' and may inspect at any time any building, yard, place, and so on. However, those powers are presently limited to the inspection of documents and the taking of copies of documents. The government's amendment proposes not only to allow inspectors to inspect and take copies of documents but also that inspectors have the additional power of taking away documents.

That leads to the situation where inspectors have the power to remove records of a business—perhaps rosters, certainly matters relating to the takings and business conducted, and some of this material may be very important. Indeed, rosters would be important for the ongoing day-to-day operations of the business. However, no responsibility is imposed upon the inspectors to return those papers within any particular time, or at all. The opposition does not support a power given to an inspector without any controls or limitations on the removal of books. We certainly accept that it would be appropriate to take away a copy of documents but not to remove the original records which, without any other protections, is an inappropriate power to give to an inspector.

The Hon. T.G. ROBERTS: The government opposes the proposition put forward by the opposition. We believe that inspectors need the protection of the legislation to carry out their duties correctly. If you do not want them to carry out their duties, then by all means the committee should support the amendment. It gets down to the relationship between the inspector and the owner or manager of the small business being inspected. In general terms, they would take documents away, photocopy them and bring them back within a reasonable time. There will be exceptions to the rule, and if you legislate obviously there would be challenges to the actions of the inspectors. The inspectors have a difficult enough job as it is, and they certainly need protection. The government believes that it ought not be an amendment and that the provision ought to remain as it is printed in the bill.

The Hon. R.D. LAWSON: Have there been any instances in which the absence of the power to remove documents has caused an impediment to an investigation under this legislation?

The Hon. T.G. ROBERTS: I cite previous history where a company refused to supply the required documents and engaged a lawyer who questioned the capacity of the department to make the request and slowed the whole process down. It is crown law opinion that this would facilitate the process and give the inspectors the powers they require to carry out their job. So, it is a facilitating clause that may be seen to be heavy handed by some. If you do not give these powers to the inspectors, you are probably tying their hands behind their back in some cases where people refuse to cooperate with an investigation.

The Hon. R.D. LAWSON: The answer the minister gave suggests that there was one case, in which it is suggested that the absence of a power to take away documents caused some impediment.

The Hon. A.J. Redford: He didn't say that, did he?

The Hon. R.D. LAWSON: The Hon. Angus Redford did not hear the minister in the same way that I did. Perhaps the minister could indicate whether he is saying there was one case in which the absence of this power was an impediment

to an investigation. If so, could he indicate when it was, what were the circumstances, and whether it was resolved subsequently by sensible means?

The Hon. T.G. ROBERTS: The honourable member's intuition is correct. There has been one instance, but that can create a precedent to encourage other instances. There has been one instance where a company refused to comply. The issue is still being argued and the matter is still under investigation. I am not sure that we have the exact date when the investigation commenced.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: I will refuse to answer that question on the basis that it is ridiculing the debate.

The Hon. R.D. LAWSON: That assurance from the minister should not reassure the committee, because it would appear there is some ongoing investigation in which this is a live issue. It does seem to me to be inappropriate, while there is an ongoing issue, to seek to amend legislation to widen powers, which additional powers can be exercised in relation to a current inquiry, unless the committee is given quite detailed particulars of the incidents in which this power will be sought to be exercised.

The Hon. T.G. ROBERTS: The matter is still being investigated, but the initial problem was in relation to the inability of the inspectors to carry out their job with the current powers. The discussion is around the adequacy of the powers within the current act. The government believes that, given this case, the powers within the new bill should be stronger.

The Hon. A.J. REDFORD: In that case, what was the impediment? When one looks at the current law, it provides that the inspector can inspect, or take copies of, any book, paper, document or record. How specifically, in a practical way, was this inquiry impeded; and how would it be enhanced by taking the original documents? Surely, it is not that hard to take a copy in the 21st century.

The Hon. T.G. ROBERTS: Without going into the specific detail of the exact investigation and without mentioning any names, the inspection started in July 2002. It is ongoing. As I said earlier, the inspector found that the powers were wanting. That is why it has taken so long to get to where we are now, because the person who was being investigated refused to cooperate. There was no power to force him to do that.

The Hon. A.J. REDFORD: I urge the committee to accept that answer on face value. On that basis, given the paucity of the answer, there is no justification for this extraordinary extension of power. The government comes along—and it is a habit of this government—and wants to take away people's rights. It then gives vague assertions to justify taking away people's rights. Section 8 of the current act provides:

> For the purposes of ascertaining whether a provision of this act has been complied with, an inspector may—. . .
> (c) inspect or take copies of any book, paper, document or record;

In terms of this amendment, the government is seeking the power to take original documents. When asked how that helps the inspector and what difference it makes, we get a vague answer 'that is what they want'. We are not given a set of circumstances where the incapacity to take away original documents from a business, including books, cheques, and so on, has had an impact. I do not know whether anyone on the government side understands this but, if you are running a small retail business, the complexity of controlling stock, the complexity of complying with all the GST arrangements, the complexity of complying with income tax requirements, and the various other things, makes it extraordinarily difficult if inspectors can arbitrarily take away documents and leave that business without access to those documents, even for a short time.

Under our system of justice, there is a presumption of innocence. These businesses, despite what inspectors might think, are presumed to be innocent. The opposition is not unreasonable with these things, but when we ask specific questions about the number of cases, we are told there is one 'but others might copy'. That is a reasonable answer: maybe. Then we ask in that case what was the impediment, and we get a general vague answer. We have to say in the Legislative Council that if the government wants to take away people's rights, it had better be specific and clear about the explanation to the Legislative Council, or we will not give inspectors and executive arm of government those powers.

We would be remiss in our duty in protecting individuals' rights if we did anything less than what we are doing. I think there is a general message to the government: if you want to take people's rights off them be specific, be clear and give us a good reason. Up to this moment in the debate, the government has failed to do that.

The Hon. T.G. CAMERON: I am concerned about the quite extraordinary powers that we are going to give these inspectors. My quick reading of it would indicate that we are going to give these inspectors as much, if not more, power than any other inspectors that I am aware of, including inspectors from the Tax Office. I have had a look at the amendments that stand in the name of the Hon. Robert Lawson, but it does not seem that the amendments that are being moved by the opposition are consistent with the arguments that it is putting forward. If one has a look at the amendments, they do very little to actually reduce the power of these inspectors.

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: I do understand the amendment—I just want to go through some of them. Paragraph (c) provides:

> require a person to produce any book, paper, document or record

Does that mean in relation to this legislation or in relation to breaches of this legislation, or does it mean that we are giving the inspector the power to require a person to produce any book, paper, document or record? Would that mean that an inspector would have the power to say, 'Look, you've got five CD ROMs here which you claim you've got business information on; I want to have a look at them', and that would be covered because it says all records'? The small business proprietor might say, 'Hang on a minute, I've got my family photo album on that CD ROM'. The inspector would have the power to search through a person's private CD ROM which might include a personal diary, personal information relating to the family or personal pictures of their family or themselves. The inspector would have already seen this material by the time he realises that it is not related in any way to his investigation. Could the minister clarify whether this clause means that, if the inspector says that you have to produce any book, paper, document or record, he has access to whatever is in that individual's business premises or in their private home?

The Hon. T.G. ROBERTS: There are a couple of points. First, the Hon. Angus Redford is concerned that there was a vague commitment of powers to the inspectors and, secondly, the Hon. Terry Cameron is concerned that the powers are too

specific and too tough. In relation to the powers of inspectors (and this is in the act now), it provides:

> For the purposes of ascertaining whether a provision of this act has been complied with, an inspector may—
>
> (a) enter at any time any building, yard, place, structure, stall or tent. . .

It goes on to list a whole range of powers. The inspector cannot act outside the powers that have been delegated via the Shop Trading Hours Act, otherwise he would be in breach of his inspectorial powers and rights.

The Hon. T.G. Cameron: What if a proprietor says, 'Hey, this is my private CD ROM' and the inspector says 'I don't know—I need to view it first'?

The Hon. T.G. ROBERTS: The only thing I can say is that this has been in force for some considerable time. I know that there were not a lot of prosecutions by the previous government in relation to breaches—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: Or the one before that—so the legislation has not been tested.

The Hon. T.G. CAMERON: You are giving people the power to search through an individual's private and personal records.

The Hon. T.G. ROBERTS: They already have the power under the current act.

The Hon. T.G. CAMERON: Could the minister point out where they had the power to go in and seize any record irrespective of what form it is in?

The Hon. T.G. ROBERTS: The act says:

> enter at any time any building, yard, place, structure, stall or tent;

and

> inspect or take copies of any book, paper, document or record;

What the government is trying to do is to be able to take copies where it is practical and reasonable and where the inspectors are able.

The Hon. T.G. CAMERON: I do not think the minister is getting the drift of my question here. What I am talking about is that you are giving the inspector the power to search through records—computer records. A lot of people just have a single CD-ROM, right? A lot of small business people now use computers. They keep their business records, their stock etc., on their computer. They also keep a whole lot of personal information and records on it. So what I am talking about here is that we are actually giving the inspector the power to search through personal records looking for information relevant to the act. This would give him the right to go on a fishing expedition. I thought the Australian Labor Party protected people's rights, not destroyed them.

The Hon. T.G. ROBERTS: The copies that the honourable member talks about in relation to the CD-ROMs would not be taken inappropriately. The copies of documents—

The Hon. T.G. CAMERON: I am only talking about viewing the documents, not taking them. I am not dealing with paragraph (ca) yet. I am only dealing with paragraph (c).

The Hon. T.G. ROBERTS: It would be the same if somebody had family photographs in their log book for hours worked. You would shake the family photographs out and take the rest of the documentation. I know that in a lot of cases it is hard to separate the technology from time to time. But the other thing is, in most cases, with the size of the businesses that you have been talking about, that is, anybody with family photographs on their CD-ROM, it would be a small business, which would probably be exempt anyway.

The Hon. T.G. CAMERON: Let me give you a practical example of the sort of situation that I am bringing to your attention here. One of these inspectors comes on to a property and says that he wants to have a look at the records. He says, 'Oh, you have a computer. Are your records computerised?' 'Yes.' 'Well, look, I want to have a look through your CD-ROM.' At that point, the individual, the small proprietor, says, 'Well, hang on a minute. I have got private, confidential information, not related to your inquiry or related to my business, on that CD-ROM.' What happens then? In a practical sense, what does the inspector then say to the individual and what rights does the individual have at that point to protect his private, personal and confidential information? Because you are going to strip away the individual's rights to privacy completely. I always thought that the Labor Party supported privacy for individuals.

An honourable member: We live in a new world now.

The Hon. T.G. CAMERON: Yes, a computer age. I guess the comment that I am looking for here is that the private individual at that point would have a right to say to the inspector, 'Look, I'm sorry, but that contains information that is of a private and personal nature, and you can't go searching through my CD-ROM.' That is the right they should have.

The Hon. T.G. ROBERTS: Therein lies a dilemma. If the inspector has a reasonable belief that the CD-ROM includes employee work-related hours or rosters or any other details that he would want for his inspectorial purposes, then he would take them.

The Hon. T.G. CAMERON: So, the individual has no right in saying 'No, you can't take my CD-ROM'?

The Hon. T.G. ROBERTS: If there is a reasonable belief that that CD-ROM contained information that was required by the inspector, then that would be the case. If there is a way of separating the information and an electronic copy taken, then I am sure those are the circumstances that would prevail. But they would not be efficient inspectorial powers or rights if someone could just say about a disk, 'That is a private disk for my purposes' when it is a disk that contains information that could secure a prosecution for a breach. So, there is a dilemma there. I understand what the honourable member is saying.

The Hon. T.G. CAMERON: According to what the minister has just said, if the inspector says 'On reasonable grounds I believe that I have the right to take this,' that then completely negates any further rights that individual has. Because if you turn the page, and the individual says 'Hang on a minute, I don't think you've got that right,' at that point he is committing a breach that could attract a penalty of $25 000. The moment he says, 'I don't think you should take that, I've got personal information on that; you can't have it,' he would be hindering or obstructing an inspector. He would be guilty under clause 7(4)(3)(a). So, we are creating a situation where we could leave citizens of our community subject to a maximum fine of up to $25 000 for trying to protect personal information that could be extremely damaging to their reputation, to their business, to their family etc. That is the situation you are creating. Anyway, I will move on to paragraph (cc), which provides:

> take photographs, films or video or audio recordings;

Can the minister assure us that these inspectors would not have the power to take these photographs, films or videos or to take secret audio recordings unless they had the express permission of the individual concerned? The way I see it, that

almost gives an inspector the right to illegally take audio recordings as long as he thinks it is reasonably necessary. I want to be assured that they cannot take secret video or audio recordings or I want the Hon. Bob Sneath in here talking about injured workers. Can these inspectors take photographs, films, video or audio recordings without the knowledge of the person concerned? If that is the case, you are creating exactly the same regime that I hear you complaining about that exists under workers' compensation.

The Hon. T.G. ROBERTS: To gather evidence to get a prosecution there would have to be evidentiary material provided, and that would be done in the normal way in which evidentiary material is collected. They cannot breach the other acts, the Listening Devices Act and other acts that protect the interests of individuals that are in force today. I know that the Hon. Mr Cameron and others are concerned about secret filming of workers' compensation claims. Sometimes they are done secretly, sometimes openly. If you are trying to collect evidence—and I am certainly not condoning the secret filming of people; that is a personal point of view that I have. But in relation to the collection of evidence, then evidence can be collected in many ways.

This does list the ways in which evidence can be collected: it says take measurements, make notes, records, photographs, films, video, audio and listening devices and, as the honourable member said, with the way businesses are done now there are many more ways, with CD-ROMs and computers. There are many more ways of impinging on people's private lives by some of the material that can be used for investigative procedures. It is the way they are used.

The Hon. T.G. CAMERON: I thank the minister for his long answer but, as is often the case with the minister's answers, one has to try to interpret them. It is a simple question. Does paragraph (cc) allow inspectors to secretly photograph, take films or video or audio recordings of small business proprietors? My interpretation of it is yes. A simple yes or no will do, then we can move on.

The Hon. T.G. ROBERTS: I have said that you cannot breach the commonwealth listening devices legislation.

The Hon. T.G. CAMERON: This legislation does allow them to secretly take photographs, films, video or audio. It does allow them to do that.

The Hon. T.G. ROBERTS: Within the constraints of the commonwealth law.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: There are state laws as well.

The Hon. T.G. CAMERON: Does this allow them to phone tap: that is all I am asking?

The Hon. T.G. ROBERTS: The answer is no to that. If a prosecution is being put in train or evidence is being collected, then if a proprietor or a person cooperates, the methods by which you collect your evidence would be voluntary. If there was cooperation between the inspector and whoever is being inspected, you would not have the confrontation that the honourable member is suggesting would occur. If there is a situation where people are hiding evidence, then it is quite possible that the concerns that the honourable member has—I am not saying they will be breached, but they will be used.

The Hon. T.G. CAMERON: I thank the minister for clearly outlining to the house that these inspectors do have the power to secretly take photographs, films or video or audio recordings.

The Hon. R.D. LAWSON: Perhaps I could indicate the Liberal Party's position on this matter. What the Hon. Terry Cameron has been saying is absolutely true in relation to these powers: they are extensive powers and they ought to be appropriately controlled. We come from the position that this measure is seeking to reduce the opportunities for breach of the Shop Trading Hours Act. Hours are being extended. The occasions on which there will be breaches will be reduced. Yet at the same time this government is introducing more draconian powers. That is an anomalous situation, and there is one particular draconian power which is not in the current act and which we find particularly offensive, namely, the power to take away a copy of a book, paper or document or record; to take away the original.

We accept that the existing powers are extensive. The Hon. Terry Cameron's objections are perfectly valid, but we are prepared to live with those; however, we do not believe that it is appropriate for the parliament to extend the powers in this way. I note with interest that, in the Workers Rehabilitation and Compensation Act where there are similar powers of entry and inspection, those powers are framed in very much the same way as they are in the existing legislation. For instance, section 110(1) provides that there is a power to examine, copy and take extracts from books, documents or records or require an employer to provide a copy of such books, documents or records. There is also the power under that act to take photographs, films, or video or audio recordings and, as the Hon. Terry Cameron quite correctly identifies, those films and videos, etc. can be taken without the consent or knowledge of the person being filmed at the time.

The Workers Rehabilitation and Compensation Act goes on to say not that the inspector can immediately seize the family bible or a CD but that, if the authorised officer suspects on reasonable grounds that an offence against the act has been committed, he may seize and retain anything that affords evidence of that offence. So, there is protection in the Workers Rehabilitation and Compensation Act which is not present in this measure which requires an inspector to suspect on reasonable grounds, which of course can be examined in a court.

There is also a requirement in the Workers Rehabilitation Act that a receipt has to be provided for the documents. That section goes on to provide a mechanism for the return of the documents (or whatever has been seized) if proceedings are not instituted, etc. So, there is a fairly comprehensive mechanism in that legislation which is not being adopted in this legislation. I hate to repeat myself, but we do not like some of these powers. However, we think that the one that allows an inspector (without any protection of the kind that is in other legislation) to take away and remove documents is offensive. That is why we oppose those words.

The Hon. T.G. CAMERON: Is the maximum penalty of $25 000 similar to the maximum penalties that exist in respect of similar situations in other acts?

The Hon. T.G. ROBERTS: The honourable member is right in relation to the level of fines in other acts: $5 000 or $10 000 is deemed to be appropriate in those acts. In this bill we are dealing with, in some cases, large multinational companies which set out to breach acts and are prepared to pay fines. If the fine is small enough—

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: The point I am making is that—

The Hon. T.G. Cameron: That's a pathetic answer.

The Hon. T.G. ROBERTS: No, it isn't. Take, for instance, the penalty for chopping down a 200-year-old gum tree. Gum trees were deemed to have a very low market

value, so people would bulldoze them and pay the fine. Similarly, under this act there will be people who will sniff at $5 000 or $10 000—it will be petty cash. However, for a small business it might be enough to make them cooperate with the inspectors to get the evidence required—to prove somebody is innocent, perhaps.

The Hon. T.G. CAMERON: The only reason that I could ascertain out of all of that was that there are some big multinational companies that will be affected by this bill, so we have had to make the penalty $25 000 compared with the penalty of $10 000 in the Workers Compensation Act. Are not big employers caught under the Workers Compensation Act and various other acts as well? I do not need the minister to respond. There must be some reason for this other than profit.

The Hon. T.G. ROBERTS: The matter will end up in a court and there is a discretion. There is a maximum and a minimum penalty. Not all places will be fined the maximum penalty; it will depend on the type of breach. You have to put a—

The Hon. T.G. Cameron: Is the $25 000 for the big multinationals, not for the small shopkeeper?

The Hon. T.G. ROBERTS: I suggest that would be the case, but I cannot stand in the boots of the prosecutor or the judge.

Amendment carried.

[Sitting suspended from 6.03 to 7.45 p.m.]

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

Page 8, after line 15—
Insert:
(6) A person is not obliged to provide any bank statements under this section.

The purpose of this amendment is to insert a new subsection (6), which provides that a person is not obliged to provide any bank statements under this section. This is the measure we were dealing with before the dinner adjournment. It concerns the powers of inspectors and the obligations of citizens to provide certain papers or documents and to allow inspections to be made of premises and the like. There is no specific provision related to bank statements; however, in the generality of the existing provisions, it would be possible for an inspector to require a person to provide bank statements. We cannot see why confidential documents of that kind should be provided to any inspector, given the powers of this legislation, and I indicate that we seek to have those statements excluded.

The Hon. T.G. ROBERTS: The government opposes this amendment on the basis that many scams and schemes are used to hide the real financial position of individuals' trading and that, to get a good fix on the financial circumstances in which a business is placed, inspectors would need to have access to bank statements.

The Hon. R.D. LAWSON: I ask the minister to explain how bank statements could be evidence of when any particular trader was trading. Bank statements do not contain information about the time at which shops are open or closed, and in our view there is no way in which it could be suggested that bank statements would be relevant to an investigation under this act.

The Hon. T.G. ROBERTS: Bank statements on their own may not tell the story but, if a company is broken up into smaller companies to attract benefit or to hide the true picture of a whole business, then you need to have that information at hand.

The Hon. R.D. LAWSON: I do not accept the minister's explanation on that, but I ask specifically: has there been any occasion in any past investigation under the Shop Trading Hours Act, as it has existed to this date, in which an inspector has had recourse to requiring the provision of the bank statements?

The Hon. T.G. ROBERTS: The answer to that question is: yes, there have been companies which have tried to hide their real size and financial position by breaking up into smaller companies and pretending to be a small business when in fact they are a medium or a large business.

The Hon. R.D. LAWSON: I indicate to the committee that, speaking for me, and I am sure my colleagues, we do not accept the rather lame explanation given by the government in opposition to the insertion of this paragraph, which would address some of the concerns so very clearly articulated by the Hon. Terry Cameron.

The committee divided on the amendment:

AYES (12)

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

NOES (9)

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

Majority of 3 for the ayes.

Amendment thus carried; clause as amended passed.

New clause 7A.

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

Page 8, after line 15—insert:
7A. After section 8 insert:
Offences by inspectors.
8A. An inspector, or a person assisting an inspector, who—
(a) addresses offensive language to any person; or
(b) without lawful authority, hinders or obstructs or uses or threatens to use force in relation to any other person,
is guilty of an offence.
Maximum penalty: $5 000.

This amendment will insert new section 8A into the act, which will stipulate that an inspector, or person assisting an inspector, who addresses offensive language to any person, or who without lawful authority hinders or obstructs or uses or threatens to use force in relation to any other person is guilty of an offence for which the maximum penalty is $5 000. This section is intended to enforce the obligation of inspectors to act appropriately.

The act already allows for the appointment of inspectors, and it does give them very wide powers, as the Hon. Terry Cameron has said. The act provides that inspectors are not to have an interest in any matter which is the subject of inspection and certainly protection is offered for inspectors. No criminal liability attaches to an inspector for any act or omission in good faith and in the exercise or purported action of powers or functions under this act. That is contained in section 10. We believe it is appropriate to have this section included. This section has been proposed in a number of acts by the member for Stuart, the Hon. Graham Gunn, and an

amendment was moved in another place to this effect. Unfortunately, the government in that place was not prepared to support this important innovation.

This is an important protection: it does send a message—and a correct message—to inspectors. By supporting this, we are not suggesting or intending to suggest that inspectors automatically will abuse their powers; indeed they will not. Most inspectors will act decently, but it is appropriate to have a statutory reminder, a statement by this parliament that inspectors are not entitled to use offensive language to people or to threaten, hinder or abuse them in the exercise of those powers. I do hope that, on this occasion, the government will adopt this very sensible provision.

The Hon. T.G. ROBERTS: The government opposes this amendment. We do not see the need for it.

The Hon. T.G. CAMERON: Once again I do not think the Hon. Robert Lawson has gone far enough with his amendment. Whilst it is my intention to fully support the intent of the Hon. Robert Lawson's clauses, I cannot help but point out what I consider to be a legal flaw in the clause he is supporting. With regard to offences by inspectors, proposed new clause 8A(b) provides 'without lawful authority, hinders or obstructs or uses or threatens to use force in relation to any other person'. Then I looked at the fine. It is $5 000. What a wimpy fine for something like that. I thought, 'Hang on a minute. We just dealt with a clause like this.' I went back to page 8 of the bill. If an ordinary citizen out there on the street uses abusive or threatening language to an inspector, the poor blighter could get a maximum penalty of $25 000. Let us have a look at the wording in the Liberal Party amendment which, again, I say is a bit of a wimp. If this was drawn up by Graham Gunn, then he has let me down. It provides 'without lawful authority, hinders or obstructs or uses or threatens to use force'.

So, an ordinary member of the public faces a fine of up to $25 000 if they use abusive or threatening language. Yet if an inspector threatens to use physical force against a member of the public, he will only cop a fine with a maximum penalty of $5 000. Has Graham Gunn gone to sleep or something? Did they not pick that up? We have a sanction here for threatening to use force which attracts a penalty of one-fifth or 20 per cent of the penalty that the poor taxpayer will cop. Indeed, he could cop a $25 000 fine only for using abusive or threatening language. An inspector could go out there and threaten, or belt the crap out of, somebody and they might face a fine of $5 000. However, the poor old citizen could tell an inspector to 'Bugger off!'—that is abusive or threatening language—and in that case he could face a fine of up to $25 000. How bloody weak you lot are on this one!

The CHAIRMAN: I take it, then, that you are in support the amendment, Mr Cameron.

The Hon. T.G. CAMERON: Absolutely!

The Hon. IAN GILFILLAN: We oppose the amendment.

New clause inserted

Clauses 8 to 10 passed.

Clause 11.

The Hon. A.J. REDFORD: Mr Chairman, I seek your guidance on my amendments. I do not propose to move these amendments if the opposition's general amendments get up. Rather than unnecessarily take up the time of the committee at this point, I indicate to the committee that, dependent upon whether our amendments get up later, I may seek the opportunity to resubmit this amendment.

The CHAIRMAN: At that juncture, clause 11 would be recommitted, and so on. At this stage you do not wish to proceed.

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

Page 9, lines 10 to 15—Leave out paragraph (c) and insert:

(c) from 11.00 a.m. to 5.00 p.m.—

(i) on each of the 9 Sundays immediately preceding Christmas day 2003; and

(ii) on 28 December 2003.

The current clause which we seek to strike out by this amendment provides that in the metropolitan shopping district in relation to Sundays from the commencement of daylight saving this year—that is, from 26 October this year—shops would be entitled to open in the metropolitan shopping district from 11 a.m. to 5 p.m. on any Sunday. In other words, the government's proposed Sunday trading hours will commence on the date just mentioned. By the amendment which I have moved, we seek to alter that arrangement so that, on nine Sundays immediately proceeding this Christmas Day, Sunday trading will be permitted across the metropolitan area and also on 28 December this year. So, there will be 10 Sundays over the Christmas period on which all shops can open.

This is very similar to the so-called Summer of Sundays provision that was in operation last year. As the committee will know, for a number of years the bill has allowed for four Sunday trading days before Christmas, and it has been the convention to allow, by proclamation, another two Sundays. The reason why this amendment is moved by the opposition and we seek the support of the committee for it is that we believe that 1 July 2004 is the most appropriate date for the commencement of extended hours generally. In amendments which will be moved later and which I foreshadow it is proposed that the Industrial Commission will address very important—indeed, vital—industrial relations issues, and that any changes made by the commission are to come into force on 1 July 2004.

We also believe that small businesses ought be given an opportunity to adjust the many things that are required to be adjusted before the extended hours regime commences in a general way. Reorganising business, deciding to restock, to change the lines that are stocked, to compete with the majors, is something that will require small business some considerable time. The message we have been getting countless times from small business operators and their associations is that a lead-in time of a year is entirely appropriate. It is for those reasons, and foreshadowing what we are proposing to do elsewhere, that I am moving that we do not go to fully deregulated, if I can call it that, Sunday trading from 26 October, but we go to that after 1 July 2004, while at the same time retaining our summer of Sundays.

The Hon. IAN GILFILLAN: I think this is the beginning of the season in which the Democrats join forces with the opposition in a trend of amendments. The Hon. Robert Lawson might explain something to me. The opposition is seeking to delete the wording in paragraph (c) and replace it, but I find the language in paragraph (c) almost inscrutable, so I have not worked it out. I assume the honourable member is putting forward an amendment which reduces the number of Sunday trading days which are likely to take place, if the government bill goes through unamended. The honourable member has signalled ahead that he is looking for delay before the introduction—and the delay has our wholehearted support. It is important that I signal, quite clearly, that we will vote against the third reading. As any member who has heard

me speak would know—we have a total antipathy to any extension to shop trading. However, to be constructive and to soften the impact, the Hon. Robert Lawson may explain, by supporting his amendment at this stage, but signalling quite clearly what he has further intended, namely to delay substantially the introduction of extended shop trading hours, what he sees as the distinct difference between the government bill and the amendment he is now moving.

The Hon. R.D. LAWSON: The difference is that, if the government bill is adopted, Sunday trading from 11 a.m. to 5 p.m. will commence on 26 October this year and will continue into the future ad infinitum. It will become a permanent part of our shop trading regime before the resolution of the industrial issues, and, also, at a time when, in our view, small business will not have had an adequate opportunity to adjust. If our amendment is passed, the summer of Sundays, that is, the trading days around Christmas, will again be permitted. However, after Christmas, Sunday trading will not be permitted until such time as the Industrial Relations Commission has addressed the issues to be addressed; then from 1 July next year, Sunday trading will resume. Certainly, under the government proposal there will be 25 Sundays in 2004, on which the government would allow stores to trade, but under our proposal the stores would not be permitted in the metropolitan area to trade.

The Hon. IAN GILFILLAN: I thank the Hon. Robert Lawson, who explained lucidly what I understood to be the impact. I indicate Democrats' support for the amendment, which means it is guaranteed of getting through, in spite of any extended debate over the matter. It is a positive move, which we support.

The Hon. J.F. STEFANI: I, too, indicate that I will be voting against the third reading of the bill. That position has been my position right from the outset. I will not let small businesses down, nor will I send them to the wall by the measure that the government is proposing. I have a question of the shadow minister. If we were to allow the government measure to become effective, is it the honourable member's understanding that small businesses would have little or no opportunity to refer the matter to the Industrial Relations Court to get some adjudication of their awards, and, therefore, they would be compelled to pay double time on Sunday, as I understand the award.

It is a while since I have dealt with awards, but when I dealt with them it was double time on Sunday. Saturday was time and a half in the morning and double time in the afternoon, and Sunday was double time. Under those circumstances, does the honourable member foresee that the award conditions would apply, otherwise people would be breaking the law. Under those conditions, small businesses, in my view—and I would appreciate the honourable member's comments—would be compelled to follow the industrial awards as they stand.

The Hon. R.D. LAWSON: The honourable member has undoubtedly identified that small business will be disadvantaged by the implementation of this measure. Of course, we do not know what steps the Industrial Relations Commission will take in relation to wages and conditions on Sundays in the new deregulated shopping environment. That is something we cannot predict. However, we do know that those large enterprises, which now operate on Sundays, and their employees have the benefit of enterprise agreements which are tailored to meet the particular circumstance of their business. The South Australian industrial award is not tailored to a deregulated shopping environment. It is undoubtedly true that any small business, which chooses to open on the days that the government will allow, that is, the nine Sundays before Christmas, and then is forced by competition to continue trading throughout the first half of 2004, under the existing regime will be disadvantaged, either because the small business person will be paying wage rates, which are not comparable to those being paid by the majors, or by reason of the fact that the forces of competition will require that the person stay open on Sundays to maintain a position in the marketplace when deregulated hours come into force on 1 July. The honourable member correctly identifies that this measure is designed to give small business a break and to give it appropriate breathing space.

The Hon. J.F. STEFANI: In those circumstances, while I have indicated that I will be voting against the bill in whatever form it is in the third reading, like the Australian Democrats I am prepared to indicate that some adjustments for the better, in terms of the position of small traders, is better than nothing. In those circumstances, I indicate I will support the opposition with this amendment.

The Hon. T.G. CAMERON: I thank the Hon. Ian Gilfillan and the Hon. Julian Stefani for indicating they will be opposing the third reading of this bill. I indicate that I will be supporting the third reading of this bill. I intend to support any piece of legislation which this council ends up with and which provides Sunday trading for the public. That is my position so, if amendments end up in this bill that I do not like, I will still support the third reading providing it still provides for Sunday trading. I do not think I am as bright as the Hon. Ian Gilfillan because I did not get what the Hon. Robert Lawson was talking about. The effect of the amendment, as I see it, means that we do not get Sunday trading immediately. Is that correct?

The Hon. R.D. LAWSON: That is correct; under neither the government's proposal nor the opposition's amendment will there be Sunday trading immediately. The first opportunity on either bill is 26 October.

The Hon. T.G. ROBERTS: The government's position is quite clear—it has been stated in the media and it has been discussed with the business people who have been speaking to the government about bringing about change to our shopping hours. The bill has been drafted in such a way as to introduce the requirements for national competition policy without penalty and without any fear of penalty. It has been introduced in a way to have controlled shopping hours on Sunday, and not to have 24 hour trading, which is the opposition's position. As for being a friend of small business: small business will have to compete with any extended hours that this bill brings about when it is enacted. If you look at what the opposition's amendment does, it opens up Sundays for longer hours for smaller business, and smaller business will have to compete for those longer hours if they are to remain on a competitive footing. They may find niches in which they can survive.

What we have done has brought about change in incremental bites, but with certainty and continuity. If those members who have not already made up their mind are unsure about the differences between the two positions, they ought to study the amendment more closely. A lot of the traders have also said they want continuity—they do not want small bite-sized chunks and stop-start. They want to be able to gear up for change and to be able to negotiate their EBAs if they have to, in preparation. There is a case for the commission to hear, and that application can be made at any time. After wide-ranging consultation with a broad range of

industry leaders, we believe that the position that we have adopted is the appropriate one. It is not as if it is something we have dreamt up—it is something that has been coming for a long time.

There is no surprise about the changes to shopping hours. It is not as if it is a shock that small business has to gear up for. Everyone has been expecting change, and we have done it with as much consultation as possible after the bill was drawn up. Those processes have been gone through, and there is a consensus that is built into the design of the bill. There has been criticism that we did not consult broadly enough in the preparation or lead up to the bill, but discussions have been going on about shopping hours in this state for a decade, and probably longer. It is not as if there is any secret about both sides of the council wanting change. What we have now is a rush for individuals and the opposition to take ownership of whatever it is that we finish up with in relation to the bill. Our position is to oppose the opposition's amendment and to support our own bill.

The Hon. IAN GILFILLAN: I had a briefing from representatives of both the Retailers Association and the South Australian Retail Association. I refer to a statement of 26 May, as follows:

All groups prefer a start date for full deregulation no sooner than 1 July 2004

I have had no submissions from small business pleading that if they start let it run through, so I am not persuaded. Therefore, I stick with my earlier position of supporting anything that will delay it, and this is one of the more favourable amendments of the opposition which links into this. I am not particularly thrilled about them having the Sundays that they are putting through, but it does dovetail into drawing it out that bit longer, and that is what the smaller South Australian-owned retailers have asked me to do.

The Hon. T.G. CAMERON: With respect to the Hon. Ian Gilfillan, I have been getting slightly different messages from some of the small business people who have been contacting my office. I just want to ask the Hon. Robert Lawson a question because I am persuaded by the government's argument on this, but I just want to clarify. Under your Clause 11 on page 9, lines 10 to 15, it says that in the metropolitan area we will have only nine Sundays between now and Christmas. Is that correct? And when is the first Sunday? On 26 October? So you have got the same starting date.

The Hon. R.D. Lawson: Yes.

The Hon. T.G. CAMERON: I then noticed subclause (2) which says 'and on 28 December 2003.' What happens after 28 December 2003 with your proposition?

An honourable member interjecting:

The Hon. T.G. CAMERON: Yes, I know that but I want it put on the record.

The Hon. R.D. LAWSON: What will happen in 2004 is the same as happened in 2003. Namely, businesses had the opportunity to open on Sundays across the whole of the metropolitan area over the Christmas period, including the Sunday immediately after Christmas. That has become a fairly standard trading pattern and we are suggesting that we have once again the standard Christmas trading pattern this Christmas to give those shops that want to open in the metropolitan area the opportunity to do so. Of course, all shops in the city can open every Sunday of the year. But this will once again give the suburban shops the opportunity to, if they want to, open over Christmas. Then in the lead-up to the commencement they will not be able to trade, just as they were not able to trade this year or any year in the past.

The Hon. T.G. CAMERON: In short, there will be no Sunday trading between 1 January and 1 July.

The Hon. R.D. LAWSON: Correct. Not in the metropolitan area, although trading will continue in the city as it does now.

The Hon. T.G. CAMERON: I thank the honourable member for his answer and indicate that I will be voting with the government.

The Hon. T.G. ROBERTS: I think the other point that needs to be made in relation to the difference between the two Sundays is that the government Sunday starts at 11 a.m., which is in sync with the request of a lot of people that the peace and quiet, if you like, of the suburbs and the city need to be maintained for traditional reasons. Those people who want to make a compromise are prepared to allow Sunday trading after 11 o'clock but those people who would like to attend their homes for spiritual devotion would like to have the peace to be able to do that. We believe that our proposal of the hours of 11 a.m. until 5 p.m. gives the best of both worlds.

The Hon. R.D. LAWSON: I wish to inform the minister that he must have misunderstood his advice. Our hours are also 11 to 5. They are exactly the same hours as the government's in this respect.

The Hon. T.G. Cameron: But not until 1 July next year.

The Hon. R.D. LAWSON: It is a different story after 1 July next year. We are talking about now: the Sundays between now and 1 July next year. During that period of time our Sundays are exactly the same hours as the government's.

The Hon. T.G. ROBERTS: Clause 6 does include a statement: 'at any time'.

The Hon. R.D. LAWSON: I wonder if the minister could indicate which particular Clause 6 he is looking at. Frankly, I cannot see it. With the greatest respect, the minister is looking beyond the situation we are now dealing with which is the situation before 1 July 2004.

The committee divided on the amendment:

AYES (13)

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

NOES (6)

Cameron, T. G.	Gago, G. E.
Gazzola, J.	Holloway, P.
Roberts, T. G. (teller)	Zollo, C.

PAIR(S)

Schaefer, C. V.	Sneath, R. K.

Majority of 7 for the ayes.

Amendment thus carried.

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

Page 9, after line 15—Insert:

(3) Subject to this section, on and after 1 July 2004, the shopkeeper of a shop situated in the greater Adelaide shopping district may open the shop at any time on any day.

This amendment is consistent with the policy that we have adopted of total liberalisation of the hours on and after 1 July 2004. This provision will provide that, after that date, a shopkeeper situated in the greater Adelaide shopping district,

that is, in the central city, the suburbs and the Glenelg tourist precinct, may open at any time on any day. So, this amendment seeks the total deregulation of hours, subject to the public holidays that are mentioned elsewhere, namely, Christmas Day, Good Friday and Easter Sunday, which will be preserved. So, the committee should be in no doubt that to support this amendment is to support virtually deregulated trading hours.

In support of the amendment I point out that more than 90 per cent of the shops in our state already are able to open at any time on any day, so this amendment will really not affect by any means the majority of shops. Clearly, however, at the moment and even under the government's proposed bill, those shops over 400 square metres, the larger shops, will not be able to open at certain hours. We think it is illogical. If they are permitted to open from one minute past midnight until 9 o'clock every night, why should they not be permitted to open for the remaining three hours of that day? We also think it is anomalous these days to have governments dictating to shopkeepers when they should close their shops.

Given that, on most days of the year, by far the majority of shops in the greater Adelaide shopping district are able to open 24 hours a day and some can open for only 21 hours a day, we think it is anomalous to keep them closed for that time if the shopkeeper wants to open, and that means if the shopkeeper has customers who want to shop at that time. This is a sensible measure that ought to be supported.

The Hon. IAN GILFILLAN: The Democrats oppose this amendment. It is the open slather syndrome, which the opposition has been panicked into by this fable that we are going to suffer as a state—or I assume it is, because I can see no other reason why it should have taken it on—from a reduction in the National Competition Council payments. As I said before, and I do not intend to repeat my second reading contribution or I would be rightly brought to order, the figure proposed is between $15 million and $20 million, not the $57 million, and there has been no costing attempted by either Labor or Liberal to say how much will be the net loss to the state through the number of small businesses that are lost and the profit that haemorrhages interstate through the mega organisations that will be soaking up the smaller businesses.

So, to have open slather is really like breaking the neck of small business in South Australia and, although we do not have any affection for what the government is proposing, at least it is a slower form of strangulation. In that process, maybe some repair mechanisms can be put in place. So, although I will speak at a little more length to the third reading, I make it plain that that is the reason why the Democrats now part company with the opposition and its amendments and indicate support for the government's proposal.

The Hon. A.L. EVANS: I will oppose both matters at the third reading stage, and I oppose this amendment as well.

The Hon. T.G. CAMERON: I do not support total deregulation of shopping hours in view of the fact that this bill will introduce an entirely new regime for many small businesses and shopkeepers and I am reluctant at this stage to usher in a regime of 24-hour trading in the metropolitan area. The Hon. Robert Lawson says that 90-odd per cent of shops can already open on a Sunday or they can trade 24 hours a day, seven days a week. It is interesting to note that many of those shops do not exercise that right. They may well do that if Sunday trading becomes more the norm.

But I see this bill as a transition step, if you like. I am not prepared to jump on board with total deregulation even though I am more than happy to support Sunday trading. I do not even believe that shops will be full on Monday nights until 9 o'clock. I think people are reasonably happy with the night trading that they have. What people want is to be able to go and shop for household items on a Sunday. I do not support this amendment.

The Hon. NICK XENOPHON: I do not support the opposition's amendment. I do not consider it reasonable to have around-the-clock trading, and I wish my position to be recorded.

The Hon. T.G. ROBERTS: The government will not support this amendment either. It is a schizophrenic amendment which makes all previous contributions in relation to partial deregulation look a bit sick, because it involves a rapid move towards full deregulation. We have given a commitment to bite-sized changes to shopping hours to be brought in in an orderly fashion. I think the opposition's amendment goes far beyond what would be regarded as fair and reasonable from the discussions that we have had.

The Hon. R.I. LUCAS: Why did the government support Coles supermarkets trading from midnight until 9 p.m. (21 hours) but will not support their doing that from 9 o'clock until 12 o'clock?

The Hon. T.G. ROBERTS: It also provides for 24-hour Sunday trading, which is something that we are not moving towards. We have already given a commitment to allow the city to breathe, and this amendment goes too far.

The Hon. R.I. LUCAS: My question was not about Sunday trading; my question was: why does the government support large Coles supermarkets being able to open at midnight and trade all the morning, all the afternoon and for half the evening until 9 p.m. and then argue that Coles supermarkets should close down between 9 p.m. and midnight and then they can open up again?

The Hon. T.G. ROBERTS: If the honourable member notes what happens now, that is almost the current situation in most places. The ability for supermarkets to open already exists. That is not the issue that is being debated. The issue that is being debated is the extension of shopping hours to include a wide range of shops which at the moment do not open.

The Hon. R.D. LAWSON: The minister has indicated that of course the vast majority of shops do not open for most of the hours during which they are able to open. For example, very few shops trade between midnight and 9 a.m. every day of the year, which they are entitled to do. The fact that they do not exercise that freedom is purely a function of their own business decisions and what their customers require.

Regarding the Hon. Ian Gilfillan's suggestion that the opposition is moving this amendment because of fear about national competition payments, our argument in relation to national competition payments is that the threat of the loss of those payments makes it imperative that this parliament address competition issues in the shop trading hours area. This opportunity having been presented to us, we should seize it to alter the arrangements and give the maximum freedom for businesses to operate and consumers to shop.

The Hon. J.F. STEFANI: This figment of the imagination of the government (both this government and the former government) about competition payments is lost on me. We have seen governments lose millions of dollars in various exercises. I need not remind the house that the Labor government lost billions with their little follies, and there

were similar instances with the Liberal government where there were some rather foolish investments that have produced rather meagre returns to the state.

Having said that, I simply say that if we are talking about the loss of competition payments and say that in money terms they equate to $57 per person per year, then we have some form of parity for comparison. Is it worth saving thousands of small businesses and jobs for the loss of $57 per person per year?

The Hon. Ian Gilfillan: It wouldn't even be that. Graeme Samuel estimated $15 million to $20 million.

The Hon. J.F. STEFANI: So it's even less.

The ACTING CHAIRMAN (Hon. J.S.L. Dawkins): Order! This is not a conversation.

The Hon. J.F. STEFANI: As has been correctly identified by my colleague the Hon. Ian Gilfillan, it may even be less; it may even be as little as $15 million. So, we are talking about a very small sum of money lost for the saving of thousands of businesses, bankruptcies and broken homes and the social consequences that are related to parents having to stay in a shop waiting for one customer to come by while their kids roam the streets and get into all sorts of mischief.

We need to put this whole debate into some sort of context. I say that there is no amount of money worth the way that we are structuring this legislation, which would have enormous social consequences with enormous costs to the government in terms of social welfare and services, jails, courts, and you name it. I fail to buy the story about lost competition payments.

The committee divided on the amendment:

AYES (6)

Dawkins, J. S. L.	Lawson, R. D. (teller)
Lucas, R. I.	Redford, A. J.
Ridgway, D. W.	Stephens, T. J.

NOES (12)

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

PAIR(S)

Schaefer, C. V.	Gago, G. E.

Majority of 6 for the noes.

Amendment thus negatived.

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

Page 9, lines 21 to 29—Leave out subclauses (3), (4), (5), (6) and (7) and insert:

(3) Section 13(5a), (5b), (5c) and (5d)—delete subsections (5a), (5b), (5c) and (5d) and substitute:

(5a) Subject to this section, the shopkeeper of a shop situated in a shopping district the business of which is solely or predominantly—

(a) the retail sale of boats; or

(b) the retail sale of motor vehicles (other than caravans or trailers),

may open the shop during the relevant periods determined under subsection (5b).

(5b) The periods that apply under subsection (5a) in respect of the opening of a shop will be periods determined on a 5-yearly basis in accordance with the following scheme:

(a) until 30 June 2008, the periods that apply in respect of both categories of business referred to in subsection (5a) will be as follows:

(i) until 6.00 p.m. on a Monday, Tuesday and Wednesday; and

(ii) until 9.00 p.m. on a Thursday and Friday; and

(iii) until 5.00 p.m. on a Saturday;

(b) for each ensuing period of 5 years, in respect of the 2 categories of business referred to in subsection (5a) (which must be dealt with separately), an industry association or other body approved or specified by the minister by notice in the *Gazette* at least 3 months before the commencement of the ensuing period must, in a manner approved or specified by the Minister, conduct a ballot of person s whose businesses fall into the relevant category to determine whether the shop trading hours that apply under this Act in respect of their category of business should be altered and, if so, what should be the new hours, and if the majority of persons who validly cast a vote in the ballot indicate agreement to change to a new set of shop trading hours for their category of business, then those new hours will determine the periods that are to apply for the ensuing 5-year period but otherwise the periods will remain unchanged for the ensuing 5-year period.

(5c) For the purposes of subsection (5b)(b)—

(a) the same association or body may conduct both ballots (but the ballots must be conducted separately); and

(b) the Minister may, by notice in the *Gazette*, report the result of any ballot; and

(c) the Minister may, by notice in the *Gazette*, make any necessary or ancillary provision in connection with a ballot.

(5d) Nothing in subsection (1), (2) or (3) entitles the shopkeeper of a shop referred to in subsection (5a) that is situated in the Greater Adelaide Shopping District to open the shop for any additional hours under those subsections, or on a Sunday.

This amendment, which covers two lines more than a page, contains special provisions relating to shops selling boats and vehicles. The committee will be aware that, under the Existing Shop Trading Hours Act, Sunday trading for shops selling motor vehicles, boats and associated equipment is not permitted. The government's bill does not alter that situation. However, what the opposition proposes for the retail sale of boats and motor vehicles is that there will be an opportunity over future years for the those two separate industries to determine what trading hours should ensue for the following five years. The difference between the government approach and the approach that the opposition proposes in this amendment is that, under the government legislation, it will be up to the parliament to determine at some time in the future whether trading hours in relation to these commodities are changed. We believe it is more appropriate to leave that issue to the two categories of businesses.

The mechanism that is proposed is that, until 30 June 2008, the existing arrangement will continue, namely, until 6 p.m. on Monday, Tuesday and Wednesday evenings right across the regulated area; until 9 p.m. on Thursday and Friday, and until 5 p.m. on Saturday. For each ensuing period of five years there will be a ballot, which will be conducted at least three months before the commencement of the five year period.

The Hon. T.G. Roberts: What happens on leap years?

The Hon. R.D. LAWSON: The same as on every other year. The ballot will be of persons whose businesses fall in both of the two categories. If the majority of persons who validly cast a vote in the ballot indicate agreement to change to a new set of shop trading hours for that category of business, then those new hours will be adopted for that period of five years; otherwise, the trading periods will remain the same for that period. It is envisaged that one association could conduct both ballots, or there might be separate associations; it is for the minister to determine which association appropriately represents those interests. The minister is required to give notice in the *Gazette* of the result of the ballot, and the section provides in proposed clause 5(d)

that a shop situated in the greater metropolitan Adelaide shopping district will not be permitted to open for additional hours or on a Sunday, save in the specified circumstances.

The Hon. T.G. Cameron interjecting:

The Hon. R.D. LAWSON: I am greatly flattered that people would have thought that I was the author of this amendment, but in all humility I cannot claim credit for that. There is an important principle, and it is this: that these industries ought be able to determine their own trading hours, rather than the government's proposal, which is that this parliament will continue to sit over these industries.

The Hon. T.G. ROBERTS: I am not sure what it is, but we are opposing it.

The Hon. IAN GILFILLAN: I can only say ditto.

The Hon. T.G. CAMERON: Not to be outdone by the Hon. Ian Gilfillan, I must confess that I am falling into the same category.

The Hon. R.I. LUCAS: What is the advice to the government from the National Competition Council about the government's position in relation to trading hours for these industry sectors?

The Hon. T.G. ROBERTS: My understanding is that, in relation to these industry sectors, if they want to come back to the government for any changes to what they see as a quite satisfactory situation, then parliament should consider their request, but at the moment the sectors covered by the amendment are satisfied with their circumstances. There are no complaints from sections—

The Hon. R.I. Lucas: That is not my question, though.

The Hon. T.G. ROBERTS: I cannot answer on behalf of Mr Samuel. Mr Samuel may not be in the seat he is in now; he may be in another seat. I cannot answer that question, but the government is prepared to stand by its legislation in relation to any assessment that will be made by the National Competition Council.

The Hon. R.I. LUCAS: My question was not about Mr Samuel; it was about the National Competition Council and whoever represents the National Competition Council. The minister has had discussions with the National Competition Council. Has the National Competition Council advised the government and the minister of concerns about these provisions in the legislation and raised any issue in relation to potential financial penalty?

The Hon. T.G. ROBERTS: The issue is basically as I described. The industry is on a fair competitive footing; no-one has an unfair advantage. The government's bill was drafted after consultation with Mr Samuel. I do not think that the sections of industry to which I am referring have raised any beef about unfair competition, and we stand by the bill we have drafted.

The Hon. R.I. LUCAS: This is the third time I will ask the question. If the minister will not answer, then so be it. Has the National Competition Council given the minister or the government any advice that there are concerns about the trading hour arrangements that the government is intending for these industry sectors in the legislation?

The Hon. T.G. ROBERTS: The short answer is no; he is arguing for fair competition. There is no unfair competition when you have agreement amongst the industry about shopping hours.

The Hon. R.D. LAWSON: Notwithstanding the fact that the members of the committee have expressed opposition to this clause, I should tell the committee that this matter was the subject of discussions between the opposition and Mr Samuel, and I understand that he is generally happy with this provision, on the ground that it treats all industry players equally. I might also indicate, as the shadow minister in another place indicated, that the Motor Traders Association was relaxed about this provision. However, in fairness to the association, I would have to say that it was not concerned about the government position, either. The MTA did not take a particular position one way or the other on this measure.

Amendment negatived.

The Hon. R.D. LAWSON: I thank the committee for its indulgence. Because of amendments that have been passed, I have to move some of the amendments now standing in my name in a slightly different manner. Accordingly, I move:

Page 10, after line 1 insert:

(5g) On and after 1 July 2004, a shop that falls within the ambit of any paragraph under subsection (5e) that is in the greater Adelaide metropolitan shopping district may open the shop at any time on any day, including Anzac Day, but not on Good Friday or Christmas Day.

These are the same words as those contained in the first three lines of my amendment which has been circulated to members. This clause deals with hardware stores. Members ought be aware that already there are special provisions relating to the opening hours of hardware stores. They are entitled to trade on Sundays and on public holidays. The government's bill will not affect that. At present, the government's bill, on page 10, lines 2 and following, in relation to hardware stores, requires them to be closed on 1 January. We do not believe they should be closed on 1 January. The government's bill requires that they be closed on Easter Sunday. These changes are wrought by the very sensible amendments that have been made by the committee.

The government's proposal is that the hardware stores be closed on 1 January, Easter Sunday, Christmas Day and Boxing Day. I crave the indulgence of the committee. Unfortunately, I have misdescribed the effect of the amendment I am moving. Proposed clause (5g) would enable hardware stores to trade 24 hours a day, 365 days a year, excepting Good Friday or Christmas Day. At present, those stores can trade on Sundays from 11 to 5 and the government is not changing those. They can trade on public holidays, once again from 11 to 5, but this amendment seeks to remove restrictions from hardware stores generally. Clearly, the committee has indicated in relation to other stores that it does not support 24-hour trading. However, I should say this in support of 24-hour trading for hardware stores: those stores already open extended hours. If there be a demand for hardware stores, for home handymen like the Hon. Terry Cameron, who want to buy some nails at 11 o'clock at night, the stores ought to be able to cater for that consumer demand.

The Hon. IAN GILFILLAN: In response to your beseeching someone else to contribute to the enlightening debate, I indicate that the Democrats oppose this amendment. It is the constant move towards open slather that the opposition is now hell-bent on introducing.

The Hon. T.G. ROBERTS: The government opposes the amendment, too—if only to stop people hammering nails into walls at 2 o'clock in the morning.

The Hon. T.G. CAMERON: I have a simple question, because this has been a tortuous amendment with which we have had to deal. Will the government's proposal reduce the number of days that hardware stores can open?

The Hon. T.G. ROBERTS: Our bill will make it possible for hardware stores to open 363 days a year, nine to five on a Sunday. Then they have the extended hours, if they choose to open.

The Hon. A.L. EVANS: I oppose the amendment.

Amendment negatived.

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

Page 10, after line 8—insert:

(7a) From 1 July 2004, shops in the greater Adelaide shopping district may be open—

(a) after 1 p.m. on Anzac Day in any year;and

(b) at any time on any other public holiday, other than Good Friday, Easter Sunday or Christmas Day in any year.

This amendment seeks to permit trading on public holidays, other than Good Friday, Easter Sunday and Christmas Day, and after 1 p.m. on Anzac Day in any year. At present, shops, apart from exempt shops and hardware stores, and others that have special dispensation, are not permitted to open on a public holiday. What we seek to do is to permit them to open on public holidays, other than Good Friday, Easter Sunday and Christmas Day or before 1 p.m. on Anzac Day.

The Hon. IAN GILFILLAN: I oppose the amendment.

The Hon. A.L. EVANS: I oppose the amendment.

The Hon. T.G. CAMERON: I oppose the amendment.

Amendment negatived.

[Sitting suspended from 9.30 to 9.55 p.m.]

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

Page 10, lines 9 to 11—leave out subsection 8

This subsection provides that, for the purpose of this section, a reference to South Australian summer time is a reference to the prescribed period within the meaning of the Daylight Saving Act. As a result of an amendment that was carried earlier by the committee, there is no longer any reference in the bill to South Australian summer time and therefore this subsection is unnecessary and I seek to have it removed.

The Hon. T.G. ROBERTS: It is a consequential loss.

The Hon. T.G. Cameron: Have we got that in writing?

The Hon. R.D. LAWSON: Unfortunately it has not been circulated. I have a handwritten copy from parliamentary counsel. It is a consequential amendment.

Amendment carried.

The Hon. IAN GILFILLAN: On my desk is an amendment in the name of Robert Lawson to clause 11, page 9. It may have come to me only belatedly. It provides:

Page 9, after line 15—Insert:

and

(iii) from 1 July 2004—on any Sunday.

The CHAIRMAN: That will be considered on recommittal in line with an agreement made earlier with the Hon. Angus Redford.

The Hon. IAN GILFILLAN: If that is the case, it is the first I have heard of it.

The CHAIRMAN: I understand that there is some agreement that it will be recommitted.

The Hon. R.D. LAWSON: The Hon. Mr Redford moved an amendment but did not proceed with it on the basis that if certain amendments had been carried he would seek to have his amendment recommitted. At the same time I seek to have the amendment to which the honourable member referred considered. It is a consequential amendment.

Clause as amended passed.

Clause 12.

The Hon. R.D. LAWSON: My question is directed to the minister and it relates to proposed subsection (3):

A person who is employed to work in a shop in any shopping district is entitled to refuse to work on Sundays unless he or she has agreed with the shopkeeper to work on a particular Sunday.

It was claimed by the shadow minister in another place, and I believe correctly, that this is a retrospective change and the shadow minister asked the minister in another place whether this issue would be reconsidered between the houses. I seek a response to the question from the minister whether any rethinking has taken place.

The Hon. T.G. ROBERTS: I am informed that the drafting is sound and that it achieves its intent. Have you any other information? Is it a clause you are opposed to?

The Hon. R.D. LAWSON: I raised the matter because it was left hanging in the committee in another place and I thought it appropriate to give the government an opportunity to respond to the shadow minister's comments about the retrospectivity of this amendment. It would appear to cut across industrial arrangements whereby, for example, someone who has been employed to work on Sundays in a business and is employed on that basis, as is allowed in certain enterprise agreements for people who were employed after Sunday trading commenced, can now refuse to work on a particular Sunday.

The Hon. T.G. ROBERTS: We are reforming the voluntary nature of Sunday work but the drafting is as the government intended, and we are told that the drafting achieves the aim that the government intended. The other thing is, nobody has raised an objection to the intention of the policy or the drafting.

Clause passed.

Clauses 13 to 16 passed.

Clause 17.

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

Page 11, line 25—Leave out '14 days' and insert:

28 days.

New section 17A will empower the minister to issue prohibition notices in circumstances where he or she has reason to believe that there is a contravention of the act. Subclause (4) of this proposed clause provides:

A person to whom a [prohibition] notice is directed may, within 14 days after service of the notice, appeal to the. . . District Court against the issuing of the notice.

My amendment seeks to change the period within which such an application is to be made to the court from 14 to 28 days. We believe it is unrealistic to require in all circumstances a person to make such an application to the court within such a short period of time. No doubt, in most cases applications will be made and made promptly to the court. However, it is reasonable to expect that, if a prohibition notice is issued, there will be discussions with the business against which the notice is issued.

Those discussions may continue over a number of days: there may be negotiations in an effort to reach a compromise; and those matters may well continue for 10 days or so, in which case, if a person is ultimately not satisfied with the result of the negotiations, they might have an opportunity to apply to the court. We believe that, where an opportunity to apply to the court is given by statute, it ought not to be unnecessarily constrained by very tight time limits and, in our view, 14 days is too short a time.

The Hon. T.G. CAMERON: I indicate my support for the amendment. I accept the arguments that have been put forward by the Hon. Robert Lawson on this. Further, when one looks at the penalties that can apply here, with a maximum penalty of $100 000 plus $20 000 for each day on which the offence is committed, extending the notice within which you can lodge an appeal from 14 days to 28 days to me is a

commonsense amendment. I cannot see that 14 days is enough.

The Hon. T.G. ROBERTS: The government's position is still 14 days. An application can be made to the Industrial Court for an extension. We will be sticking to the position we have developed in the bill.

The Hon. IAN GILFILLAN: I indicate Democrat opposition to the amendment. The bill requires the minister not only to indicate that he or she believes that the provision of the act has been contravened and that it is likely that the contravention will be repeated but also to state the grounds of the minister's opinion. The offender will have adequate information to respond to. The requirement, as I understand it, is to lodge notification of a wish to appeal. It does not need to be the fully briefed argument presented within the 14 days, and I think that is quite reasonable.

Amendment carried; clause as amended passed.

Remaining clauses (18 and 19) passed.

Schedule.

The Hon. R.D. LAWSON: By arrangement with the Hon. Nick Xenophon, I move:

Schedule, page 13, after line 25—Insert:

Review of awards

3a. (1) The purpose of this clause is to make provision for the review of awards in the retail industry by the Full Commission of the Industrial Relations Commission of South Australia (the "Commission") on account of the special circumstances that arise by virtue of the enactment of this Act.

(2) Nothing in this clause is intended—

(a) to derogate from the independence of the Commission; or

(b) to limit the powers of the Commission with respect to any matter; or

(c) to limit the ability of any person or body to initiate or participate in proceedings before the Commission, to make submissions to the Commission, or to exercise any other right under the *Industrial and Employee Relations Act 1994*.

(3) Subject to this clause, a party to a retail industry award may apply to the Commission for a review of the award.

(4) An application under subclause (3) must be made within 2 months after the commencement of this Act.

(5) If due application is made under this clause, the Full Commission must, subject to this clause, review the award under Chapter 3 Part 3 Division 2 of the *Industrial and Employee Relations Act 1994*.

(6) A review of an award initiated under this clause—

(a) must include a review of, and incorporate fresh determinations in relation to—

(i) the appropriate spread of hours for *ordinary time work* over the period of a week, and over any other appropriate period (if relevant) under the award; and

(ii) the rates of remuneration (including as to any penalties or loadings) payable under the award to employees who work in a shop; and

(b) may relate to any other matter that, in the opinion of the Commission, is relevant on account of the operation of this Act; and

(c) must be completed by 31 May 2004 and take effect on 1 July 2004.

(7) In undertaking a review under this clause, the Commission should—

(a) take into account the objects of the *Industrial and Employee Relations Act 1994*, with particular reference to section 3*(b)*, *(c)* and *(n)* of that Act; and

(b) have regard to the desirability of maximising employment and economic efficiency within the retail industry in the State, including by—

(i) encouraging higher levels of employment in the retail industry; and

(ii) ensuring that labour costs are economically sustainable for businesses in the retail industry; and

(iii) providing a fair rate of remuneration for employees who work in the retail industry; and

(iv) enabling businesses in the retail industry to trade without the imposition of excessive costs for doing so; and

(v) promoting efficiency and productivity in the retail industry; and

(c) give consideration to the nature of the labour market that works, or is likely to work, in the retail industry (including, but not limited to, work on Sundays); and

(d) give consideration to the circumstances of the various kinds of businesses in the retail industry that may be open on Sundays, including the circumstances of small and medium sized businesses operated by the proprietors of the businesses or by members of their families; and

(e) give consideration to the ordinary time penalty rates that apply in the other States, and in the Territories, for similar trading arrangements; and

(f) give consideration to the desirability of including in the award a variety of options and flexible arrangements to assist in making Sunday trading worthwhile and viable; and

(g) give consideration to any additional transitional arrangements that are appropriate in view of the operation of this Act,

and the Commission may consider such other matters as the Commission thinks fit.

(8) Without limiting subclause (7), in undertaking a review under this clause, the Commission should use its best endeavours to ensure that it does not impose a cost structure within the retail industry—

(a) that is economically unsustainable within the industry, or a significant part of it, especially taking into account the position of small and medium sized businesses; or

(b) that has the effect of imposing unfair costs on small or medium sized businesses operated by proprietors who wish to trade on Sundays (especially those businesses where employees may be required to work on Sundays); or

(c) that reduces the capacity of the proprietors of businesses, and in particular small and medium sized businesses, from employing staff to the maximum possible extent on Sundays; or

(d) that has the effect of requiring the proprietors of small or medium sized businesses to work on Sundays themselves rather than employing staff on that day; or

(e) that unduly diminishes the competitiveness of small or medium sized businesses that open on Sundays; or

(f) that is higher for small or medium sized businesses than the cost structure that applies to larger sized businesses; or

(g) that is likely to impact adversely on the price of goods or services purchased by customers within the retail industry.

(9) As part of a review, the Commission is to give the parties to the award a reasonable opportunity to make submissions, and take those submissions into consideration, and may (as the Commission thinks fit) allow any other person with a relevant interest to appear and make submissions.

(10) In this clause—

"retail industry award" means an award under the *Industrial and Employee Relations Act 1994* that provides for the remuneration of persons employed in a shop;

"shop" means a shop within the meaning of the *Shop Trading Hours Act 1977*.

This amendment seeks to incorporate what we regard as fundamentally important provisions relating to industrial relations. The purpose of this amendment is to empower the Industrial Relations Commission to appropriately address the many industrial issues that will arise in the new retail trading environment. A similar amendment was moved in another place by the shadow minister. However, between the houses, discussions have taken place with the Hon. Nick Xenophon, and the Liberal opposition is happy to support the suggestions made by him to modify, in a small but significant way, this

proposal. For the benefit of the committee, I might briefly outline what is proposed.

First, the amendment requires that an application be made to the Industrial Commission within two months after the commencement of this act. The purpose of that application is to review retail industry awards. The application can of course be made by any industrial party, namely, by any association of employers or by any of the unions involved. The opening subclauses were inserted at the request of the Hon. Nick Xenophon, and they emphasise the fact that, contrary to the suggestion that the opposition was making in another place, the Industrial Relations Commission should not be instructed to undertake a review of the award; rather, the industrial parties were empowered to apply to the commission.

The reason why this proposal appealed to the Hon. Nick Xenophon was that it maintained the traditional separation of powers between the parliament and the commission, notwithstanding, as the Hon. Iain Evans indicated in another place, that in New South Wales the parliament had interfered directly in an industrial award.

The Hon. R.I. Lucas: Under a Labor government?

The Hon. R.D. LAWSON: Indeed, under the Wran Labor government in New South Wales. However, let us not be sidetracked. On this occasion we are happy to adopt the suggestion that the matter be left to the retail industry award parties to initiate the review. In subclause (2) it is made clear that it is not the intention of this amendment to derogate from the independence of the commission or limit its powers in any way, or limit the ability of any person or body to participate in proceedings before the commission. I might say that it was never the intention of the opposition in any way to derogate from the independence of the commission.

The application is to be made within two months after the commencement of the act. If such an application is made, the clause sets out in subclauses (6) and (7) matters to which the commission must have regard. For example, important matters such as the appropriate spread of hours for ordinary time work over a period of a week and over any other appropriate period under the award. It must also include a review of the rates of remuneration, and it may relate to any matter that in the opinion of the commission is relevant. However, importantly, it must be completed by 31 May and take effect on 1 July 2004, that being the date upon which the new deregulated hours will commence, in accordance with the decisions taken earlier this evening by this committee.

The full commission comprising at least three members must undertake this review. The requirement of the full commission is, of course, to emphasise the importance of this particular matter. Under subclause (7) the commission is required to examine certain matters. In another place, the expression used was that the commission 'must' take into account certain things. That language has been modified and it now reads that the commission 'is to' take into account those things. I think this indicates some of the sensitivities of the Hon. Nick Xenophon to ensure that the parliament is not being seen to be disrespectful to the commission.

Members will note the very wide-ranging issues that are to be addressed by the commission. Subclause (8) provides that in undertaking the review the commission is to use its best endeavours to ensure that it does not impose a cost structure within the retail industry that: is economically unsustainable; has the effect of imposing unfair costs on small to medium-sized businesses; reduces the capacity of small business to employ staff to the maximum possible extent; or unduly diminishes the competitiveness of small to medium-sized businesses, and nor should it impose measures that are likely to impact adversely on the price of goods or services purchased by customers in the retail industry.

The opposition believes, as do many people in the community (especially small to medium-sized businesses which made representations to us), that addressing the industrial issues is critical to the alteration of trading hours. In the past, there have been piecemeal alterations to trading hours almost on a year-by-year basis, but on no occasion has there been a requirement of the parliament that the industrial relations issues be addressed. As we are now going into a very much more liberalised regime—although not as liberalised as the opposition would have preferred, it is certainly a marked change from what has occurred in the past—it is appropriate that on this one occasion this parliament indicates support for small business by allowing a review to take place of the industrial relations conditions. I urge support for the amendment.

The Hon. IAN GILFILLAN: I refer the Hon. Robert Lawson to his second reading contribution, in which he states:

> We have publicly announced our support for further deregulation of retail shop trading hours. However, we think it is lamentable that the opportunity which is now presented has not been seized by the government, which is introducing via this bill a number of anomalies and preserving other anomalies which have long been in the act and which ought to be addressed in a measure of this kind. In particular, we believe that the industrial relations issues are of vital importance to the community, shop workers and business, particularly small business.
>
> The government measure fails entirely to address those important industrial areas. Accordingly, I foreshadow that, in committee, I will introduce amendments to ensure that the Industrial Relations Commission is empowered to address those important industrial issues and that the legislation sets out a clear set of criteria under which the Industrial Relations Commission should deal with those important issues. We take the view that, unless there is a guarantee that those issues will be dealt with, we should not move ahead with the proposed deregulation.

I ask the Hon. Mr Lawson: is that not a clear indication that, if the industrial relations amendments are not passed, the opposition will vote against the bill?

The Hon. R.D. LAWSON: This bill comprises a package of amendments, some of which have been supported, some of which have not been supported. When the committee stage concludes and we reach the third reading, obviously the opposition will look at the total package that has been arrived at. I do not propose to indicate at this stage what our response to the measure will be. We have clearly indicated that we are in favour of amendments to shop trading hours, but we have to consider the total package that is agreed upon at the end of the committee stage.

The Hon. IAN GILFILLAN: There are members of this council who are vehemently opposed to either the government's or the opposition's intention to deregulate shop trading hours. If there were a procedure which would oblige the opposition through its conscience to vote against the legislation, that would be to the advantage of a lot of people in South Australia who are very concerned about the deregulation of shop trading hours. So, this is important, because this matter in itself has some value—and I have indicated that the Democrats do have sympathy with it—but we have far more sympathy with having no further deregulation of shop trading hours. The honourable member (in his position as leader of the opposition in respect of this matter) stated:

We take the view that, unless there is a guarantee that those issues should be dealt with, we should not move ahead with the proposed deregulation.

I understand that to mean that, if those of us who are concerned vote with the government and defeat any amendment to use the Industrial Relations Commission (either to comply with the Xenophon amendments or Mr Lawson's), the opposition has indicated as clearly as I can read English that they will vote against the bill.

The Hon. T.G. ROBERTS: My understanding accords with the honourable member's interpretation, but I would not like to hold the shadow minister in charge of the passage of this bill to statements which were made—way back when?

The Hon. Ian Gilfillan: On 29 May this year.

The Hon. T.G. ROBERTS: Way back on 29 May. Well, things have moved on considerably since then, and I am sure that the honourable member has turned his mind to more constructive matters in order to reach an agreement on deregulation. I understand the dilemma that the honourable member has in trying to tie his horse and cart to the opposition's position, given that the Democrats have been consistent all the way through on this. They have consistently said that they will not support any further deregulation of hours, but I hope that, if the numbers are there for deregulation to continue, they will respect that, because the protections for workers in the industry are built into the bill.

However, I do understand the shadow minister's dilemma in that statements were made by some spokespersons on the other side in relation to shopping hours that went from full deregulation to maintaining the status quo to partial deregulation. We have worked our way through to a point where we are trying to get some agreement on partial deregulation for the protection of those workers in the industry with their rates to be the equivalent of those that have already been worked out through EBAs.

I think in describing the situation we find ourselves in now in dealing with the amendment is that, with the commission's determination, there may be an outcome that none of us are satisfied with; it may come away with an increase in pay rates that puts all the pay rates out of kilter with those already established through the EBAs. We could come away with a pay cut that does not mirror the pay rates that are already applicable in other parts of the industry. It is our view that there should not be any pressure put on—

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: Anything is possible when you go into the commission, as you well, know, Mr Cameron. If you go in with a pre-conceived idea about outcomes, unless you are striking the deals yourself behind closed doors, you go in blind and come out sometimes gratified, sometimes disappointed and sometimes half way between both. Our position is that we oppose the amendment. We understand the situation that the honourable member found himself in at the time that he made the declaration in this chamber. I think the circumstances have changed considerably in relation to the consensus we are trying to describe. I think ownership is the question at the moment; who will take ownership and get the accolades for whatever is put together in the packages we have been debating tonight? Therein lies the challenge for the opposition.

One thing is for certain: on this side of the committee we do not want deregulation of shopping hours to be worked out on the backs of those who are least able to defend themselves, that is, the workers within the industry, and find that they are the only ones to pay the price for deregulating shopping hours for the convenience of consumers and for increased market share for some sections of the wholesale retail industry. So, I think there is a collective view that has been determined or is moving towards being determined in the lead-up to this bill finally getting into this council amongst a wide range of players. Unfortunately, the way in which this amendment is framed throws all that uncertainty the honourable member has indicated about intentions into the ring, and that would make certain people in this chamber very nervous about how to proceed.

I make the declaration again: we oppose the amendment. We oppose any leading legislative position that might influence outcomes within the commission. The commission can determine its own business at its own rate. The industry and the unions can determine their own position.

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: Well, the evidence we took suggested that, if templates could be drawn up and the employer organisations and unions were able to work through the system collectively, we really would not need the direction of the commission to determine the outcomes. So, we believe that any leaning towards any indicated position from this council would not be a directive but it would certainly be a strong indication of what the business of the commission would be, given that it is an independent body. Each organisational body has an option to take their case to the commission if it so chooses. That has always been the democratic option within our industrial relations system. I suspect that, if what I am reading in the paper is accurate, the commissioner will be very busy over the next six to 12 months with a whole range of other business, and I have not heard anybody saying this should be a priority. What happens if there is a bank-up—

The Hon. T.G. Cameron: It has to be a priority.

The Hon. T.G. ROBERTS: It has to be a priority.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: And you are saying that is not a direction? I am saying it is.

The Hon. T.G. Cameron: It has to be a priority. It has to be done; it's written in the bill.

The Hon. T.G. ROBERTS: That is right. The honourable member says it has to be done; it is written in the bill. That is the point I am making: it takes away the independence of the commission.

The Hon. Diana Laidlaw: We're not telling them how to determine the outcome, just to do the work.

The Hon. T.G. ROBERTS: The honourable member can make her contribution, but that is the government's position and we will be sticking to it.

The Hon. R.D. LAWSON: I emphasise that the Hon. Nick Xenophon worked hard on this amendment to reach a sensible conclusion. He recognises the importance to small business of addressing these industrial issues, and it is a great pity that circumstances prevent him from being here this evening to have the conduct of this amendment to which he is very strongly committed. He spent time discussing this important issue with a number of—

An honourable member: Two days!

The Hon. R.D. LAWSON: For two days we have been delayed while the Hon. Nick Xenophon has been formulating this amendment. The government actually put off the debate and, as my Leader the Hon. Rob Lucas said, we were ready to proceed with this earlier this week, but the Hon. Nick Xenophon, who, unlike the Democrats apparently, is committed to the support of small business, has come up with

a very sensible solution. The minister was saying a moment ago that this amendment actually directs the commission and in some way compromises the independence of the commission. The Hon. Nick Xenophon had that view about the opposition amendments in another place, so he very carefully crafted an amendment which ensured that we were not derogating from the independence of the commission and did not seek to direct the commission in any way. That is why—

The Hon. T.G. Cameron: Rubbish!

The Hon. R.D. LAWSON: That is why we have accepted his amendments. The Hon. Mr Cameron interjects, 'Rubbish!' With great respect to him, I think a close review of the—

The Hon. T.G. Cameron: You must be blind Freddy if you don't think this will send a directive to the commission. I spent nine years there; I know how they'll read this.

The Hon. R.D. LAWSON: With great respect, they are required to take into account certain matters; they are not directed to take them into account, and I do not think we should believe that the full commission of the Industrial Relations Commission of this state will be dictated one way or the other in relation to the resolution of an important matter in this case. I emphasise that those matters to have regard to include the appropriateness of providing a fair rate of remuneration for employees who work in the retail industry.

The Hon. IAN GILFILLAN: I was quite amiably disposed toward this debate until the Hon. Mr Lawson accused the Democrats of not caring about small business. I would put our case that in this instance we palpably care an awful lot more for small business in South Australia than does the opposition, which is going for open slather, 24-hour shop trading hours. However, in the process of looking towards sensible progress, I would ask the Hon. Mr Lawson just to review the statement, because I want to take him at face value. The Hon. Terry Cameron apparently missed this. I repeat what Mr Lawson said, as follows:

> We take the view that, unless there is a guarantee that those issues will be dealt with, we should not move ahead with the proposed deregulation.

Does the opposition stand rock solid on that statement or—and I will not hold it against him if he says it has reconsidered it—does the opposition believe that the reform is so valuable that it would still accept some measure of deregulation without this process of referring it to the Industrial Relations Commission? Will you give us a statement relating to that?

The Hon. R.D. LAWSON: I will not repeat what I said earlier—

The Hon. R.I. Lucas: That would be tedious repetition.

The Hon. R.D. LAWSON: I am certainly not going to engage in tedious repetition, but I do emphasise that, when this package is reviewed and the package that comes out of the committee process is not the same as the bill introduced by the government, we in the opposition will not have succeeded in convincing the committee that it would be appropriate to totally deregulate hours. The committee had a firm opinion against that. What we now have is a hybrid situation. I emphasise that this is a window of opportunity, a window which will rarely present itself to this parliament, to ensure that the industrial relations issues are addressed. If this amendment is not supported, the parliament will have lost that one opportunity to get the commission to address issues which in other jurisdictions have been addressed.

The Hon. IAN GILFILLAN: I will take the risk of interpreting what I have just heard to mean that, were the opposition not successful in getting the industrial relations amendment through, they would still support a form of deregulation. It is my interpretation that they are locked into that. They can contradict it—I would be happy to be contradicted—but my interpretation of what I have just heard is that it is a manoeuvre around the bald statement that, without this, down with the bill. I think we now have a position where the opposition has clearly stated to me that at least, whether or not the industrial relations amendment gets up, at the end of the day, they will support some form of deregulated shop trading hours. On that basis, there is little point in the Democrats, who hold the cause of small business very highly, working towards trying to prevent deregulation because we cannot do that. In spite of the statement made in the second reading contribution, the opposition will not hold to that. They will come to the point where we will have deregulated shop trading hours.

We believe that the Xenophon amendment is worthy of support. In fact, were it at risk, we would have supported the Lawson amendment, because we do think it important that these matters be considered by an independent association. I had advice from the two associations representing small businesses and larger businesses. They said:

> All support a review of the current award system and whilst this can be done through regular means, having this review instigated by parliament sends a clear message to the small business sector that the inequality in pay rates with other deregulated markets is an issue that needs to be dealt with.

The Democrats need no further persuasion and there is no point in shillyshallying around. I will not beat the opposition around the head, I just think that they misled this parliament in saying that, if this amendment did not get up, they were going to dump on the bill. I do not believe that to be true and I indicate that the Democrats will support the Xenophon amendment.

The Hon. T.G. CAMERON: I have some questions that I would have preferred to have put to the Hon. Nick Xenophon: I do appreciate that he is not well and he has had to go home. Does that mean that I can put these questions to the Hon. Robert Lawson?

The CHAIRMAN: He has carriage of the amendment.

The Hon. T.G. CAMERON: I have a number of questions.

The Hon. R.I. Lucas: He might not have all the answers.

The Hon. T.G. CAMERON: I do not think anyone has had all the answers in this place, and if they do have the answers, they are not very forthcoming with them at times. Clause 3a(1) provides:

> The purpose of this clause is to make provision for the review of awards in the retail industry.

There are probably some 10 000 to 20 000 people working in the retail industry who are currently working under industrial agreements, or enterprise bargaining agreements I think they might be called. This would exclude all those employees. I mean, I could list them all if members would like—McDonald's, Hungry Jacks, Pizza Hut, Coles, Woolworths and I could go on. These people do not operate under an award; they operate under an enterprise agreement.

It would seem to me that, if you want to do a review and you look at some of the criteria that you have set out, they are in conflict with each other. The very first part of clause 3a provides:

> The purpose of this clause is to make provision for the review of awards.

If members look at page 3 of the amendment it talks about subclause 8(e), which provides:

> that unduly diminishes the competitiveness of small or medium sized businesses that open on Sundays.

Paragraph (f) provides:

> that is higher for small or medium sized businesses than the cost structure—

We are talking about employers in the retail industry of the size of Woolworths, Coles, Foodland and Bi-Lo. This is the bulk of the larger employers. They employ tens of thousands of people, yet my interpretation of clause 3a(1) is that they would all be excluded from the review of the commission with that current wording.

The Hon. R.D. LAWSON: I think that the honourable member is entirely correct. The Hon. Iain Evans in another place mentioned that of the 110 000 people in the industry, 65 000 of whom are employees, about 35 000 are under enterprise bargaining agreements—

The Hon. T.G. Cameron: Why are they being excluded?

The Hon. R.D. LAWSON: They are being excluded because the enterprise agreements, first, can be revised by the industrial parties in the fullness of time. But most enterprise bargains have been struck in a Sunday trading environment.

The Hon. T.G. Cameron interjecting:

The Hon. R.D. LAWSON: The select committee has heard evidence about the fact that the major national players that trade on Sundays have enterprise agreements. Companies such as McDonald's, which was mentioned by the honourable member, clearly trade on Sundays, and of course Coles Myer and most of the major companies do trade on Sundays in one place or another. We are led to believe that the enterprise agreements, which are in existence, are all relatively recent and have all been developed in a context when Sunday trading is a matter that has been considered.

The Hon. T.G. CAMERON: I thank the Hon. Robert Lawson for confirming that out of 110 000 people who are working in the retail industry that, if this particular amendment is passed, you will have the full commission conducting its inquiry into the retail industry excluding 35 000 of the 110 000 people who work in the industry. Subclause (7)(d) provides:

> give consideration to the circumstances of the various kinds of businesses in the retail industry.

With this particular wording, how will the full commission be able to comply with that paragraph—and many other paragraphs that I could go into—without having a look at these agreements as well?

The Hon. Robert Lawson said that all these agreements are relatively new; they have been finalised only recently. That is what I understood him to say. The full bench would be receiving an application under this amendment within two months and one would hope that it would make a determination within two or three months thereafter. We could be looking at a possible four to five month time frame. Many of these enterprise agreements would have fixed rates in them, for example, for Saturdays and Sundays. Is that correct?

The Hon. R.D. Lawson interjecting:

The Hon. T.G. CAMERON: It is correct. I know it is correct, I have had a look at the agreements. What if there were an industrial agreement entered into in good faith by, for example, Woolworths—one of the biggest employers in the state—which had a two-year term and they had entered into that arrangement three months ago? Three months ago they would not have had a clue that this was coming. You could be creating a situation where they were locked into their penalty rate regime until the end of their enterprise agreement, yet the commission is virtually being asked to hand down a new agreement, and when it hands it down, to ensure that the penalty rates on the weekend will be much lower than what they are now. That is basically what it is about.

So, you would be placing at a disadvantage these people operating under the enterprise agreement. If this is going to be an inquiry into the industry, then you will exclude most of the larger employers, because they are already working under enterprise agreements. Yet criteria that have been set out under what I consider to be a poorly drafted amendment says that the Full Bench must take into consideration the larger employers, the larger retailers. There is a conflict here. It looks to me like it has been cobbled together by a bunch of people who do not really know industrial relations. In looks as though it has been thrown together fairly quickly—and we know that is the case because it has appeared only in the last few hours. I first saw this today, and we have to vote on it tonight. It is a three page amendment, with considerable ramifications.

The Hon. R.D. LAWSON: Firstly, this amendment was substantially moved last week in the House of Assembly where it was extensively debated and explained. The Hon. Nick Xenophon has included in the first half page a number of important statements, but the substance of the amendment was moved last week by the Hon. Iain Evans—and I am not being critical of the Hon. Terry Cameron—and it has been on the table. That is the first point. The second point is that it was not thought up by somebody who did not have any understanding of industrial relations issues. It is an amendment that has been discussed with the minister and, as the Hon. Ian Gilfillan said, has been discussed with the industry associations representing retailers. I know from what the Hon. Nick Xenophon has said, it has been discussed between himself and the minister's office. I am sure that it will have been considered by the unions.

On the matter of enterprise bargaining agreements generally, to refer all enterprise agreements to an Industrial Relations Commission would be inconsistent with principle. The whole purpose of an enterprise agreement is for a union representing employees and employers to get together and reach an agreement in relation to their own business and their own affairs without interference from the Industrial Relations Commission. The honourable member mentioned the Woolworths agreement. The Woolworths agreement is, like most of these enterprise agreements, a national agreement—agreements which apply in states which have totally deregulated shopping trading hours.

I can assure the honourable member that the trade union officials representing the employees working in the shop industries negotiate enterprise agreements which take account of the fact that we are living in a deregulating environment. So, all the enterprise agreements I have seen—and I must admit they are the major ones, Coles Myer, Woolworths and the like—do take account of a Sunday trading or an extended trading environment. As you would expect, the unions negotiate appropriate bargains. The honourable member is suggesting that perhaps—

The Hon. T.G. Cameron: In return for what?

The Hon. R.D. LAWSON: Better hours, better conditions and better pay—all those things that are on the table at any industrial negotiation. The thrust of the honourable member's suggestions is that the clause should have said that the Industrial Relations Commission will review all awards—that

is, state awards—and it can only review state awards, as well as all enterprise agreements. If the honourable member is suggesting that, he is suggesting too much. I am sure these matters were given close consideration by the Hon. Nick Xenophon when he agreed to the proposal and discussed it with the minister and the industry associations.

The Hon. T.G. CAMERON: I would probably get named if I were to tell you what you think of that answer, Hon. Mr Lawson. I think it was essentially a dishonest answer from someone who I have always thought was an honest person. I do not believe the union is supporting this clause. You claim that this document has been around for a while. With this amendment the Hon. Nick Xenophon has taken the Liberal Party amendment that was moved in the lower house and sanitised it. He has basically wrapped up in cotton wool the Liberal Party amendment, the Iain Evans' amendment from the lower house, in an attempt to cover up its real intent which is to cut weekend penalty rates in the retail industry.

If you go back and look at the original amendment that was moved by the Hon. Iain Evans—and I will not waste everybody's time here tonight by taking you through an exhaustive examination of the two—you will see that he has picked up Iain Evans' amendment and cobbled together a whole lot of fluff and bumph which is designed to try to make everybody feel good about this clause. The Hon. Nick Xenophon's amendment, which is a further amendment to the Liberal Party's amendment, is a recipe for cutting workers' wages in the retail industry. What the clause is on about is doing away with Saturday and Sunday penalties.

I could go on ad nauseam about these enterprise agreements and the award in this case. It is a long time ago, but I used to negotiate these enterprise bargaining agreements with the Shop Assistants Union, with Don Farrell, John Bogan and Ted Goldsworthy. I have a fairly intimate and inside knowledge about exactly what goes on. I reiterate: anyone in this chamber who votes for the amendment standing in the Hon. Nick Xenophon's name, as it is, is voting to cut the penalty rates of retail workers who work in small businesses on Saturdays and Sundays.

In addition to that, they will probably interfere with the spread of hours of work for ordinary time. Do you know what that means—when you extend the spread of hours for ordinary time? It means a cut in wages for the people who work in that industry. That is what it means. That is the first thing we have to look at—the appropriate spread of hours for ordinary time worked over the period of the week.

Then it goes on and says 'and over any other appropriate period (if relevant) under the award;'. Goodness gracious! It then goes on. What is the other thing that they must include in their review? It is stated earlier in proposed subsection (2): 'Nothing in this clause is intended. . . to derogate from the independence of the commission.' A couple of inches down the page at proposed subsection (6): 'A review. . . (a) must include. . . ' and '(c) must be completed. . . '. Over the page under proposed subsection (7) it provides: 'In undertaking a review under this clause, the Commission is to. . . '. That has been changed from 'must' to 'is to'. The Hon. Nick Xenophon must have squibbed on that one—a bit more cotton wool about this boil of an amendment.

Let us have a look at what else we have here. It goes on with, 'have regard to', 'give consideration to', 'without limiting'. We go down to proposed subsection (8), and we see that another 'must' has been deleted and replaced with 'is to'. Bailed out again, did we? Again, it is trying to sanitise this agreement. How anyone can read this amendment and come to the conclusion that it is not parliament issuing directions to the commission is beyond me. I always thought that one of the things that did operate independently, without government interference, was the South Australian Industrial Relations Commission—but no more!

If we pass this amendment, we set a precedent that it is okay for this parliament to give directions to the commission and to determine timetables and time frames. There may be other pressing matters with which the full bench has to deal. They are not sitting on their haunches waiting for work: they are usually flat out with a backlog of cases. All that will be put on the backburner as the full bench deals with this application, which will be made within two months. There is no independence there. It provides 'must be made within two months'. It goes on to use 'must', 'may', and so on. If this amendment is about protecting the independence of the commission, then it probably should have stopped at subclause (2) because the rest of it is about taking away the Industrial Relations Commission's independence. That is what it is doing. Subclause 8(e) provides:

> that unduly diminishes the competitiveness of small or medium sized businesses that open on Sundays.

What on earth is that code for? I could ask the two former union secretaries sitting on my left what they think that means. I know what it means. Paragraph (f) provides:

> that is higher for small or medium sized businesses than the cost structure that applies for larger sized businesses.

Is that about the independence of the commission? The commission at present is already setting up different cost structures under the agreements that it sanctions for people employed by Woolworths, Coles, and so on. If there is a variance between the rate that exists in those agreements and what the full bench thinks that this clause means they have got to do, then what if the commission was to set higher penalty rates for smaller business than currently exist?

Can members imagine the squeals from certain sections on the opposition side of the chamber if the full bench, when it looked at interstate penalties rates, and so on, thought ours were inappropriate and thought that maybe the parliament had something and increased them. I do not know whether members realise that they are creating a precedent for another award for some other industry on a particular matter where the numbers may change. Members are creating the precedent for this parliament, whenever it feels disposed, to send off matters such as this to the full bench of the Industrial Commission. That is what members are doing. They are creating the precedent, and I do not think the reference to the New South Wales situation bears comparison. The honourable member referred to it, but he did not go into all the details of it. Certainly, I do not intend to—

An honourable member interjecting:

The Hon. T.G. CAMERON: It was a Labor government, but if members want to be honest about that throw-away line they should go into all of what was meant with that.

The Hon. R.D. Lawson interjecting:

The Hon. T.G. CAMERON: I think I know why, but there should be a fuller explanation. It gives me no joy to say that the submission which I have heard from the Hon. Robert Lawson—and I am surprised that he got up and made it—in my opinion does not reflect the intent of the amendment. The amendment has been wrapped up in cotton wool and has a lot of rubbish about not derogating from the independence of the commission, limit the powers of the commission, and so on. Then it spends another 2½ pages telling the commission what

it must do, what it should do, what it must take into account and what it must consider. It should ensure that 'labour costs are economically sustainable for businesses in the retail industry'. Goodness gracious! We are going to send off a reference to the commission asking it to ensure that labour costs are economically sustainable. What if it comes up with a view that labour costs are economically unsustainable and decided to cut them by 20 per cent. We all would be saying, 'We never intended that it do that. Heaven forbid!'

What is it that members want it to do with this amendment? What is its intention or purpose? I submit that its purpose is to cut the rates of pay on Saturdays and Sundays for retail workers in the small business area. It also has the intention of trying to increase the spread of hours for ordinary time worked. I know what they would like. They would like ordinary hours to be spread over seven days of the week, 24 hours a day. That is what they are looking for. If this atrocious amendment does have to be considered by the full bench of the commission, I hope it gives it its just rewards and tells the parliament, 'We are an independent body set up by the government, and we do not appreciate being given three pages of written instructions that start out with, "Nothing in this clause is intended to derogate from the independence of the commission".' Then we have another 2½ pages or three pages of written instructions for them. That is hypocrisy!

The Hon. J.F. STEFANI: I will not prolong the debate on this clause, but I want to add that, before Mr Xenophon left to go home, I questioned him about the inquiries that he made in relation to his proposed amendment; in particular, regarding feedback and comments that he may have been able to obtain from his contacts in the Industrial Relations Commission. The Hon. Mr Xenophon has assured me that, in his contact with the commission, he has been advised that the officers within the commission to whom he spoke saw no problems with the proposed amendment. They confirmed that there would be no interference that in any way would impede the process of the Industrial Court, and that this amendment would not in any way infringe on the convention of the separation of powers between parliament and a legal entity such as the Industrial Relations Commission.

The Hon. R.D. LAWSON: I reassure the Hon. Terry Cameron on a couple of matters. He understood me to have said previously that this amendment was agreed to by the union. I certainly did not intend to create that impression. I understand fully that the union may not agree with this approach—obviously, the Australian Labor Party does not. The point I was answering was that this matter had just come out of the woodwork within the last few hours. My point is that it has been on the table and available, and I am confident that it has been seen by the SDA, that they have expressed opinions on it, and so they are not surprised by it.

The other point I make is that we have every confidence that the Industrial Relations Commission will see industrial justice done between the parties in this matter. There will be passionate industrial advocates who will push the line that the terms of reference include providing a fair rate of remuneration for employees who work in the retail industry, and I have every confidence that the commission will obey that injunction and will provide a fair remuneration for workers.

The Hon. J. GAZZOLA: I have followed this with great interest, given some of my history, but as I was just saying (and sorry about the interjection), there are some of us on this side with industrial relations experience and a background of defending the conditions of employment of members—

An honourable member interjecting:

The Hon. J. GAZZOLA: I am glad to hear from the honourable member that there is a desire to protect workers. However, the way the amendment is drafted, any of the parties within the industry can front up to the industrial commission tomorrow and drop exactly the same sort of wording to it and say, 'We want to have a look at Sunday trading because we think that the state parliament is about to pass a bill to deal with Sunday trading and the hours of trading.' I will pose the question, and I am sure I will get an answer from somewhere: why is the state parliament being asked to pass this amendment or even to entertain this amendment? The Hon. Robert Lucas talks about lazy people: if the Small Business Association wants this it can trot up to the Industrial Relations Commission and argue its case. It can argue its case as eloquently as anyone in this chamber, and possibly even more so.

This amendment, whilst it is trying to hold out to be a fair one that tries to look after everyone—we are going to protect the Industrial Relations Commission; we are trying to protect small business; we are trying to protect workers—does none of that. What it is asking the parliament to do is direct the commission, and I have not seen too many parliaments around the country going around directing the commission to look into penalty rates in an industry so that it ensures that labour costs are economically sustainable for business in the retail industry. This amendment, as it stands before us, is a recipe for bargaining down wages, and I would be ashamed to be part of a parliament that asked the Industrial Relations Commission to facilitate the bargaining down of the wages of some of the lowest paid workers in Australia.

The Hon. IAN GILFILLAN: I indicate Democrat support for the amendment but I listened with respect to the contributions of the Hon. Terry Cameron and the Hon. John Gazzola—who has much more experience in that area than I or my colleagues do. The real impact on workers is the deregulation of the shop trading hours. I would not have any need to even consider this matter if we were not going to be deregulating shop trading hours, with the publicity that has already portrayed 5000 so-called new jobs.

Those 5000 jobs will go from the workers who may be under an award into those under enterprise bargaining in the big corporations. That is where they will go. So the pressure will be there. I do not want to see that syphoning off or the haemorrhaging of employees who are working in the private small business sector in South Australia, or their jobs being dumped. Tasmanian Independent Wholesalers report on this, and I hope all of you have had a chance to see this, as follows:

> And when we say that in the first 6 months of deregulation, 110 people have lost their jobs or had their hours reduced—we are talking about 110 real people—people with names and mortgages and children—and again this is a fact.

That is why the Democrats are so frightened of what the impact will be. It may be that this measure will help some of the people outside of the Woolies/Coles networks hold their jobs and that those small businesses will survive. I am prepared to take that risk and that is why we are prepared to support the Xenophon amendment. I do not like it. I do not like the extended shop trading hours. I hate that. But I feel that this may be a measure which at the end of the day does keep more small businesses and more jobs for people in South Australia.

The Hon. R.K. SNEATH: I was not going to speak but I must say that I was very pleased with the contribution made

by the Hon. Terry Cameron and to see that there is still some fire in his belly as far as workers are concerned. He made a good contribution. I do not think that the Hon. Ian Gilfillan understands enterprise bargaining and the way it works. It gives the employer and the employee an opportunity to work out an agreement that best suits both of them so that they can then go the Industrial Relations Commission to have that enterprise agreement blessed. It is not that difficult to do. There are thousands of enterprise agreements in South Australia, and if the opposition has its way there will be thousands of AWAs that it will want to put into training packages. A lot of small business employees, of course, are trainees.

As an example, I refer to the abolition of penalty rates after certain hours and, say, a small business which is owned by a husband and wife with two children and which employs one employee. That employee, of course, belongs to a family as well and, of course, any work after midnight or after hours in that business will be performed by the employee, the outsider of the family, because the two children who belong to the family will be out enjoying themselves. So, for out of hours work and for shift work penalties and overtime rates have always applied. It has always been left up to the Industrial Relations Commission if there is an agreement to have them removed or for some form of consensus agreement to be drafted. This is something no government has ever interfered with or should interfere with. There are representatives who are nominated or appointed by governments over the years from all persuasions of industry to become commissioners with the Industrial Commission. They are independent and must have their independence.

If we interfere with their independence where will we end up? Whose independence will we interfere with next time? Why are we so afraid that the Industrial Commission does not have people who will make the right decisions? Why are we so afraid that employers and employees cannot come to an agreement that suits them and then go off to the commission? It bewilders me why the Democrats are not supporting the government's point of view on this, and it is a pity that we have lost the Hon. Mr Elliot who did understand industrial relations. We have not got anybody now in the Democrats who actually understands industrial relations.

The Hon. T.G. CAMERON: I guess the day eventually had to come when I would have to stand up and say that I find myself in complete agreement with the Hon. Bob Sneath—until he got to his last sentence—

The Hon. Carmel Zollo interjecting:

The Hon. T.G. CAMERON: No, there's no doubt about that; I don't want to go back. He said that there is no-one in the Democrats now who understands industrial relations. I have listened to the Hon. Ian Gilfillan speak on industrial matters before. He also has a good appreciation of the law. He does understand what is going on here. I think I understand also what is going on in his mind. The Hon. Ian Gilfillan is not going to give up trying to knock off the deregulation of shopping hours until we get to the last line of the last page of this bill. If anyone has observed him, that is the way he operates. But I would ask him on this occasion to give further consideration to his position on this matter.

I do not for one moment believe that the Hon. Ian Gilfillan or the Australian Democrats support the concept of parliaments giving direction, issuing instructions or passing an amendment which, by any reasonable interpretation of that amendment, would be designed to have the full bench of the commission review the rates of remuneration, including penalties and loadings and the appropriate spread of hours for ordinary time for this industry, with a view to seeing the rates cut. I would like to explain to the Hon. Ian Gilfillan what currently exists in the retail industry in relation to enterprise agreements.

Enterprise agreements that are negotiated by the Shop Distributive and Allied Employees Union go hand in hand with a membership agreement. Notwithstanding the fact that we have outlawed closed shops, they do go hand in hand with a membership agreement. Again, I do not know whether the Hon. Ian Gilfillan has had a look at some of these enterprise agreements and compared what the ordinary spread of hours might be compared to what is considered to be the parent award, which is what all of small business operates under. Flat rates do not exist under those enterprise agreements for Saturday and Sunday penalty rates.

They may vary from the parent award and, certainly, the spread of hours may vary and the minimum shift for casual part-time employees may vary but, in terms of these enterprise bargaining agreements and what small business operates under, which is the main award, I do not believe that there is the significant difference between the two that, first, small business might think there is or, secondly, the honourable member thinks there is. I would ask the honourable member to pause and reflect on just what we are doing here.

I have taken the opportunity to go back over *Hansard*, when I do not seem to have anything better to do, which is most of the time these days, and read some of the honourable member's speeches on this issue. He and the Hon. Mr Elliott have probably been the two most passionate opponents in either house of deregulating shopping hours over the last 15 years. I do not think there is any doubt about that. But what the Hon. Ian Gilfillan may be doing here at the same time is continuing what has been a parliamentary crusade of his to protect or be a bulwark for small business against the sometimes predatory behaviour of the major parties. But in continuing to be consistent with that position, what he is also picking up here is that, for the first time that I am aware of in the history of this council, we will be endorsing the precedent of this parliament giving instructions to the industrial commission on industrial matters. No matter what the spin doctors say or what kind of semantic arguments you might want to have about the wording of this document—and I do congratulate the Hon. Nick Xenophon for the clever crafting of some of the key words; it almost had me in when reading some of these clauses—that will be the case.

I can recall a number of conversations I had with the Hon. Mr Elliott before he left parliament. I had always assumed, incorrectly it would appear, that the Hon. Ian Gilfillan had the same view as the Hon. Mike Elliott. I can recall him saying to me on a number of times, 'Terry, the Australian Democrats do not support using the parliament for purposes such as interfering in outside organisations. We don't look at parliament supporting legislation that might seek to interfere with the internal operations of a trade union. We don't support any measures that seek to use this parliament to go out and interfere with other organisations.'

Yet that is what I believe the honourable member is doing here if he supports this amendment. He is supporting the precedent and, if he reads this document, he will be sending a clear signal to the full bench of the industrial commission that this review must take place within two months and that it must include a review. There is no independence here. It must include a review. I am not quite sure exactly what it means, but under 6(a) it says 'must include a review of' and

then says 'and incorporate fresh determinations in relation to'. My interpretation of that is that you must come up with something different from what currently exists in the award. By what analysis could anyone come up with a conclusion that that is not interfering in the independence of the industrial commission?

It says 'must include a review of and incorporate fresh determinations in relation to'. If the independence of the industrial commission is to be maintained, there would be no need for this fluff that exists in the first part of this, when it says 'Nothing in this clause is intended to'. The second half of page 1 of this amendment contradicts the first page. I ask the Australian Democrats to consider, if this precedent is set, when, where or how might it be used again in the future. What if, for example, we had a Legislative Council, heaven forbid—and I am sure this is one point the honourable member would agree with me on—controlled by Labor and the Greens after the next election and they decided that they did not like the spread of hours and the ordinary time and penalties and loadings that existed in a particular area?

I guess what I am trying to say here is that I consider this a misuse of the parliament, but we could be creating a situation with this precedent where we are setting a scene for parliament to be misused again and again. I do not know how many times we could be carrying this kind of amendment and look at ourselves in the mirror and say that we are not interfering with the independence of the commission. That worries me. I have spent 15 to 20 years of my life working in industrial relations, half of it for employers and the other half for trade unions. Ask any industrial relations practitioner (from the employer or the employee side) to read this amendment and then ask them: will it interfere with the independence of the South Australian industrial commission; and do you think it is about cutting remuneration for workers in the retail industry? They could only come up with the answer yes to both questions.

The Hon. J. GAZZOLA: I hope to inject something new into this. Earlier today I referred to a 2001 nationwide survey by the Australian Young Christian Workers. Basically, this is pretty simple, because this whole bill (and the retail industry) predominantly deals with the working conditions of young workers. This survey found that 55 per cent of young workers do not know their correct rate of pay or think they are being underpaid; 33 per cent work unpaid overtime; 61 per cent have been forced to work while sick; 51 per cent have experienced repercussions for refusing shifts; and 41 per cent want more work but cannot get it. The amendment as it stands before us does not do anything for young workers and it does not do anything for the retail industry. I reiterate: if the parties within the retail industry wish to make an application, they could do so under the current Industrial and Employee Relations Act 1994.

The committee divided on the amendment:

AYES (11)

Dawkins, J. S. L.	Gilfillan, I.
Kanck, S. M.	Laidlaw, D. V.
Lawson, R. D. (teller)	Lucas, R. I.
Redford, A. J.	Reynolds, K.
Ridgway, D. W.	Stefani, J. F.
Stephens, T. J.	

NOES (6)

Cameron, T. G.	Evans, A. L.
Gazzola, J.	Roberts, T. G. (teller)
Sneath, R. K.	Zollo, C.

PAIR(S)

Schaefer, C. V.	Gago, G. E.
Xenophon, N.	Holloway, P.

Majority of 5 for the ayes.

Amendment thus carried.

The Hon. R.D. LAWSON: On behalf of the Hon. Nick Xenophon, I move:

Page 13, after line 25—Insert:

Business advisory service

3A.(1) The minister must ensure that a business advisory service (including, but not limited to, a telephone advisory service) is available to assist the proprietors of businesses in the retail industry who may be affected by the introduction of new shopping hours under this act.

(2) A service under subclause (1)—

(a) must be able to provide advice on accounting, legal, tenancy and other relevant issues, with particular reference to the needs of small and medium-sized businesses; and

(b) must be available at times that are reasonably accessible to the proprietors of businesses, especially the proprietors of small and medium-sized businesses; and

(c) must be maintained for at least 12 months from the commencement of this act.

This amendment, which I am delighted to move on behalf of the Hon. Nick Xenophon, requires the minister to ensure that a business advisory service is available to assist the proprietors of businesses in the retail industry who may be affected by the introduction of new shopping hours under this act. Moreover, the business advisory service must be maintained for at least 12 months from the commencement of this act. Given the fact that the amendments now being proposed by this legislation are considerable and will have a considerable effect on small business, it is appropriate that small business proprietors who seek assistance in relation to accounting, legal, tenancy and other relevant issues have an opportunity to obtain that advice. This is an enlightened measure and the opposition is delighted to support it.

The Hon. T.G. CAMERON: I too rise to support the amendment. I move to amend it as follows:

Page 13, after line 25—Proposed new clause 3A(2)(a)—After 'legal' insert:

industrial relations,

I indicate that, irrespective of whether or not my amendment is supported, I will still support the Hon. Nick Xenophon's amendment. The wording of the amendment, which is to set up a business advisory service, provides in subclause (2)(a), 'must be able to provide advice on accounting, legal, tenancy and other relevant issues with particular reference to the needs of small business,' etc. My amendment seeks to insert the words 'industrial relations', because I think by any reasonable analysis the small business people who will be ringing up the small business advisory service will principally be inquiring about an industrial relations matter. Most of their inquiries will be about an industrial relations matter.

The Hon. J. Gazzola: How to cut penalty rates.

The Hon. T.G. CAMERON: Yes; how to cut penalty rates. They will be ringing up wanting to know what they can do to abolish weekend penalty rates, so I hope we have some staff there to tell them that that is not on. Anyway, without the words 'industrial relations' inserted into subclause 2(a) you could be creating the impression that it is inappropriate for small business or that they are not able to ring up about an industrial relations matter. Inserting it in there makes quite clear that, if they have a question in relation to how they can go about cutting penalty rates or extending the ordinary

hours, etc., they can ring up this business advisory service and be informed on exactly what the legal situation is.

The Hon. IAN GILFILLAN: I indicate Democrat support for both the amendment to the amendment and the amendment, which is a happy coincidence. I indicate that, at the conference I had with the retail representatives, they said they would want an entity such as this. In fact, the advice they gave me is as follows:

> The industry considers it vital that an advice service be provided for those retailers whose businesses are currently marginal and may be in need of advice on issues such as accounting, legal and lease management. The government entity previously known as the Business Centre is best equipped to provide this service. The individual associations will also offer support to their members where possible.

I believe it is a measure which will be needed quite dramatically, and that is the reason for our support.

The Hon. R.K. SNEATH: On this I am afraid that it did not take me long to disagree with the Hon. Terry Cameron.

The Hon. T.G. Cameron: As long as you don't give me a hug!

The Hon. R.K. SNEATH: No fear of that; no. The small business people have the Small Business Association, which represents small business people, just as other organisations such as the South Australian Farmers Federation represents farmers, and other businesses have their relevant organisations to represent them. Some choose to become a member of their organisation and some choose not to. Many farmers are not members of the South Australian Farmers Federation, of course, and some small businesses are not members of the Small Business Association, but many employees are also not members of their relevant trade unions. Probably the highest number of employees not represented by a trade union are in small business.

I would be game to say that probably 90 per cent or more of small business employees are not members of trade unions and do not have any representation to seek advice, apart from the Ombudsman, if they are aware of that option. But, if employees of small business went to his office with problems, he would not have anything else to do but look after them. There is no special treatment for employees in small business; there is a trade union that looks after them, the same as the Small Business Association looks after small business.

I do not think this is necessary. As far as the Hon. Terry Cameron's amendment providing the words 'industrial relations' is concerned, the Small Business Association provides legal services and expertise to represent small business in the Industrial Relations Commission and on other matters as far as industrial relations go. I understand that it provides any other accountancy advice if you are a member of that association. So, small businesses can choose to belong to the association that will represent them, just as the farmers have a choice and as workers have a choice whether or not they belong to a trade union, if they want representation. I think the representation is already there and available if they put their hand in their pocket and join the Small Business Association. I think that the Small Business Association is a reasonably tolerant organisation that will allow membership when the small business person has identified a problem or run into a problem; they will allow them to join and then sort out that problem for them and offer them legal representation in the Industrial Relations Commission.

I have another real problem with this. I think the Hon. Nick Xenophon mentioned $400 000 up to $700 000 per annum; if the taxpayer picks up the tab to make something available to small business people at a cost of between $400 000 and $700 000 per annum—

The Hon. Ian Gilfillan: It's only for one year.

The Hon. R.K. SNEATH: So, it is between $400 000 and $700 000 for one year; the taxpayer picks up that tab to give small business somewhere they can go when they already have an association that represents them. I do not know what membership of the Small Business Association is; it might be $500 to $1 000 a year.

The Hon. T.G. Cameron: It depends on their size; it's dearer than joining the AWU.

The Hon. R.K. SNEATH: It depends on their size, but it is dearer than joining a trade union. So, they can join the Small Business Association for between, say, $500 and $1 000 a year and have the representation that you want the taxpayer to pay for, and give them an alternative to the Small Business Association for $400 000 to $700 000 of taxpayers' money. I have not seen anyone move an amendment to offer the employee of a small business an alternative as well.

The Hon. R.D. Lawson: Let us hear your amendment.

The Hon. R.K. SNEATH: As members opposite are such a generous mob—they want to look after the employer—let us say we spend another $400 000 to $700 000 on putting something together for the 90 per cent of workers in small business so that they have some representation as well. If we do this, then farmers who are not members of the South Australian Farmers Federation will say, 'Hang about, we are not in the South Australian Farmers Federation. We have not paid our $500 or $1 000 a year. Now that the government has set something up for small business, it should set something up for farmers who are not members of their organisation.' Then big businesses will jump up and say, 'Why is the government not setting up something for us at $400 000 or $700 000 a year?'

Every employee who already has an organisation that will look after them if they like to pay their dues will jump on the bandwagon and say, 'Parliament has set up an organisation for small business people who do not want to pay their dues to the Small Business Association to look after their industrial relations matters or their other grievances, so we will resign from our organisation or we will not join, and we will have the government set up something for us.' Every organisation will do that. They have an organisation that looks after them.

The Hon. J. Gazzola: Do they?

The Hon. R.K. SNEATH: They should and, if it is not looking after them, they should knock on the door and say, 'Why are you not looking after us?', or they should vote at election time—and I imagine that the Small Business Association has an election as do the trade unions. I presume that it is up front, honest and accountable, as the trade unions are, and that it puts out a balance sheet. The most accountable people in the country are the trade unionists. I would say that the Small Business Association would be honest and accountable just like trade unions.

Members interjecting:

The ACTING CHAIRPERSON (Hon. J.S.L. Dawkins): Order!

The Hon. R.K. SNEATH: The South Australian Farmers Federation—it used to be called the Farmers Union—has a motto: 'United you stand, divided you fall.' That is what it says.

Members interjecting:

The Hon. R.K. SNEATH: Mind you, they did not pay us for it but they used it, which is very good of them. I am saying that, if members do this, they set a precedent for every

other business person or employer who does not want to join their association to say, 'The government has done it for small business—that is, set up something outside the organisation which they do not want to join.' The farmers who do not want to join the South Australian Farmers Federation (which, I understand, is struggling for membership) will say, 'Set something up for us.' Members opposite do not want to set up anything for those poor employees whom they want to work after midnight and, as the Hon. Terry Cameron said, who are to be available 24 hours a day so that they can be paid ordinary rates.

This amendment will set a dangerous precedent. If members want taxpayers handing out money for people who do not want to join organisations, then they will be knocking on their door if they pass this amendment. If members agree to this amendment, they will have people knocking on their door saying, 'Help us. We are not in small business but we employ people.' Then you will have employees knocking on the door saying, 'Help those of us who do not want to join unions.' They already have the Small Business Association and they should join it; and if they do not want to, then they could go to a lawyer, as anyone else does, and handle their own industrial relations matters.

The Hon. T.G. CAMERON: I want to follow up on a couple of points made by the Hon. Bob Sneath. I do agree with the point that the honourable member is making; that is, if we do set up the business advisory service on this occasion, we are setting a precedent and it could come back to bite us in the rear. If we are to be honest about the amendment of the Hon. Nick Xenophon, we will recognise that only four or five days ago members on the other side of the chamber thought it was a terrible idea, that it was a waste of money. The talk in the corridors was that this was a terrible idea being put forward by the Hon. Nick Xenophon. I heard phrases such as, 'It is just a sop to small business,' and, honestly, it is a sop to small business.

We can see what has happened in the process. The Liberal Party and the Hon. Nick Xenophon have got together on their reference to the Industrial Commission—it had to be sanitised a little before Nick could wear it—and the quid pro quo is that the Liberal Party now thinks that the setting up of the business advisory service is a wonderful idea. The Hon. Robert Lawson said that he was delighted to be able to support this wonderful initiative being proposed by the Hon. Nick Xenophon.

I want to put a question to him following a point that was made by the Hon. Bob Sneath. There are 110 000 people, if I can recall, working in the retail industry. The membership of the SDA is about 22 000. My understanding is that we have about 88 000 employees working in the retail industry. Who will they go to when this bill is passed? Where do they go to for advice when they read that the reference has been sent to the Industrial Commission and when they start reading in the newspaper that penalty rates will be cut and so on? Approximately 90 000 of them do not belong to a trade union. Could the minister please outline, if he has got over his delight in supporting this amendment, to whom they go to speak? In fact, my question is: can they also ring up the business advisory service—so that the employer is treated the same as the employee?

The Hon. R.D. LAWSON: I begin by indicating support for the Hon. Terry Cameron's amendment to this amendment. We are similarly delighted to be supporting his suggestion that the business advisory service, which the minister has to ensure is provided to small business, will provide not only financial and legal but also industrial relations advice. I do emphasise that the Hon. Nick Xenophon's amendment does not require the establishment of a new business advisory service or a new and dedicated business advisory service for this purpose. I believe that the Hon. Nick Xenophon envisages, as do I, that the minister simply has to ensure that one of the excellent business advisory services that are already established in this state is equipped to provide this specific advice in relation to the deregulation of shop trading hours.

The Hon. R.K. Sneath: The money could go to the Small Business Association.

The Hon. R.D. LAWSON: In relation to the honourable member's interjection that this money could go to the Small Business Association, that is a matter for the minister. The amendment requires the minister to ensure that such a service is provided. It may well be provided through the government business advisory service, or it may be provided through some other advisory service.

The Hon. R.K. Sneath interjecting:

The Hon. R.D. LAWSON: As the Hon. Terry Cameron said, there are 22 000 members of the SDA, and I am sure that the SDA will represent them well.

The Hon. T.G. Cameron interjecting:

The Hon. R.D. LAWSON: And, indeed, those who are covered by enterprise agreements can go to the Employee Ombudsman, who represents and advises employees in relation to enterprise agreement issues. A telephone advisory service is also offered by Workplace Services, and any employee in this state is entitled to ring Workplace Services and obtain advice about their award entitlements. Those services already exist for employees. However, it is suggested that the disruption that will occur will impact particularly adversely on some small businesses who will seek to avail themselves of the advice.

An honourable member interjecting:

The Hon. R.D. LAWSON: Workplace Services is able to provide—

An honourable member interjecting:

The Hon. R.D. LAWSON: I do not know whether the Labor government is supporting the excellent service the Liberal government supported when we were in power. Workplace Services made available a telephone advisory service so that people could ring in about awards.

Members interjecting:

The ACTING CHAIRMAN: Order! There is too much conversation. The Hon. Mr Lawson has the floor.

Members interjecting:

The ACTING CHAIRMAN: Order, Mr Gazzola! The Hon. Mr Lawson has the call.

The Hon. R.D. LAWSON: So, those services are available. I urge support for this amendment.

The Hon. R.K. SNEATH: The Hon. Mr Lawson indicated that $400 000 to $700 000 could go to the Small Business Association or a similar established association to take up the problems of small business. What would he say to, say, $700 000 being allocated under this proviso by the government or the taxpayer, $350 000 going to the Small Business Association to take up its concerns on behalf of the people in small business, and the other $350 000 going to the SDA to take up its concerns and to make itself available to answer its phones and the concerns of employees in small business?

The Hon. R.D. LAWSON: Contrary to the assertions made by the Hon. Bob Sneath, I did not mention the figures of $700 000 or $400 000. Nor did I suggest that any particular

business advisory service had been selected for this task. The proposed section will simply provide that the minister must ensure that there is a telephone advisory service. Finally, I omitted to mention in response to the Hon. Terry Cameron that, of the 110 000 people who are employed in the retail industry, a large percentage of them—of the order of between 30 000 and 40 000—are sole traders and self-employed, and therefore are not eligible to belong to any industrial association, I would have thought.

The Hon. J. GAZZOLA: Why is the honourable member asking the government to set up an advisory service in competition with the Small Business Association? The honourable member has just told us that the parliament will tell the commission what to do on penalty rates. Now you want an advisory service to advise on industrial relations, legal and accounting, and the other bits and pieces added to it. Why do you want to set up an advisory service which will basically put Mr Brownsea's organisation out of business?

The Hon. R.D. LAWSON: I do not know where the Hon. John Gazzola gets the idea that this amendment will put Mr Brownsea's State Retailers Association out of business. I have never heard that suggestion. There is no suggestion by the Hon. Nick Xenophon, who brought forward this admirable provision, that any particular organisation will be supported or adversely affected by these arrangements. My understanding is that the small business organisations and the representatives of small business are very much in support of the Hon. Nick Xenophon's excellent proposal.

The Hon. R.K. SNEATH: The Hon. Nick Xenophon indicated that an advisory service would cost $400 000 to $700 000: if the opposition supports an advisory service that looks after the employer and small business, would the it support the SDA (the union that is responsible) receiving a similar grant to look after those employees who would have trouble in that industry and to open hotlines for the same service as members opposite want to provide to the employer with taxpayers' money—yes or no?

The Hon. Diana Laidlaw: Move an amendment!

The Hon. R.D. LAWSON: The Hon. Diana Laidlaw makes the perfectly sensible suggestion that, if the Hon. Bob Sneath is so passionate about this proposal, he should move an amendment, and he will see how we vote on it in due course.

Members interjecting:

The CHAIRMAN: Order! The minister has the call.

The Hon. T.G. ROBERTS: The whole clause is predicated on the basis that I thought there was going to be an orderly process—that the opposition moved all the previous amendments forward to get the bill into this place and to ensure that all the clauses were set out in an orderly fashion. The transfer of the shopping hours question and the way in which it was predicated was based on the fact that there would not need to be a chaotic rush towards the advice that, 'You are obviously giving our money away in setting up.'

I cannot understand why the opposition does not accept the amendment. It is not their money that we are dealing with: it is ours. Members opposite could have been gracious. I cannot understand why they do not go to the next stage and accommodate the honourable member by saying that the SDA can have $300 000.

We will not support the amendment, on the basis that facilities are already in place in government services and departments where small business can and does avail itself of advice that it requires. The business helpline has been established; the Office of Consumer and Business Affairs offers services; and services are available within government departments. I cannot see it getting off the ground, but the honourable member indicated that if the government services programs were funded adequately they could deal with the questions that have been raised.

The Hon. T.G. CAMERON: I want to follow up on the Hon. Robert Lawson's generous invitation to the Hon. Bob Sneath and, if he is not disposed to take it up, I would like to look at it. The honourable member has indicated that he would be prepared to accept an amendment to include employees.

Members interjecting:

The Hon. T.G. CAMERON: The Hon. Robert Lucas has interjected, and he is correct. He invited the Hon. Bob Sneath to submit an amendment, and we would consider it. It requires only a very simple amendment to allow up to 90 000 workers in the industry to access the same service. Is the opposition prepared to accept it?

The CHAIRMAN: The honourable member will have to move that amendment.

The Hon. T.G. CAMERON: I will not move it without the member's concurrence, because he did not invite me to do so: he invited the Hon. Bob Sneath. If the same invitation is extended to me, I will seek leave to move an amendment that would allow employees to access the service.

Members interjecting:

The Hon. T.G. CAMERON: The Hon. Bob Sneath has just pointed out to me, and I am not sure I heard it, but I have to check with the Hon. Robert Lawson: did the honourable member indicate during his address that this money could be given to the Small Business Association or another existing organisation, and they could handle the complaints? That certainly was not my understanding when I agreed to support this amendment. My understanding is that this business advisory service would be set up and staffed by the government; that this is not a backhand way of organising some ex gratia grant for some small business association. There are three or four of them anyway.

An honourable member interjecting:

The Hon. T.G. CAMERON: We are talking about the business advisory service.

Members interjecting:

The Hon. T.G. CAMERON: I think I could feel safe if this amendment finds its way through the lower house and it is the minister who is responsible for determining how this business advisory service would be set up. I cannot imagine that the Hon. Michael Wright will hand this over to an organisation such as the Small Business Association or the Small Retailers Association, because he would have Don Farrell on the phone quick smart reading the riot act to him. There is no doubt that, if the minister is responsible, that eases my fear a little on this matter. Be that as it may, am I in a position to move a further amendment to test whether or not we can have employees accessing this advisory service? Can I seek leave to move the amendment?

The CHAIRMAN: Can you go to Parliamentary Counsel to try to expedite this matter. I am being very accommodating tonight. The hour is getting late and the quality of the debate is getting lower.

The Hon. T.G. CAMERON: I move to amend the amendment standing in the name of the Hon. Mr Xenophon, as follows:

Clause 3A(1)—Leave out 'a business' and insert 'an';
3A(1)—After 'businesses' insert 'and employees';
3A(2)(a)—After 'legal,' insert 'industrial relations,'

3A(2)(a)—After 'of' insert 'the proprietors of';
3A(2)(a)—After 'medium sized businesses' insert 'and their employees';
3A(2)(b)—Leave out 'the proprietors of businesses' and insert 'people involved in the retail industry';
3A(2)(b)—After 'medium sized businesses' insert 'and their employees'.

Notwithstanding what the Hon. Robert Lawson said about sole traders, many of those trade under a company name and pay themselves a salary and, therefore, they are employees and would be bound by it, in my view. Notwithstanding that, we could have anywhere up to 90 000 employees who will have nowhere to go. My amendment seeks to enable them to access an advisory service.

I note that the minister is in charge of this, and I would expect that the Hon. Michael Wright would create a separate advisory service for the employers, that is, small business, and a separate one for the employees. That is under his purview, but that is what I would be looking at, because it would be impractical to find the right people to staff it. One minute someone would have to advise a small businessman to move in one direction, and then he would have to advise the employee to move in an opposite direction. I commend the amendments to the committee.

The Hon. T.G. ROBERTS: We will support the Hon. Mr Cameron's amendments but will oppose the proposition put forward by the Hon. Mr Lawson.

Amendments to the amendment carried; amendment as amended carried; schedule as amended passed.

Title passed.

Bill reported with amendments; committee's report adopted.

Bill recommitted.

Clause 11.

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

Page 9, after line 15—Insert:
and
(iii) from 1 July 2004—on any Sunday.

This has been made necessary by reason of the amendments agreed to by the committee in relation to the Sunday trading regime. It will be recalled that in an amendment to clause 11, page 9, lines 10 to 15, provisions were inserted relating to Sunday trading, and they were that, on each of the nine Sundays immediately preceding Christmas Day in this year, Sunday trading would be permitted between 11 a.m. and 5 p.m., and also on 23 December 2003. However, the bill did not deal with the issue that had previously been in the government bill of Sunday trading after the 1 July 2004. The amendment that I seek to insert will allow Sunday trading on all Sundays from and after 1 July 2004. It would be consistent with the position adopted by the government, which of course has proposed Sunday trading to commence from 26 October this year on every Sunday thereafter, including all of the Sundays after 1 July 2004.

The CHAIRMAN: I draw to the committee's attention that we seem to have a logistical problem. The Hon. Mr Redford also has an amendment to clause 11, which in fact comes before the Hon. Mr Lawson's. We are therefore required to consider Mr Redford's amendment, and will then return to the Hon. Mr Lawson's.

The Hon. A.J. REDFORD: I move:

Page 9, lines 1 to 5—Leave out subsection (1) and substitute:
(1) Subject to this section, the shopkeeper of a shop situated in the central shopping district or the Glenelg Tourist Precinct may open the shop at any time on any day.
Page 10, after line 8—Insert:
(7a) The shopkeeper of a shop in the central shopping district or the Glenelg Tourist Precinct may open the shop—
(a) after 1 p.m. on Anzac Day in any year; and
(b) at any time on any other public holiday, other than Good Friday, Easter Sunday or Christmas Day in any year.

Basically this affects two areas in this state in terms of shopping: the central shopping district and the Glenelg tourist precinct. It will enable a shopkeeper in those two areas to open after 1 p.m. on Anzac Day in any year and at any time on any other public holiday other than Good Friday, Easter Sunday and Christmas Day in any year. This is quite an unusual act of parliament in that it has no objectives. It has no object, no desire, and that probably explains why we have gone through the shopping hours fiasco over the last 15 to 20 years.

I understand that some 48 000 people go to Glenelg every weekend as a tourist precinct, if I can use Glenelg as an example, and I understand that 30 per cent of those indulge in an impulse purchase. I also understand that a significant number of those people could be categorised as tourists. Whilst I would have preferred a totally deregulated market, I acknowledge the vote earlier and I honestly and strongly would urge members to support this measure, which will enable non-exempt traders such as Cheap as Chips and others that now cannot trade on holidays (such as the Queen's Birthday, which we will all celebrate on Monday, Easter Monday or Anzac Day after lunch) to trade on those occasions.

Already, a significant amount of trading and business goes on on those occasions, and it would appear to me that this is a relatively minor adjustment that will enhance tourism spending here in the metropolitan area of Adelaide. It is consistent with our Liberal policy of extending trading and, in fact, will make things fairer. Small business is already trading in these precincts, so the downside in respect of small business is, in my view, minimal. As I said earlier, this bill does not have any objectives, and one has to perhaps come to a conclusion that the objectives of this bill are something that can be found in the ether or in the air, but it is consistent with the objectives of enhancing tourism because, already in this legislation, we have tourism precincts. With those few words, I look forward to the Hon. Terry Roberts, on behalf of the government, giving me his prompt indication of support and we can get on and finish this bill and announce to South Australia that Glenelg and the city will be open for shopping next Monday.

The Hon. T.G. ROBERTS: I can give the honourable member a prompt reply. The prompt reply is that we will be sticking to our bill. We are not intending to have any further extension to shop trading hours. I am not sure whether the information the honourable member has given is accurate. I suspect that there will not be too much impulse buying at 3 o'clock in the morning in the mall or down at Glenelg.

The Hon. A.J. Redford: What about Easter Monday in the afternoon, at Cheap as Chips? Someone like you would actually buy something at Cheap as Chips at 3 o'clock on a Monday.

The Hon. T.G. ROBERTS: That's right; that's where I get all my clothes. I will give a quick, unequivocal answer. We will not support any further extension of shop trading hours other than what is in the bill that we have tried to get through in this place, which has been amended massively tonight.

The Hon. A.J. REDFORD: My question to the government is: is this a matter of stubbornness, or deep down in that

response is there an issue of principle that I can find, so I can pass that information on to the member for Morphett so that he can do a press release in the Messenger Press as to why the government is so mean about Cheap as Chips offering bargains to shoppers on holiday Mondays, such as the Queen's birthday weekend? Or is the issue of principle that you are so annoyed by the fact that we still have a monarchy that you will not let anyone have any fun on a Queen's birthday long weekend?

The Hon. T.G. ROBERTS: I think the whole of the bill has been predicated on consultation. The minister, as far as I know, has had no consultation about these two issues at all.

The Hon. A.J. Redford: Why not—too busy playing politics?

The Hon. T.G. ROBERTS: What tends to happen when you are drawing up a bill is that you have in it your aims and objectives and you carry them out by consulting with those people who will be impacted upon and the stakeholders. There has been no discussion. This is the first that I have heard of it. It is 12.30 a.m. now, and we are discussing opening up shopping hours to take in two other precincts, which will, if carried out, impact on other precincts.

The Hon. A.J. REDFORD: I am disappointed that the only consultation that, on the face of it, the government appears to undertake is with either opinion pollsters or the editors of newspapers. I am so disappointed that the minister cannot come up with any issue of principle as to why we cannot buy these things on a holiday Monday other than that he heard about it late and his minister did not get around to thinking about this issue.

The Hon. IAN GILFILLAN: I indicate that the Democrats oppose the amendment.

The Hon. A.L. EVANS: I oppose the amendment.

The Hon. T.G. CAMERON: I have a question relating to clause 11(1), which provides:

> Subject to this section, the shop keeper may open the shop at any time on any day.

Does that include Good Friday?.

The Hon. R.D. LAWSON: All public holidays, except Good Friday.

The Hon. T.G. CAMERON: You are not even respecting Good Friday? It says 'Subject to this section'—

The Hon. A.J. REDFORD: Good Friday, I respect that.

The Hon. T.G. CAMERON: Is that covered?

The Hon. A.J. REDFORD: Yes.

The Hon. T.G. CAMERON: You say that that is covered under clause 7a(b).

The Hon. A.J. REDFORD: Yes. It says 'other than Good Friday, Easter Sunday or Christmas day'.

The Hon. T.G. CAMERON: I follow you. Thank you.

The Hon. Mr Redford's amendment negatived.

The CHAIRMAN: The next indicated amendment was in the name of the Hon. Mr Lawson.

The Hon. R.D. LAWSON: This amendment is designed to ensure that Sunday trading will be permitted on every Sunday following 1 July 2004.

Amendment carried.

The CHAIRMAN: The other amendment was again in the name of the Hon. Mr Redford. He has given his explanation on that.

The Hon. A.J. Redford: It is consequential. I am not concerned with it.

The CHAIRMAN: It could be deemed to be consequential, and the member agrees. That is the end of the debate on clause 11.

Bill reported with an amendment; committee's report adopted.

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

> That this bill be now read a third time.

The Hon. IAN GILFILLAN: I want to speak briefly on behalf of the Democrats to oppose the third reading. I believe it is significant that the Tasmanian experience should be taken seriously in this place before we pass any legislation to extend shop trading hours. I indicated earlier that the Tasmanian Independent Wholesalers said that 110 people had lost their jobs. In this survey it is stated that they had an average 32 per cent loss of turnover on weekends and public holidays, and the weekday loss of turnover for the 100 members since the deregulation of trading hours was 18 per cent. This is in a climate where sales were strongly growing.

The validity of this material was questioned by the Retail Traders Association. This association challenged these results by verifying that the poll, which was about favouring the hours, was conducted of 1 000 Tasmanians. Among other matters it indicated that 67 per cent of Tasmanians favoured some restriction of shop trading hours to assist small business. The poll was conducted by an independent polling firm, TasPoll, between 5 and 10 May 2003, with respected political scientist Richard Herr providing an independent oversight of the process and commentary on the results. According to this document:

> The sample of 1 000 means that we can be 90 per cent certain that an answer to a particular question will be within 3 per cent of the answer we would have achieved.

This means that within six months Tasmanian consumers are revisiting the issue of shop trading hours and asking for restrictions.

Keith Bowden Electrical have communicated with me. They are seriously concerned about the effect of deregulated trading. In his letter, Trevor Bowden states:

> As you are probably aware, I am opposed to deregulated trading. I believe it will have the effect of further squeezing profits for small business and increase the already high family breakdown rate.

He cites a couple of observations and states:

> This flies in the face of the supposed benefit to South Australia for deregulation and I expect it will be a sign of things to come. I expect at the current rate Adelaide will only have one Adelaide owned shop in the next 10 years, the balance being East Coast Franchises.

These are people who are no fools in commerce in South Australia, and they are making these judgments.

I have referred to Tasmania; I will not do so again, but I want to refer to this ongoing creep of the mega-supermarkets and their plans. For those of us who think that these deregulated shop trading hours will make a level playing field and everyone will have a fair go, we ought to realise what extraordinarily efficient commercial machines Woolworths and Coles are. There have been articles in the *Australian* analysing their move into the petrol business. One such article states:

> In time, other fronts [other than just fuel] will also open up between the two rivals. The $8 billion pharmaceuticals market, controlled by individual chemists, could be next. Woolworths is already making good strides on that front. It plans to open two full-service pharmacies by the end of the year.

One analyst writes that the opportunity exists for Woolworths to roll out as many as 100 stores, adding that Woolworths management cited examples where the inclusion of a pharmacy had lifted store sales by as much as 5 per cent.

Where does that 5 per cent come from?

The PRESIDENT: Order! I can't even hear 10 per cent of what the Hon. Mr Gilfillan is saying. There are too many audible conversations.

The Hon. IAN GILFILLAN: I make the point that the independent analysts are forecasting increasing shares of the markets by Woolworths and Coles in quite an extraordinary way. In relation to moving into the pharmacy business, which it intends to do, Woolworths said:

Where they had done that it had lifted store sales by as much as 5 per cent.

That 5 per cent does not come out of the air but comes from other businesses—locally owned small businesses. The article continues:

Like Woolworths, Coles has set up an extensive health and beauty range but pharmaceutical is not on its immediate radar nor is an expansion into the hardware or newsagency businesses, other potential niches for companies that already control 80¢ in every dollar spent on groceries.

We are giving them another gift by extending shop trading hours, but that would not occur if the Democrats had their way. I do not criticise Woolworths and Coles—they are extraordinarily competent at doing what they are paid to do and as their shareholders want them to do. But the Consumers Association of South Australia did a survey, and many members probably received a copy. The result of the survey was that the consumers in South Australia do not want an extension to shop trading hours. Those who have given it a bit of thought realise that not only do they not want it but that it will be at a cost to South Australia.

The concluding remarks I make on behalf of the Democrats are that, to a certain extent, we have been pushed and bullied as a state into making this move but, as I have heard the debate from both Labor and Liberal, I despair that either of the major parties really understand the consequences of what they are doing in extending shop trading hours. In the months and, certainly, the years ahead we will certainly find out. I indicate Democrat opposition to the third reading of this bill.

The PRESIDENT: I just make this observation. The third reading is basically summing up. It is really not the time to introduce new information or statistical information. However, the debate has been long and a great deal of tolerance has been given. I have been prepared to be a little flexible. I ask members to remember that third reading speeches are not second reading speeches and to confine their remarks to summing up and not to introduce new information.

The Hon. J.F. STEFANI: I, too, rise to speak against the third reading of the bill. Max Baldock, President of the State Retailers Association, made some very interesting and very telling remarks in the *Sunday Mail*. He is quoted in the *Sunday Mail* as saying that the greatest losers will be small businesses. There will be fewer jobs because small businesses will close down. He also says that the deregulation experience in the electricity market and the milk market have not brought cheaper prices. In fact, it has brought higher prices. He also makes the observation that $200 million worth of combined value, capital value in small businesses, will be at risk.

Further, he says that an estimated $350 million in rental agreements will be locked in in the next five years if deregulation occurs—the small business proprietor is locked into that arrangement and they will not be able to get out of that. He warns those small business proprietors to ensure that their family home—which is mostly used as security for their business—is not placed at risk by removing it as an asset from the financial obligation of their business. He fears that businesses will fold and consequently, due to market deregulation, their homes will be lost.

He further states that businesses should be very wary about entering into new leases at this point. Finally, he draws great attention to the fact that deregulation will be at the cost of personal family health and other obligations, which will suffer through the involvement of a seven day a week, 80-hour per week commitment by small businesses. Obviously, he also makes the observation that a lot of the social consequences of deregulated shopping hours will come at a very heavy price to families and many small business proprietors. I oppose the third reading.

The Hon. A.L. EVANS: I oppose this. I think we will look back and see tonight's decision as being a mistake. I think we will see the impact on families and small business. It is a decision that we as a parliament have taken, but it will not be a helpful decision for South Australia. I hope I am wrong, but I believe we will regret this decision tonight.

The council divided on the third reading:

AYES (13)

Cameron, T. G.	Dawkins, J. S. L.
Gazzola, J.	Holloway, P.
Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I.	Redford, A. J.
Ridgway, D. W.	Roberts, T. G. (teller)
Sneath, R. K.	Stephens, T. J.
Zollo, C.	

NOES (5)

Evans, A. L.	Gilfillan, I. (teller)
Kanck, S. M.	Reynolds, K.
Stefani, J. F.	

Majority of 8 for the ayes.

Third reading thus carried.

Bill passed.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE BILL

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation) obtained leave and introduced a bill for an act to provide for the establishment of the Aboriginal Lands Parliamentary Standing Committee; to define the functions, powers and duties of that committee; to amend the Aboriginal Lands Trust Act 1966 and the Parliamentary Remuneration Act 1990; and for other purposes. Read a first time.

The Hon. T.G. ROBERTS: 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.

This Bill provides for the establishment of the *Aboriginal Lands Parliamentary Standing Committee*, based on the *Parliamentary Committees Act 1991*. This Committee effectively replaces and combines the functions of the Committees established under the *Pitjantjatjara Land Rights Act 1981*, the *Maralinga Tjarutja Land Rights Act 1984* and the *Aboriginal Lands Trust Act 1966*.

The three Aboriginal land holding authorities in South Australia, namely the Aboriginal Lands Trust, Anangu Pitjantjatjara and

Maralinga Tjarutja, each had a separate Parliamentary Committee established under their respective legislation.

The committees established under section 42c of the *Pitjantjatjara Land Rights Act 1981* and section 43 of the *Maralinga Tjarutja Land Rights Act 1984* have both lapsed due to the effluxion of time, expiration clauses having been written into the legislation. Unlike the committees established by the Pitjantjatjara and Maralinga Tjarutja legislation, there is no such expiry clause in the *Aboriginal Lands Trust Act 1966*. The Committee established under section 20B of that Act is still in existence, its functions limited to the operation of that Act, along with Ministerial references.

However, this committee has not convened since 1996. Despite not convening, the Committee has a continuing role under the Act and it is required to report to Parliament on an annual basis.

All three committees had similar functions in terms of taking an interest, reviewing or inquiring into matters relating to the operations of the respective Acts, the interests of the traditional owners of the lands, the manner in which the lands are being managed, used and controlled and any other matter referred to the committee by the Minister. The committees were similarly constituted, with the Minister as the presiding officer, and four members appointed by the House of Assembly.

The provisions of this Bill are closely based on the *Parliamentary Committees Act 1991*. The Bill establishes one Aboriginal Lands Parliamentary Standing Committee that would cover all three distinct Aboriginal land areas in the State. The Committee's functions are expanded to inquire into a broad range of matters affecting Aboriginal people, such as health, housing, education, economic development, employment and training. Specific references will be consistent with the Social Inclusion Initiative of this Government and will provide a valuable contribution to that process.

The Committee would be constituted of the Minister for Aboriginal Affairs and Reconciliation, who would be the presiding member, and six other members. Three members would be appointed by each House, with a requirement for the nomination of members similar to that required by the previous committees. The procedures and processes of the Committee are consistent with those of committees established under the *Parliamentary Committees Act 1991*, and the powers and privileges of a Committee established by either House attach to this Committee. The Committee will report to Parliament on an annual basis.

This Government recognises the independence of all three land holding bodies and their respective communities. This is in no way compromised by the establishment of this Committee. On the contrary, it significantly broadens the scope of such a committee by including functions requiring inquiries to be made into matters not previously the subject of review by the former committees. These matters may be specific to one community, or may be matters affecting all Aboriginal people.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

These clauses are formal.

Part 2—Aboriginal Lands Parliamentary Standing Committee

Division 1—Establishment and membership of Committee

Clause 4: Establishment of Committee

This clause establishes the *Aboriginal Lands Parliamentary Standing Committee*.

Clause 5: Membership of Committee

This clause provides for the membership of the Committee. There are to be seven members of the Committee, with the presiding member being the Minister (who is not eligible for remuneration for his or her work on the Committee) and three members appointed by each House of Parliament. The clause also provides for the nomination of the members appointed by each House.

Division 2—Functions of Committee

Clause 6: Functions of Committee

This clause sets out the functions of the Committee. Those functions include reviewing the operation of a number of Acts relating to Aboriginal lands, along with a number of functions that allow the Committee to inquire into a broad range of matters affecting Aboriginal People. The Committee may also have matters or functions referred to it by the Minister or Parliament.

Division 3—Procedures, terms and powers of Committee

Clause 7: Presiding Member

This clause provides that the presiding member of the Committee will be the Minister.

Clause 8: Quorum

This clause provides that the quorum of the Committee is 4 members, except when the Committee meets for consideration of a proposed report to Parliament, in which case the quorum is 6 members.

Clause 9: Term of office of members

This clause provides for the term of office for members.

Clause 10: Removal from and vacancies of office

This clause provides for the removal from or vacancies of office of Committee members. This clause is consistent with similar sections in the *Parliamentary Committees Act 1991*.

Clause 11: Validity of acts of Committee despite vacancy

This clause provides that an act or proceeding of the Committee is not invalid by reason of a vacancy in its membership.

Clause 12: Procedure at meetings

This clause sets out the procedure to be adopted at meetings of the Committee. To the extent that the Joint Standing Orders apply, the Committee is to conduct its business in accordance with those orders, and if not, in such manner as the Committee thinks fit.

Clause 13: Sittings of Committee

Clause 14: Admission of public

The public may be present at meetings of the Committee, unless the Committee determines otherwise. However, members of the public may not be present while the Committee is deliberating.

Clause 15: Minutes

Minutes must be kept of Committee proceedings.

Clause 16: Privileges, immunities and powers

This clause provides that all privileges, immunities and powers of a committee established by either House of Parliament attach to the Committee. A breach of privilege or contempt in relation to the Committee may be dealt with in such manner as is resolved by the Houses of Parliament.

Clause 17: Members not to take part in certain Committee proceedings

This clause prohibits a member of the Committee from taking part in Committee proceedings if the member has a direct pecuniary interest in the matter.

Clause 18: Committee may continue references made to previously constituted Committee

This clause enables the Committee to complete proceedings it has started where the composition of the Committee has changed during those proceedings.

Clause 19: Immunity from judicial review

This clause provides that proceedings, reports and recommendations of the Committee may not give rise to a cause of action, nor may they be the subject of, nor called into question in, any proceedings before a court.

Division 4—References, reports and Ministerial response

Clause 20: Reports on matters referred

This clause provides that the Committee must, after inquiring into and considering a matter referred to it by the Minister or by resolution of both Houses of Parliament, report on the matter to its appointing Houses. The clause sets out the procedure for presentation and publication of the Committee's report, and provides that such a report will be taken to be a report of Parliament.

Clause 21: Minority reports

This clause provides that a report of the Committee must contain a minority report on behalf of a member if the member so requests.

Clause 22: Matters may be remitted to Committee for further consideration

The Houses of Parliament may, by resolution, remit a matter to the Committee for further consideration and report.

Clause 23: Reference of Committee report to Minister for response

Where a report of the Committee contains a recommendation that the report, or part of it, be referred to a Minister for that Minister's response, the report or part is so referred by force of this clause. The Minister must respond to the referred report or part within four months, including statements as to whether recommendations will be carried out, or not carried out. The Minister's response must be laid before the appointing Houses.

Part 3—Miscellaneous

Clause 24: Other assistance and facilities

This clause provides that the Presiding Officers of both Houses of Parliament may appoint an officer of the Parliament as secretary to

the Committee. The clause also provides that the Committee may, with the prior authorisation of the Presiding Officers of both Houses, and with the approval of the relevant Minister, make use of employees or facilities of an administrative unit of the Public Service. The Committee may also, with the prior authorisation of the Presiding Officers of both Houses, appoint a person to investigate and report to the Committee on any aspect of any matter referred to the Committee.

Clause 25: Annual report

The Committee must present to the Presiding Officers of both Houses an annual report on the work of the Committee during the previous financial year, and this report must be laid before both Houses.

Clause 26: Financial provision

This clause provides that the money required for the purposes of this Bill is to be paid out of money appropriated by Parliament for that purpose.

Clause 27: Office of Committee member not office of profit

This clause provides that the office of a member of the Committee, including the office of the presiding member, is not an office of profit under the Crown.

Clause 28: Regulations

This clause provides that the Governor may make regulations for the purposes of the Bill.

Schedule—Related amendments and transitional provision

The Schedule makes related amendments to the *Aboriginal Lands Trust Act 1966* and the *Parliamentary Remuneration Act 1990*.

Clause 6 of the Schedule makes a transitional provision requiring that the first members to the Committee be appointed as soon as practicable after the commencement of the clause.

The Hon. R.I. LUCAS secured the adjournment of the debate.

ESTIMATES COMMITTEES

The House of Assembly requested that the Legislative Council give permission to the Minister for Agriculture, Food and Fisheries (Hon. Paul Holloway) and the Minister for Aboriginal Affairs and Reconciliation (Hon. Terry Roberts), members of the Legislative Council, to attend and give evidence before the estimates committees of the House of Assembly on the Appropriation Bill.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I move:

That the Minister for Agriculture, Food and Fisheries and the Minister for Aboriginal Affairs and Reconciliation have leave to attend and give evidence before the estimates committees of the House of Assembly on the Appropriation Bill, if they think fit.

Motion carried.

STATUTES AMENDMENT (EQUAL SUPERANNUATION ENTITLEMENTS FOR SAME SEX COUPLES) BILL

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

MINING (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

ADJOURNMENT

At 12.50 a.m. the council adjourned until Thursday 5 June at 11 a.m.