LEGISLATIVE COUNCIL

Thursday 28 October 2010

The PRESIDENT (Hon. R.K. Sneath) took the chair at 11:02 and read prayers.

STANDING ORDERS SUSPENSION

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (11:03): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15pm.

Motion carried.

ROAD TRAFFIC (USE OF TEST AND ANALYSIS RESULTS) AMENDMENT BILL

Second reading.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (11:04): I move:

That this bill be now read a second time.

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

Leave granted.

The South Australian Motor Accident Commission (MAC) manages the State's Compulsory Third Party Insurance (CTP) scheme.

In the past, MAC has been able to use and admit into evidence oral fluid and blood samples compulsorily taken (and the consequential Certificate of Analysis) for the purposes of seeking reductions under the *Civil Liability Act 1936* for intoxicated drivers, or in recovery actions under s116 and s124A of the *Motor Vehicles Act 1959*.

The issue as to whether the blood samples obtained compulsorily at hospital can be used by the insurer to establish the insured's blood alcohol content was first brought into question in a CTP recovery matter against an insured driver. The insured is arguing that the *Road Traffic Act* specifically prohibits the use of the blood taken and the consequential blood alcohol certificate ('BAC'), against him for any other purpose other than 'an offence' under the *Road Traffic Act* or *Motor Vehicles Act* or a driving-related offence.

More recently, the issue of admissibility of the BAC has again been raised during the course of a trial relating to a CTP claim for damages arising out of a motor vehicle accident. The plaintiff's solicitors opposed the admission of the BAC and the Trial Judge ruled on 13 October 2009 that the Certificate cannot be relied upon in this matter.

Without such evidence, proving intoxication and degrees of intoxication will be exceedingly difficult (if not impossible in some cases). This has the potential to significantly escalate the annual cost of compensation to the CTP Fund, thus placing pressure on premiums.

The Bill seeks to ensure that the CTP Scheme continues to be able to use and admit into evidence oral fluid and blood samples compulsorily taken (and the consequential Certificate of Analysis) for the purposes of seeking reductions under the *Civil Liability Act 1936* for intoxicated drivers, or in recovery actions under s116 and s124A of the *Motor Vehicles Act 1959*.

The Bill is important to the long term viability of the CTP Fund and is intended to assist the social responsiveness of the CTP Scheme and protect SA motorists from future possible premium increases driven by escalating liabilities caused by driving behaviours and attitudes that are considered socially unacceptable.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Road Traffic Act 1961*

3—Amendment of Schedule 1—Oral fluid and blood sample processes

This clause amends Schedule 1 of the *Road Traffic Act 1961*. That Schedule includes provisions relating to the taking of oral fluid and blood samples under the Act. Clause 8, which limits the purposes for which the results of the testing or analysis of such samples can be used, is amended so that the results of a drug screening test, oral fluid analysis or blood test, an admission or statement made by a person relating to such a drug screening test, oral fluid analysis or blood test, or any evidence taken in proceedings relating to such a drug screening test, oral fluid analysis or blood test (or transcript of such evidence) can be admissible in evidence against the person who submitted to the test or analysis in certain civil proceedings. If the person who submitted to the test or analysis was involved in an accident, and the testing or analysis occurred in connection with that involvement, the provision as amended will not prevent the results from being admissible in evidence against the person in civil proceedings in connection with death or bodily injury caused by or arising out of the use of a motor vehicle in the accident. *Accident* is defined in section 5(1) of the Act to include a collision between 2 or more vehicles or any other accident or incident involving a vehicle in which a person is killed or injured, property is damaged, or an animal in someone's charge is killed or injured. The provision makes it clear that the reference to civil proceedings in connection with death or bodily injury caused by or arising out of the use of a vehicle includes proceedings under section 116 or 124A of the *Motor Vehicles Act 1959* for the recovery from the person of money paid or costs incurred by the nominal defendant (within the meaning of that Act) or an insurer.

Death or bodily injury will be regarded as being caused by or arising out of the use of a motor vehicle for the purposes of clause 8 if it is regarded as being so caused for the purposes of Part 4 of the *Motor Vehicles Act 1959*.

Schedule 1—Transitional provision

1—Transitional provision

The amendment to clause 8 of Schedule 1 of the *Road Traffic Act 1961* will apply in relation to proceedings commenced before the amendment takes effect in addition to proceedings that commence following that commencement.

Debate adjourned on motion of Hon. D.W. Ridgway.

STATUTES AMENDMENT (BUDGET 2010) BILL

Adjourned debate on second reading.

(Continued from 26 October 2010.)

The Hon. K.L. VINCENT (11:05): I wish to speak briefly to this bill which, as I understand it, makes the necessary changes required to current legislation so as to implement the budget. I have a number of concerns, as you can imagine, in relation to the budget that was handed down in September this year; however, I will save those comments until I speak to the Appropriation Bill. I wish to now focus on the negative ramifications of this bill. Of particular concern are the proposed amendments to the Public Sector Act, the Education Act and the TAFE act, which will reduce the long service entitlements for our longest-serving public servants without any consultation. I am not saying that public sector work should necessarily receive more long service leave than that provided under the Long Service Leave Act: I just believe that it is not fair to take a worker's entitlements without first taking it to the bargaining table.

I am also concerned that the 17.5 per cent leave loading will be taken from public sector employees and replaced with an extra two days of annual leave. I have perused a number of federal awards, and I note that every one I looked at provided employees with a 17.5 per cent leave loading. I do not think it is fair that our hardworking public school teachers, for example, will now receive less than their private school counterparts or that public sector clerks will receive less than those who work in the private sector.

Not only have these workers been robbed of their entitlements: they have also been deceived and treated with disrespect by a Labor government that purports to champion workers' rights. I am no historian, but my understanding is that the Labor Party was indeed established to achieve a better deal for workers. Sadly, it seems that the government has all but forgotten its core constituency.

We have received correspondence from the Motor Trade Association, which has raised concerns about the burden placed on motor industry employees who are expected to take reasonable steps to ensure that a vehicle is registered. I understand that the Motor Trade Association has provided the government with a proposed amendment which effectively exempts motor industry employees from prosecution and I, like the Hon. Mr Lucas, would like to know whether the government has considered the Motor Trade Association amendments and the associated cost of such amendments.

To be frank, I am not comfortable with the government's decision to do away with registration labels. While it may signal a $5.7 million saving over three years, I am concerned about

the burden placed not only on motor industry employees but also on every person who becomes a designated driver by default; for example, the support worker who drives their client's car or the mate who agrees to drive a friend because the friend has had too much to drink. Is it reasonable to expect these people to call a hotline every time they drive another person's car?

While my concerns with this budget bill may seem minor in the larger scheme of things, I believe they are worth mentioning, obviously. However, that does not mean I have nothing else to say regarding the budget in general, and I advise my fellow members that I will make further comment when we debate the Appropriation Bill later in the week. I look forward to doing so.

The Hon. A. BRESSINGTON (11:09): I indicate that I will not support the government's Statutes Amendment (Budget 2010) Bill. While I should not be surprised, given the callous changes made to injured worker entitlements in 2008, I am frankly incensed that this government, a Labor government, would seek to legislate its way out of an enterprise agreement that has been negotiated and agreed to with the Public Service.

I will not go on about that at great length because I think every member in this place who has contributed has found to be quite extraordinary the lengths to which this government would go to get its own way and cut costs, probably because of mismanagement of expenditure. The Public Service sector is going to have to pay for that.

I also indicate that I will be moving amendments to delete from the bill the provisions to abolish registration labels. I have attempted to find the official estimation of the number of unregistered motor vehicles on South Australian roads, but to no avail. However, in April this year, the New South Wales Road Traffic Authority estimated that there were 65,000 unregistered motor vehicles on their roads. As a direct comparison of population, this equates to about 14,600 unregistered cars in South Australia. While I suspect the South Australian figure is indeed higher than this, almost 15,000 is a significant number of cars. Reducing this figure is where the government priority should be, not on abolishing registration labels on which people have come to depend to remind them when their vehicle registration expires.

Given that the government is investing in additional cameras and mobile data terminals for police that will assist in detecting unregistered cars, I question whether the government has estimated the increase in revenue that will result from fines. I am not alone in suspecting that the government is trying to foster a new revenue stream by abolishing these registration labels. It can only result in more vehicles mistakenly being driven unregistered. Of course, this government will be quick to fine you the minute your registration expires. The abolition of registration labels will apparently save only $5.4 million over three years—almost half the amount saved by restricting the renewal options to three months or 12 months which will supposedly save $10.1 million over three years and which my amendment will retain.

The government plans to do an extensive public information campaign on abolishing registration labels. I ask the government: how much will it spend on the advertising, and how much of that $5.4 million in savings will be eaten away by that very advertising campaign? I also argue that any proposed environmental benefits in reduced production and wastage by scrapping registration labels is offset by the creation of prescribed documents and the waste of advertising the abolition of registration labels, including the printing of the associated government media releases.

Mr President, we spoke with members of the MTA yesterday, who were obviously concerned about their members having to be reliant on a government website, or a hotline, to verify the registration. I put it to you that there are a number of situations where people are not going to want to get onto a phone line or a website before they drive a car. Some of those situations could actually be emergencies, where to make a call or register on a website could be a matter of life and death. We are putting pressure on people to verify registration of other people's cars, not considering the busy lives of families and individual people. I know it has happened to me quite often: you get in the car and see the registration figure (indicating the month) and you think, 'Oh god, next week it's due.' I honestly believe this is a trap for those families and for people who would generally do the right thing.

As I said, there are an estimated 15,000 unregistered cars on the roads already, and now we are going to remove registration stickers. I don't see the sense in it. If it is just a budget-saving measure, then it is a poor one, I believe. It is a poor decision and I don't believe that people out there in the general public are very keen about this either, to tell you the truth.

So, I have had amendments drafted to remove that provision from this bill, and I ask members to give consideration to the fact that our motorists are targeted quite enough already. We have very poor signage for 50-kilometre zones. We are told, 'When in doubt, do 50.' That is all very well, but if you have just come off a 60 kilometre road and turn a corner, you do not always think, 'When in doubt, do 50.' You sometimes think that that the 60-kilometre speed zone continues around the corner. Quite often it does not and that is a trap. I believe that the revenue stream from that has gone up quite significantly and that this abolition of registration stickers is just another ploy by the government to hit the average motorist, who would normally do the right thing, a little harder. I find it appalling.

The Hon. M. PARNELL (11:15): I rise to speak to this budget bill, which provides for numerous legislative changes to give effect to measures announced in the state budget. The state budget was a most disappointing document. In fact, I would say it was a dangerous document in terms of the impact that it will have on South Australia, South Australians and the services that we have a right to expect from our public sector in particular. This budget was mean-spirited and it was dishonest in that it breaks faith with working South Australians and particularly those in the public sector.

I have attended the last big rallies on the steps of Parliament House and, as tempting as it might be for me to recite into *Hansard* what is written on some of the placards, I imagine that I would be in trouble for unparliamentary language. Certainly, two that stick out and directly relate to this bill are, first of all, 'Leave our leave alone' and, secondly, 'Negotiate Don't Legislate'. What that means is that public sector workers, very rightly, are angry that commitments that were made by this government to them and to their unions as recently as last year have now been thrown out the window with this legislation.

In fact, the chief executive of the Department of the Premier and Cabinet wrote to the general secretary of the Public Service Association on 7 December 2009 in relation to the wages parity enterprise bargaining salary group offer. Included in that letter was a summary of the significant elements of the offer. It included these two items: firstly, 'continuation of the current provisions in relation to the security of employment' and secondly, 'existing conditions continue'. It has taken less than a year for both those to turn out to be untrue.

My colleague the Hon. Tammy Franks has already declared that the Greens will be opposing part 10 of this bill, as the provisions of that part are matters that should properly be in the realm of negotiation between the government and public sector workers and their unions. I agree with the placard that the government should negotiate and not legislate.

In relation to the budget more recently, we have seen some backflips and many of those are welcome. Certainly, the decision in relation to the Parks Community Centre was welcome. I remembered fondly that my children were taken to the Parks regularly. We used the library and a number of the facilities there. That was too important a facility to the people of the Western Suburbs to allow this government to close, and I appreciate that the funding will continue.

In terms of adult re-entry programs in education, there does appear again to be a backflip, which I welcome, but I want to know whether it really is and, whether it is in connection with this bill or the Appropriation Bill, I would like clarification from the government about whether this backflip on adult re-entry courses extends beyond the SACE courses to include pre-SACE, bridging and foundation courses, vocational training courses and specialised literacy classes for migrants learning English as a second language.

If the backflip does not incorporate those, then there is clearly more work to do. I note that the *Eastern Courier Messenger* has reported that at the Marden Senior College, more than half the students were studying the courses that I mentioned, rather than specific SACE courses, so the government needs to clarify that.

There are two aspects of this bill that I want to focus on briefly. Both have been mentioned earlier. The first one is in relation to this idea of getting rid of registration labels and the impacts that that will have on ordinary South Australians as well as those people who regularly drive cars that belong to others. My initial reaction is that I am open to the idea, in a digital age, that we probably could get away with abolishing stickers on a car windscreen. But, for goodness sake, if we are going to do that it needs to be done properly and you need to make sure that you are not putting innocent people at risk of prosecution, otherwise it will be seen suspiciously by the community.

As with other members here, I have been approached by the Motor Trade Association and, whether it is at the conclusion of the second reading or in committee, I need assurances from the

government that car repairers and others who are going to be in the temporary possession of cars and driving them will not be prosecuted if they were unaware that the car they were driving was not registered or insured.

I do not think it is reasonable to suggest that every time you drive a car belonging to someone else you have to ring a hotline or get onto a computer to find out whether or not it is registered. Yes, I think we can go to a digital solution but I do not want to put ordinary South Australians at risk. If members here were honest, we would have to ask ourselves—the last time we borrowed someone's car or someone said to us, 'You drive my car and I'll meet you there'—how often would we walk around to the front and check the date on the registration label? If we were—

The Hon. A. Bressington interjecting:

The Hon. M. PARNELL: The Hon. Ann Bressington says 'every time'. She has different friends from mine. I tend to trust that my friends will have registered their cars. The point is that failure to do that is part of the offence if you are caught. My point is that we possibly can get rid of labels but I am not prepared to support that measure unless the government does it properly and innocent people are not put at risk.

The second point I want to raise relates to the Environment Protection Authority and the inclusion of sustainability licences. Whilst we are only seeing these forms of licences legislated now, the government has been talking about them and, in fact, doing them for the past 12 months. You can go to the EPA website and get a copy of, for example, the Castalloy sustainability licence dated 26 November 2009. The first question that arises is: if the government has been doing this already for a year within existing legislative provisions, what is the particular need for these changes? I look forward to the minister's response.

It may well be—and the minister will confirm this—that the sustainability licences issued so far have very little legal weight. In fact, if you look at the New Castalloy Pty Ltd sustainability licence, it has two footnotes in the first paragraph. The first footnote states:

> This EPA sustainability licence refers to the Environment Protection Authority interchangeably as 'EPA' or 'the Authority' and New Castalloy Pty Ltd interchangeably as 'New Castalloy' or 'the licence holder'.

That is just routine but the next footnote states:

> EPA and New Castalloy acknowledge that New Castalloy's commitments under the environment sustainability agreement are not legally enforceable obligations.

What I would like the minister to clarify is the extent to which the environmental sustainability agreements will, in fact, become binding if these changes are made to the Environment Protection Act by virtue of this budget bill. If, in fact, the government has been trumpeting the benefits of non-binding agreements, then I think that it should have come clean with that and not just have it as a minor footnote.

One of the other sustainability licences was issued to OneSteel. As members know, I have had a longstanding interest in that matter and I am very pleased that OneSteel's environmental performance has improved. Project Magnet, which was instituted a few years ago, apparently has resulted in a reduction of red dust pollution. However, I am still outraged at the process that this government and this parliament followed in terms of passing special legislation with the specific purpose of undermining the authority of the EPA in that matter.

So, I understand that, whilst the government is now proposing to move to sustainability licences, no change was necessary to the specific Whyalla steelworks legislation, and I ask the minister why was that not necessary in that case?

When it comes to these licences, what I find interesting is that the EPA put the licences it is proud of up on the web and then make them freely available. As I have said, the licence for the New Castalloy Proprietary Limited is up on the web. You can download it and you can print it free of charge. Members might remember that the Castalloy foundry was one of the worst performing, in terms of pollution, industrial operations in this state. The pollution levels were excessive, and it was only as a consequence of a number of major contracts falling away and a change in the management and ownership of that corporation that improvements were made.

So, the licences the EPA is proud of are put on the internet. The ones that they are not so proud of, for example exemptions, special permissions, under the Environment Protection Act, that say that the companies involved do not have to comply with pollution standards, you will not find

those on the internet. You will not find the exemption that has been issued for the Northern Power Station up at Port Augusta, because that exemption embodies what the EPA know and what the government knows and what the community of South Australia should know, and that is, that that facility will never meet South Australian pollution standards. It was listed not that long ago as the dirtiest power station, certainly in South Australia, per unit of energy produced.

So, a call that I have made, and I will continue to make, is for the EPA to do what was envisaged over 10 years ago, and that is make pollution licences and exemptions freely available to the community on the internet. Every other state does it. In every other state you can go online, you can type in the name of a company, and you can download a copy of their pollution licence. If, as community members, we know what is in a pollution licence, we know what the legal obligations are on polluting industries, and we can report breaches if they occur to the relevant authorities, in this case the EPA.

The EPA prefers a regime for restricting access to these documents, and they restrict it by virtue of their exorbitant charging regime. Members might not be aware, but for the privilege of inspecting a document held on the public register of the EPA, you need to pay $16.80. If your search of EPA documents requires access to a computer, you will be charged $100.80 per hour of computer time, in order to access records that are on the EPA's own computer system and freely available to all their staff; but if a member of the public dares to want to see a pollution licence, they need to pay $100.80 per hour for the time that it takes. If you want a hard copy paper version of an EPA licence, you will be charged $4.25 for the first page. You will be charged $1.45 for each other page.

What a crazy regime, in the digital age, when all these licences are recorded and available electronically. That is how they are transmitted between licence holders in the EPA, and if you actually ring the EPA and ask, and they trust that you will pay their invoice when it arrives, they will email them to you as well. What a silly system! Why can't South Australia do what all the other states do, and that is, put EPA licences, exemptions and statutory monitoring data up on the internet? I think that it is quite outrageous, and in fact it stands in stark juxtaposition to the approach that has been taken on car registration labels, where they do want to go to a more electronic recording system. They want to do away with the little sticker on your windscreen.

Why on earth can the government go down that path without having sorted out the problems that have been identified that will result, when it cannot do the simplest action of putting a fairly limited number—I think it is only a couple of thousand—of Microsoft Word or PDF documents on the internet and enable the public to access them for free? Like I said, every other state manages to do that. We are living in the dark ages here. With those words, I look forward to the committee stage of this debate, and we will go through some of the detail in each of these pieces of legislation sought to be amended by this bill.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (11:30): I thank honourable members for their contribution to this debate. Can I just say at the outset that we do have a couple of members who wish to speak to the Appropriation Bill before other engagements at midday, so I may seek leave to conclude my remarks during this response, and I will come back to them later. There are just a couple of matters that members raised this morning that I wish to address. The Hon. Kelly Vincent talked about teachers under these measures allegedly being worse off than the private sector.

Can I just reinforce to the council that teachers are not affected by the 17.5 per cent leave loading provisions; that is quite clear in the act. They will retain their 17.5 per cent leave loading. In relation to long service leave, I think it has been pointed out repeatedly that the 15 calendar days of long service after 15 years of service is a much more generous provision than what is provided for in most of the private sector and, I would expect, in most private schools. I do not believe it is sustainable that teachers will be worse off than those in the private sector as a result of these measures.

The Hon. Ann Bressington talked about one particular measure, saying it is a poor saving measure. However, what we have heard in all the debates from members opposite and from the Independents is an attack on all of these measures which, of course, cumulatively are an important part of the budget. As a result of these measures they deliver the government's bottom line and deliver the savings targets, but not once have we heard an alternative approach from any of the non-government members in this place. They could have gone to the Sustainable Budget Commission. There was a smorgasbord of alternatives—tax increases, cuts to other areas that

they could have put forward—but they did not. All they have done is attack this government for some of the savings measures.

We had the really extraordinary speech made by the Hon. Mr Lucas, who is the shadow minister for finance and, of course, the chair of the Budget and Finance Committee, who spent most of his Appropriation Bill speech attacking the government for overspending; we were overspending. Of course, he mentioned health in that context. Country health is an area where this government has just increased expenditure in this budget by 13.5 per cent; it is almost a 10 per cent real increase in funding for country health, and yet what did we get yesterday? We got opposition members saying that it is not enough, that 13.5 per cent—10 per cent almost real—is not enough; we need more. There has to be some reality coming into the financial debate in this state.

One only has to look around the world, you just have to look at Europe and the austerity measures that are being imposed within the United Kingdom, where they are not talking about just removing a few benefits that are much more generous, such as the extra long service leave provision, than is the norm in the private sector. They are talking about pay freezes for two years and they are talking about cuts of half a million public servants out of 6 million; that is one in 12 in the public service going in the UK. There are a number of other severe cuts as austerity measures. One could look to France, Greece and most of Europe.

This country, due to good financial management by the federal government and this state government, has been able to avoid most of the horrors of the global financial crisis, but it has had an impact on this state. We must adjust accordingly; we must adjust to the underlying factor that is driving the budget, which is the huge increase in demand in the health and welfare sectors—the disability sectors—with big demands on the budget. We must address that fundamental structural shift, where there has been a huge increase in demand. In health it has been growing something like 10 per cent a year, when revenue grows at about 5 per cent a year; and that is all set out in the budget papers. That has been happening for decades, it is likely to happen in the future, and it is likely to happen also in the disability sector.

So, how do we fund that? We cannot just say that if a budget works in 2009, 2002, or whenever, you can use that same budget and reproduce it every year into the future and it will work; it just will not happen. It is not happening anywhere else in the world. There has to be that fundamental budgetary restructuring, of which this budget measure is an important part. It is so that we can cope with increasing demands.

It is very easy for the non-government members to sit back and say, 'We oppose all of your cuts. We don't like what you're doing, but we won't put forward a single alternative. If you increase taxes, we'll criticise that; if you cut services, we'll criticise that. So, we'll reserve the right to criticise government but we won't put up any feasible alternative.'

If we were to ignore the situation facing us, then inevitably what would happen is that we would have exploding budget deficits and, eventually, some future government would be forced into the sort of austerity measures which we are now seeing in Europe, where they are, as I said, making cuts that are far harder on the public sector, for example.

It is very difficult for any government to have to make these sorts of choices, of course it is, and every member on this side of the house, every Labor member, would rather not be in the situation where we have to do that, but what are the alternatives? What all governments have to do is look at the realistic alternatives before them. We can either have the sort of measures that we have set out in the bill that we are now debating or we could have other measures. We could have tax increases or we could cut somewhere else.

Most of the debate in this council has been about the public sector measures. If one did not take those measures—and collectively, when they are fully implemented, they raise something of the order of $60 million a year—then the alternative would be to cut another 600 or 700 public servants and the commensurate services, and then everyone would be complaining about that. What is fairer—

The Hon. T.A. Franks interjecting:

The Hon. P. HOLLOWAY: Logbooks. What is that going to do? That is going to solve our financial problems, is it? So, just deal with a handful of petty cash things that probably will not making any saving. This is the sort of thing that you get, Mr President. What you would have with the Greens' policy is what happens with similar governments in the world: you would have

unemployment at around the 10 or 15 per cent mark. That is the alternative. Look at Greece: ignore the problems, don't manage the economy properly, and what happens is that you get 10 or 15 per cent unemployment and, eventually, the country is totally bankrupt and someone has to come in and fix it, with huge austerity problems.

The Greens talk about 'negotiate not legislate'. How do you change long service leave provisions when they are enshrined in the act? Incidentally, they did not come about as a result of negotiation: they were put in on some election promise about 20 or 30 years ago in a different situation and they were enshrined in the act. How does one negotiate when those provisions are in the act? There is only one way they can change; they are not like other conditions.

I have made it clear, and the Treasurer has made it clear, that the action taken in this bill does not set a precedent for other areas. It is to deal with a very difficult situation that this government has been forced into: do we either save the $30 million (or whatever it was) by not giving a benefit in the future that was far more generous than the provisions we see across the rest of the workforce, or do we go for some other measures like hitting families with further taxes and the like?

They are the real alternatives that face any government. They are not pleasant. No-one on this side would like being in that position, but it has to be faced. You cannot just pretend it away. You cannot just hope that, somehow or other in this little cocoon here, in the Legislative Council, it will all go away and vanish if you do nothing about it. You need only look around the rest of the world to see countries, such as Greece and others, that thought they could do that and, a few years later, it all came back on them. At this point, I seek leave to conclude my remarks on motion.

Leave granted; debate adjourned.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 26 October 2010.)

The Hon. R.L. BROKENSHIRE (11:41): I rise to support the Appropriation Bill. Whilst I have touched on certain aspects of the general appropriation within the Statutes Amendment (Budget 2010) Bill, I want to specifically talk about some other aspects of the budget. First, with respect to the budget and the Appropriation Bill, it is interesting to get an independent look. I believe that other colleagues received a document yesterday, too, that was commissioned by the Public Service Association of South Australia, and I commend the association for commissioning the independent report from the Centre of Full Employment and Equity—the COFEE report.

When you look at the centre's analysis, it is interesting to see what is happening here in South Australia. The centre's analysis in terms of the South Australian industry share of employment shows that, with agriculture, forestry and fishing, it was 7.8 per cent in 1985 and 7.9 per cent in 2000, so it was pretty stable throughout that period. Yet, from 2000 to 2010, it has gone from 7.9 per cent to 4.7 per cent, and that is of concern.

I note that the Leader of Government Business, the minister for planning and other portfolios, used the same figures yesterday that the minister for primary industries (the Hon. Michael O'Brien) used, saying that we were seeing growth in agricultural products and export at about 4.4 per cent. I am not quite sure where the government gets its figures from but, when you look at this independent analysis and look at the report that the federal minister (Hon. Mr Carr) put to the federal parliament yesterday, you can see some alarming issues not only in South Australia, but nationally when it comes to where we are positioning ourselves with agriculture and food security.

In fact, for the first time ever in Australia's history, in processed and manufactured food, sadly, we saw more food being imported into Australia than we saw being exported. So, for the first time ever, we have had a complete turnaround, and we need to change that.

If we look at manufacturing in South Australia, the industry share of employment was 16.9 per cent in 1985 and 14.1 per cent in 2000—so a drop but, in a 15-year period, not a significant drop. However, by 2010, manufacturing employment in South Australia is now back to 9.9 per cent. That is a very big drop in just a 10-year period.

I also want to talk about mining's share of employment in the context of agriculture as an employer. It is consistently between 1.4 per cent and 0.8 per cent. If we compare that with arts and recreation services, they are consistently 1.1 to 1.4 per cent. Then, of course, we look at public

administration and safety, which is up from 4.8 per cent in 1985 to 6.6 per cent now, and health care and social assistance was 9.6 per cent in 1985 and 13.9 per cent in 2010.

We see some significant increases in those areas, but when it comes to a lot of the economic engine-room driving opportunities for this state we see a significant reduction in South Australian industry's share of employment. That is why we need to be focused on a budget that will give sustainability to the South Australian community and to its future.

If we look at saving shares in the budget, the burden is being born most heavily by health. I acknowledge that health obviously had to be part of the reduction in a budget in which the government is targeting $1.4 billion of savings into the forward estimates. Where I differ with the government is that, while I acknowledge that it has the right to look at savings and efficiency dividends—and I have sat around and been told what efficiency dividends I have had to provide over a few years, and it is never easy for the minister or the department—I believe that the $1.4 billion of efficiency dividends and savings is more to do with the promises made at the last state election than with the global financial crisis.

It is pretty easy to add up where the $1.4 billion comes in because, if you look at the state's GST revenue alone, it is a fact that that GST revenue did not drop to anywhere near like the forecast by Treasury, when the GFC first hit the economy of South Australia and Australia—and, indeed, internationally.

I am pleased to see the duplication of the Southern Expressway, and I want to put on the public record—because I get sick and tired of hearing the Hon. Patrick Conlon criticise the fact that it was a reversible freeway—that the reason for that was that there were something like $11 billion of core debt when that freeway was built. At that stage the commonwealth government, under prime minister Keating, refused to put a dollar into it. Also, the forward projections on the road indicated that there would not be a need for duplication of the road until at least 2025; however, because of the acceleration of housing development in the south there is a need for that now.

The point I am making is that if you are looking at $450 million, maybe more, the budget estimate for the duplication of the Southern Expressway will actually blow out. On 8 or 9 December last year, I ran a petition calling on the government to support the duplication of the Southern Expressway—I think that was just after cabinet had met at Wirreanda High School or one of the other high schools in the south. Again, the Hon. Patrick Conlon told members of a business association that there was no way, under the watch of this Labor government, that the Southern Expressway would be duplicated. Guess what? Within just a few short weeks, it was duplicating the Southern Expressway, due to polling.

I do not think the government has looked at the complexities. It can do the costings on the bridges and on the general roadworks, but the complexity of the Southern Expressway, when it actually comes down to Darlington, is that you cannot construct duplication there as you can with the first part of the Southern Expressway. There will have to be significant and very technically engineered flyovers over the Southern Expressway and the existing Main South Road to interconnect at Darlington. I forecast that we will see a considerable blowout in the cost of that road.

The point is that the government said it would be, I think, $400 million to $450 million for that. Have a look at the pressure the AFL put on the government with the Adelaide Oval: the government is now putting up $535 million, $35 million more than it initially promised. Of course, that does not include the footbridge, and that is another $30 million to $40 million, I understand. The AFL can come over here and demand that the government do something and the government buckles to it, but the government did not buckle to the pressure of the South Australian community. If you round off those figures, you are looking at about $1 billion just in those two projects, which, I believe, were unfunded. They certainly were not in the forward estimates. That is why these cuts are occurring: for the reason that this government wants to do these capital works so that people can see them and touch them prior to the 2014 election.

That is backed up by the budget forecasts that show pretty sizeable surpluses in 2014 and an even more sizeable surplus after 2014. Whilst it is good, and I commend this government for looking at surpluses in the future, I do not think it is a good way of running the business of government when you are cutting the number of public servants and their entitlements, as well as making cuts in all these other areas that we are now starting to see, to get your pet projects in but at the same time not showing proper planning and strategic management.

A cut has to be made in the health portfolio, and the Minister for Health has to come up with efficiency measures. He has the largest budget of all the ministers, but when you start penny-pinching to the extent of $800,000 with a budget amounting to billions of dollars and destroy the social opportunities and duty of care factors involved with proper health care affecting the Moonta, Ardrossan and Keith communities, for example, as well as tourists and other people travelling through those areas, you have to shake your head.

I do not believe, in fact I am almost certain, that there was no net cost benefit analysis done by the health department or Treasury on that $800,000 worth of cuts. I also believe that no regional impact study was done, and I am almost positive that no family impact statement was prepared. So, in other words, it was purely Treasury, through the Sustainable Budget Commission, going to the health department and saying, 'Show me where you can find savings.' Someone obviously did not like the fact that a few hundred thousand dollars was going to these community hospitals, and they thought, 'Here's a chance to actually cut', but they will not save any money out of that.

In fact, that $800,000 was a cheap investment and I can substantiate that by the experience involving the McLaren Vale hospital , where we saw this sort of budget nonsense happening at the end of the Bannon government. In 1993, we saw the then health minister, the Hon. Martyn Evans, come down to McLaren Vale—I was a candidate at that stage for the seat of Mawson—and he got a shock when he saw the size of the public meeting. The then Labor government wanted to actually cut the public funding to the McLaren Vale hospital back then.

Again, that was short term, like these cuts in this budget with the health services at Moonta, Ardrossan and Wallaroo. We beat the government on that occasion and rolled it up into a $1.1 million recurrent public contract with the McLaren Vale & Districts War Memorial Hospital. To congratulate this government, they have now continued with that. They are providing bed services there for about $120-$125 a bed per day, whereas I understand that at Noarlunga it would be up around $1,000, and at Flinders, $1,400 a bed per day.

The government will get logjams in the public hospitals. They say that they have spent $1 million on Wallaroo coming up to this budget period: $1 million is a lot to any one of us, but in a $15 billion budget it is petty cash. Even with that $1 million, Wallaroo is chock-a-block. So, we are going to see this backlog come right back through to the RAH, Flinders and the Lyell McEwin, wherever they can get the patients into acute beds for the necessary operations and medical support. They will then stay in there until they are well enough to go home because they will not have that transitional opportunity of going back into a general bed contracted in a community hospital.

So, at the end of the day, there will not be savings in this area. I forecast that, if these hospitals close before the 2014 election, it will be a catalyst for a lot of city people to actually work against this government too. It will not just be country people this time. Do not underestimate the power of country people and their relationship with city people. We are one state. Look at the sympathy and the frustration of people in Adelaide when they are trying to buy South Australian and Australian-produced food to see how loyal they are to their country fellow South Australians.

PIRSA loses 18.2 per cent of its operating expenditure between 2009-10 and 2010-11 alone. With respect to water, it is 36.6 per cent. Where was the primary industries minister in terms of fighting for a fair go for the most sustainable industry in this state, agriculture? I do not know where he was but if he was in the cabinet room, if he was in budget bilaterals with the Treasurer in the State Administration Centre, I am sorry, minister: you failed rural people, you failed food security and you failed to support a department that has delivered so much for this state—I refer, of course, to the old department of agriculture, now primary industries.

It was interesting to see the attitude of some of the heads of other departments where, at a briefing some of us received just this week, the head of the Department for Environment and Heritage (or his offsider, I cannot remember which one) made the comment that perhaps PIRSA should come in under a department with the Department for Environment and Heritage.

They have tried that trick before. That would be the worst thing that could possibly happen in relation to food production in this state. They have gutted PIRSA so much that PIRSA is there battling to survive, let alone fight some of these department heads who have other ideas of growing bigger departments. Then, of course, there is SARDI, which I think SARDI actually started under a Labor government.

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: It didn't? I was going to give them some credit, but it did not start under Labor; it must have started under the Liberals, then. The bottom line is that for a very long time successive Liberal and Labor governments have nurtured the development of SARDI.

If you go down to West Beach or anywhere around the state and you have a look at the work done by SARDI, it is world's best practice. And what do we see? We see a cut in the SARDI budget of about 10 per cent. That is an area of research and development that can create opportunities for the state.

What we are doing is a knee-jerk reaction to address certain issues in this budget so that the government can get another chance in 2014 to have 16 years of government. But what happens in the years beyond 2018 when, if the government does get 16 years as a Labor government, it has made such a mess of things that it has undermined the future of our state?

That is what I believe is happening with a lot of these decisions in this budget. It might be all right, it might fool some people, it might get you over the line for one more term; but surely the government has a basic responsibility to govern for the long-term future of this state.

PIRSA's employee losses in 2013-14 will be 179 full-time equivalents. That is on top of the 111, from memory, they had to get rid of in the last budget. PIRSA is not so big when it comes to staff numbers that it can afford those cuts. Indeed, the brain drain and experience going out of PIRSA in the last few years has been phenomenal.

Wait until these packages come around. Why would you stay with PIRSA as a dedicated agricultural scientist when you can get a package, go out into the private sector and earn more money? You are not being respected, appreciated or treated properly when you are working for the government these days in any case.

I want to deal now with public housing. We have been asking for some time now whether or not commonwealth money is being shifted around to try to make it look as though the minister here in South Australia is looking after Housing SA. It is pretty obvious, when you look at public housing, that the government is walking away from its responsibility involving public housing, of which we are seeing less and less. If colleagues do not believe me on this, they can actually have a look at the Centre for Full Employment and Equity Report and see that this is all stated there independently.

I refer to one part of this report which is directly relevant to the Appropriation Bill, and that is the graph on page 37, figure 8, which shows the revenue of this state. In the past eight or nine years it really has been a river of gold. My business and, I am sure, anybody in business would love to see revenue increases like the ones we have seen. There was $8 billion (or just under) in revenue at the change of office and now, eight years and six months (or thereabouts) after this government came into office, it is $16 billion—double the revenue. Yet, now we see a budget where the devil is in the detail, and it is coming out, day in and day out; you hear about it on radio and you see it everywhere—cutting like you would not believe. However, those cuts, if they are necessary, have been made in the wrong areas.

The savings targets: will they work? We have been critical of the outcomes of Shared Services and the concern remains that this will probably be privatised in some way. A whistleblower spoke to me and said that was correct but the government said, 'No, the whistleblower is not correct and we have no plan to privatise and sell Shared Services.' I still think that the day will come when Shared Services will be in a reasonable position. At the moment Shared Services is having more and more money poured into it because it has failed to deliver its savings. It has failed to even get its own management together.

One only has to look at what is happing with ambulance officers right now: some were overpaid and some were underpaid for the last year or two and now the government, through Shared Services, wants that all fixed. There is a lot of pressure and angst out there. The bottom line is that they came up with initiatives like Shared Services and the fact is that in the estimation of the centre savings are $28 million short of the $60 million target. In forward estimates they have revised that to $30 million.

What really annoys me with this budget is that time and again it shows a host of cuts to community services. I have talked to my colleague the Hon. Ann Bressington about the anti-poverty program through the Department for Families and Communities. Of all the portfolio areas the one that has been hit the absolute hardest is Families and Communities where nearly every area has

been torched. Good on them—we have people from that department openly talking to us (and I am sure my colleagues, as well) saying that they are at their wits' end. They do not know how they are going to be able to deliver services any more. They are not respected for the work they are providing.

As a result of these cuts the very people whom I thought the traditional Labor Party and government stood for—that is vulnerable people and people with special support needs, etc.—would be the ones to be looked after. Surprise, surprise—not with this government; not with the Rann government. Those people are the ones who are getting hit the most.

The government has criticised its critics who say that it has not proposed alternatives. I have some alternatives: first of all, the fines revenue. Yesterday, minister Wright had to admit administrative errors meant massive write-offs, yet the courts are writing off a heap more and are also failing to collect revenue which, if you went back over the life of the government, would have been hundreds of millions of dollars—it is written off.

Habitual fine defaulters know the system and that they can break the laws that are made in parliament, or the regulations that the government put through here, and then plead hardship to the magistrates. The magistrates then, in frustration, write them off. Notwithstanding the fact that they have written off tens of millions of dollars, there is still $205 million out there, much of which could be collected—a large amount.

We have seen amendments and legislative proposals come through this house, some just recently, where you can potentially be fined for up to $2,000 if you do not have your car registered. What do they do? On the other hand, the cost-saving measure to save the Treasurer was something like $2 million or $3 million. You are not going to have a registration disc any more. I would like to know how this is going to work in practice. You pay for the disc, by the way, when you register the car—the government does not pay for it. We are not going to get a reduction of $2 million either. We are not getting the reduction; that is coming back into Treasury.

It is one of the things that you do remember when you get into your car. Every now and again you look at the colour and you look at the number, and you know that if it is a purple or a brown it is either registered or on the edge, and if it is October, you think, 'Gee, I haven't seen that account.' I am not sure how you are going to fix that, but what we will do anyway is that, if you drive around in a vehicle and you are unregistered, we will bring a law through here that will hit you for up to $2,000.

People will not be able to afford to pay that. Registration fees have gone up like you would not believe. People in the northern and southern suburbs, where the transport is not as good as in inner Adelaide, sometimes have to have two or three cars for their family. They are paying eighteen hundred dollars or more a year, just to register those cars, so if they happen to make a mistake and drive unregistered, that will be $2,000 they will not be able to pay. What I am getting to here is that there is an out of balance situation with how this government generally is working.

The Hon. A. Bressington: Fine, fine, fine.

The Hon. R.L. BROKENSHIRE: Yes. When it comes to the fine defaulters and this $205 million: hand it over to police. Get that unit out of courts administration. I can tell you that change occurred when the Liberals were in, and it is wrong. They made a mistake and it did not work. But for some reason—and I was surprised, because I thought that the Rann government would have looked at that and said, 'Well, we need this money. Putting it into the courts administration and all that area and away from SAPOL was a bad decision by the Liberals.'—Labor have just gone along the same way. They have thrown money in to try to get more revenue there by putting more people in, but money for that resource should be put into SAPOL. Let SAPOL have a go at collecting this money. We need the $205 million.

I want to finish with other projects. It is in the budget here, but we have had lots of debate on the RAH and whether you continue with staged redevelopment as they do in a lot of other countries. In England, for example, there is a 300-year-old campus for one of their state-of-the-art teaching hospitals. It is on a 300-year-old campus, but they continually upgrade that. We know the reason the government went to a greenfield site. It was because when they came into government they dropped the ball on capital works re staged development of the existing RAH, and they stopped it for two or three years, because it was actually a full plan and it had already started; there have been hundreds of millions of dollars spent there in the last 15 years.

The point I am getting at there is: here is another waste. What happened when they polled, as I am advised—and I think the advice is pretty right—was they found out they had a problem then with health and that they had dropped the ball on health, so they had to come up with some sexy type projects and opportunities to try to reinvigorate the health services and health situation in the community, so they went for the greenfield site.

Well, they said it would be $1.7 billion, and they said it would be a public–private partnership. At this stage we have still not been told whether it is going to be a public–private, or whether it is going to be picked up by the taxpayers in entirety, but what we did see in this budget—very quiet, I might add—was that $1.7 billion is now $1.8 billion: $100 million more, just like that. We will not say too much about it. It will be in the budget papers, but hopefully no-one will pick it up; members of parliament will not pick it up and the media will not pick it up. How can you just grab another $100 million? Why were the costings out by $100 million, and who suffers as a result of that bad management in those costings?

With respect to the Appropriation Bill in this house, we have no choice but to support the bill, but we do have the capacity to put down our concerns with respect to the bill. The government should have learnt its lesson some time ago. Let us hope that it does not, but if the economy tightens further, where will it cut next? With those comments, I conclude my remarks.

The Hon. K.L. VINCENT (12:10): Thank you, sir. There I was saying earlier that I would be back later in the week; I am back on the same day, so how's that for organisation! As I said earlier, I have a number of concerns in relation to the budget and will speak briefly about them generally now. I do not wish to imply that I do not commend the government for increasing disability funding by 7.7 per cent. However, considering that unmet needs for disability services increased by approximately 30 per cent last year, it is simply not enough. I look at the extra 29 supported accommodation places provided, for example, and cannot help but think of the 1,000 people who are still waiting.

While the government has increased its funding, it is simply not coming close to keeping up with the need. I am worried that the 3.5 per cent increase provided to the NGOs who service the disability sector is insufficient to provide support to the 600 people who are waiting for therapy services, the 500 people waiting for respite, or the 1,000 people waiting for personal support services.

Just yesterday, my office received a desperate call from a mother whose daughter's distressing and challenging behaviours are worsening. It now takes this family a full hour to cajole their disabled daughter into the car to get her to school, or anywhere else for that matter. When this mother called her service provider she was told, with great regret, that it would take around six months on a waiting list until she could be provided with the help she needs in the home for her child and her family.

Tell me, Mr President, how many honourable members here today could live a truly productive life if it took them two hours to get in and out of a car. This family is, in fact, now so disabled by this lack of support that they face the shut-in lifestyle that we hear about far too often in the disability sector.

I am also concerned about cuts to Disability SA Client Trust Management. I have been told that the effective outsourcing of this department to the Public Trustee will add not only red tape but also more costs to the people using Disability SA services. These people are already living in poverty, having a disposable income of only around $55 per week.

As an artist I am concerned about the cuts to Arts SA and the realisation that there are even fewer art grants available to artists. For many artists it is grants that enable them to develop their work and their passion, and without these grants artists are left to fend for themselves, which is near impossible financially.

I am concerned that continued cuts to arts funding will lead to South Australia being an artistic backwater, to be frank. What the government should be looking at is supporting artists for them to be able to create great work so as to enhance the fabric of our society. Surely, if the government can invest in sports stadiums it can invest in its artists.

We have heard the Hon. Gail Gago, for example, talk on several occasions about the Act Now Theatre for Social Change and the project Expect Respect as an example of the important contribution that artists make to this great state. It saddens me very much to think that we will now have less of that.

We have all heard of the cuts to country hospitals, which may well lead to the closure of the Keith, Ardrossan and Moonta hospitals. I hope that the government will take heed of the hundreds of people who rallied on the steps of Parliament House yesterday.

And then there is education. I was ready to bang my chest about cuts to adult education funding, but I am pleased to note that the Minister for Education has realised the importance of this program to people over the age of 21 years and decided against implementing these cuts.

I commend the government's spending $9 million to establish six new special education units for children with disabilities. However, I note that despite this students are still waiting for places in special education classes in mainstream schools. I believe in dignity through choice, and I believe that students with disabilities are not often enough provided with the support required to make a real choice.

All in all, I expected more from this budget. I hoped that the government would at least clear the unmet needs list for equipment, and I hoped that the government would prioritise some of the most vulnerable people in our community, but I am sorry to say that my hopes were largely dashed.

The Hon. J.S.L. DAWKINS (12:15): In supporting the passage of this bill, I recognise its importance in providing finance to the various programs incorporated in the 2010-11 budget. It is my intention, later in this contribution, to focus on some particular areas that have come to my attention.

On 16 September, treasurer Foley handed down the 2010 budget, many months later than it should have been. It lived up to the pre-budget speculation in the media, which was fed by the government. It was a horror budget which slashed jobs, cut services, stripped the neediest of vital concessions, increased taxes and still delivered a budget deficit, and also delivered a spiralling debt to levels that, to the horror of many, are akin to the State Bank disaster.

Three things are now crystal clear: firstly, South Australia is officially the highest taxed state in the nation. As a friend of mine said, treasurer Foley has been spending like a drunken sailor, putting the state into massive debt and deficit. Thirdly, the Rann government has proven why it cannot be trusted, and the issue of trust is one that I will come back to later in this presentation.

The budget delivers a $389 million net operating deficit in 2010-11. Alarmingly, public debt will reach $7.1 billion over the forward estimates, requiring South Australians to pay $2 million a day to service the interest repayments. That reminds many of us of the State Bank debt.

Sadly, despite the massive increases in revenue under this Rann Labor government, taxes have increased by 76 per cent and, indeed, property taxes have increased by 131 per cent. This situation has led two independent organisations to confirm that South Australia has become the highest taxed state in the nation, and treasurer Foley wants to increase those taxes by an additional $1 billion.

The Treasurer has blamed much of the horror of this budget on decreased revenue resulting from the global financial crisis, but he cannot reconcile this claim with the fact that revenue increased by $1.1 billion last year and has almost doubled in the life of this government, since 2002. The Treasurer has an expenses problem. Instead of prudently saving the extra revenue that he, as the custodian of that revenue, has received over the life of this government, he has been out there spending, as my friend says, like a drunken sailor.

Government waste has reached momentous proportions. Government advertising has increased to $70 million per annum, and individual departments cannot control spending. We have heard a range of examples of that in the media in recent days. The health department, alone, had a $200 million overspend last year. My colleague, the Hon. Mr Lucas, I think, highlighted the differences between the way in which the former Liberal government dealt with those overspends as compared to what the practice has been under the current Treasurer.

Not only has the government been asleep at the wheel, it seems that it will do and say anything to cling to power. These decisions have ramifications. The Rann government's broken election promises include the $1.7 billion rail yards hospital, which is now at least $1.8 billion, but I note that the Treasurer has laughed that off as just another $100 million, not to mention the Adelaide Oval patch-up job that was originally $300 million, and, as we all remember, it would 'not be a penny more', but is now $535 million, and climbing.

It appears that the Premier's written guarantees do not amount to much any more. We should ask the pensioners and the Public Service Association about that. I think most of us recall the Premier writing to the then prime minister, the Hon. Kevin Rudd, guaranteeing not to increase Housing Trust rents for pensioners. Of course, pensioners are now being slugged extra, and the Public Service Association is protesting vehemently, as we noted again this week.

Many people were out in front of this building protesting this situation and even, extraordinarily, calling for the Hon. Mr Rann and the Hon. Mr Foley to be sacked. I think these people are to be credited for highlighting the way they feel about being let down by the broken promise to revisit the no forced redundancies policy and to strip workers of pay and conditions.

We should remember that this budget was applauded by Labor MPs behind closed doors. Schools and hospitals are being stripped of funding, and the budget attacks pensioners, the primary industry sector, the fishing industry sector and the agricultural sector. It also authorised the closure of the Parks Community Centre. This budget decimates the regions and delivers higher debt, fewer services, higher taxes and job cuts. Not only should members of the Labor government hang their head in shame when it comes to this budget, but they should, and will, be held to account.

I want to look at a few particular areas of the budget in relation to the appropriation of government services and the way in which those things are done. Firstly, I have often criticised the government—and I have been joined by many people in the community—for not thinking beyond Gepps Cross. I know that people from the southern areas of the state would say that it relates to the tollgate or other extremities of the metropolitan area that this government cannot see beyond. This government cannot even get Gepps Cross right.

I continue to be inundated with constituent inquiries about the bottleneck which exists at the Gepps Cross intersection as a result of the completion of the Northern Expressway. I will continue to pursue that, but it has been a mess. Blind Freddy should have known that, once the Northern Expressway was completed, the volume of traffic coming into or going out of Gepps Cross on Port Wakefield Road would increase significantly and that the synchronising of the traffic lights—which favours Main North Road—would need to be changed.

We keep an eye on that. Certain days are much worse than others, but it is an issue that should have been sorted out even before the expressway was opened. I know that there are other intersections nearby, relating to Prospect Road and Churchill Road, that are getting diverted traffic moving away from the Gepps Cross intersection. So, I would like to think that the government might do something about that fairly quickly.

I will move on to the issue of the cessation of funding to business enterprise centres. I note that other colleagues, including the Hon. Mr Parnell, the Hon. Mr Darley, I think, and others, have mentioned the work of business enterprise centres and the threat that this decision has brought on them. As Liberal members, I think we know the importance of small business to the South Australian economy, but the government has announced that it will withdraw its commitment of $1.3 million a year to BECs. The BECs do magnificent work in assisting and guiding small business in South Australia. For example, in 2008-09 the BECs supported the establishment of 64 new businesses and created 56 full-time jobs, facilitated 73 start-up workshops and provided advice and assistance to 4,994 target enterprises.

The other threat is to the federal funding. I was at a launch, two or three years ago, when the new federal Labor government announced it would support the business enterprise centre network; then minister Craig Emerson made that announcement at a launch I attended at Hackney. However, that funding was based on the fact that the state government would continue its funding to the business enterprise centres. So, not only are the BECs to lose the $1.3 million a year; they are under great threat of losing federal funding as well, and that would really mean the end of the work they do. That is something I deplore, because I know they do terrific work in the community with so many small businesses who cannot pay for that advice.

Despite the claims of minister Koutsantonis that they should go out and buy that advice, the reality is that if many of them were forced to do that they would just go out of business or would never even start. There are similar effects on Regional Development Australia boards. The funding being withdrawn from these organisations by 2013 just flies in the face of the promises made by the raft of regional development ministers this government has had. I think there have been about seven different appointments within the portfolio over eight years. Minister Caica was in charge when the 13 regional development boards moved, or transitioned, into what are now the seven

Regional Development Australia boards, and he made very strong promises—reiterated by minister O'Brien when he took over the portfolio—that the funding would continue well beyond the current resource agreement.

However, that has been reneged on. In question time yesterday I highlighted the fact that the ongoing uncertainty for these organisations in the regional development sector has—a little like with the BECs—been going on for years. This government has been holding them to ransom; it leaves them in the lurch until very late in their funding resource agreement situation, and these bodies obviously lose some very good staff because those people want some certainty in their life. The same thing is happening here, and I am very annoyed about it, because those bodies do terrific work in the community.

I would like to briefly highlight my concerns in a few other areas. One is the decision by this government to remove the 24-hour fruit fly roadblocks at Yamba and Ceduna. I know the Leader of the Government was well aware of that program when he was the minister for agriculture, because he provided me with some significant briefings at the time. Of course, that was a time when the industry wanted mobile roadblocks as well, and they funded that work. Over a number of years there have been significant rumours that the government intended to reduce the hours of those roadblocks. We have had a number of denials but it has come out in this budget that the 24-hour roadblock at those two sites will no longer exist, from January. Particularly in relation to the Yamba roadblock, I think that is just foolish, given that the high risk time for fruit fly infestation is in that part of the year.

This decision flies in the face of the government that says they care about the Riverland. They have put a lot of money and some work into the Riverland Futures Task Force but, at the same time, they are saying that they will reduce the effort on the fruit fly roadblock at Yamba, in particular. I think it is a stupid decision because the risk to that horticultural industry throughout the irrigated areas of South Australia, particularly in the Riverland region, is one that we will regret enormously. I really do sincerely plead to my colleagues on the other side of the chamber to go to minister O'Brien and say that this must be revisited. It is an absurdity.

There has been an extraordinary reduction in the amount of money going into PIRSA. We have seen over a number of years some of the best staff that PIRSA has available to it decide to leave because they just cannot see any certainty in their employment. They actually see the benefits of getting out of the bureaucracy and going out into the private sector, which means that PIRSA has lost an enormous amount of expertise in a wide range of areas. That concerns many of us in the Liberal Party.

I also put on the record that the cut in funding to the Advisory Board of Agriculture, which I think is a very small amount of money, is just another step in that direction. The advisory board has a very long history. It was started in the 1880s. I am proud to say that my grandfather was twice the chair of that board. It has, I think, provided fair advice to ministers of agriculture over a very long time. The advice has been well heeded in many cases and is backed up by the unique work of agricultural bureaux across this state, which is something that other states do not have. I regret that the advisory board has been cut adrift.

We all know about the similarly minuscule amount of money that has been withdrawn from the private community hospitals in regional areas, and that will impact on the futures of those bodies. The amounts of money in these cases is very small in the state budgetary sense, but what it does is mean that three hospitals in particular may well be forced to close. There are many jobs in those communities which would be lost, and that has significant impacts on the communities of those towns. I know that members in this chamber are well aware of the communities of Ardrossan, Moonta and Keith, and the strength of the people in those communities, and that was demonstrated outside this building yesterday.

Just moving into the last couple of areas, the Office of Northern Connections is still one that I am keeping an eye on. I notice they have had a small budget reduction this year. Last year, I raised questions which were never answered about the actual position of the director, Dr Mal Hemmerling, who had never gone through an application process for that job. He had variously described himself as the acting director or someone who was on a contract. He has left that organisation now. The government has not made it clear as to what process it will go through to replace him. I understand that the deputy director is acting in that position. It would be interesting to know what the future of that position is.

When the Southern Suburbs office has appointed a director there has been an application process, but the previous minister Rankine and the current minister O'Brien do not seem to want to enforce a decent process in that area. Another aspect is that, last year through the estimates process, I asked for questions to be raised about the Office of Northern Connections work with the small rural townships and communities that are within that area and within the area of jurisdiction of the Office of Northern Connections.

The ones I referred to at that stage were One Tree Hill, Angle Vale and Virginia, which are all part of the Playford council. The then minister Rankine seemed unaware that they actually fitted into the area of jurisdiction that she established. I have yet to have any response to the particular work that the Office of Northern Connections might be doing with those communities which are, in effect, rural communities within the metropolitan area.

In conclusion, I have a message to this government, and I alluded to the matter of trust earlier. I have a message to the government that it should, in regard to dealing with local communities—whether those local communities are within the metropolitan area or across this vast state—trust those local communities; understand and support them, because they can achieve (as they have shown they can with their own resources) many things with a very small amount of government resources.

My message to the government is: do not suppress those communities and do not attempt to dumb them down. When I talk about the BECs and the Regional Development Australia boards, I talk of bodies that, with a very small amount of money from the state government and some money that is put in from the local community (including local government), can do an enormous amount of work on what I would call the smell of an oily rag compared to what may come out of many of the departmental agencies.

That message also relates very strongly to the provision of health services in the large number of small and medium-sized communities across the state. I appreciate the opportunity that this debate has given me to note the funds appropriated in the budget to various agencies and raise particular issues relating to the services that arise from the appropriation.

Debate adjourned on motion of Hon. Carmel Zollo.

STATUTES AMENDMENT (BUDGET 2010) BILL

Adjourned debate on second reading (resumed on motion).

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (12:39): I will conclude my remarks in summing up on the Statutes Amendment (Budget 2010) Bill. As I indicated earlier, we have heard a lot from the non-government members in this place about all the dreadful things that cuts to expenditure will do, but what we have not heard is any alternative policy. After all, the whole process of any budget is that the government of the day looks at its revenue, looks at the needs of the community and weighs it all up. It is a very difficult and complex situation. It is very easy to look at one side of the budget and say, 'You shouldn't have done this, that and the other', but you have to put forward an alternative.

The Hon. A. Bressington interjecting:

The Hon. P. HOLLOWAY: The Hon. Ms Bressington states the classic. It is the easiest thing in the world to be a critic but if everyone in the world were critics who would write the books or make the films for us? It is very easy to be critical but I would have thought that any alternative government would at least come up with some alternative.

I will at least note that the Hon. Mr Lucas, in his response to this bill, said that it was obviously a key part of the government's budget measures and without the measures in this bill the budget would not stand. He said that we have a government that knows the conventions in South Australia and that budgets are not opposed or defeated by oppositions and, like other jurisdictions, they have been adhered to by both the Liberal and Labor Parties for decades.

While any budget measure is subject to criticism in this place, and we accept that as part of the democratic process, at least the opposition (through the shadow spokesman) has indicated that it is has long been tradition in this place that the government should be able to get its budget through parliament. We will have to live with much of the criticism no matter how ill-founded it is.

Again, I remind people that if one wants to look at the economic credibility of this government then, first of all, look at the performance in this country in terms of avoiding the GFC and then compare the measures in this budget with the sort of austerity measures that are taking place in other parliaments throughout the world. As unpleasant as it is for members on this side to have to support some of those cuts (like leave loading for Public Service workers—not all of them by any means as I think less than half are affected—and the long service leave provisions which are, as has been pointed out, very generous by any standard), in the UK there is a wage freeze for two years.

All our public servants will have guaranteed wage rises, as they should have, in their bargain of 2.5 per cent over the next couple of years, but in the UK there is a wage freeze which is the equivalent, when compared to this state, of a 5 per cent cut in pay, as well as much greater cuts in jobs. One has to consider all these things in perspective. It is easy to be a critic but sooner or later those opposite should be challenged by the people outside who are very quick to join in those rallies as to what feasible alternatives they have—and, of course, they have none. We will obviously have more significant debate during the committee stage about some of these specific measures and I am very happy with that. My colleague the Minister for State/Local Government Relations and Government Enterprises will be able to assist me in answering some of those questions that are relevant to her parts of the budget.

In summing up, I will make a few comments on the other issue that has been raised by members during this debate. I have already referred to the public sector measures but I want to say a little about the Motor Vehicles Act component. As I said, we can have further debate on this when we get to the relevant clauses. There were also some issues raised in the House of Assembly in relation to this proposal to abolish registration labels for light vehicles. I would like at least to put answers to some of those questions on record, and they have been again raised by other members here this week.

In relation to photographic detection devices, concern was raised about the new schedule 1 to the Motor Vehicles Act 1959, which is clause 38. Currently, the Road Traffic Act 1961 includes an offence for an owner of an unregistered or uninsured vehicle where the driver of the vehicle is detected by photographic detection device. Because the Motor Vehicles Act will now have an offence for the owner of such a vehicle, regardless of how the offence is detected, the existing provision in the Road Traffic Act is being deleted. However, we still need to be able to use evidence obtained by photographic detection devices to prosecute this new offence under the Motor Vehicles Act, so it has become necessary for that act to include evidentiary and other provisions relating to offences detected by photographic detection devices.

It should be noted that the statutory requirements and evidentiary provisions relating to the operation and testing of photographic detection devices have not been changed by this bill. The requirement of the Road Traffic Act in relation to the operation and testing of the photographic detection devices will apply for all offences detected by photographic detection devices. SAPOL does not support any amendments to evidentiary provisions relating to the operation and testing of photographic detection devices.

In relation to interstate and overseas experiences, there were some questions raised in the other place by the member for Goyder. Western Australia abolished registration labels for light vehicles from 1 January 2010. I am advised that so far implementation has been successful for government and that the initiative has been well received by the community. I am further advised that Western Australia anticipates that it will undertake a formal review around 12 months after implementation. I am advised that other Australian states are also now considering the abolition of registration labels.

The member also asked about international comparisons, and I am advised that vehicle registration is legislated in many different ways internationally, and a registration label is not universal. For example, I am advised that countries such as Denmark and Brazil, and a number of states within the United States of America, such as Connecticut and New Jersey, do not have registration labels.

Now I refer to some clarification of offences and defences contained within this bill. The Motor Vehicle Act currently makes it an offence for a person to drive an unregistered or uninsured vehicle. However, because the government is proposing no longer to have registration labels displayed on light vehicles, it will not be immediately obvious to a driver who is not the owner that a vehicle is in fact unregistered or uninsured. Therefore the bill provides some relief in the form of a defence for a driver who is not the registered owner, or registered operator, of a vehicle, and who

unwittingly drives it whilst it is unregistered or uninsured. Incidentally, can I just say there that I just wonder how many people, when they drive other vehicles or hook up their trailer, actually go and check the label to see.

An honourable member: Very few.

The Hon. P. HOLLOWAY: I think, as my colleague says, the evidence is very few indeed. The government feels that there are some circumstances in which a driver ought reasonably to know that the vehicle is unregistered or uninsured and the law should reflect that. An example may be where the driver is the husband or wife of the registered owner, or is otherwise closely connected to the registered owner, and to the vehicle, so that it is reasonable to expect that the driver should have known whether or not the vehicle was registered or insured. This will be a question for the court to decide on the facts of the case. There ought to be some obligation, however small, on those who ought to know that the vehicle is unregistered or uninsured.

An area of concern is those drivers connected only minimally to the ownership of the vehicle, such as people who work in motor repair shops, valet parking attendants, and others who frequently have to drive vehicles owned by other people, and who might be at risk in relation to driving an unregistered vehicle, now that there will be no label for them to check.

The government expects that, in nearly all cases, drivers of this kind will be able to establish the defence set out in the bill, because they will not have known that it was unregistered or uninsured, and they do not have the sort of connection to the vehicle or the owner where you might think that they ought to have known. It should be noted, however, that this is a defence to prosecution, and it will have to be proved by the defendant on the balance of probabilities. Obviously, it would be better for drivers of this kind not to be prosecuted at all.

For this reason the government advises drivers to make reasonable efforts to check the registration status of the vehicle before driving it. Ideally, drivers should check the website that is proposed to be set up for the purpose; but if that is not possible for some reason, then drivers should at least attempt to ask the owner whether or not the vehicle is registered before driving it. The legislation before the house does not specifically require drivers to make such checks before driving, because it is recognised that it would not always be possible or practicable to do so, but it is clearly a prudent thing to do.

In the other place, the member for Davenport requested clarification on the obligations of repairers. In a situation where a mechanic or a repairer checks on the registration status of a vehicle and finds that it is unregistered and uninsured, I advise that the mechanic or the repairer has no obligation to advise the owner of this status. I trust that this response addresses all those issues raised, but we can consider them further during the committee stage. I commend this bill to the council.

Bill read a second time.

In committee.

Clause 1.

Progress reported; committee to sit again.

[Sitting suspended from 12:54 to 14:17]

ADELAIDE MOTORPLEX

The Hon. R.L. BROKENSHIRE: Presented a petition signed by 1,200 residents of South Australia, concerning drag and track racing. The petitioners pray that this honourable house will call upon the Premier and his government to support drag and track racing in South Australia by approving the construction of the Adelaide Motorplex at Gillman.

WILLUNGA BASIN

The Hon. R.L. BROKENSHIRE: Presented a petition from eight residents of South Australia, concerning the Willunga Basin. The petitioners pray that this honourable house will establish forthwith a statutory authority with powers to address major issues such as population growth and the adequate supply of public transport, public and private utility services to the said region and, further, to address issues of water security, food security, biodiversity conservation, landscape preservation, sustainable housing and the pursuit of sustainable employment

opportunities through horticulture, agriculture, viticulture, tourism and any other enterprises compatible with the preservation and enhancement of the said region.

PAPERS

The following papers were laid on the table:

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

Reports, 2009-10—
- Attorney-General's Department (Incorporating the Department of Justice)
- Electoral Commission of South Australia
- Equal Opportunity Commission
- Guardianship Board
- Legal Services Commission of South Australia
- Public Trustee
- South Australian Classification Council

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

Reports, 2009-10—
- Far North Health Advisory Council
- Gawler District Health Advisory Council Inc
- Leigh Creek health Services Health Advisory Council
- Mannum District Hospital Health Advisory Council Inc.
- Mid-West Health Advisory Council Inc
- Port Pirie Health Service Advisory Council
- SAAS Volunteer Health Advisory Council
- South Coast Health Advisory Council Inc
- The Murray Bridge Soldiers' Memorial Hospital Health Advisory Council Inc.
- The Whyalla Hospital and Health Services Health Advisory Council

QUESTION TIME

MOUNT GAMBIER

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking the parliamentary secretary representing the Premier a question about the Mount Gambier economy.

Leave granted.

The Hon. D.W. RIDGWAY: As we know, the member opposite has always been a very passionate advocate for Mount Gambier. It is his home town, and he is always reminding us that he—

The Hon. J.S.L. Dawkins: He spends a lot of time there.

The Hon. D.W. RIDGWAY: Well, he must spend a lot of time there. Certainly, if he spends as much time there as he does here in the chamber, he would not spend much time there at all. However, he does remind us that he is the only member of the Legislative Council who lives more than 100 kilometres outside the CBD.

In the 2008 Mid-Year Budget Review, there was an announcement that the forests could be sold. In the 2010 Sustainable Budget Commission report, it was a recommendation that the forests be sold. As we know, Mount Gambier is a timber town and it is particularly important to the economy. In the last couple of weeks, a public meeting was held there, and I have been made aware that the local member, so to speak, the Hon. Mr Finnigan, did not attend that meeting. My questions are: why did the member not attend that meeting and, over the last two years, what action has he taken to protect the billion-dollar industry and the thousands of jobs at risk in his home town?

The PRESIDENT: The Hon. Mr Finnigan can choose whether or not he answers that question.

The Hon. B.V. FINNIGAN (14:23): Thank you, Mr President. I will ignore the factual errors in the question. While standing orders provide that any member can be asked a question in this place, it is the Westminster tradition that only ministers answer questions regarding the matters to

which they are responsible to the council. It is not the custom in any commonwealth jurisdiction that I am aware of—certainly within Australia—for parliamentary secretaries to answer questions, because they do not have ministerial responsibility. Indeed, it may be seen as a diminution of the accountability of the Executive to the parliament if parliamentary secretaries were able to start answering questions.

I could well imagine members opposite saying that that would be ministers trying to avoid scrutiny. So, while standing orders do provide for any member to be asked a question, I do not have ministerial responsibility for the matters raised by the honourable member. In accordance with the Westminster conventions, parliamentary secretaries do not answer questions.

RESIDENTIAL TENANCIES

The Hon. J.M.A. LENSINK (14:25): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about residential tenancies.

Leave granted.

The Hon. J.M.A. LENSINK: On 29 June 2009 the minister announced that a service, described as budget neutral, with a $35 application fee for lodgement of matters before the Residential Tenancies Tribunal, would avoid or prompt swifter resolution of disputes with landlords or agents that were heading for the Residential Tenancies Tribunal. My questions to the minister are:

1. How many times has the fee been levied since its introduction?

2. How many Residential Tenancies Tribunal hearings were held in 2009 and 2010?

3. How many tenancy disputes did OCBA's tenancies branch assist with both in 2009 and thus far in 2010?

4. What is the measure to determine whether disputes are being resolved more quickly as a result of the introduction of this measure?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:26): I thank the honourable member for her questions. The decision to introduce a $35 fee for applications to the Residential Tenancies Tribunal was aimed at reducing the number of disputes which could perhaps unnecessarily end up before that tribunal. The fee was introduced as of 1 January 2010, but was deferred for six months until 1 July 2010 because it was apparent that there were a number of complexities around that administration, particularly in relation to IT requirements.

As I have said before in this place, I am sure that the revenue from the fee will go towards education initiatives, providing financial counselling, in particular, and advocacy support to try to avert cases that are potentially quite straightforward from ending up before the tribunal. The revenue was also used to fund an ASO2 position for an officer to process the fee and also handle other administrative matters associated with that fee. The fee introduced by OCBA is very conservative in terms of its amount, compared with some other jurisdictions; for example, Victoria's Civil and Administrative Appeals Tribunal charges between $37 and $615, while the ACT's Civil and Administrative Appeals Tribunal charges between $59 and $229.

I am sure I have said in this place before that the act provides that the registrar may remit or reduce the fee if the applicant is concerned that such a fee might result in financial hardship, or for any other reason. As well as this, the government put in place an exemption for people with concession cards; people such as full-time students are also exempt from this application fee, as are government agencies.

As I said, this has been put in place to help streamline matters. In particular, the financial counselling service that has been put in place has been designed to help those tenants who have trouble paying their rent. Therefore, really, the expenditure is a real win-win for both the landlords and tenants, because landlords are obviously going to benefit by having tenants who have a well budgeted household and are able to manage their budgets more efficiently and effectively and therefore potentially become more reliable tenants.

So, the aim of that fee was to really broaden it into initiatives that would benefit the industry generally, both in terms of landlords and tenants. The scheme has only been in for a matter of months. As yet, to the best of my knowledge, I have not received any details of the pickup rate and

utilisation rate thus far, although obviously I will be expecting something soon. In terms of the detailed information that the Hon. Michelle Lensink has requested, I don't have that information available. I don't even know if it is available as yet, but I will certainly do my best to take that on notice and to bring back answers to those questions.

BUSHFIRE BUNKERS

The Hon. S.G. WADE (14:31): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question relating to bushfire bunkers.

Leave granted.

The Hon. S.G. WADE: On 21 October 2009, the minister issued a statement on bushfire bunkers expressing the government's concern that consumers are being misled by some traders claiming that their bunkers meet an Australian standard for the product, despite there being no standard in place at that time. Minister Holloway recently advised the council that the government has introduced new planning procedures to process applications for bushfire bunkers based on the Australian Building Codes Board performance standard for private bushfire shelters.

Victorian-based bushfire bunker manufacturer, Wildfire Safety Bunkers, has been distributing pamphlets in South Australia and promoting on its website that it supplies 'Australia's First & Only Fully Approved Fire Safety Bunker'. The material states that the shelter has been accredited by the Building Regulations Advisory Committee, commonly known as BRAC. The BRAC is part of the Building Commission, an agency of the Victorian Department of Planning and Community Development. It is not the Australian Building Codes Board. It does not accredit bunkers for use in South Australia.

The Office of Consumer and Business Affairs website provides no information on bushfire bunkers, other than the minister's warning, which is now more than a year old and out of date. The CFS website indicates that a bushfire shelters and bunkers fact sheet is coming soon. I ask the minister:

1. Has the government taken action in relation to Wildfire Safety Bunkers, to ensure that claims of accreditation of another jurisdiction do not mislead South Australian consumers as to accreditation in this jurisdiction?

2. Given that the fire danger season starts in some parts of the state next week, when will the government provide South Australian consumers with relevant, up-to-date consumer information on bushfire bunkers?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:33): South Australia has become one of the first states in Australia to adopt the National Building Standard for private bushfire shelters. South Australia joins Victoria in adopting the national standard in time for this year's bushfire season. As the Minister for Urban Development and Planning has announced, building applications will be referred to a committee of experts to ensure all bushfire bunkers in this state comply with the new performance standard. As there was previously no national standard for the construction of bushfire shelters, it was difficult for local councils to assess whether any particular design would provide a reasonably safe refuge during a particularly catastrophic bushfire event.

The changes to development regulations now in force in South Australia allow any application to be referred to the Building Rules Assessment Commission to ensure that the proposed design complies with the new national standard. The state government's decision to refer all applications to the Building Rules Assessment Commission (a subcommittee of the Development Assessment Commission) follows the Australian Building Codes Board's publication in April of a performance standard. The Building Rules Assessment Commission comprises technical experts appointed for ensuring national consistency and timely decision-making on technical matters relating to compliance with the Building Code of Australia.

The introduction of assessment controls for the building of bushfire bunkers in South Australia is one of the many steps this government is undertaking for the safety of South Australians. In October last year I issued a media release warning South Australian consumers against the misleading claims made by sellers of bushfire bunkers who, like sellers of any goods or services, cannot misrepresent their bunker as complying with a particular standard. Obviously, if that is not true, it is an offence. Under the Fair Trading Act individuals and companies face penalties of $20,000 and $100,000 respectively should they be convicted of making a false or

misleading claim or representation in connection with the supply of goods and services. This also covers misrepresenting bunkers.

Any allegations of misrepresentation made by the sellers of bushfire bunkers in South Australia will be investigated and action taken. If members are aware of any representations I urge them to provide my office with the relevant information. In terms of the information on the website, I am happy to look into that to make sure the website is brought up to date as soon as possible.

INTEGRATED WASTE STRATEGY

The Hon. B.V. FINNIGAN (14:37): Is the Minister for Urban Development and Planning aware of the integrated waste strategy for metropolitan Adelaide? Will he provide an update on how developments in this strategy are helping ease urban blight in the city?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:37): I am aware of the integrated waste strategy for metropolitan Adelaide published some 14 years ago by the EPA and Zero Waste. The objective of this strategy was to establish a new generation of waste disposal to replace Adelaide's main landfill north of the city at Wingfield. This strategy initiated the Dublin project, first approved as a major development back in 1998 after undergoing an environmental impact statement process.

This new generation of landfill incorporated best practice design by using an engineered impermeable lining and leachate collection system. Using the state's first bale-filling machine, household waste is baled into bricks after going through a resource recovery centre at Wingfield. The bales are then transported to Dublin and stacked in landfill cells. The bale-filling technique has been taken a step further through the development of the EnviroBale system, where baled waste is enclosed within a bag to give total litter control. This technology, I am advised, is now exported to Integrated Waste Systems' customers in the United States, Canada and Europe.

During the past few years approvals have been granted for the disposal of a wider range of waste types, including low level contaminated waste in specially designed cells that include a double liner system, which was another best practice design. It was with pleasure last night that I was invited to officially open the latest IWS facility, which allows the landfill to treat and dispose of high level contaminated waste. This $3 million, state-of-the-art, fully enclosed facility will enable highly contaminated soils to be treated using various bioremediation techniques and be disposed of on site. Alternatively, soil may be cleaned to a level that enables it to be re-used within the landfill or elsewhere.

Facilities like this enable contaminated sites to be remediated more effectively, often a key requirement for urban regeneration or infill developments that are currently being encouraged by the 30-Year Plan for Greater Adelaide. Whether it is the old rail yards site that is being developed for the new RAH and the South Australian Medical Research Institute or some other degraded industrial sites that will be added to our land supply as part of the 30-year plan to increase urban infill, this facility provides an opportunity to remediate contaminated soils here in South Australia, rather than incurring the expense of shipping them elsewhere.

Development approvals for the Dublin landfill have been granted over the years through the EIS process to ensure the highest level of assessment of environmental, social and economic impacts. This has been achieved through a long partnership with the state government, particularly through the work of the EPA and Zero Waste.

Last month my colleague Paul Caica, Minister for Environment and Conservation, opened the company's new $4 million recycling centre at Wingfield. Integrated Waste Systems (IWS) is a South Australian family business. The Borelli family have been operating in South Australia for more than 47 years. They were founded on a business begun by Pasquale Borelli after his arrival from Italy back in 1961. Today IWS has grown into a multi-million dollar operation at the forefront of waste disposal in South Australia. They are now in a venture with Veolia—the 140th largest company in the world, as they said last night.

The business continues to lead with investment in new technology to ensure that its operations are of a high standard. I wish them every success with their new facility at Dublin and look forward to the role the company will play in allowing Adelaide to grow up rather than grow out in a manner that will reduce some of the urban blight that develops our inner suburbs. We do want to create a more vibrant, liveable city that makes the most of its road and rail corridors, so having a facility like this that can effectively deal with contaminated soil will help us achieve that objective.

INTEGRATED WASTE STRATEGY

The Hon. R.L. BROKENSHIRE (14:42): Can the minister confirm that the soil to be remediated with the development to the west of the Morphett Street Bridge on the existing railway corridor will be decontaminated at this new facility, or is that going to be carted interstate for decontamination?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:42): I think there was a photograph in the paper this morning of some of the land at the site on the old railway station yards where the new health research facility is, and that has been treated effectively. With this new method, in relation to the new hospital site I am not sure what the contractual obligations are. I guess there has not been a contract finalised yet, but the important thing is that with a facility like this we now have the capacity to do it here, and that would mean doing it more cheaply so that one would hope that the market would provide that it would be done locally.

As I said, I am not responsible for that particular contract and the conditions. The important thing is that we now have the capacity to do it here and at a number of other important sites. One could name, not so much the Clipsal site but the adjoining Origin Energy site, which we know is contaminated, and there are a number of other sites. I think it is important to note that with these new techniques we can recover that soil so that it can be used effectively in other construction activities, road fill and the like. Not only does it end the contamination problem but it actually provides a required resource.

WILLUNGA BASIN

The Hon. R.L. BROKENSHIRE (14:44): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question regarding Willunga Basin.

Leave granted.

The Hon. R.L. BROKENSHIRE: I recently received a letter from the Southern Community Coalition, a collection of community and interest groups from the Willunga Basin and surrounds who are concerned about the government's intentions for the basin. Their letter reads in part:

> We are...concerned that master planning for new residential and commercial development on the government-owned land at Seaford Heights and Aldinga, and privately owned land at Sellicks, will be fast-tracked by the Minister to occur ahead of this big picture planning and protection.

That is something the minister has announced in recent weeks in this house. Further:

> We believe that this would be a serious mistake, given the size of those proposed developments and their strategic location at the gateways to the McLaren Vale vineyards, the historic townships, and the southern beaches, the key tourist attractions of the Willunga Basin.
>
> The development plan amendment currently being drafted for Seaford Heights has, to date, failed to incorporate any consultation or consideration of the interests of food, wine and tourism stakeholders and is therefore seriously flawed. The City of Onkaparinga's recent rejection of the amendment simply reflects those flaws.

My questions are:

1. Is the government intending to get all development land that it has planned for development approved before supporting community calls for protection?

2. When will the minister give me a response to my letter requesting information on buffers for what I thought was stage 1 of the Seaford Heights development and the request for rezoning to rural land for stages 2 and 3 that the minister, this week, said is now all encompassed to 77 hectares of the entire redevelopment opportunity?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:46): In relation to the latter question, the very reason I made the ministerial statement was to clarify the situation in relation to that. I have only just received details that have come through via the department from Onkaparinga council in relation to its Seaford Heights development plan. As I said, when I became aware of that I thought it was important that I clarify that that staging is developer talk rather than part of the planning process. The planning process was to rezone the entire 77 hectares of the Seaford Heights site.

The question really was: would I be rushing things in Seaford Heights? I would have thought that, given it has been zoned for 20 years and designated for that long as urban development, it would scarcely be rushing, particularly when one considers that the current development plan amendment at the last minute, days before the election is called (and the ballot papers are going out at this moment) asks the council then to reverse its position. It had been in train for a significant period of time, at least 12 or 18 months, I think it was, and probably longer if one considers all the discussions that inevitably lead up to those processes.

It is not just the formal consideration, but it is all the bits leading up to it. This has been in train in terms of discussions with the LMC and Fairmont Homes and the council for a significant period of time. I do not think that one could say that the government could be fairly accused of trying to rush it since it has been earmarked for residential development for 20 years. What the government is trying to do overall is to reach a situation—and we are close to doing it when the current development plans are out—where we will have reached the target set out in the planning review to have 15 years of land that is zone-ready.

When one looks at the areas such as Seaford Heights, Gawler East, Buckland Park, along the new Northern Expressway and Mount Barker, that should increase the amount of zone-ready supply, from about the seven or eight years it is currently, to the 15 years. As I have indicated in this council, what the government really wants to do now is to focus attention on the alternative, which is increasing the density within the existing areas. I have announced in recent days a number of initiatives—and there will be more to come—in relation to how we are now moving on to try and increase the density within the existing boundary.

At the end of the day, the best protection one can have against urban sprawl is to have viable policies that encourage a density within the existing boundary, and that means that it has to be attractive development so that the market—individual buyers—would accept it. If that does not happen, the only alternative for this city's growth will be further sprawl. These debates take place in every city. There was a big similar debate in Melbourne earlier this year when they leased 25,000 hectares of extra greenfield land. The debate there is between infill and growth.

Every city has these debates. This government would like to see, through the 30-year plan, that we have a greater emphasis on infill. That needs to be good quality and it needs to be well designed. It needs to be attractive, it needs to be integrated properly with the public realm of open space, and that is why we have appointed an integrated design commissioner. We have a government architect who is on board to try to ensure that these policies are successful.

I would like to think that, at least in relation to Willunga Basin protection, we are moving in that direction, but really the fate of Seaford Heights was effectively sealed 20 years ago when it was earmarked for development. As I have said in this place, there were some last-minute issues raised in relation to the quality of that area for viticulture, but unfortunately, it is already adjacent to Main South Road. It is between a waste transfer depot and Main South Road, with housing to the south.

Any viticulture in that area would reach problems anyway, because of the land-use conflicts that we talked about yesterday and the question in relation to Bald Hills Road at Mount Barker. So the dilemma is, even if the decision had not been made 20 years ago to zone this land residential and if we had not been going for this process over some years, it would still be very difficult to justify agricultural activities on that particular land, given that it is adjacent to housing.

The honourable member also talked about some other areas in the Willunga Basin—Sellicks Hill and Aldinga. As I understand it, that land has been in the urban growth boundary for all the time that this government has been in office. Apart from Bowering Hill, I do not think the boundaries have changed in that area since this government came to office, so it has been earmarked for growth and eventually it will come on. We do have a Housing and Employment Land Supply Program, which is designed to schedule that land coming onto the market in an orderly fashion, and that sets out the timing for that program. But I do not think one could argue that, given that that land and Seaford Heights have been in that boundary since well before this government came to office, we are in any way rushing it to market.

WILLUNGA BASIN

The Hon. R.L. BROKENSHIRE (14:52): I have a supplementary question arising from the answer. Is the minister specifically saying that, even though he has ministerial authority to rezone what are called stages 2 and 3, which I understand have not been signed off by the developer, he is ruling out considering rezoning?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:53): I think the problem that I face is that, if I take over the zoning process begun by the council—and I said it was some time ago; more than a year ago—then I obviously have to operate within the framework of what was put before the council by its statement of intent. Whereas I do have the power as a minister to vary development plans according to submissions made, and I will be looking very carefully at those submissions, they have to be relevant; I cannot go too far outside the original statement of intent.

Given that the original intention of the development plan that was before Onkaparinga council was to rezone this entire parcel of land of 77 hectares, that is what I have got and that is what I have to consider. As I said the other day in my statement, the staging of it really is a development decision, not a planning decision. It is up to the developer how they stage the program, but the zoning applies obviously for the whole block of land, and that makes sense. It does make sense in planning terms to plan for a large area rather than doing it in small bits and pieces, because that way you get a much better integration of the facilities that you need in that area. That is why there has been a lot of criticism of areas like Mount Barker.

Certainly, having those big development plans makes it much more difficult. It is a delight for opposition politicians to make issues with it, but the outcome, when you are looking at an entire area like that, is going to be much better for the community, because you will look at a whole range of issues on a much larger scale than is normally the case. Our argument will be that the results will be much better, because you will get a thoroughly integrated response to that. If you were just to do that in little bits and pieces, and instead of having one big development plan having dozens of little ones over smaller parcels of land, then you run the risk that they will not fit together properly and you will not have that continuity of open space and other planning objectives.

I can understand why. As I have received it, this development plan looks at the entire 77 hectares. That is what I have been given; those are the cards I have been dealt, and I will have to deal with that, in planning terms, accordingly, but the staging of it, of course, is a commercial decision for the developers.

The Hon. J.S.L. Dawkins: Almost 10 minutes, Paul.

The PRESIDENT: Order! The minister is entitled to answer the question.

ABORIGINAL WOMEN'S GATHERING

The Hon. I.K. HUNTER (14:55): I direct my question to the Minister for the Status of Women. Will the minister provide the council with information on the Office for Women's Engagement with Aboriginal Women, particularly with respect to the Aboriginal Women's Gathering?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:56): I thank the honourable member for his question. As members may be aware, the Office for Women convenes an annual state Aboriginal Women's Gathering. The three-day event provides a very important forum for Aboriginal women, who travel to Adelaide from across South Australia, many from quite long distances away, to share their experiences and discuss issues within their communities and to meet and network with other Aboriginal women from across the state.

The 2010 state Aboriginal Women's Gathering will take place at The Shores Function Centre, West Beach, from 3 to 5 November. The agenda will include discussions on the outcome of the 2009 gathering and, importantly, the establishment of the National Congress of Australia's First People and the National Aboriginal and Torres Strait Islander Women's Alliance. There will also be small group discussions between delegates and chief executives from across different agencies.

Governance is the theme for this year's gathering, because good governance is central to the operation of a thriving community. It goes beyond just government and formal institutions to the importance of leadership, political dynamics and informal institutions in our communities. Governance and leadership, particularly women's leadership, is something for which I know that members would share my passion.

Too many women go unrecognised for the work they undertake in both paid and volunteer capacities. There are many people, both men and women, doing great things for their communities and it is important that women's contributions are equally acknowledged and rewarded. I am sure

that this year's gathering will be a great success and provide Aboriginal women with important opportunities to come together and share knowledge and experiences while gaining information about future directions within the state and nationally.

Members would be interested to know that the gathering was held last October at The Shores Function Centre, West Beach. Over 65 women attended, and leadership was the theme. During the gathering, guest speakers shared their leadership journeys with the group. The overall message focused on encouraging Aboriginal and Torres Strait Islander youth to make that leap into leadership and to learn from and walk alongside the current leaders within their communities.

The Office for Women works with and receives guidance and support from the gathering executive group and the South Australian representatives to the National Aboriginal and Torres Strait Islander Women's Gathering (NATSIWG). I acknowledge the time and effort these women put into making the 2009 state gathering the success that it was. With this year focusing on the importance of governance, building on the discussions on leadership from last year, I hope that all delegates attending the gathering will find it a memorable experience.

WATER FLUORIDATION

The Hon. A. BRESSINGTON (14:59): I seek leave to make a brief explanation before asking the minister representing the Minister for Health questions about contaminants in the fluorosilicic acid added to our water.

Leave granted.

The Hon. A. BRESSINGTON: As you would be aware, a public meeting was held in Mount Gambier on 9 October of this year on the issue of water fluoridation. The meeting was well attended by local residents, with *The Border Watch* estimating 300 in attendance. The Minister for Health and a representative were also invited but failed to attend. We were advised by the media that the minister issued a statement and an apology for not being able to attend. Apparently, it had not been received by my office then, and it has still not been received. If it had been received, it would have given the panel the opportunity to point out the numerous deceptive and unsubstantiated statements. One of the points that the minister made was that the compound added to our water is 'highly purified'.

Since the public meeting, I have been provided through freedom of information with the certificates of analysis, which record the results of the analysis of each batch of fluorosilicic acid prior to sale. These certificates of analysis clearly show that every batch of this substance used in South Australia since November 2006 has been contaminated with numerous heavy metals, such as iron, lead, copper, zinc, mercury, as well as arsenic as high as 5.2 parts per million, which is linked to significant increases in cancer mortality at only 1.5 parts per million, as well as barium, beryllium, cadmium, chromium, thallium and other chemical elements, on top of fluorosilicic acid, now known as a carcinogen and a mutagen and listed by the World Health Organisation as a pesticide, herbicide, fungicide and rodenticide.

I have been informed by a healthcare professional that, upon inquiring with SA Water whether fluoridation was a source of arsenic and other heavy metals in our water, he was told, yes. My questions to the minister are:

1. Will the minister admit that his statement provided to the media was deceptive, and will he take steps to rectify that and correct the public record?

2. Will the minister make clear who advised him that the solution used to fluoridate our water is 'highly purified'?

3. If those certificates of analysis truly reflect a purification process, can the minister advise what method of purification could be used to still leave such a contaminated substance?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (15:02): I thank the honourable member for her important questions and will refer them to the Minister for Health in another place and bring back a response.

GLOBE DERBY PARK

The Hon. T.J. STEPHENS (15:02): Has the minister for planning, or anyone from his office, made any contact with officials from Harness Racing South Australia to explain what his office is doing with regard to the Globe Derby Park rezoning saga?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:03): I did ask the deputy CE, who was going to ring them, whether he has yet done so. I am not sure, but I did raise with him yesterday whether or not he was able to get on to him. As I said, I have not had that confirmed, but it was certainly my request. It was only yesterday that I made a ministerial statement—

The Hon. T.J. Stephens: Didn't you actually give him that courtesy?

The PRESIDENT: Order! The minister said he has made contact.

The Hon. P. HOLLOWAY: I asked yesterday, following the decision in relation to that. Any proposal for development is really a matter for the marketplace. After all, all the Housing and Employment Land Supply Program does is list the information provided to the department in relation to where the proposals are regarding land development. What that HELSP program does is provide information to the marketplace about that. We just gather the information; it does not mean that we are the drivers of it.

The Department of Planning and Local Government is not a property developer. We are not involved in property development, but what we do is provide that information. I have been advised that the deputy CE of the department has apparently arranged a meeting with Harness Racing tomorrow, but the information that we will be able to provide to him is, of course, what I provided in my ministerial statement yesterday. As I said, the future of that organisation is, and always has been, in the hands of the committee that runs the body.

ADELAIDE CEMETERIES AUTHORITY

The Hon. CARMEL ZOLLO (15:05): My question is to the Minister for Urban Development and Planning. I understand that the Adelaide Cemeteries Authority has undertaken a range of initiatives, along with a number of significant projects, during the last 12 months. Will the minister advise on the recent activities undertaken by the Adelaide Cemeteries Authority?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:05): I will not make any puns in relation to this question; it may not be tasteful. I thank the honourable member for her question and for providing me with the opportunity to outline recent activities of the Adelaide Cemeteries Authority. The Adelaide Cemeteries Authority administers four major cemeteries across Adelaide: the West Terrace Cemetery, the Cheltenham Cemetery, Enfield Memorial Park, and Smithfield Memorial Park. As part of its responsibilities the authority administers some of South Australia's most significant historic cemeteries, memorials and headstones.

On 11 May this year Mr Robert Pitt took up the position of chief executive officer of the Adelaide Cemeteries Authority, taking over from Mr Eric Heapy, who served in that capacity for the previous 6½ years. I would also like to thank Ms Kathy Bowden, the manager of marketing and client services, for taking on the task of acting chief executive officer for the six months between Mr Heapy's resignation and the appointment of Mr Pitt.

The West Terrace Cemetery, which was originally known as the Adelaide Public Cemetery, is one of our state's important sites of historical significance and, as such, is listed on the State Heritage Register. The cemetery was fixed by Colonel William Light in his 1837 survey of the City of Adelaide and is one of the last original capital city cemeteries in Australia still operating. Several initiatives have been implemented at the West Terrace Cemetery during the 2009-10 financial year, including:

- upgrading of on-site security to reduce the incidence of vandalism;
- installing recycled water from the Glenelg to Adelaide pipeline program to help maintain the cemetery grounds;
- the opening of the Caroline Clark Memorial Garden to honour the 50,000 South Australians buried in unmarked graves at the site;
- continuation of the process of identifying and mapping burial sites;
- the establishment of a new burial area, named the Wakefield Section, the first new land released at the cemetery since 1944;

- the presentation, during SA History Week, of six unique interactive tours in conjunction with the theatre group Various People; and
- the Friends of the West Terrace Cemetery continuing to provide regular tours of the site as well as documenting at-risk headstones, completing all sections except the Catholic section.

The Friends of the West Terrace Cemetery have also documented the entire AIF section and have begun recording the location of the individual plaques in the baby memorial. I would like to thank this organisation for its ongoing support, and acknowledge its many valuable efforts in encouraging visitors to our cemeteries, which assists in deterring vandals.

I also understand that a new, self-guided interpretive trail at the West Terrace Cemetery will be launched early next year, which identifies 30 prominent sites. Amongst them are links with Mary MacKillop who, of course, recently achieved sainthood as St Mary of the Cross. The West Terrace Cemetery has many links to Mary MacKillop, including the grave of her brother, along with many of her supporters and detractors. Thirteen Sisters of St Joseph are interred at the cemetery, and the grave of Bishop Lawrence Sheil, who excommunicated Mary MacKillop in 1871, is also found here.

The Adelaide Cemeteries Authority administers Enfield Memorial Park, which provides a fully operational cemetery incorporating chapels, a crematorium and a mausoleum. In the past 12 months a number of initiatives have been implemented at Enfield Memorial Park, including:

- the launch of the new western Rose Memorial Garden;
- completion of the upgrade of the external facade of the lounge and chapel areas;
- completion of the feasibility and design of the extension to the Enfield mausoleum, the construction of which will commence soon;
- an increased interest by members of the community regarding the Wirra Wonga area, which is the state's first natural burial ground. The authority anticipated five burials at Wirra Wonga during its first year of operation, but this was easily surpassed with 21 burials, demonstrating the strong community interest in this type of service;
- the annual Mother's Day service of remembrance, with more than 500 people attending; and
- for the first time Father's Day was also celebrated recently, with more than 500 people attending that service.

The Cheltenham Cemetery, established in 1876, is one of Adelaide's oldest cemeteries. During the 2009-10 financial year, a number of initiatives have been implemented by the Adelaide Cemeteries Authority including:

- completed construction of a new memorial garden;
- completion of stage 2 of a new burial area named Tranquillity Corner which provides for 112 burial sites in a peaceful, courtyard style garden;
- the establishment of a new cremation memorial area, named Garden of Memories;
- installed new row numbering on roads and paths; and
- commencement of a pathway replacement program.

The Smithfield Memorial Park has been operated by the Adelaide Cemeteries Authority since 2002. During the 2009-10 financial year, initiatives undertaken have included:

- the continued provision of burial and cremation services of persons who have bequeathed their bodies to South Australian universities for the benefit of medical science; and
- the launch of an on-site road replacement program.

As the population of the northern suburbs continues to grow during the next 20 to 30 years, the services provided by Smithfield Memorial Park will become of greater importance. So, I commend the authority for the good work undertaken for the people of South Australia in times of great personal sorrow and also its commitment to the South Australian community.

ADELAIDE CEMETERIES AUTHORITY

The Hon. D.G.E. HOOD (15:11): I have a supplementary question. Would the minister please provide some clarification on who owns a headstone at the end of the lease of the plot?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:11): That is a rather complicated issue. It probably comes more under the portfolio of my colleague the Minister for State/Local Government Relations but, certainly through this portfolio, I am aware that what most cemeteries do at the end of the tenure, if they have the information, is seek, through advertising and other means, to notify the relatives of the person who is interred.

They hold the site for a certain time. There have been cases where there have subsequently been some disputes in relation to the ultimate ownership of these memorial headstones. I think, with the regulations that my colleague has recently brought in, that may be one of the issues that have been addressed.

Perhaps we can take that part on notice and, with my colleague, work out the actual legal position, but it is somewhat complex as to where it lies under the act. Certainly, I know there have been representations made to me, as the minister, on behalf of the four cemeteries under my jurisdiction, but also from other cemeteries like Centennial Park, to try and resolve some of these issues. We will give the honourable member a reply.

PENSIONERS

The Hon. T.A. FRANKS (15:12): I seek leave to make a brief explanation before addressing a question to the minister representing the Minister for Housing on the subject of the recent rent increases for pensioners.

Leave granted.

The Hon. T.A. FRANKS: Members would be aware that, when the former prime minister, Kevin Rudd, announced the $30 rise to weekly pensions in the May 2009 budget, he wrote to all premiers and chief ministers demanding that state housing authorities allow the entire extra benefit to flow to pensioners. It was a rise that was much needed and long overdue.

As we know, this state government has now flagged an increase in housing trust rents in the recent state budget, and that will in fact be an increase for many of our pensioners. They rightly feel betrayed but so does the federal government. My question to the minister is this: is the minister aware of the words of minister Macklin, just over a week ago, where she noted that she had in fact previously made that request to all states and territories to make sure the pension rise from back in 2009 stays in the pockets of the pensioner, that she did not want it eaten up by state government public housing authorities, and that she would keep pressing all the states—and specifically, on FIVEaa, she cited South Australia—to make sure that this is the case?

She noted that New South Wales had tried to renege on this agreement and that she had an exchange with them and they were now complying. Has the minister received any communications or representations from minister Macklin, and is the minister prepared to break a promise to her own party and her own federal government, as well as the pensioners of Australia?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (15:14): I thank the honourable member for her most important question. Indeed, the government has said time and time again that this was an extremely challenging and difficult budget that required extreme and serious measures. The housing concessions were one of those that we obviously considered very carefully—a whole suite of matters—and we ended up choosing those we believed would bring about the long-term sustainability of this state. It was not an easy decision but an extremely difficult decision, and one of those unfortunate decisions that we ended up making. In terms of the details of the questions the honourable member has asked, I am happy to refer them to the Minister for Housing in another place and bring back a response.

WORKCOVER CORPORATION

The Hon. R.I. LUCAS (15:16): Will the Leader of the Government advise whether it was correct that it was part of the original contractual arrangements between WorkCover and EML that all calls between clients and claims managers were to be recorded and that that process has now

been changed to one of just monitoring? If that is correct, has he been advised as the minister and has he supported the change in the contractual arrangements?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:16): I am not aware of what the original contracted arrangements were, so I will take that question on notice and give the honourable member a considered response when I have had a chance to see what the original arrangements were.

SA LOTTERIES

The Hon. R.P. WORTLEY (15:17): I seek leave to make a brief explanation before asking the Minister for Government Enterprises a question about SA Lotteries.

Leave granted.

The Hon. R.P. WORTLEY: SA Lotteries is an outstanding business, which also provides significant benefits as its profits go into our hospitals and sports each year. It is a constant that wherever you go in our state you can be sure to be able to buy a X-Lotto ticket. I am sure many of us enjoy the odd flutter and the thought of a big win when we buy a ticket at the local agent on a Saturday morning. While computer technology must play a large role in SA Lotteries' success, the other vital element is the agency network. Will the minister advise how SA Lotteries promotes excellence within the small business community?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (15:17): Our agencies are extremely important to the successful operation of SA Lotteries and are the backbone of lotteries. The SA Lotteries distribution network of more than 550 agencies is one of the most diverse lottery networks in Australia, a network of principally small business operators—the classic local newsagents and chemists, supermarkets, kiosks, delis, service stations, hotels and clubs. SA Lotteries' commitment to operating excellence is supported by extensive operating procedures. These are communicated to the network using their agent agreement, its supporting operational documentation, a comprehensive responsible gambling framework and an extensive training program.

SA Lotteries has an ongoing commitment to training its agency network. During 2009-10 training was delivered to 10 metropolitan and six regional training and information sessions for more 2,000 people, comprising agents and their staff. This training focused on ensuring agents were able to successfully transition to new point-of-sale equipment, with rollout to agents completed in February 2010. This was followed by the rollout of self-service ticket checkers to agencies providing greater customer convenience, which was completed in June 2010.

The training delivered by SA Lotteries itself was in addition to that provided by SA Lotteries accredited training partner, Business SA, in the training of 63 new agents and 60 agency staff in courses covering business management, customer service, essential skills in terminal operation and, of course, responsible gambling. SA Lotteries' training partnership with Business SA was established in 2009 to provide more training to new agents and their staff across the areas of business and terminal operation, selling skills and responsible gambling.

Each year SA Lotteries recognises operational excellence across their agent network at the SA Lotteries Agency Excellence Award gala presentation dinner. The annual Agency Excellence Awards program is designed to recognise and reward excellence within the SA Lotteries retail and licensed agency network, and the winners are determined on a set of performance criteria.

The performance criteria for these awards include relative sales performance, sales growth, audit review, corporate fit-out and agent initiative. Every eligible agency receives a final score based on these criteria, and the top performers from each sales channel are invited to the gala event. It is a particularly special night of celebration. A total of seven awards for outstanding performance in 2009-10 were presented to the following SA Lotteries agencies earlier this month at the gala awards on 16 October 2010:

- Virginia Lotteries Kiosk—Best Retail Agency—Gold;
- Rostrevor Pharmacy—Best Retail Agency—Silver;
- Birdwood Newsagency—Best Retail Agency—Bronze;
- Westland Hotel Motel, Whyalla Norrie—Best Licensed Agency—Gold;

- Castle Tavern, Edwardstown—Best Licensed Agency—Silver;
- Hotel Elliot, Port Elliot—Best Licensed Agency—Bronze; and
- Para Hills Community Club—Community Service Award.

In addition, the Para Hills Community Club's Jayne Taylor was named Agency Employee of the Year for the second year in a row for outstanding commitment to customer service. During the evening, 27 agents were also recognised for achieving 20 years of service.

Research conducted by Synovate in June 2010, as part of SA Lotteries' self-evaluation and business improvement processes, has indicated that 98 per cent of players were either satisfied or extremely satisfied with the service received from SA Lotteries and its agencies throughout 2009-10. It is a remarkable agency network, and SA Lotteries should be congratulated for the way they continue to support and grow the skills of their small business partners.

STATUTES AMENDMENT (BUDGET 2010) BILL

In committee (resumed on motion).

Clause 1 passed.

Clause 2.

The Hon. R.L. BROKENSHIRE: I am sure that the minister would not be surprised that I would ask this question because, if he were in my situation, he would be asking this question. Can the minister table legal advice that his government has received that says that what we are actually debating here now in the parliament is legal?

I understand that there is a contract, namely, an enterprise agreement, that deals with a lot of these issues that the government is now asking us to override and pass as law. I therefore ask the minister: how can we actually vote on matters such as this when I understand a contract is a contract at law—in this case involving an enterprise agreement. How can the minister ask the parliament to actually override that and break a legally binding contract?

The Hon. P. HOLLOWAY: The honourable member may not be aware that the PSA had raised some issues within the industrial court in relation to this matter but they have been rejected. That is my advice. The government obviously has put this bill forward on the basis of advice given to it. It is not the normal practice of government to release legal advice but I point out to the honourable member that the Industrial Relations Commission has rejected the PSA challenge to this matter.

The Hon. R.L. BROKENSHIRE: I have a copy of the Industrial Relations Commission handing and I would not dismiss their handing lightly and I will be incorporating some of it into *Hansard* at a later date. The point is that I would not just say flippantly, 'Well, the IRC has endorsed what the government is doing', because that is not what I read, particularly when you look at page 7.

If it is not available now, I ask that the minister make available any legal advice that the Treasurer or the government may have had prior to this decision to cut entitlements under a legally binding contract, namely, an enterprise bargaining agreement. You are now asking us as the parliament to support what the government is doing in this respect. How can we be supporting you (if, indeed we go that way) when you have a legally binding agreement signed to protect those workers' entitlements?

The Hon. S.G. WADE: Since the minister has raised the statement made in the Industrial Relations Commission yesterday, I pose the question that was posed—

The Hon. P. Holloway interjecting:

The Hon. S.G. WADE: It is about a commencement date, is it?

The Hon. P. Holloway interjecting:

The Hon. S.G. WADE: The minister has raised the judgement and the issue of legality. I pose the question that was posed by Deputy President Parsons in the commission yesterday: how can a fair and certain negotiated outcome in future bargaining be achieved if the chief executive and the PSA know from this experience that his word is not final but that it may be overridden by parliament?

The Hon. P. HOLLOWAY: It has been passed on to me what the decision was. I am not going to comment on what the details of that particular case were. They certainly do not have any relevance, I would suggest, to the commencement clause in this bill, but the fact is that this government has had to make some difficult decisions. We have done that. As I have said, the Hon. Mr Wade really wants to consider the alternative.

The Hon. S.G. Wade interjecting:

The Hon. P. HOLLOWAY: Presumably he would be quite happy if we got rid of another 600 jobs, because that is the alternative. Put up an alternative. The member is on the front bench of the opposition. He wants to be in government in 2014. Yes, he can criticise, he can be a critic, but one of the problems the opposition faces is ultimately they have to have an alternative. I would argue that this is fairer. This is a fairer measure than taking other decisions that would be the alternative to the government's.

The Hon. S.G. Wade: My option is to expose hypocrisy.

The Hon. P. HOLLOWAY: What is hypocritical is coming in to this parliament without an alternative and pretending to be in opposition.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.L. BROKENSHIRE: Mr President, I draw your attention to the state of the committee.

A quorum having been formed:

The CHAIR: I must remind members to keep their eye on the *Notice Paper*. It happens too regularly that people are not here to move their amendments.

The Hon. T.A. FRANKS: I move:

Page 5, line 7—Delete subclause (2)

I move this amendment with some degree of disappointment in this government. I should not have to move this amendment at all. Had this government kept its promises to the Public Service, which it made in good faith when it entered into enterprise bargaining negotiations with our public servants, who are very good, hardworking servants of our community, we would not be here discussing this matter.

As we are all aware, these amendments go to the measures in the budget which withdraw access to leave loading and long service leave, which have been enjoyed by public servants for many years but were never, in fact, put into any negotiating table discussions as being something that the government would like to take away from them.

I move this amendment in defence of the spirit of enterprise bargaining, where one enters into a bargaining arrangement between employer and employee with all items on the table and in the spirit of good faith which we would expect in this country with a strong, robust and healthy industrial relations system.

The Hon. P. HOLLOWAY: This is, obviously, a test clause for the issue relating to long service leave. As I said in my second reading contribution, my understanding is that the long service leave provision was introduced as legislation following an election promise, which was at a time when we also had superannuation schemes and the like that were considered affordable at the time—they are not now.

Just as superannuation schemes were modified during the mid-nineties and mid-eighties, some of those schemes were closed off because they were no longer seen to be affordable. That is why this benefit, the long service leave provision, which is under legislation, is being amended.

Yes, it is a difficult measure but, as I also said earlier today, if one looks at the austerity measures that are being implemented by other governments around the world, this is a very modest one, because we are not freezing wages and doing the sorts of things that are being done in other parts of the world. This particular measure—the provision of 15 days long service leave after 15 years of service—is recognised as being very generous, by any measure.

The options are to continue, for a lesser number of people, the generous benefit, or to try to spread the load a bit more over the public sector workforce and ensure that they do not have to

suffer the sorts of cuts and austerity measures that are made elsewhere in the world. They are our choices, and the government has made its choice.

The Hon. A. BRESSINGTON: When the enterprise bargaining agreement process was occurring, was it flagged at that time that these measures might be taken?

The Hon. P. HOLLOWAY: At any one stage there are a number of enterprise bargaining measures in various stages of completion. There is not just one for public sector employees across the board. Obviously, there are a range of other workers—ambulance employees, police and other workers. I do not believe that this measure was flagged. As I said, it was part of the budget discussions. It was considered by cabinet, and I fully support that decision.

It is a fairer measure than the alternative, where you would put the whole pain on another 600 or 700 employees with all of the impact for the community, or we could have raised taxes that hit the entire community, the people who never get these sorts of benefits. They are the choices you face.

The Hon. R.L. BROKENSHIRE: My question to the minister relates to long service leave entitlements. I understand that, on behalf of the government, the Premier has, on at least three occasions, written to the Public Service Association and other unions confirming the enterprise bargaining agreement and all the entitlements—some of which include the 15 days that they are now trying to knock back to nine—which have been in existence for three decades. Can the minister explain to the committee why the Premier, after he has written on behalf of his government, is now breaking those government commitments?

The Hon. P. HOLLOWAY: The key commitment that I think the Premier gave was in relation to tenure, and one of the key considerations of cabinet in the whole process was to see how we could minimise the impact on the number of public servants. That is why we have come up with one of the most generous severance packages ever offered. We believe that will enable us to keep the promise that the Premier made about no forced redundancies.

In relation to these other conditions, as I indicated to the honourable member, long service leave was, from my understanding, not a measure that was achieved through bargaining at any stage; it was just like what happened when the superannuation schemes were changed back in the mid-1980s and mid-1990s because of the financial problems that were then faced. They are benefits that were put in legislation. This is really dealing with it, I believe, in the same way and for the same reasons.

The Hon. R.L. BROKENSHIRE: I just want to work through this a little more so that we may start to get some idea of what is going on here. The minister talks about superannuation. I have been here in this council for 15 years and have seen four changes to superannuation—from the old scheme to the then new scheme, to the further new scheme and to the other scheme now. The fact of the matter is that none of that ever had an impact on those members who were already working here in the council, and for the right reasons. They came in with that particular superannuation scheme just as these workers have signed up to work for your government, sir, with those conditions in place. So, I do not see how you can say that superannuation changes are a comparison to this at all. This is actually ripping apart something that was agreed to. It is not going forward creating a different situation for new workers: this is affecting workers already in the government workforce.

The Hon. P. HOLLOWAY: It was put by the then government of the day in legislation and, just like the superannuation schemes, in relation to long service leave this measure takes effect from 1 July 2011 and, of course, leave that has already been accumulated under that will be retained.

The Hon. R.L. BROKENSHIRE: Surely the minister is not saying that somebody who has been working for 14½ years will not be getting the 15 days when, say, on 1 August next year it would have rolled into 15 years, like a police officer, for example. They are actually going to be going back to nine; so is that not a cut? Of course it is a cut.

The Hon. R.I. LUCAS: The minister indicated in his reply to an earlier question that that was one of the reasons why this government has introduced one of the most generous separation packages ever seen. Is it correct that this separation package introduced by the government is exactly the same as the separation package that was last on offer to the public sector about two years ago, that is, a maximum number of 116 weeks if you have served the maximum length of service?

The Hon. P. HOLLOWAY: It is the same as the 2009 scheme, and that is a very generous scheme if one compares it with what has been offered elsewhere previously.

The Hon. R.I. LUCAS: I think that is the point. The government has sought to pat itself on the back and say that it had introduced the most generous separation scheme that had ever been seen. It is not the most generous scheme, as the minister has just been forced to concede. This is the scheme as it has existed for some time. It certainly was the scheme that applied, supposedly, to up to 1,700 public servant full-time equivalents two years ago. I am not sure if the minister is aware whether or not it also applied to earlier TVSP rounds, but I put that question to him as well: did it apply to any earlier rounds of targeted separation packages?

I do not think that the government can pat itself on the back and say, as the minister sought to do in his reply, that it has introduced the most generous separation package arrangements. Indeed, he has been forced to concede that is not the case. To round off that line of questioning I ask: is the minister's adviser, through the minister, in a position to indicate when the current scheme was first introduced? We know that it was operating in 2009; did it apply to any earlier round of separation packages in the public sector? If so, when?

The Hon. P. HOLLOWAY: I am advised that that particular scheme ran from 1 July 2009 to 30 September 2009. I will just see if we can get information in relation to how that compares with previous schemes.

The Hon. R.I. LUCAS: While the minister is getting information about previous schemes, I recall that in schemes which operated under the former government the maximum payouts were certainly in excess of 100 weeks. I cannot remember whether or not they went to 116 weeks, but my clear recollection of the schemes that operated through the 1990s is that long serving public servants were entitled to maximum payouts of about 102 weeks, I think. However, the minister's adviser is back, so we shall wait and see.

The Hon. P. HOLLOWAY: My advice is that there have been some variations in the different schemes as they have come down, but we would have to go through and look at each individual scheme to see it. Certainly, by any standards offered elsewhere I think this is a generous scheme. You can argue about whether or not it is the most, or the second most, or the third most, or nearly the most generous scheme, but it is a generous scheme.

The Hon. R.I. LUCAS: I am not interested in delaying the proceedings. I am happy if the minister gives some indication that he is prepared to take it on notice and provide or table a written answer giving a comparison with previous schemes. If he is prepared to do that then I am prepared to move on.

The Hon. P. HOLLOWAY: Yes, I am.

The Hon. R.L. BROKENSHIRE: Further to that and with respect to the Hon. Tammy Franks' amendment, in the Sustainable Budget Commission's report there is actually a comparison of LSL entitlements in Australian public sectors. At the moment South Australia is equal second worst for 10 years of service and for 15 years of service, but for 20 years of service and 30 years of service—which is where I thought the whole intent of this was aimed, to stop the brain drain and keep that experience in the public sector to provide the best possible services for our state—we are second best. Is it the government's intent, with this bill, to put us at worst, or equal second worst, for all the 10, 15, 20 and 30 year periods of service?

The Hon. P. HOLLOWAY: I think the honourable member is being a little bit technical. After 10 years of service it is 90 calendar days, and he says we are the second worst. Victoria is 91, Queensland is 91, Western Australia is 91, Tasmania is 91, the Commonwealth is 90, and New South Wales is 62. There is one day's difference, presumably because our leave has been pitched a little differently. However, I think that one day after 10 years' service is not particularly significant, in relation to the honourable member's arguments.

Obviously, if we come back to that nine days, we will be on a par. When you look at those other states, after 20 years: Victoria, 183; Queensland, 182; Western Australia, 182; Tasmania, 182; and the commonwealth, 180. We would presumably at that time be on 180. We would be on a par, give or take a day, with those other states, whereas now it is 210 days here, compared with 180 to 183 as it varies in other states.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, New South Wales is much lower in the early stage. Those figures are there for the honourable member to see.

The Hon. R.I. LUCAS: Can the minister just outline the reason the government took the decision that this particular section would come into operation on 1 July 2011, as opposed to any other date?

The Hon. P. HOLLOWAY: I cannot give you the exact reason why it was proposed by Treasury that way, other than to give people adequate notice; to be fair. Obviously, because it is in legislation it can only be changed by legislation, and that has to get through, but I just think it would be fairer to have this introduced with sufficient notice. As 1 July is more than six months away, I think it is reasonable that we provide that advance notice.

The committee divided on the amendment:

AYES (7)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Franks, T.A. (teller)	Hood, D.G.E.	Parnell, M.
Vincent, K.L.		

NOES (14)

Dawkins, J.S.L.	Finnigan, B.V.	Gago, G.E.
Gazzola, J.M.	Holloway, P. (teller)	Hunter, I.K.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I.
Ridgway, D.W.	Stephens, T.J.	Wade, S.G.
Wortley, R.P.	Zollo, C.	

Majority of 7 for the noes.

Amendment thus negatived; clause passed.

Clause 3 passed.

Clause 4.

The Hon. R.L. BROKENSHIRE: I seek your guidance, Mr Chairman. It would be good if we could consider my amendment to this clause after consideration of clause 58. My amendment 3 is to clause 58 and deals with the cuts to leave entitlements. It would be going backwards if we were to do clause 4 first, which deals with teachers' entitlements but does not deal with all the others. Could we do that?

The CHAIR: It is a test case: the honourable member should move it.

The Hon. R.L. BROKENSHIRE: I move:

Page 5, lines 17 and 18—Delete paragraph (b) and substitute:

(b) the officer is then entitled to long service leave as follows:

(i) in the case of a prescribed officer—the officer is then entitled to—

(A) 0.75 of a day's leave for each subsequent complete month of effective service until the end of the 15th year of effective service; and

(B) thereafter, 1.25 days' leave for each subsequent complete month of effective service;

(ii) in any other case—the officer is then entitled to 0.75 of a day's leave for each subsequent complete month of effective service.

In moving this amendment I believe that in a democratic society when an employee, either through their own particular negotiation with an employer—in this case the government—or through collective bargaining through the unions, signs an agreement it is a legally binding document. I understand that there are six essential elements of a legal contract, and I also understand that all six essential elements of a legally binding contract were fulfilled in good faith by the unions and the government as the employer.

The Hon. B.V. Finnigan interjecting:

The Hon. R.L. BROKENSHIRE: The Hon. Bernie Finnigan disagrees with me, but an enterprise bargaining agreement is still a contract, a legally binding agreement.

The Hon. B.V. Finnigan interjecting:

The Hon. R.L. BROKENSHIRE: I do not understand why the Hon. Bernie Finnigan is so upset about this when he actually used to represent workers.

The ACTING CHAIR (Hon. J.S.L. Dawkins): Order! This is not a conversation, and other members will have the opportunity to make a contribution.

The Hon. R.L. BROKENSHIRE: We have a situation where, in good faith, an enterprise bargaining agreement was entered into. People went home and spoke to their families about what that enterprise agreement was, and they planned their future based on that enterprise agreement. In fact, I will reinforce that the element of the enterprise agreement that I am talking about with respect to long service leave entitlements goes back a long time; it even precedes enterprise agreements.

The Hon. B.V. Finnigan: It goes back to the statute when it was passed.

The Hon. R.L. BROKENSHIRE: That's right, and that is back in the 1970s, I believe. The intent of that—

Members interjecting:

The ACTING CHAIR: Order! The Hon. Ms Bressington and the Hon. Mr Finnigan are out of order. I have reminded you a minute or two ago: if you want to put that on the record, you have the opportunity to do so when the Hon. Mr Brokenshire has completed. The Hon. Mr Brokenshire has the call.

The Hon. R.L. BROKENSHIRE: Thank you, sir. The point is that they went home in good faith with their families and they planned their future. I have had public servants right across all sectors of government contact me—and I know my colleagues have, including my Labor colleagues—saying that this is unfair and saying that this affects their future planning. Some of these people have actually made conscious decisions not to leave the Public Service and work elsewhere, because one of the benefits to them was that they knew—and does not matter whether it is July next year; that is irrelevant—under the agreement, and not only under the agreement but under statute going right back into the 1970s, that after 15 years of service they got 15 days a year. That was their enticement in many cases to stay.

I put it to you like this, sir: if I come and work for the government tomorrow, and the government says to me, 'Robert, your conditions are that once you hit your entitlement threshold for long service leave, you have nine days a year accruing. If you work for 10, 20 or 30 years, it is nine days', I sign off on that. I agree to that and I expect that it would stick with their agreement, too. But another scenario is where you have been working with the Public Service and you are planning your future, and all of a sudden the government says, 'We have stuffed the budget.' Well, it is not that it has stuffed the budget; it is that it has made so many promises in marginal seats at the election that it has to recoup $1.4 billion of money in the forward estimates to deliver projects to marginal seats in an attempt to hold government. That is what this is all about. How can we do that? We need to save tens of millions of dollars. What is an easy way to do that?

The Hon. R.P. Wortley interjecting:

The Hon. R.L. BROKENSHIRE: It is a statement of fact, and the Hon. Russell Wortley saw it. I would like to think that the Hon. Russell Wortley would vote for this amendment and would then get absolute support on behalf of those workers.

The ACTING CHAIR: I would like to think the Hon. Mr Wortley would keep his mouth shut until he gets the call.

The Hon. R.L. BROKENSHIRE: I would like to think that the Hon. Mr Wortley, who has worked so hard for workers prior to coming into this chamber, will actually support and vote with Family First and other colleagues who are voting for this amendment. That way he will be guaranteed to be re-elected when it comes up in 2014, because those people will see him as an honourable member who stood by his convictions and did not want to see workers' entitlements ripped apart, so there is an opportunity for the honourable member.

I want to put this on the public record with respect to why I am so passionate about this clause. If a private employer was to sign an enterprise agreement—and private employers sign

enterprise agreements just the same as the government—do you know what would happen? This government, with taxpayers' money, would take the private employer to the Industrial Relations Commission, and it would tear them apart until such time as the Industrial Relations Commission forced that private employer to honour that enterprise agreement.

So I ask: what is the difference between a private employer and a public employer, namely, the government? There is no difference when it comes to a contract with an enterprise bargaining agreement. I think this is a fair and reasonable compromise. I have talked to people even in this house who, we all know, are incredibly dedicated workers, are pristine in the way they approach all of us. You would never know what their political alliances are, and they are absolutely dedicated. This is one example in this parliament, and they are going to be done over by this. Where is the thank you and acknowledgement for the hard work that public servants do?

I will not hold the committee too much longer but I think it is really important that I just read from the decision of the Full Industrial Relations Commission of South Australia, comprising Deputy President Judge H.W. Parsons, Deputy President K.M. Bartel and Commissioner M.J. Doyle, delivered on 27 October 2010, in the matter of an appeal of the Public Sector Association of South Australia Inc. v Chief Executive, Department of the Premier and Cabinet.

I know that the honourable member is speaking on behalf of his government, not himself personally, but we have heard the Leader of Government Business in this house today say that the IRC vindicated the government. That is wrong and that is misrepresentation and that has to be put on the public record. In fact, we would not be debating this amendment today if the government had done the honourable thing and gone down to the Industrial Relations Commission and sorted this out, rather than expect the parliament to sort it out. That is where it should have been sorted out. That is what the Industrial Relations Commission is set up for.

If the government said it could no longer afford to honour its enterprise agreement, it should go down to the Industrial Relations Commission. But it did not do that; it has been brought in here and now the government want us to fix its mismanagement. The government is saying that the Industrial Relations Commission supported the government. Well, sir, the IRC did not, in my opinion. I read this into *Hansard* from page 6:

> Further observations
>
> 35. Although we accept the respondent's submission and would dismiss the appeal we respectfully voice certain concerns to the Chief Executive about the implications of the Government seeking to override clause 2.2.6 of the Agreement by legislation.

Here is the IRC saying there is an agreement between the government and workers. It is saying that the government is seeking to override it by bringing legislation in and expecting the parliament to rubber stamp the government's breaking the law. That is what it gets back to: breaking the law. It continues:

> 36. In our view, such action may tend to undermine the currently productive industrial relationship between the PSA and the Chief Executive. The PSA entered into the Agreement negotiations in good faith on the basis that the terms of the Agreement would apply for the life of the Agreement...

If you want to change the agreement, the time to change it is when you have your next agreement. Trade it off. That is what enterprise bargaining agreements are all about. If you give them a good enough reason and actually put some fair money in their pocket, they may well trade it off in a couple of years. Remember, by the way, if the government can get its budget back in order, that in 2015 there will be hundreds of millions of dollars—they say—of surplus. So the government could manage and work through this and trade it off then, if that is what it wants to do. I am not sure you will be here to do it. To continue:

> The PSA entered into Agreement negotiations in good faith on the basis that the terms of the Agreement would apply for the life of the Agreement and that prior to its expiry date the parties would renegotiate the terms and conditions.

The IRC is saying, in summary there, that the government is trying to break the agreement.

> 37. We are concerned about the effectiveness of such future negotiations. A likely consequence of legislation overriding terms negotiated by the parties in good faith is that the Chief Executive's role may be undermined. The question arises how can a fair and certain negotiated outcome in future bargaining be achieved if the Chief Executive and the PSA know from this experience that his word is not final but may be overridden by Parliament?

It is not a bad clause. Clause 38 states that there are also implications for the statutory role of the commission, so they are even worried about the implications of this. That clause continues:

The general objects of the act require that the Commission promote goodwill in industry and encourage the prevention and settlement of disputes that cannot be resolved by amicable agreement and provide a means of conciliation for that purpose. The Act also contains specific objects related to the regulation of industrial matters by enterprise agreements. The Act seeks to encourage and facilitate the making of agreements governing remuneration, conditions of employment and other industrial matters at the enterprise or workplace and in that regard the Commission fulfils an important role in the provision of a framework for fair and effective negotiations and bargaining between employees and employers with the view to making such agreements.

39. The important statutory role of the Commission in implementing those Objects of the Act while assisting the parties in their negotiations may be rendered far less effective and impact on the Chief Executive's desired outcomes if the parties come to the Commission with a lack of confidence about the binding nature of any compromises reached...

Pretty strong words. Continuing:

40. We direct these comments to the Chief Executive for his consideration, understanding that it is not our role to interfere with Government policy and with an acknowledgment of the separate role of Parliament. However, we regard it as appropriate to highlight the importance that the parties have confidence in the bargaining process and the potential to undermine the effectiveness of the Commission in assisting parties to reach a binding compromise.

In clause 41, based on all I have read there, that appeal was therefore dismissed, as the honourable minister said. In conclusion, you can easily see what the commission is really saying there: its hands are tied, because the government has overridden all the processes put in place and expects us here to rubberstamp the loss of entitlements for employees.

I do not believe that it is fair and reasonable. This clause, in summary, gives an opportunity for the government to actually have the rest of its budget go through—because I am not advocating, and the chamber is not advocating, that we actually try to block it or make it incredibly difficult for the government to get back on track with all its other initiatives.

What this clause simply says is: stick to your word, stick to your contract, stick to your promises, stick to the letters and the intent of those letters that the Premier wrote on behalf of his government to the Public Service Association prior to the election, and if you have a problem with your budget, well, you sort it out at the next enterprise agreement, or you start to make some of the other budget savings that you could make—and an easy one for a start is $6 million a year recurrent by getting rid of three ministers, because we have the most over-inflated ministry in the nation. I commend the amendment to honourable colleagues.

The Hon. P. HOLLOWAY: The government opposes the amendment. It is a bit of a variation that effectively seeks to reverse the measure in relation to long service leave. We have had the debate on the substantive issues. I repeat what I said earlier: that the full commission of the industrial court had dismissed the appeal. I did not put any other flavour on it.

The Hon. Mr Brokenshire said that the reason we have to do this is for marginal seats. Let me just again point out a figure I gave earlier today. In this budget, my understanding is that Country Health is increased by 13.5 per cent. We have members opposite saying that is not enough and that even within that budget there still needs to be some contingency. It is going up by 13.5 per cent, because that is what is happening to the health demand around the country. When your revenues come in by five, something has got to give, and that is not just this year: multiply it out by four years' time. It does not matter who is in government: that is the reality, and it is the same with disability.

If we do not get money from areas like this, then where do we get it from? It is $30 million a year: $30 million a year is what this measure will save. What it will mean is that it will still bring us back so that the position concerning our public servants, as we have just discussed, is round about that in the rest of the country, not just other public sectors but also private sectors, in terms of the long service leave they get after 15 years. That is what we are talking about. It is a matter, whether you like it or not, of the lesser of evils.

Yes, this is a difficult measure, certainly for every member of the government. We would rather not do this, but what is the alternative? If we do not get $30 million from this, then what else do we cut? Where else do we go in relation to those issues? You can see this debate that is going around in the budget. People are trying to talk about capital works, trying to compare capital works with recurrent expenditure.

When health goes up by 13½ per cent, that is just this year; it will probably be up by the same amount next year, and it compounds. Capital works are one of the measures in the budget. They can be accommodated by readjusting the capital budget and pushing other projects further

out, but here where you are talking about ongoing budgets, year in and year out, compounding, the budget has to be balanced. That is why in countries like the UK, as I said, their alternative was to have a pay freeze for two years.

Members interjecting:

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

The Hon. A. Bressington: They are dead broke: no more money left.

The ACTING CHAIR: Order!

The Hon. P. HOLLOWAY: We will be dead broke too if we do not get our budget in balance, and that is exactly why we are doing this. These are the choices you have to make. If health is growing by these sorts of levels, and if you do not make an adjustment to your budget, then it will not balance; that is the reality. It is no good being in some sort of pretend world where you can pretend these issues away. They are there, whether you like it or not. Health and other sectors, which are now 35 per cent of the budget, are growing at 10 per cent a year. It is not just here: it is everywhere else in this country and in most of the western world. The disability sector is growing for all sorts of reasons.

If you are going to meet those needs and your revenues are growing at 5 per cent and they are growing at 10 per cent then something has to give. What we have to do is work out the fairest way to do it. There is no easy way to do it. You can have difficult ways to do it and more difficult ways to do it, but it is the lesser of two evils. The government opposes the amendment: it simply reverses the measure. It is a difficult issue for every member on this side but, as I said, we have to choose between very unpleasant alternatives here.

The Hon. A. BRESSINGTON: I indicate that I will be supporting the Hon. Robert Brokenshire's amendment. In saying that, I would like to make a couple of points. We keep hearing that this was a difficult decision, which absolutely everybody in here appreciates. The Hon. Bernie Finnigan said earlier that we have to change the superannuation entitlements in here because they are in the statutes, made law because the unions wanted them there. I wonder why the Labor government—I imagine it was a Labor government—agreed to put it in law, because it would have given the unions some sort of security that it was rock solid, that a Labor government would never go back on that, if it is in legislation. Point No. 2—

The Hon. R.I. Lucas: Never trust a Labor government.

The Hon. A. BRESSINGTON: No; we are learning—prior to the election there would have been ample opportunity for this government to go to the chief executive of the Public Service, whoever it is it deals with, flag this and go through the right processes to make these cuts and to prepare the Public Service for what was about to come, but that would probably not have been politically wise before an election. So, what do we do? We wait until after the election—for as long as possible, mind you, until September—and then we whack them with it.

I do not think anybody would argue that the government has had tough decisions to make—we all get that. It is not what has been done, it is how it has been done. It has been done dishonestly and deceitfully, and it has been done simply to win an election in 2010, to get past that and then whack everybody as hard as you can. That is what people find unpalatable.

The Hon. P. HOLLOWAY: We are not whacking people as hard as we can. One only has to look at the budget commission for some of the alternatives.

The Hon. R.I. Lucas: You didn't say that before the election. You said everything was hunky-dory before the election.

The Hon. P. HOLLOWAY: We did not say everything was hunky-dory.

The ACTING CHAIR: The Hon. Rob Lucas will have his turn in a moment, if he wants it.

The Hon. P. HOLLOWAY: This is part of the reinvented history of members opposite. The government made it clear that we were facing significant budget challenges; that was all made clear before the election. We set up the Sustainable Budget Commission, and there were a number of recommendations that the Sustainable Budget Commission made. One might not like this, but that is the financial reality that we face. As I have said, you only have to look at Europe to see that they are doing it far tougher than we are here.

The Hon. R.L. BROKENSHIRE: I have a question for the minister on that answer. The Sustainable Budget Commission—

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: Yes, but the minister made a point and I want to qualify the point. The Sustainable Budget Commission, which was announced way back, delayed the budget until just a few weeks ago. Was the intent of the government to actually hold over the Sustainable Budget Commission past the election so that it would not be embarrassed by bringing the truth into the parliament before the election?

The Hon. P. HOLLOWAY: I was a member of the budget committee. This committee was sitting right up until a couple of weeks before the budget. It sat on numerous occasions going through all the recommendations and all the alternatives before the government. The government announced late last year—about 12 months ago, I believe—the establishment of the committee and why it was needed. It was clear that there were some ongoing financial issues.

However, the point that I am trying to get across—and I think that everyone needs to realise it—is that these issues do not just stop today. You get your budget balanced in 2010, but it does not mean that it is going to be balanced in 2014 or 2018. These are going to be ongoing issues because there is an underlying restructuring of our economy. The population is ageing. For the first time since the Industrial Revolution, there are more people leaving the workforce than coming into it. All these things are going to have big effects. More people are dependent on welfare payments, transfer payments from others, than at any other time.

Fewer and fewer people within the workforce are paying for more and more people outside it. The populations are living longer and the demographics are changing. This is all going to impact on the budget. So, just because we balanced it last year does not mean that we will be able to balance it next year or the year after.

When one looks at the differences in the budget and sees what was spent when this government came to office eight years ago in various areas relative to others, there have been some huge changes. Health has grown massively, absolutely massively. Some areas, such as education, have grown, but not quite as much, because the number of people at that age and the demographics have been in relative decline. There have been these big structural impacts, and the public sector has to react to them. That is why it has to change in relation to workforce targets and so on; you cannot avoid it. It would be great if it would go away. I would love it to go away. I wish we could just have the same thing year in, year out, but we will not. I think the sooner parliaments here face up to that fact, the better.

The Hon. B.V. FINNIGAN: I oppose the amendment moved by the Hon. Mr Brokenshire. I think it is important to remember, yet again, the context in which this budget has been framed, that is, that the global financial crisis hit the state and, on my understanding, it led to a $1.4 billion fall in projected revenues over the forward estimates. That is an extremely large sum in the context of the South Australian budget.

The Hon. R.I. Lucas: That's not right anyway, Bernie.

The Hon. B.V. FINNIGAN: Honourable members opposite seem to believe that the global financial crisis did not happen. They are in denial about it. I do not know what they think, or whether they think we are just making it up, but it is very clear that it has had a significant impact on government revenues not only in South Australia but around the country and, indeed, the world, and we simply must face up to that reality.

The other major context we have to remember is the growth in health spending. While we continue to provide the services that South Australians demand and expect through our health system, there is always going to be pressure on the health budget. We simply cannot have a situation where we start telling people that we cannot provide health services or that, because of budgetary constraints, they cannot get access to the health care they are entitled to. Obviously, we need to manage our health budget responsibly, but we cannot just put a cap and say, 'Well, that's it as far as health spending is concerned. We are just going to have to fit within that. If your needs are outside that, that's just tough.' That would be a grossly irresponsible way to approach the budget.

In relation to the comments on how this is all some sort of con after the election, the government announced the Sustainable Budget Commission a long time ago, after the GFC hit. It

had been deliberating for a long time before the election, but we were facing the judgement of the South Australian people, and we respect that judgement.

We did not assume that we would win the election. I can just imagine the howls of outrage that would come from opposition members if we had put down a budget in April. They would be saying, 'You knew all this, you had this budget all locked away. You were presuming that you were going to win the election. You have no respect for the judgement of the people.' Of course, we did know that we were facing an election, and it was entirely up to the people of South Australia whom they elected; they may well have elected a Liberal government, which I am sure would have then been very grateful for the time to frame its budget and take into account the work of the Sustainable Budget Commission in determining how it would go about its budget priorities.

We were very clear about the fall in revenue that was projected, we were very clear about the Sustainable Budget Commission and its work, and we respected the judgement of the South Australian people in relation to an election. To suggest that we are somehow pulling the wool over people's eyes is just absurd. I know that members opposite like to think that the election was somehow stolen, even though the government won 26 of the 47 seats in the House of Assembly. As we all know, under the Westminster system—

The CHAIR: The honourable member should stick to the amendment.

The Hon. B.V. FINNIGAN: —you may not have had the benefit of the debate of other honourable members who, I can tell you, have ranged widely, Mr Chairman.

The CHAIR: Not while I am here, Hon. Mr Finnigan. It is all yours.

The Hon. B.V. FINNIGAN: Thank you for your guidance. I would like to respond to what the Hon. Mr Brokenshire and I think some other honourable members were saying about industrial relations in a general sense; about 'a contact is a contract'.

The Hon. R.I. Lucas interjecting:

The Hon. B.V. FINNIGAN: It would take an awfully long time. Basically, the Hon. Mr Brokenshire talked about a common law system, where you would have a common law contract between employers and employees and that would be it; the Jeff Kennett model. Maybe he advocated for that when he was in the Liberal government cabinet, I do not know; certainly, it put up very anti-worker industrial relations in its time, and it was blocked by this place.

Enterprise bargaining occurs within the statutory framework that applies for industrial relations. I would be shocked if the PSA, or any other union, said that it wanted to abandon a statutory framework for industrial relations and have a completely common law contract system. That is what the Hon. Mr Brokenshire and other honourable members seems to be alluding to, that an EBA takes precedence over everything else and that anything an employer and an employee agree should be law.

We know that is not how our industrial relations system works, and I am sure that workers would be gravely disadvantaged if it did work that way. We have a system of industrial relations that relies on a statutory framework that governs how it works. We have laws about how enterprise bargains are made and what may and may not be in them, and so on. We are all aware that they have been very topical issues over the past several years, particularly at a federal level.

I think honourable members must turn their minds to the alternatives to these measures. We acknowledge that it is a difficult budget, a tough budget, and one that will cause pain for people in the community and their families. We accept that; we know that. The alternative is that we act irresponsibly and face a position—one that the UK, the US and most of Europe faces—in five or maybe 10 years, when the deficit is out of control. As the Leader of the Government alluded to, in the UK they are talking about, I think, 25 per cent cuts in recurrent expenditure, wage freezes and extremely high numbers of layoffs.

The Hon. J.M.A. Lensink: They have a different banking system there.

The Hon. B.V. FINNIGAN: The Hon. Michelle Lensink says it is a different banking system. I am glad that she approves of the Rudd government's swift action in guaranteeing bank deposits during the GFC. The member is obviously aware that the GFC happened in that context, but apparently not when it comes to the projected fall in state revenue.

Honourable members need to ask: what is the alternative? If they want to blow a close to $60 million hole in the budget (if you take the two entitlement measures together), they would have

to ask themselves what it is that they want to get rid of or change. Do they want our trains to stay diesel and not be electrified? Would they like to have dirty diesel trains continue? Would they like the $70 million of disability funding to be cut? Would the Hon. Mr Brokenshire like the Southern Expressway to stay one way—the way that his cabinet invented it? Would they like public hospitals to put up a closed sign in April or May and say, 'Terribly sorry; we have run out of money. The budget has ended and we have got no more money for health spending, so you will just have to go home'?

This is the sort of absurd situation that the honourable members who support this amendment would put the government in, of blowing a hole in the budget and threatening the AAA credit rating, which saves the state a lot of money and attracts a lot of jobs. Instead, the government would need to decide what it is going to cut or what taxes it is going to raise.

We hear lots of—I won't use the word bleating; that would be most impolite, but we do hear much criticism from honourable members about this budget and about these measures. None of them have been able to say what their alternative is and what they would do. What is it that they would cut in recurrent spending, or in capital spending, that would enable the budget to be in the shape that it is because of the measures that we have had to take?

As difficult as those measures have been, as painful as we acknowledge that they must be, the government has a great responsibility to bring down a responsible budget that plans for the future and ensures that the state is not going to be in an invidious fiscal position into the future. That is what this budget is about, so if they want to go blowing holes in the budget, let us hear their alternative. Let us here where it is that they think spending should be cut or taxes should be increased.

The Hon. R.I. LUCAS: The record cannot be allowed to stand with the statements made by the Hon. Mr Finnigan and the leader in relation to some of the claims that they have just put on the record during the committee stage and in the debate on this clause. Whilst I do not have the time or the patience this afternoon to point out all of the inaccuracies and errors in what they have just said, let me just quickly refer to two of them.

Firstly, the Hon. Mr Finnigan and the Hon. Mr Holloway both have said that they were honest and transparent with the Public Service in South Australia and the community prior to the election, because they had established the Sustainable Budget Commission. That, in fact, is palpably untrue. Firstly, they told the community that the budget was in a strong position, they had established a budget commission and it was going to look at $750 million worth of savings over the forward estimates period.

The reality is, what they concealed from the people and the Public Service was that they were in receipt of advice from Treasury which indicated that the work of the Sustainable Budget Commission would be looking for savings not of $750 million over the forward estimates, but well in excess of $2 billion over the forward estimates period. That is where the deception and duplicity came from the government to both the Public Service—its own employees—and to the people.

Yes, the Sustainable Budget Commission was there, but the task, the extent of the cuts and savings, were significantly more than double the size that they had revealed, even though they knew. The leader indicates he was evidently a member of the budget review committee, so he too would have been privy to that sort of information, so it was not just the Premier and Treasurer. The leader in this house would have been aware of that sort of information and deliberately kept that from the people of South Australia and the Public Service. That is the first point.

The second point is that the Hon. Mr Finnigan said that the opposition was misleading the chamber in relation to the impact of the global financial crisis. He said that the global financial crisis was going to cost the state budget $1.4 billion over the forward estimates. That is untrue. What the Treasurer has actually said—and this was a clever deception from the Treasurer—was that the $1.4 billion figure was not over the forward estimates period: it was from the year 2008 through to the year 2013. He took two of the past years and then he took this year and two of the forward years. He did not take the forward estimates period; he took a five year period, of which two have already passed.

As I said in the second reading contribution, we are still waiting for the reply in the Appropriation Bill debate. We certainly have our view and our information about a significant portion of this $1.4 billion financial pressure that he keeps talking about—and even his own members do not understand the deception, because the Hon. Mr Finnigan stands up in this chamber and attacks the opposition and says, 'We are going to lose $1.4 billion over the forward

estimates.' That is not what the Treasurer has said. The Treasurer has actually said $1.4 billion over a five-year period, two of which have already passed, and because the global financial crisis, to the extent that it impacted on South Australia, impacted on us during that period, this period is significantly different from that first two-year period.

There are many others, and I will not delay the committee stage of the debate, but I do not believe members should stand in this chamber and listen to palpable nonsense from the leader and the putative leader as of next year in relation to the various claims they make about what the opposition has said and its supposed honesty prior to the last election. They would be two of a very small group of people limited to some members of the cabinet and caucus who believe this government has been honest on anything, let alone on these particular issues.

My question to the Leader of the Government on this clause is: in relation to the staff employed at Parliament House, do the reductions the government has introduced impact on all employees in Parliament House, in particular the employees of Hansard, the library, the Joint Parliamentary Service Committee and the employees of the two houses?

The Hon. P. HOLLOWAY: We are actually on clause 4, which is an amendment to the Education Act and we were using it as a test. I thought we were debating Mr Brokenshire's amendment, which basically was to restore the long service leave rates, so I am not quite sure in relation to Parliament House where that—

The Hon. R.I. Lucas: I thought we are debating all these issues.

The Hon. P. HOLLOWAY: But it was in relation to long service leave?

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: The categories are specifically that the change will not apply to executive employees as they do not currently receive recreation leave loading.

The Hon. R.I. Lucas: I am talking about long service leave.

The Hon. P. HOLLOWAY: My advice is that that measure will cover all public sector employees, or that is the intent of it anyway.

The Hon. R.I. LUCAS: I know the intent. I am asking whether, if this bill is passed (and this clause is one of many we will be asked to address), it will therefore impact on Hansard employees, library employees and employees of both houses of the parliament in relation to the government's intention to reduce long service leave?

The Hon. P. HOLLOWAY: The obvious answer is that, if they are employed under the Public Sector Act, that would be the case, but if they are not employed under that act that would be a different matter. My advice is that they may not be employed under the Public Sector Act, so it may not apply. We will have to check that out, but obviously for anyone who is employed under the Public Sector Act or, alternatively, under any act this bill is amending (because the clause we are technically debating is the amendment to the Education Act), it will apply. We will have to check through whether that is part of one of the acts, but it may not be. We will confirm that.

The Hon. R.I. LUCAS: Will the staff employed by members and ministers in their electorate offices be impacted in any way by the reductions in the long service leave that the government intends?

The Hon. P. HOLLOWAY: The advice we have from parliamentary counsel is that the only exceptions—and this would probably apply to those under the Parliament (Joint Services) Act because that is outside it—

The Hon. R.I. Lucas: So what do you mean when you say 'the only exceptions'? What does that mean?

The Hon. P. HOLLOWAY: These provisions will apply to everybody else in the Public Service other than those employed under that particular act.

The Hon. R.I. Lucas: I think you had better take advice.

The Hon. P. HOLLOWAY: I have taken it but obviously the advice is being disputed. It appears as though the Parliament (Joint Services) Act is not being amended. Whether that is anomalous or not, I do not know, but it is not being amended and, therefore, it will not impact on that because they are not part of the act. But for others, my understanding is that it will because they are covered under the various provisions in this bill or the Public Sector Act.

The Hon. R.I. LUCAS: The latter question relates to electorate office staff. The electorate office staff are clearly not employed under the Parliament (Joint Services) Act; I am not sure what act the electorate office staff are employed under. Is it the government's intention to reduce the long service leave entitlements? I am not sure what the long service leave entitlements for electorate office staff are, but should they be the same? Is it the government's intention to reduce their long service leave entitlements as well?

The Hon. P. HOLLOWAY: My understanding would be that, yes, they would be subject to the same provisions as everybody else, other than this exception.

The Hon. R.I. LUCAS: Is the minister advising this committee that those staff are employed under the Public Sector Act or one of the acts that are being amended?

The Hon. P. HOLLOWAY: I have a partial answer. My advice is that the conditions that relate to people such as those in electorate offices is by a combination of regulations under the Public Sector Act. I am advised that the intention was that the same provisions would apply to all. That is certainly our expectation. If we can get more advice, I am happy to get it, but my advice is that it applies under a combination of both regulations under the act and the act itself.

The Hon. R.I. LUCAS: Can the minister advise the committee of the long service leave provisions of the ministerial staff in his office who are employed under ministerial contract (about which there has been some controversy in recent times, but I will not enter into that) and under his employment arrangements? If they are of a similar nature to those currently enjoyed by the public sector, is the minister proposing to reduce the long service leave entitlements of the ministerial staff employed under contract in his office?

The Hon. P. HOLLOWAY: Unquestionably, the intention of the measure—

The Hon. R.I. Lucas: I don't want the intention. I want to know what it is you are doing.

The Hon. P. HOLLOWAY: As I said, that is the intention of it. That is what it intends to do.

The Hon. R.I. Lucas: It's not the intention; we want to know whether you are doing it.

The Hon. P. HOLLOWAY: They would be in the same boat, as I understand it, with similar conditions as—

The Hon. R.I. Lucas: Are those ministerial contracts?

The Hon. P. HOLLOWAY: I think the contracts are with the Premier. It is a long time since I have seen one of them, but I believe that the conditions of those relate to the public sector conditions, but I will check. My advice is that section 71 of the Public Sector Act, which is 'Employment of ministerial staff', it states:

> 71.1: The minister may engage a person as a member of the minister's personal staff on conditions determined by the Premier.

So those ministerial staff are, in effect, employed under the Public Sector Act. It is section 71 that gives the head powers for that to happen, so the advice I have is that, therefore, these changes that we are discussing will apply to them through that part of the act.

The Hon. R.I. LUCAS: Having had some recent discussion about section 71 of the Public Sector Act as it relates to the requirement of the Premier to reveal the total remuneration of Mr Alexandrides and indeed other ministerial staff, all that section says is that they are employed under the act. It does not say, upon my reading—and if the government is prepared to get legal advice I would like to hear it—that they must be employed under the same terms and conditions as all other public servants.

Indeed, their salary is one example; it is obviously different, as are their benefits in terms of access to mobile phones for 'reasonable private usage' or whatever the phrase is that is incorporated into that contract. Home broadband is another example. These are conditions that are not available to most, if not all, public servants.

Yes, they are employed under section 71 of the Public Sector Act, but what I specifically want to know is: what are the current long service leave entitlements of the ministerial staff in minister Holloway's office and people like Mr Alexandrides and others in the Premier's office? If they are of a similar quantum to those in the public sector, what commitment is the government giving to making similar changes to their own ministerial staff in relation to long service leave entitlements?

There is nothing that I see or have just heard from the minister that would indicate that these particular legislative enactments, if they go through the parliament in the next days or weeks, would apply to the ministerial staff in minister Holloway's office or, indeed, in the Premier's office. I seek some assurance from the leader that, prior to the passage of the bill through this chamber, we get a definitive response rather than 'This is the intention' or 'This is our belief' or 'This is what we think'.

It may well be that the minister needs to take advice. We are sitting tomorrow, obviously, and he may well need to take advice on this issue and I would understand that that might be the case. I am happy to accept that and if it were the will of the committee then at some stage if need be, in relation to ministerial staff, the clause could be revisited upon recommittal so that it does not delay our continuing debate in the committee stages.

The Hon. P. HOLLOWAY: I do not think there is any need to recommit it. It is quite clear that the government's intention is that it will apply to all state public sector employees, including ministerial staff. The honourable member would well know the way staff are employed, that in relation to their conditions they are all handled by the department, and the conditions that relate to annual leave and the like are administered through the relevant departments and in accordance with the public sector standard. That is my understanding of how it works. The pay and so on of those staff, although the pay might be set, is actually administered through the relevant departments and they would apply the long service leave in the same way as they do for other public servants. I would expect that will continue.

In relation to the actual legal instruments that do it, I guess that is the only issue here, but certainly the way that ministerial staff are employed, for as long as I have been here, has been that the departments administer it and they administer conditions in accordance with public sector standards. Of course, the same applies to the electorate office. All those members with electorate offices—the Hon. Gail Gago and myself are the only ones who do not have one because we are ministers—would know that it is the Department of Treasury and Finance that administers it and it administers their leave in accordance with the public sector standards. That is how it is done, and I expect that that is what will apply here. I can say, yes, it is the government's clear intention that it should apply and it will apply in terms of the administration.

The Hon. R.I. Lucas: You can't ask us to trust you, surely?

The CHAIR: The Hon. Mr Lucas can always move an amendment to cover ministerial staff if he is so worried.

The Hon. R.I. LUCAS: I might not have to, if it is covered and we can get some advice that indicates that it is. All I am saying is that this minister surely cannot stand up in this chamber and say 'Trust us' after what the government is just doing. I will not enter into that debate, but surely he cannot stand up in this chamber and expect members to trust him and the Premier in relation to an assurance on the issue. In relation to ministerial staff, we need something more than 'Trust us. This was our intention.' Sure as eggs the legislation is passed, they will say 'Oops, that was not really the case, we did not expect it to be, but they are going to hold on to their entitlements.'

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The only thing we are all agreed on is that the only group of employees that have nothing to lose in relation to this are members of parliament, who, of course, do not accrue long service leave for some curious reason, and do not receive the leave loading, again for some curious reason. I think the argument used to be that we were getting such extraordinarily generous superannuation—

The Hon. M. Parnell: Too generous.

The Hon. R.I. LUCAS: —too generous, evidently—that we were not entitled to long service leave and leave loading, but that will be a debate, I guess, for another day.

As I said, we are obviously going to be sitting tomorrow, debating the budget bills. I again seek from the minister that he takes advice and at some stage before the passage of the bills we receive some clear advice from him that it is covered specifically by some provision in this bill, which he can refer to, or if it is not, some indication as to how it will be implemented by the government as it relates to their own ministerial staff, because I think it would not be a good look for the Premier and the minister in this house if they were implementing these changes for the Public Service and yet their own highly paid ministerial staff, in some way, by happenstance or

circumstance, were not going to have the same restrictions applied to them. That is why I seek that assurance from the leader.

The Hon. P. HOLLOWAY: I thought I gave it, that it will apply. If the honourable member wants further details as to mechanisms, that is one thing, but as I have said, it is covered. They are employees. My advice, and I have given it to the chamber, is that, under that section 71, because they are employed, the authorising head power is the Public Sector Act and the conditions therefore will be administered to conform with the government's decision that all public sector employees will now have nine days' long service leave after, I think it is ten years, and that it will continue.

If the honourable member wants to go beyond that, I am not quite sure what I can do. One can have a look at particular contracts, but if you are suggesting that those contracts in some way exempt people, I do not believe that is the case.

Parliamentary counsel has been very helpful: he has given the assurance that this is the intention, and he believes it is covered with a combination of regulations. I certainly believe it is. We all know that staff have their salaries administered through the departments in accordance with public sector standards. That is what we expect would happen. If the honourable member wants to get the exact reference to regulations then we will try to do that before the end of the debate.

The Hon. J.A. DARLEY: My question is in connection with messengers in this place and the other place. I would have thought those staff would be classed as shift workers and on that basis their conditions would not change.

The Hon. P. HOLLOWAY: I think there are two issues here: one is long service leave and one is leave loading. The particular clause we are debating at the moment applies only to long service leave, and that is why the debate has been in that context. In relation to leave loading, there are special conditions. I presume that for those people employed under the Parliament (Joint Services) Act, if they are employed under a separate act and that is not amended by this bill, then presumably the same thing applies for leave loading as it does for long service leave. No, it does not; it is more complicated.

The CHAIR: Stick to this clause.

The Hon. P. HOLLOWAY: Let us deal with that one later. There are two issues here; we are talking about long service leave, and just on that issue that is where it is separate.

The Hon. T.A. FRANKS: I rise to indicate that the Greens will be supporting this amendment by the Hon. Robert Brokenshire. We take great pleasure in standing up for our public servants, in particular our teachers; we believe that they work long and hard and that we need to retain them in the teaching industry. We know that we will have a shortage of teachers in the future, and we know that we have trouble retaining good teachers, so why should we be making a rod for our own back?

The committee divided on the amendment:

AYES (7)

Bressington, A.	Brokenshire, R.L. (teller)	Darley, J.A.
Franks, T.A.	Hood, D.G.E.	Parnell, M.
Vincent, K.L.		

NOES (13)

Dawkins, J.S.L.	Finnigan, B.V.	Gago, G.E.
Gazzola, J.M.	Holloway, P. (teller)	Hunter, I.K.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I.
Ridgway, D.W.	Stephens, T.J.	Wortley, R.P.
Zollo, C.		

Majority of 6 for the noes.

Amendment thus negatived.

The Hon. R.L. BROKENSHIRE: I move:

Page 5, after line 18—Insert:

(2) Section 19—After subsection (4) insert:

(5) A person is a prescribed officer under subsection (1)(b) if the person is holding office in the teaching service immediately before the day on which the Statutes Amendment (Budget 2010) Act 2010 is assented to by the Governor.

(6) However, a person within the ambit of subsection (5) ceases to be a prescribed officer under this section if the person has a break in the officer's effective service in the teaching service.

This amendment relates to the Education Act, and it cuts off future Public Service workers from the protection concerning leave entitlements. I have already spoken to the general principles of this amendment.

The Hon. P. HOLLOWAY: This amendment is essentially a follow-on from the debate we have just had, and the government opposes it.

Amendment negatived; clause passed.

Clause 5 passed.

Clause 6.

The Hon. M. PARNELL: I will address my comments to both clauses 6 and 7. Clause 6 inserts a new part 6A and clause 7 is that new part 6A. I have a number of questions on this clause. The first one might seem an odd one, but I think it still deserves an answer: what on earth is this doing in the budget bill? This is a provision that relates to a variation, if you like, in EPA licensing. No doubt the minister will say that there are provisions in here that refer to an additional payment being made for one of these sustainability licences in addition to the regular licence fee, so perhaps that is the answer. However, my initial question is: have regulations been drafted or contemplated, and what type of additional fees are envisaged for those who are successful in their application for a sustainability licence?

The Hon. P. HOLLOWAY: The whole of new clause 7 enables these fees to be established. My advice is that it is a cost recovery measure, and the estimated revenue is $200,000 per annum in total.

The Hon. M. PARNELL: I thank the minister for his answer. The other question is—I raised it a bit earlier today and now is the time to ask it again: why are these provisions being legislated when the government has, for at least the last year, been issuing sustainability licences?

The Hon. P. HOLLOWAY: My advice is that this was started as a trial to see how it went. It is now being legislated to entrench the measure, but it did begin as a trial and presumably it was successful.

The Hon. M. PARNELL: I am referring to the mechanism in clause 7, the new Part 6A. The notion, I guess, behind these licences is one that I support. That notion is that the EPA can work cooperatively with industry to reach agreement with industry, so that industry takes specific and substantial measures in an agreed time frame to do all sorts of good things: to protect, restore and enhance the environment; to facilitate consultation with the community; to facilitate auditing of what they are doing, and a range of things—all good things.

The flip side of the coin is that the authority can also agree with industry that the authority will help them and undertake to provide support to the holder of the licence, to facilitate implementation. This is all good stuff, but again my question relates to the need to legislate because the bottom line, it seems to me, is the proposed new subsection (3) of the proposed new section 57C, which says: 'An undertaking made under this section is not enforceable.'

In other words, an undertaking by the company to do all these good things is not enforceable. An undertaking by the EPA to help them is not enforceable; therefore, we really are in the realm of the EPA's general powers to seek cooperation and offer assistance. Why on earth do we need to legislate for unenforceable provisions?

The Hon. P. HOLLOWAY: My advice is that the essential part of this bill is to enable the fees to be applied—that is 57E— but this program does provide certainty to those industries.

The Hon. M. PARNELL: The Environment Protection Act already has mechanisms for doing this sort of thing. Environment improvement programs are legislative mechanisms, it seems, to do exactly the same things as expressed in these sustainability licences. Now, maybe the minister's answer will be the same, that the only real difference is that you are allowed to charge more for reaching this sort of an agreement with the company. Is that the only difference between the measures envisaged here in sustainability licences and the existing measures, such as, for example, I think they are called EIPs (environmental improvement programs) under the act?

The Hon. P. HOLLOWAY: The answer to the question is no. My advice is that environmental improvement programs are used to bring industries into compliance. Here we are talking about a program that is beyond compliance. It is applied to companies that are already complying.

The Hon. J.M.A. LENSINK: I am grateful to the minister for those answers, although I am not much the wiser about sustainability licences. The budget papers actually mention other sustainability products, such as Eco-mapping. I understand that there are some companies and other organisations which are already operating in this space.

Eco-mapping is a term which was first mooted by the founder of this process, Mr Heinz-Werner Engel, who has come to Adelaide to give presentations on the process. His website actually states the conditions of use of Eco-mapping, which I understand is a proprietary term, and indicates that it is (quoting from the website) 'a copyrighted tool developed by Heinz-Werner Engel and distributed in the framework of the INEM project "EMAS Toolkit for SMEs"'. The website further states:

> Mr Engel [and INEM have] decided to make Eco-mapping available free of charge to any interested individuals, companies, organisations and local authorities for personal [or individual] use. The Eco-mapping tool may not be repackaged for profit-making purposes without the express consent of Mr Engel. Furthermore, organisations shall report on their experience with the Eco-mapping tool to feed experience into the loop of continuous improvement for the Eco-mapping tool. By downloading this tool you…agree to the above conditions.

Will the minister outline what exactly this comment in the budget papers is anticipating and what services the government will be providing? Is it providing an Eco-mapping service, or where is it going with this?

The Hon. P. HOLLOWAY: This is not seeking to make a profit from it, but I understand the agency has the support and endorsement of the owner for this program. It is not seeking to make a profit from it, but it is to recover the costs involved with running the program.

The Hon. J.M.A. LENSINK: The business sustainability unit is not actually part of the EPA but sits under DTEI somewhere.

The Hon. P. HOLLOWAY: I am advised that sustainability programs are run under a group called the Business Sustainability Alliance, of which the EPA is one of four agencies, along with Zero Waste SA, DTED and SA Water. They are all part of that alliance.

Clause passed.

Clause 7 passed.

Clause 8.

The Hon. M. PARNELL: I really do not understand this clause. In clauses 6 and 7 we have been talking about the new sustainability licences. Clearly, the regime created is a relationship of good faith between the companies and the EPA. I say that it is a relationship of good faith because there is nothing binding in it. The company is not bound to do any of the things it promises to do, and the EPA is not bound to do anything it promises to do. Yet in clause 8 we have the ability for a company to go to the Environment, Resources and Development Court and appeal in a court of law against the EPA's refusal to enter into this good faith arrangement that is not binding. It beggars belief! The question is: why would you allow an appeal—and the fundamental part of it: what could possibly be the grounds of appeal?

Look at it like this: the company goes along to the court and says, 'Court, we offered to give the EPA the extra money it asked for, and we offered to enter into a non-binding agreement to do all sorts of things, and the EPA refused.' What will the court say? Will the court test what the company was promising to do against some sort of world's best practice standard and say, 'Well, sorry, company; we agree with the EPA: you're not up to it, therefore you don't get one of these

licences that isn't binding anyway.' I think the minister gets where I am coming from. I can not understand why this relationship is the proper subject of an appeal to a court.

The Hon. P. HOLLOWAY: My advice is that it could give a company the opportunity to appeal against a decision by the EPA not to give a licence.

The Hon. M. Parnell: That's exactly right, but only a sustainability licence.

The Hon. P. HOLLOWAY: Yes. It is simply to provide that capacity, but obviously one would not expect that this provision would be widely used. I suppose we have lots of legislation that is in there for completeness. We do not expect it to be used very often but we try to anticipate all possible eventualities. Essentially, my advice is that it is there because that could be the situation where it could be used if someone wanted to appeal against not being given one of these sustainability licences because the authority thought for some reason they were not worthy of it.

The Hon. M. PARNELL: Just a comment on that response: I think the minister is exactly right. It will not be used very often. This will never be used, unless these sustainability licences attain some sort of currency in the business community like 'by appointment to Her Majesty the Queen' or some boxing kangaroo or some form of endorsement that is so valuable that companies are prepared to go to court to fight for the right to have this non-binding endorsement on their licence. I just cannot see for the life of me that it will ever be used.

I understand that what parliamentary counsel has done at the request of the government is that companies have the right to appeal against the refusal to grant a normal licence, so we might as well give them the right to refuse one of these sustainability licences. But I would be absolutely gobsmacked if this section were ever used because the relationship between the EPA and the company, which is this relationship of good faith, clearly will have broken down if you have the company taking the EPA to court arguing over these environment protection measures. So I do not propose to do any more with it but I make that point that this is a misplaced appeal provision.

The Hon. P. HOLLOWAY: It is not the place to argue it here but I am aware in some areas that companies may want to 'greenwash' their credentials. I know there are some examples where obtaining certain green credentials can be worth an awful lot of money, just like 'GM free' and 'organic'. Those certifications have a value because they create a certain value in the marketplace.

Clause passed.

Clause 9.

The Hon. M. PARNELL: Clause 9 is consistent with the regime in the act, and that is that licences are put on the public register, including these new sustainability licences. I raised the issue earlier and now is an opportunity for me to ask the minister: when will the EPA move to put these licences online (freely available) rather than require members of the public to go through the rigmarole of a public register application and pay, as I indicated this morning, $100.80 per hour of computer time simply to extract what is already an easily accessible electronic document to all the staff at the EPA? Why cannot that be made available to the public for free now?

The Hon. P. HOLLOWAY: My advice is that all of the EPA's 2,200 authorisations—that is, licences, exemptions, works approvals—are available to the public via the public register. The EPA is not required by law to have an electronic public register but it is required to provide information on the public register at the request of the public, which it does. The EPA charges for provision of copies of these documents to cover the cost of the resources needed to copy them.

Sustainability licences have been placed on the website, as this was a new initiative that integrated a company's commitment to go beyond compliance measures with their statutory licence. Companies that hold sustainability licences were keen to make public their commitments to 'beyond compliance' sustainability measures. The EPA board resolved at its last meeting to commit to a long-term strategy to place a range of information on the EPA website. However, it understands that this requires significant resourcing to build an IT system to support and keep the information up-to-date.

Through the 2010-11 budget, the EPA was successful in gaining funding to replace its outdated IT systems. Over the next three years, the EPA will work to integrate its IT systems which will further support the commitment to make information, such as licences, available electronically. I trust that that good news will be appreciated by the honourable member.

The Hon. M. PARNELL: I thank the minister for that response and for his information about the rapid pace at which the EPA is moving into the 21st century. Just for the benefit of members, I have been having this discussion with the EPA since 1993 when it was first established, because some of us were using computers back then.

The minister said that the sustainability licences have been freely available on the internet because it was a trial and because the companies were keen to have broadcast to the world the fact they had one of these sustainability licences. My question is: in the immediate future, is it the EPA's intention to put only the licences of the best performers on the internet for free, such as the Castalloy licence, whilst the licences of perhaps the less well performing companies need to be obtained on the public register via the payment mechanism that the minister described?

The Hon. P. HOLLOWAY: I am advised that that is not the EPA's intention but, given that there are 2,200 of these licences, exemptions and works approvals, it will obviously take some time to get them all up. I think the honourable member has asked about discrimination, if you like, between companies.

The Hon. M. PARNELL: Just a final point: I offer to the minister that myself and a couple of friends could put them all up in an afternoon, if the EPA would like.

The ACTING CHAIR (Hon. B.V. Finnigan): The committee thanks the Hon. Mr Parnell for his generous offer.

Clause passed.

Clauses 10 to 16 passed.

Clause 17.

The Hon. R.I. LUCAS: This provision covers the issue of ex gratia payments in relation to the first-time owners grant. My first question is: in the transitional provisions, are there to be any changed arrangements under what the government is proposing in relation to ex gratia payments compared to the current arrangements for ex gratia payments?

The Hon. P. HOLLOWAY: My advice is that it is the government's intention to pay an additional bonus grant for new homes from $4,000 to $8,000 when this legislation is passed and ratified, but there is no entitlement to pay those grants at present. This measure ratifies that payment of grants now before the act is passed. In effect, it is just a retrospective measure to enable those grants to be paid currently; otherwise, there would be no mechanism.

The Hon. R.I. LUCAS: As I understand what the government is saying, for a period the government will make the payments as if the act applied and they will just call them ex gratia payments; is that correct?

The Hon. P. HOLLOWAY: They will be ex gratia payments until the act comes into effect.

The Hon. R.I. LUCAS: I thank the minister for that clarification. My question then generally applies: I assume there are also different categories of ex gratia payments that the Treasurer is occasionally asked to provide, not as part of a transitional arrangement as envisaged here. Can the minister indicate approximately how many ex gratia payments through a financial year the Treasurer would pay under the First Home Owner Grant provisions?

The Hon. P. HOLLOWAY: My advice is there have been very few, perhaps one or two over the life of the grant itself.

The Hon. R.I. LUCAS: Can the minister indicate, through his adviser obviously, the small number of ex gratia payments, the approximate range of payments, in terms of the size or the quantum that the Treasurer has paid during the life of the scheme?

The Hon. P. HOLLOWAY: I can only recall one grant that I think was $7,000. It could have been up to $21,000, the maximum amount.

The Hon. R.I. LUCAS: I am happy if the minister's adviser is able to take this on notice. I do not want to delay the proceedings. Would it be possible for each of the last two years to provide to the committee, or to me, the number of ex gratia payments made under this scheme and the individual quantum in each case? As I said, I am happy for that to be taken on notice.

The Hon. P. HOLLOWAY: That is clarified, so yes, we can provide that.

Clause passed.

Clause 18.

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

Page 14, after line 28 [clause 18(1)]—Insert:

(1aa) However, if an unregistered motor vehicle other than a heavy vehicle is driven or caused to stand by a person in prescribed circumstances, the person is guilty of an offence against subsection (1) only if the person knew that the vehicle was unregistered.

Amendments Nos 2 to 4 are in essence consequential to amendment No. 1. For the sake of convenience, I will speak to all of these amendments together. The amendments relate to the proposal to abolish the use of registration labels for light vehicles effective as of 1 July 2011. As we all know, this change will mean that owners of light vehicles will no longer be required to display a registration label. As a result of this new measure, the government has inserted a defence into the bill for those drivers of light vehicles who are not the registered owner or registered operator of the vehicle, where the driver can establish that they did not know, and could not reasonably be expected to have known, that the vehicle was unregistered.

That defence is contained in clause 18 of the government bill, which amends section 9 of the Motor Vehicles Act 1959. I applaud the government for introducing this measure. These measures extend to all drivers of light vehicles, other than persons who take a vehicle on hire, and they extend to those drivers, irrespective of whether the vehicles are being privately used or in the course of employment. The proposed amendments seek to address the issue of employees driving a vehicle in the course of their employment.

The effect of the first amendment is that if an unregistered light vehicle is driven or caused to stand by an employee in the course of their employment, and at the direction of their employer, then that person will be guilty of an offence only if they knew the vehicle was unregistered. In terms of establishing that the person knew the vehicle was unregistered, the onus of proof rests with the prosecutor, so it is, in effect, the reverse situation of that in clause 18 of the government bill.

It is important to stress that the amendment extends only to employees driving the vehicle that requires to be driven in the course of their employment. For instance, mechanics are required to drive vehicles that have been brought in by customers for servicing and valet drivers are required to drive vehicles that have been dropped off for parking by customers. That is part of their job, and they would be covered if those vehicles were unregistered. On the other hand, the amendment would not extend to an employee who uses their own vehicle, or a family member's or friend's vehicle, during the course of their employment or to get to and from work.

The amendment also allows for these provisions to be applied to individuals, or a class of individual, other than employees as prescribed by regulation. The reason for this is to make it easier for the government to extend the application of these provisions to any other class of drivers who may be affected by changes regarding registration labels. The amendment overcomes the need to further amend the legislation if it becomes apparent that other vehicle drivers, such as volunteers, for instance, ought to have the benefit of these provisions.

The Motor Trade Association of South Australia Incorporated has been particularly vocal on this issue on behalf of its members. They have lobbied both the government and the opposition in relation to their concerns about the impact that the removal of registration labels will have on their members. They make the point that it would be extremely time consuming and inefficient for busy dealerships and their service departments, which may have dozens of cars being dropped off and moved on again on any given day, to have to check whether the vehicle is registered by using an online or telephone service. Events out of their control, such as DTEI computing system errors, would further complicate this matter.

I appreciate that the defence in clause 18 of the bill would apply to those drivers, but this will not alleviate the potential for unnecessary disruption to be caused to both employers and employees. There are many other drivers who in the course of their employment are required to drive vehicles they do not own or are registered to operate and who could also find themselves caught up in a situation of unknowingly driving an unregistered vehicle. They include: valet drivers, taxi drivers, chauffeurs, couriers, tradespersons and delivery drivers. It is hard to imagine requiring all these drivers to check a website or make a phone call to make sure that the vehicle they are driving has been registered, particularly if they are not always using the same vehicle.

The aim of the amendments is simply to make it easier for those drivers to go about their ordinary business during the course of their employment in an efficient manner. It should not be the

responsibility of those drivers to ensure that the vehicle they are driving is registered; that responsibility rests with the owner.

I have met with the minister and departmental officials in relation to the proposed amendment, and the minister has indicated that the government will not be supporting it. The reason for this is that it is the government's view that the defence inserted by clause 18 will be enough to ensure that employees are not unduly prosecuted for driving an unregistered vehicle. I might add again that I applaud the government for taking this step in inserting such a defence for drivers.

I think it is also fair to say that, based on our discussion, the minister believes that we are only talking about a small proportion of people who will be caught up in this and that she is concerned that the proposed amendment will allow employees to maliciously drive a vehicles knowing it to be unregistered without facing any consequences. The reason provided for this is that it would be too difficult for the police to prove a case against the driver.

My response to this would be that this is no different to any other offence that requires the police to prove a case against a defendant. I am not convinced that it will be as easy as the minister claims for employees to prove to police on the spot that they were unaware that the vehicle was unregistered and therefore avoid the need to make out a defence against any subsequent charges.

This is not intended to be a criticism of police doing their job: I just do not think that it will be as easy as the minister suggests to meet the defence on the roadside, particularly in view of the fact that it is not a requirement to carry a driver's licence at all times. I am also not convinced that the pool of individuals who could potentially be caught up in this is as small as has been indicated. In any event, the police will still be able to charge the owner of the vehicle with an offence.

I think it is completely unfair for the minister to suggest that if these amendments are passed the government could withdraw its insertion of a defence for drivers and revert to the ridiculous situation of drivers being fined in all cases. To reiterate, I support the government's insertion of a defence for drivers who were unwittingly driving an unregistered vehicle. These amendments are really an extension of those provisions. This is a very sensible amendment, and I urge all honourable members to support it.

The Hon. G.E. GAGO: The government opposes the Hon. Mr Darley's amendment which seeks to exempt people, such as dealers, mechanics, employees, etc., from prosecution if driving someone else's car during the course of their work. We oppose this amendment because we believe that it is unnecessary and will complicate prosecutions. Currently, the driver offence applies even if there is an expired label, or no label, on the vehicle. The government amendment relaxes that position to acknowledge the removal of labels and shifts the responsibility to the owner of the vehicle through a new owner offence. So we have created a new defence and a new offence provision.

This gives police an alternative offence if the driver can explain that they could not reasonably be expected to have known the vehicle was unregistered. It is likely that employees of car repairers, taxidrivers, etc., will be able to provide such an explanation to police, who would then, in turn, pursue the owner instead. We believe that, on most occasions, this is likely to be quite a straightforward and very simple exchange, probably at the roadside.

The Hon. Ann Bressington raised the issue of an emergency. We believe that an emergency would also be a circumstance where it may not be reasonable to make inquiries. The amendment will unnecessarily complicate the offence and will make it difficult to prosecute, because it will require the police to prove that the driver knew the vehicle was unregistered which, I am advised, is an almost impossible position to prove. It will also require police to prove that the driving was in the course of employment and was required by the employer, adding to the complexity of the prosecution.

SAPOL does not support these amendments, nor does the Motor Accident Commission. The Motor Accident Commission said very succinctly:

> Our view remains that we do not support the creation of an exemption for one class of drivers of vehicles or a separate standard of defence. The phrase 'could not reasonably be expected to have known' is used elsewhere in the Motor Vehicles Act, particularly in section 116 with respect to the recovery rights of the nominal defendant. To create a lesser defence, as proposed, would result in there being an inconsistency with section 116.

The other issue in terms of problems with this amendment is that it inadvertently—I am sure it is inadvertently—creates a loophole. It creates a situation which enables drivers to escape prosecution, where they could have quite deliberately and knowingly driven an unregistered or unlicensed vehicle, by simply remaining silent.

This amendment would require police to prove that the driver knew the vehicle was unregistered, and this requirement, as I said, is difficult for police to prove, particularly as a driver could choose to actually remain silent. So, if a driver simply refused to comment, there would be no ability, I have been advised, to prosecute this type of offence. It would inadvertently create a loophole where an employee who knew that the car was unregistered, and therefore uninsured, could deliberately drive that car knowing that they could get away with it simply by refusing to make any comment to the police.

This bill provides $5.7 million in savings. It creates savings without having to cut or reduce services, which, unfortunately, a number of our budgetary savings measures have had to do. This is a red tape reduction initiative. It works really well in Western Australia, where it has been in place since the beginning of the year and, to the best of my knowledge, there have been no reported problems or adverse consequences as a result of this provision being put in place. A number of other states are also looking at removing registration stickers. A number of other countries and states within the United States do not use registration stickers, and they have not done so for some time. So, there is plenty of recorded evidence regarding this system.

I know that people often feel uncomfortable with change, and it is a change, but registration stickers are unnecessary. This is a red tape reduction saving; it is not reducing services to consumers. It is $5.7 million in savings, and if we were to reduce this, it would create a budgetary shortfall and we would have to find other initiatives to fill that gap. I think it is very sensible. I know that it means change, and I know that some measures would have to be put in place to deal with the transition arrangements so that the industry and consumers get used to the idea of not having a registration sticker, but it is not required.

We believe that the bill adequately provides for a defence, and for the first time. Currently, employees who are caught driving an unregistered vehicle that they do not own are prosecuted; they are fined. Employees currently have to wear that burden. This bill provides a defence for those employees. For the first time, employees will not be automatically pinged. At the moment, employees—car mechanics, valets, and all those sorts of people—who are unfortunate enough to drive an unregistered vehicle are automatically fined. They have no defence. They cannot go to court and fight it out on the grounds of this type of defence, they are pinged. This bill—

The Hon. A. Bressington: Their boss can sign a statutory declaration and then the boss pays the fine.

The Hon. G.E. GAGO: Let us be clear about this. It is currently an offence for anyone, including an employee, to drive an unregistered car. They are automatically charged. This new provision says that they are not going to be automatically charged. There is a defence: if they did not know or could not reasonably have known, they can now get off having to pay the fine.

The Hon. A. Bressington: They can still get off.

The Hon. G.E. GAGO: You cannot get off on the grounds that you did not know or could not reasonably have known. The only way you can get off is if, for instance, the car is found to be registered—as in Mr Darley's brother's circumstance. I hope I am not divulging any confidences there.

The Hon. J.A. Darley: No.

The Hon. G.E. GAGO: Thank you. Sorry, whew! That was a situation where the accusation was that the car was not registered but when they checked the records the car was, in fact, registered. In circumstances like that people can get off but you cannot get off the offence of driving an unregistered car in this state just because you do not own the car or do not know that the car is not registered or someone did not inform you.

The Hon. R.I. Lucas: You can have a look at the sticker.

The Hon. G.E. GAGO: But almost no-one looks at the sticker. We can say the sticker is there but it creates a false sense of security.

An honourable member interjecting:

The Hon. G.E. GAGO: No, it is not the spin doctors. I have been doing poll testing and talking to people for months and there is not one person that I have asked who can fess up to routinely or regularly checking their rego sticker. They take it for granted. Let us be honest with ourselves: some people do it, sure, but very few people do. It is a false sense of security.

We will be putting in place some very simple and easy mechanisms for people to be able to check registration. This is a red tape reduction saving. It is not resulting in service cuts. It would create a budget shortfall if we were to remove it and, therefore, we would have to be looking at other, possibly much more severe, savings initiatives to fill that budget hole.

The Hon. M. PARNELL: Earlier today I said that I was sympathetic to moving towards a system that relied less on pieces of paper and stickers and things like that, but I did say, in that context, that it has to be workable and that if it is not workable then we should not do it. Let us go back to first principles. Most people would accept that we want all cars used on our roads to be both registered and insured. The question then becomes: if that is the expectation, where does the liability lie when cars are used on the roads that are not registered and insured? Should primary responsibility rest with the driver, should it rest with the owner or should it be some mix of the two?

I have practised briefly in the criminal jurisdiction and one of the most common scenarios in the Magistrates Court—certainly in Victoria when I was doing this 25 years ago—was a situation where, for example, there is a husband and wife and let us say the wife brought home the pay cheque, gave the money to the husband and said, 'This is for the rego.' The husband goes to the pub and uses it for drink, gambling or whatever and then the wife drives the car and she gets pinged. Most people would ask, in terms of culpability, has she done enough? Should she be badgering her husband and saying, 'I gave you that money. Has the sticker arrived yet?' and he says, 'No, dear; it's been delayed in the post.' You can imagine the scenario where culpability really ought not lie with that driver.

Coming to Mr Darley's amendments, I do not see that they fundamentally upset this new regime that the government is creating. What they do is implement some of the changes that the Motor Trade Association has suggested. On Mr Darley's own admission, they do not completely eliminate the range of circumstances where people—who most of us would think of as innocent—are, in fact, protected by a defence. For example, Mr Darley's defence talks about someone who is being required by his or her employer to drive the vehicle. Now, of course, that does not pick up the situation of panel beaters, for example, who are self-employed and who themselves may be driving a vehicle around.

Notwithstanding that it does not cover the field completely, it does cover those people who are in what I would say the completely innocent category of people who are just doing their job. I do not think that support for this amendment undoes the government's regime. Having said that, I am also now growing towards the idea that, in the absence of a workable system across a range of scenarios, maybe the labels, for all their expense, are still what we need. But that is not before us at the moment: what is before us are these extra defences and the Greens will be supporting them.

The Hon. G.E. GAGO: The honourable member states that one of the requirements for change is that it be workable. Well, this is workable and it has been proven to be workable. It is working in Western Australia with, as I said, at this point in time no adverse consequences in relation to the changes, and with significant savings. So, it is working well there, albeit there was concern at its introduction and its transition. They are over that hump now and it appears to be working well.

It operates in a number of states in the US and has been operating there for some time. So, it is workable in the US, in states that have millions of people and cars. It is workable in Denmark and Brazil—countries that have had this in place now for some time. So, it has been proven to be workable. I challenge that there is something to indicate that this is not workable. We actually have proof that this is workable.

In terms of the example that you are concerned about, with the husband who drinks the rego money, nothing will change with this legislation. This legislation would not address that situation. Currently, that woman would be found to have committed an offence, so she would be found guilty of driving an unregistered vehicle under the current legislation because she is the owner of the vehicle.

Under the bill, that would remain unchanged. The bill does not affect that; she would remain the owner of the vehicle and, therefore, the offender in those circumstances. It is unchanged, so it is not creating any extra or additional burden for this so-called innocent category.

Perhaps you should be saying that we should be looking at amendments to address that. Maybe, but I am saying that this piece of legislation does not bring about any change to that particular group of people.

I reiterate that the amendment creates a loophole whereby people can deliberately and knowingly drive an unregistered car and avoid being charged with an offence. Now, I think that is outrageous. We are legislators, and I know that some of us are concerned about change and what that will mean and how the industry will cope with that. I believe that we have adequate explanations about that, but to completely dismantle a red tape reduction initiative that creates significant savings and leave this legal loophole through which people can deliberately and knowingly drive an unregistered vehicle is really bad legislation. That is an outrageous situation for us as responsible legislators to be putting in place.

I know the Hon. John Darley does not intend it to have that effect, but that is the effect it has; it leaves a loophole. The Hon. John Darley and I have spoken about this and I accept that the number of people who would get off scot-free under this would probably not be large, but that does not matter. We would be creating legislation that we know would create a whopping great loophole for people to do illegal things. We know that the consequences of driving an unregistered and uninsured car are diabolical for some people. It can ruin their lives and the lives of their families; it can have enormous consequences. To sit here and knowingly allow someone to fall through that loophole I think is irresponsible.

[Sitting suspended from 18:02 to 19:50]

The Hon. R.I. LUCAS: As I indicated in the second reading when this initial issue was raised by the Motor Trade Association, one of the issues I raised on behalf of Liberal members was the potential for a wider group of people possibly to be impacted rather than just motor vehicle dealers. In particular, I raised the issue of persons involved in valet parking at the casino or at hotels. In his normal efficient way the Hon. Mr Darley has drafted amendments, which have now catered not only for the motor vehicle dealers set of circumstances but also those in relation to valet parking and, as he has outlined, some other examples as well.

In determining our position on these amendments, we have not received from the government, despite our invitation during the second reading, any information as to whether there would be any impact on the budget bottom line. No evidence has been produced to the committee of any impact on the budget bottom line for the potential support of the amendments that have been moved by the Hon. Mr Darley. The minister has indicated—

The Hon. G.E. Gago: Mr Darley's amendments were only tabled today.

The Hon. R.I. LUCAS: And your point?

The Hon. G.E. Gago: How can we deal with the budget's impact on something that was only tabled today?

The Hon. R.I. LUCAS: Because I raised the questions in the second reading about four days ago.

The Hon. G.E. Gago interjecting:

The Hon. R.I. LUCAS: Yes I did.

The Hon. G.E. Gago: No, not these provisions.

The Hon. R.I. LUCAS: Yes I did. I raised the issue—

The Hon. G.E. Gago interjecting:

The Hon. R.I. LUCAS: Mr Chairman, I don't know—

The CHAIR: Soldier on!

The Hon. R.I. LUCAS: I am being viciously attacked by the minister in intemperate fashion. She has enjoyed a good dinner, but she has the opportunity to speak after I have concluded my remarks.

The CHAIR: Well, carry on.

The Hon. R.I. LUCAS: Thank you, Mr Chairman. If you could just keep the minister under control just for a smidgen while I indicate the position. Just to repeat, having just received a vicious barrage from the minister, I raised this issue during the second reading contribution when I spoke earlier this week on Tuesday, I think, and I outlined the issues in relation to the Motor Trade Association. I indicated that the association had written to the Treasurer, I think, on 22 October. They provided a copy of that letter to the opposition and, indeed, to other members. As a result of the motor vehicle dealers' submissions to us, I said that one of the problems was how you would cater for valet parking and other occupations which might be an issue as well.

As I said, my invitation to the Treasurer was to indicate to the committee what the government's position was in relation to the submissions from the motor traders. I accept that government's position was not relayed back to me, but I know there were discussions going on with the Hon. Mr Darley, and the minister and her advisers have met with the Hon. Mr Darley on this issue. At the first opportunity during the second reading debate we raised this issue. The minister has come back today and raised a potentially substantive issue, probably on her advice, that there is a potential loophole. We are not entirely convinced of that, but we are prepared, as always, to be reasonable with these sorts of things. It is our intention to keep the matter alive.

The House of Assembly evidently has gone home, Mr President—and I guess that would not have escaped your attention—and I am not sure why we are still labouring here late at night. In fact, I am not sure how they put their hands out at the end of the month and accept their salaries with a straight face. However, given that the House of Assembly is not here, this bill will not be able to pass both houses of parliament, particularly if it is amended, until the House of Assembly deigns to come back and do some work, which will be on Tuesday in two weeks' time. Of course, the House of Assembly could have suspended their proceedings and come back tonight or, as the Legislative Council is doing, actually sit tomorrow if they wish, but they have decided not to.

They obviously have more important issues to attend to than the passage of important budget legislation through both houses of the parliament. In the interests of keeping the issue alive, we indicate that we will support the amendments of the Hon. Mr Darley. However, we invite the government, if they believe there is a loophole, to draft or suggest alternative amendments during further consideration in the House of Assembly, should the bill pass the Legislative Council, and see if it is an issue that can be resolved, given that we now have two weeks potentially to resolve the issue between houses. I also understand that there is every likelihood (one of the other issues I raised earlier) that the government may well have to amend its own bill anyway—

Members interjecting:

The Hon. R.I. LUCAS: Clearly, all we can say is thank goodness for the Legislative Council in relation to proper review of the proceedings of the parliament and proper oversight of legislation. We had a situation where what the government was doing was removing benefits from the Legislative Council staff but, for some reason, it decided that other staff in Parliament House were going to be treated differently. Our own hardworking staff here were going to be impacted through reduced entitlements, but for some reason the government had taken the view that other staff in Parliament House were not going to be impacted.

Whichever way the government was going to go, clearly there was an argument either not to impact on all Parliament House staff or to impact on Parliament House staff, rather than for some reason selecting our own Legislative Council staff to be impacted and for some other reason deciding not to impact on staff in other parts of Parliament House. As the Hon. Mr Parnell has pointed out to me, the government has now tabled an amendment, which we will obviously need to consider. Given that our House of Assembly colleagues are long gone, I am not sure why we are still sitting here at 8 o'clock at night doing this.

One could understand if it was all going to be done this week and the House of Assembly was going to reconvene tomorrow because there would be some good argument for our still being here at 8 o'clock at night. If the government is going to amend its own legislation, which means therefore it cannot pass both houses of parliament tonight, for the life of me, I cannot understand what this government is doing in terms of its management of the business and the proceedings of the house. Perhaps caucus members from the government may like to take that up with their own leadership in the government in terms of managing the processes. The bill potentially will be amended anyway, if the government's own amendments are supported by a majority.

In the interests of keeping this issue alive—we do not lock ourselves into a permanent long-term position, if there is a better way of drafting these amendments, and I am sure that would

be the Hon. Mr Darley's position as well—if there is a better way of achieving what needs to be achieved and closing off any potential loophole, then certainly on behalf of Liberal members we are prepared to listen to the government. Being ever reasonable as we are in the opposition, we are prepared to consider any further amendment and, while the Hon. Mr Darley can speak for himself, I suspect he would be similarly disposed to consider any potential tightening of the amendments that he has drafted. So for those reasons, at this stage anyway, we indicate our support to allow further consideration of the issue.

The committee divided on the amendment:

AYES (13)

Bressington, A.	Brokenshire, R.L.	Darley, J.A. (teller)
Dawkins, J.S.L.	Franks, T.A.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I.
Parnell, M.	Stephens, T.J.	Vincent, K.L.
Wade, S.G.		

NOES (6)

Finnigan, B.V.	Gago, G.E. (teller)	Gazzola, J.M.
Holloway, P.	Hunter, I.K.	Wortley, R.P.

PAIRS (2)

Ridgway, D.W.	Zollo, C.

Majority of 7 for the ayes.

Amendment thus carried.

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

Page 15, after line 14 [clause 18(6)]—Insert:

(6b) A motor vehicle is driven or caused to stand by a person in prescribed circumstances for the purposes of subsection (1aa) if—

(a) the person is not an owner or the registered operator of the vehicle and he or she is required by his or her employer to drive the vehicle, or to cause the vehicle to stand, in the course of his or her employment; or

(b) the motor vehicle is driven or caused to stand in circumstances declared by the regulations.

For the reasons already outlined, I urge all honourable members to support this amendment.

Amendment carried.

The Hon. A. BRESSINGTON: I move:

Leave out this clause.

The reason I move this amendment is that, although I agree with the Hon. John Darley's sentiment on this, I do not believe it is in the spirit of this place to grant exceptions to the people who are members of the MTA or who perform certain jobs that require them to drive cars.

The majority of people out there are not in favour of the removal of registration stickers, head's up. I have spoken to about 300 people as a bit of a poll—they do not want it. They just do not want it, and they believe that when registration stickers were brought in in the first place it was, No. 1, an aid to police to be able to flag cars that may not have been registered, which is fair enough.

They also believe that the other reason for bringing it in was as a reminder, as a bit of a service to them as well and they were paying for that service. The Hon. Gail Gago issued a press release, which I have here, that states that admin fees are going to go up $1 to $2 and that will bring in a modest $13.7 million in revenue. If people do not want registration stickers removed, put

those admin fees up another $1 or $1.50 and reap yourselves another $6 million and we still have the same system in place. People are not going to feel like they are being corralled in.

I can see the Hon. Bernie Finnigan over there smirking yet again at another rise but, let's face it: third-party rises in car insurance and all the rest of it, if this was going to tip people over the edge, they were cost increases that were going to be hard-hitting on average families, and they have survived that.

As I have said from the very beginning, that this is a trap. It is another foreseen revenue stream and I just think that we are being totally unfair by granting an exemption to certain groups of the community to assist them to avoid a $2,000 fine and then saying to the rest of the community, 'Well, bugger you—wear it.' I have moved my amendment and I ask members to consider carefully.

The Hon. R.L. BROKENSHIRE: Family First supports the Hon. Ann Bressington's amendment. We also supported the Hon. John Darley's because we have to get some common sense into this debate about looking after people who are caught inadvertently driving an unregistered vehicle. We supported the Hon. John Darley's amendment in case this amendment was not supported.

I would hope that the Liberal Party will consider the fact that this is not breaking a convention; they would still be supporting the budget. The Liberal Party agreed with the Hon. John Darley because it was worried about people in working situations (for example, a mechanic) driving a vehicle not knowing whether it was registered or unregistered and then copping a fine. The Liberal Party is supporting the budget bill, by and large. This is not a Liberal Party amendment; it is an amendment of the Hon. Ann Bressington, but it is an amendment—

The Hon. I.K. Hunter interjecting:

The Hon. R.L. BROKENSHIRE: By and large, they are. They will not be rolling you on it. They are voting with you on the big ticket items. This is not a big ticket item in the budget, but it is something that will cause enormous stress and concern for many constituents. I agree with the Hon. Ann Bressington. We also have constituents who are very concerned about the fact that these disks are going to be removed from motor vehicles. I think that there are some things which you can save money on and some things which you cannot. At the end of the day, with the massive increases in registration and registration costs generally, the cost of the sticker is built into all of this. What the government is looking to do now is looking at a small amount of money—

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: But they are not returning that to our constituents. Our constituents will still have to pay exactly the same fee. Again, because of the ineptness of this government, they are attacking the community. I remind members that, parallel to this, there has been this massive increase in expiation notices and potential fines, and, in a lot of circumstances, they will be issued to innocent motorists who have driven an unregistered car. The government should be focusing on all those people who deliberately never register their vehicles and never get a licence, and drive around day in and day out—that is where the focus should be. I would like to see the stickers made available again, and this is probably the only opportunity we will have to see that happen. We will be supporting the Hon. Ann Bressington's amendment.

The Hon. J.A. DARLEY: I support the Hon. Ann Bressington's amendment, but I do have a question: is the effect of the amendment likely to delete the defence?

The Hon. A. BRESSINGTON: The legal advice I have is that it will revert back to the status quo of what it was before. The Hon. Gail Gago has said that there is no way that you could get out of being pinged or charged if you were driving a vehicle that was not yours. You would get a statutory declaration filled out by the person who owns the car and have it signed and that ping would go to the person who owns the car. That process has been in place forever, and it has been used quite often. Although it may not get rid of the initial fine, it certainly transfers it to the person who owns the car.

This thing is about all roads leading to court, and that is what bothers me. If somebody is pinged for this and faces a $2,000 fine, do they then have to give up a day's pay to go to court to fight it? I remind members in this place that, not so long ago, there was a big kafuffle about the motor registration office's computer. There was a week on the Leon Byner Show, where people were ringing in saying that they could not get through, that the computer did not work and that it crashed and was not up to date. As the Hon. Robert Lucas said to the Hon. Paul Holloway: do we just believe you that this is all in place and that it is all going to work well?

On the subject of call centres—what a great fallback that is. We all know that you can sit on a queue for 25 minutes just to get through to a child protection worker, for God's sake! So is this actually going to work any better? It is this fairyland of how things 'might' work. We do not have any trial basis for this, that this is all going to go as smoothly as we are being promised here. There are costs and benefits to everything we do in here, and, so far, government computer systems do not have a great record. Call centres and phone-in lines do not have a great record.

An honourable member: Shared Services.

The Hon. A. BRESSINGTON: Yes, Shared Services, no great record. So, we are supposed to just sit back and go: 'We'll wipe out rego stickers. We will actually put people at risk of copping a $2,000 fine. Then they can go to court, pay the court fees and fight it in court, and miss out on a day's wages as well, all because we thought it might work better.' I am sorry; it is not acceptable.

The Hon. G.E. GAGO: The government opposes the amendments of the Hon. Ann Bressington. The effect of her amendments, I have been advised, would be to completely remove the provisions in terms of the registration label that are in the bill, which would include the provision of a defence, so the advice that I have is that—

The Hon. A. Bressington: It doesn't exist now. Don't tell me you introduced this so that you could have a defence.

The Hon. G.E. GAGO: That's right, that is exactly what I have just said, that is, that it would remove all the current provisions being proposed around the removal of the registration sticker—

The Hon. A. Bressington: So we would go back to the status quo.

The Hon. G.E. GAGO: —and it would go back to status quo, but the question that the Hon. John Darley asked was, would it delete or remove the defence provision, and you said—

The Hon. A. Bressington interjecting:

The Hon. G.E. GAGO: Let me finish. You answered him, no, it would not impact on the defence provision. I am letting you know that the advice I have is that it would, it would impact on the defence provision that is within this bill, because it completely makes null and void all of that provision around the registration. It would remove the defence provision and it would remove the offence provision as outlined in this bill. That is the advice that I have received here, and I have been advised that the answer that the Hon. Ann Bressington gave the honourable member was in fact incorrect. That is just the advice I have received.

Most of the issues around our opposition to this I have already put on the record in general statements that I made in respect of the Hon. John Darley's amendment, so I will not go over all of those. Very quickly, the most important of those, and again it has been asked, is this going to be workable, and again I stress that it is workable, and we have proof that it is workable. We have proof that it is working so far in WA. We have proof that it works in a number of states in the United States and other countries in the world, so we know that it can work.

The other advice I have received is that, again, the Hon. Ann Bressington's statement about a person being able to get off the offence of driving an unregistered vehicle when they do not own the car by simply signing a stat dec is incorrect. It is not so. The times when a stat dec can be used are when, for instance, there is photo evidence of an unregistered vehicle, the notice is sent to the owner of the vehicle and, in fact, the owner was not driving the vehicle; someone else was driving their vehicle. What happens is, the owner can then do a stat dec to say that someone else was driving their vehicle. So it is in fact the reverse of what the honourable member stated. The advice that I have received is, no, you cannot get off this type of offence simply by signing a stat dec. That is incorrect information.

Finally, I have to say that I am gobsmacked to hear Family First—Family First, the party that is supposed to be representing families—stand up in this chamber and say they support an increase in a fee which is basically overall adding to the cost of living of families. They accept that instead of removing a red tape reduction initiative that has no impact on customer service. So, I am gobsmacked that they are happy to see the cost of living go up instead of removing a red tape reduction initiative which, as I said, does not impact on direct customer services. The other points are already on the record so I will not waste the chamber's time.

The Hon. T.A. FRANKS: The minister previously said that this would be a budget savings measure of $4 million. Can I clarify over how many years that would be, and that that was the figure?

The Hon. G.E. GAGO: It will be $5.7 million over three years, I have been advised.

The Hon. T.A. FRANKS: Can the minister clarify how many million cars this would apply to?

The Hon. G.E. GAGO: I have been advised that just over 1 million light vehicles are currently registered.

The Hon. T.A. FRANKS: So, in WA when this was brought in, we were looking at $500,000 or $2 million over four years ($500,000 per year) for 2.2 million cars. Does that mean that WA was already a lot more cost effective with their registration system than South Australia?

The Hon. G.E. GAGO: I have been advised that there are different systems in place and, therefore, they have different cost impacts.

The Hon. T.A. FRANKS: Does that mean that we are adopting a WA system but it is a different system probably with different outcomes? I will leave that because it is not necessarily a question and is probably more rhetorical. My final question is: how will this lower the cost to families? Will it lower their registration fees each year?

The Hon. G.E. GAGO: The honourable member has obviously misunderstood the debate. This is a budget savings initiative and that money is returned to general revenue, if you like, which is spread across government. So the savings here are not being returned directly to motorists. It is a saving that is being derived from a red tape reduction initiative that does not have an impact on customer service—it has a very minimal impact on customer service. So, it is a red tape reduction and that saving, basically, I have been advised, goes back into the general revenue of the budget and efficiencies around that.

The Hon. T.A. FRANKS: To clarify, particularly for those members of Family First and their supporters, this measure will not save anything for any family out of their hip pocket in terms of their registration fee, which is what I was led to believe it would do from the minister's previous statement.

The Hon. G.E. GAGO: No, as I said, the member has misunderstood the debate. This is a budget initiative that seeks to make savings that go into the general budget revenue. These are not savings that are passed on directly to motorists. What we are saying, I guess, is that if we did not have this budget saving initiative we would need to derive some other savings to the value of $5.7 million. So, if this initiative is voted down, which is what is being proposed, the government would be in a position of having to find another $5.7 million of savings. Given the exhaustive menu of initiatives that have been looked at, this is one initiative that, as I said, does not create a cut or any diminishing of customer service directly.

It is a red tape reduction saving that we would have to find somewhere else. It is most likely that if this were voted down the government would have to find another initiative. Given the menu that I have seen and what has been reported in the press, it is likely that it would have to come either from increasing fees—so, we would have to put up fees so that people could keep their registration stickers but increase fees somewhere; that is one option, I guess—or cut direct customer services somewhere.

I think it is unreasonable to be replacing a red tape reduction provision with either of those alternatives when we can achieve those savings without impacting on customer service. Family First and the Hon. Ann Bressington are proposing that instead of doing this we increase fees. They are saying, 'Keep the registration sticker but increase fees.' An increase in registration fees or administration fees does impact, eventually, on the cost of living. Why would we want to drive up the cost of living when we can, in fact, deliver those cost savings somewhere else?

The Hon. M. PARNELL: I have a question and a suggestion for the minister. The question is that, as I understood it, the minister was asked about the consequences of removing clauses 18 and 19 and if I recall her answer it was to say that, 'We would be losing the defences.' I can see that we would be losing the new defence in subsection (4a), but I cannot see that we would lose the defences in the Motor Vehicles Act, section 9, where there is a defence in subsections (2), (4), (5) and (6). I want the minister to clarify that those existing defences remain

and that what we would be losing would be the proposed new defence. That is my question. I will give my suggestion after I have heard the minister's answer.

The Hon. G.E. GAGO: That is what is in my answer. What I said was that we would revert to status quo, and I supported that statement. We would go back to what exists today under the current provision. That is what I have answered. The Hon. John Darley asked a question, and my answer was that we would lose both the defence provision and the offence provision as outlined in this bill, and I stand by that answer.

The Hon. M. PARNELL: I said I had a question and a suggestion. My suggestion is that the minister can count the number of people who have already risen saying that they are supporting this, but she has also heard that there are some people who are sympathetic (including me) to the idea that we could go to a stickerless system provided that the liability issues were sorted out and that it was a fair system that did not penalise innocent victims. As the minister has admitted, there are already people who we might think of as innocent, who are caught unwittingly by this system and who are prosecuted.

So, given that we are not going to pass this bill through the parliament today, because the other house has risen and there are new amendments that it has not seen, so even if its Speaker has the ability to accept a message from us, it is not going to be enough for the bill to pass, the minister may like to take my suggestion, for what it is worth, that some more work on this provision may, and I can only say 'may', result in a different outcome if it were to come back in a fortnight.

The Hon. R.L. BROKENSHIRE: I want to put on the public record, before I ask a question of the minister, that Family First is all about saving families from financial negative impact due to the absolute incompetence of this government that could not manage taking the rubbish bin out on the day that it is supposed to go out the front for the rubbish collector. The bottom line is that, on behalf of Family First, I am supporting the Hon. Ann Bressington's amendment—

The Hon. G.E. Gago interjecting:

The ACTING CHAIR (Hon. R.P. Wortley): Order!

The Hon. R.L. BROKENSHIRE: —because, No. 1, Mr Chairman, there is nothing in that amendment that advocates an increase in cost to the families with their registration—nothing at all. Read the amendment. There is nothing at all about that. I am advocating this because families will get hit in the hip pocket inadvertently, because they will get up in the morning, dad will go to work and mum will jump in the car to take the kids to school to discover that their car is unregistered.

With the pressure on South Australian police to become revenue raisers at the moment, that family is subjected potentially to a $2,000 fine. Family First is here supporting the Hon. Ann Bressington because we do not want families being hit. I ask the minister, because also in the budget papers—by no surprise—quite—

The Hon. A. BRESSINGTON: I rise on a point of order, Mr Chairman. The Hon. Gail Gago is repeatedly calling the Hon. Robert Brokenshire a hypocrite. I believe that is most unparliamentary and I ask her to withdraw that.

The ACTING CHAIR: Can I just have the Hon. Mr Brokenshire back on his feet to finish his contribution, please.

The Hon. R.L. BROKENSHIRE: Thank you for your protection, sir. If members look at the budget papers they will see an increase that SAPOL must go out and get with respect to revenue collection. Given that the government has brought this amendment in to hit families and drivers with up to $2,000 if inadvertently they are driving unregistered, because they will not know because the disc will not be there, what is the projected increase in SAPOL revenue from this initiative through fining these families?

The Hon. G.E. GAGO: I have been advised that there is no expected income in revenue to SAPOL from this initiative, so no expected increase in revenue for SAPOL. The advice is that it will be pretty much cost neutral. I need to pick up the honourable member on his claim that someone will be fined $2,000—

The Hon. R.L. BROKENSHIRE: 'Up to,' I said.

The Hon. G.E. GAGO: The honourable member is wrong. It is complete nonsense. Not only is he a hypocrite but also he is misleading this chamber. The expiation is $258.

The committee divided on the clause as amended:

AYES (12)

Dawkins, J.S.L.	Finnigan, B.V.	Gago, G.E. (teller)
Gazzola, J.M.	Holloway, P.	Hunter, I.K.
Lee, J.S.	Lucas, R.I.	Stephens, T.J.
Wade, S.G.	Wortley, R.P.	Zollo, C.

NOES (7)

Bressington, A. (teller)	Brokenshire, R.L.	Darley, J.A.
Franks, T.A.	Hood, D.G.E.	Parnell, M.
Vincent, K.L.		

Majority of 5 for the ayes.

Clause as amended thus passed.

Clauses 19 to 30 passed.

Clause 31.

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

Page 18—

After line 2 [clause 31(1)]—Insert:

(1aa) However, if an uninsured motor vehicle other than a heavy vehicle is driven or caused to stand by a person in prescribed circumstances, the person is guilty of an offence against subsection (1) only if the person knew that the vehicle was uninsured.

After line 24 [clause 31(5)]—Insert:

(3d) A motor vehicle is driven or caused to stand by a person in prescribed circumstances for the purposes of subsection (1aa) if—

(a) the person is not an owner or the registered operator of the vehicle and he or she is required by his or her employer to drive the vehicle, or to cause the vehicle to stand, in the course of his or her employment; or

(b) the motor vehicle is driven or caused to stand in circumstances declared by the regulations.

For the reasons already outlined, I urge all honourable members to support these amendments, which relate to uninsured vehicles. As already mentioned, they are, in effect, consequential to my first amendment. Briefly, these amendments relate to clause 31 of the bill, which amends section 102 of the Motor Vehicles Act. That section relates to the duty to insure against third party risks, and provides that a person must not drive an uninsured motor vehicle or cause an uninsured vehicle to stand on a road.

Again, the government's amendment to that section corresponds with the amendment in relation to section 9 of the act by inserting a defence for those drivers that did not know, and could not reasonably be expected to have known, that the vehicle was uninsured. Similarly, the proposed amendments correspond with my first amendment by inserting a defence for employees required to drive a vehicle in the course of their employment where that vehicle is uninsured. I urge honourable members to support these amendments.

The Hon. G.E. GAGO: These amendments are consequential.

Amendments carried; clause as amended passed.

Clauses 32 to 39 passed.

New clauses 39A and 39B.

The Hon. G.E. GAGO: On behalf of minister Holloway, I move:

New part—After clause 39 insert:

Part 5A—Amendment of Parliament (Joint Services) Act 1985

39A—Amendment of section 20—Long service leave

Section 20(1)(b) and (c)—Delete paragraphs (b) and (c) and substitute:

(b) in respect of each subsequent year of service—9 days leave.

39B—Transitional provision

The amendment to the Parliament (Joint Services) Act 1985 made by this part does not affect an entitlement to long service leave or payment in lieu of long service leave that accrues before 1 July 2011.

The Hon. P. HOLLOWAY: Before the dinner break, the Hon. Mr Lucas raised the issue of staff appointed under the Parliament (Joint Services) Act. As I indicated then, after we had considered the matter, it was clear that, because those staff were employed under that act, the changes being made in this statutes amendment bill would not have applied to them. I thank the Hon. Mr Lucas for drawing that to our attention. Clearly, it was always the government's intention that all public sector employees should be covered by those provisions relating to long service leave. I have tabled some amendments that will cover that situation. What we are dealing with here is a new part to be inserted in the bill to amend the Parliament (Joint Services) Act to ensure that those employees, as well as all other employees in the public sector, are covered.

That will also require an amendment to the title of the act, and we will also have to recommit clause 2 in relation to the commencement provisions to bring that in. I thank the Hon. Mr Lucas for drawing that matter to the attention of the council. I am not sure that the joint parliamentary staff will thank him for doing it but, in fact, it does correct an obvious anomaly. It would have been unfair if one section of the public sector had been exempted from that provision relative to others. With this amendment we are seeking to correct that so that those employees should be covered by the same long service leave provisions.

The Hon. Mr Lucas also asked about the situation concerning ministerial staff and we have been able to get a copy of the standard contract. Under the leave provisions, these contracts provide:

You shall be entitled to the same recreation leave (excluding the payment of any leave loading), sick leave and long service leave (hereinafter referred to as 'leave rights') as a person appointed to the South Australian Public Service, and may be granted special leave and be paid allowances in circumstances similar to that in which special leave may be granted and allowances be paid to a person appointed to the South Australian Public Service.

Your entitlement (if any) and the extent to which your leave rights hereunder shall be adjusted to take account of prior employment (including prior appointment as a Ministerial Officer) shall be determined pursuant to the Act as if you were a person appointed to the South Australian Public Service.

As I indicated earlier, under section 71 of the Public Sector Act, with ministerial staff—that is, the head power that allows the employment—the terms of contract ensure that the same leave provisions apply. I said that they are not eligible for leave loading, as with other contracted persons, I should say, for when we come to that section. In relation to the long service leave provisions, they are to be the same as those under the Public Sector Act. So, as we amend those, the conditions will change.

I should also point out, of course, that to get the benefit of these provisions, you would have to be in the Public Service for 15 years. Unless they have served over the course of different governments, it would be pretty unusual that too many ministerial staff would be around for 15 years anyway. In any case, it would be a case that would fall there, but I can assure the committee and the honourable member that the terms of the contract deem those conditions to be the same as the public sector so, as this bill changes those, so will those conditions change for ministerial staff.

The Hon. R.I. LUCAS: I thank the minister for the information he has provided to the committee. The two questions that I raised were, initially, how staff at Parliament House were to be treated under the government's legislation, and then there was the question in relation to ministerial staff. So, perhaps we can just address the answer to the ministerial staff question first. The minister says it is unlikely that someone might serve for 15 years as a ministerial adviser. That is possibly right, although the Hon. Mr Finnigan, with the hubris and arrogance known only to the Labor right in South Australia, says that will apply to the current government.

What the minister does not realise, and certainly the Hon. Mr Finnigan does not realise—and we have seen the example in relation to Mr Nick Alexandrides, supposedly, in his superannuation entitlements—is that, if you are in the public sector, prior to taking an appointment

as a ministerial adviser, the entitlements are cumulative. So, you continue with your aggregation, whether it be for long service leave or other.

So, whilst your service as a ministerial adviser is unlikely perhaps to be 15 years, it continues to accumulate. So if, as with Mr Alexandrides evidently—and I am sure there are others the minister would be familiar with—you have served in the public sector and then as a ministerial adviser, you would have a number of people potentially serving and therefore covered by that. Anyway, the minister has read onto the record—

An honourable member interjecting:

The Hon. R.I. LUCAS: No; I said—this is the easier part—the minister has read onto the record the relevant section of the current ministerial contract. I accept his assurance, which he has now given, rather than before dinnertime when we were talking about the intention being the assurance and the contract provision which would make that apply. So, I think that is the easier part.

Coming back to the first question, as I said, my first question was not in relation to Joint Parliamentary Services staff: it is all of Parliament House. Now, Mr Chairman, I think, as you would realise, and those who have been in this chamber for a while, we have, maybe more but certainly, I guess, three broad employers of staff within Parliament House. We have the Legislative Council staff, the House of Assembly staff and the Joint Parliamentary Services staff.

Now, my understanding, and I seek guidance from the minister, is that the government's bill actually removes the entitlement for our staff—that is, the Legislative Council staff—and removes the entitlement for the House of Assembly staff, but it chose to exclude, by intent or otherwise—only the government can answer that—other staff employed at Parliament House. The government is now moving an amendment, as it relates to that other provision.

In terms of workforce relations, it was completely open to the government either to treat all of the staff of Parliament House—that is, the Legislative Council staff, House of Assembly staff and Joint Parliamentary Services staff—in one way or the other; that is, apply or not apply the provisions of the legislation to all the staff. That is a decision for the government.

I do not see the parliament as part of the public sector. We see the parliament as being different. The staff, in many respects, are treated differently, although we acknowledge, in other aspects, some of their employment conditions may, on occasions, mirror employment conditions within the public sector. It is a policy decision of the government's in relation to how the three different groups of staff within Parliament House were to be treated. It appears clear that the government, either through intent or otherwise—and only the minister can answer—was removing some entitlements from our Legislative Council staff, removing entitlements from the House of Assembly staff, but decided not to do the same thing to other staff employed at Parliament House.

As I said, the government could correct that in two ways: it could either remove the provisions of this bill as it relates to the Legislative Council staff and the House of Assembly staff, or it could seek to include the other staff employed by the Joint Parliamentary Service. As I understand it, the government is seeking to adopt the latter course. This is a policy decision of government to which they are asking the rest of us to respond. The responsibility for this rests solely with the government in relation, firstly, to the bill and, secondly, to how it applies to staff within Parliament House.

Given that this issue has only now been acknowledged by the government, we have the situation where the government is amending its own legislation. I do not think the leader was here earlier when I made the point that the House of Assembly has chosen to go home; they are not working this evening. They have chosen not to come back and be available tomorrow to consider the passage of this legislation. The government is now seeking to amend its own legislation and, if this house agrees, the bill cannot pass through both houses of parliament tonight, obviously, or tomorrow. The first opportunity now will not be until two weeks' time, when the House of Assembly deigns to return to work and commence sitting on Tuesday of that week.

From the party's viewpoint, we have not had an opportunity to consult with our lower house colleagues or, indeed, take submissions from anyone who might be impacted in any way by what the government is seeking to do. Certainly, prior to my asking the questions tonight, I had no knowledge of how this legislation impacted on any staff in Parliament House, whether it be Legislative Council staff, House of Assembly staff or the Joint Parliamentary Service staff; indeed, that was why I asked the question in the first place.

Given that the bill is not going to pass, the government has two options: it can either report progress at this stage, which is probably the most sensible alternative, or the other alternative is that we press on and, if we do, I think all we would do at this stage is, potentially, indicate that we proforma support the amendment but reserve our right in relation to a reconsideration. I have had a quick discussion with crossbench colleagues. We would certainly be opposing finalising the debate on the whole of the committee stage tonight and tomorrow. We would want to be able to reserve the right to recommit this particular clause or clauses if we receive advice that this does not do what the government says it is going to do.

That certainly will not delay the passage of the bill because, as I said, the House of Assembly is not sitting now for a two-week period. That would at least keep this particular issue alive. As I said, one option is to include everybody in the bill, which is what the government is seeking to do; the other option is to exclude everybody at Parliament House from the provisions of the legislation, and there may well be argument both for and against those options.

Given the fact that this has only just been tabled, we have not had the opportunity within the Liberal Party either to consult with our colleagues or take submissions from those who might be impacted by the intentions of the government with this legislative amendment. I think it rests with the leader. The more sensible course I would have thought would have been to report progress, but if his intent is to push on, we will reflect on the further debate this evening. Potentially, the best position we would come to would be to support it just to allow further consideration, while reserving our right at a later stage either to take the same position or to adopt a different position through recommittal and further consideration at a later stage in committee.

The Hon. P. HOLLOWAY: It was the clearly stated intention of the government that changes to the long service leave provisions should apply to everyone. It would be anomalous if, by a simple act of omission, the Parliamentary (Joint Services) Act was overlooked in relation to that provision. All the other acts of which we were aware where there were long service leave provisions were amended as part of this bill.

It was my intention that tonight we would at least try to deal with the leave loading provisions. We could report progress then. At this stage, it would be helpful if we could at least go on and deal with those provisions. There would have to be recommittal at some stage in any case on clause 2, which is a key clause, but if we can deal with this now and the leave loading provisions, we could at that stage report progress and see where we are tomorrow or later.

At this stage, given that we still have some debate tomorrow on the Appropriation Bill, it would at least be useful, while we have had this discussion on leave loading provisions, to substantially get that debate out of the road and we could pick up tomorrow. If the council is happy with that course of action, that would be my suggestion.

The Hon. R.L. BROKENSHIRE: Family First would prefer to see progress reported because these are serious amendments. This is no reflection on the Leader of Government Business, the Hon. Mr Holloway, as he is only the messenger in this place for another minister who had instructions to draft this. It concerns me immensely that we are getting these sorts of amendments by the government this late in the debate.

Also, late this afternoon when I looked at my correspondence—and I will be following it up with the constituent tomorrow—I had had a public servant contact me with some information where he believes that there are anomalies in what the government is doing and that maybe some people, depending on their situation within the department, will have better conditions than some others within his department.

It is particularly concerning also that, through the good investigative work of the Hon. Robert Lucas, we have seen this anomaly. Having said we would prefer to see progress reported, as the Hon. Robert Lucas also rightly said, the House of Assembly members are up again being part-timers, the urgency of this legislation no longer exists. No matter what we do, whether we stay here all night or all tomorrow, nothing will happen.

In the meantime, I have a question the minister may be able to assure us on now, or he may want to come back to us tomorrow or the next time we debate this bill: can the government absolutely categorically guarantee to this place that there are no other anomalies like this where there will be circumstances where there will be some haves and some have-nots within this draconian legislation?

The Hon. P. HOLLOWAY: No-one can ever give a guarantee in life, I am afraid, about anything. Obviously the government's officers and the government has done its best to ensure that everything is included. The whole purpose of the Public Sector Act (when introduced) was to try to dispense with a situation where we had public sector employees employed in a whole range of areas under a whole range of acts. We have been trying to bring that together.

I think everyone would agree that those people employed under the Parliament (Joint Service) Act are in a very special position in parliament, but in principle I think everyone would agree also that their conditions, in relation to long service leave, should be the same as those of other public servants. The only reason they fall out of the act, of course, is because this parliament is historically, traditionally, outside the Public Service.

Whereas we would not expect there to be any others, one only has to look at the acts that have been amended in this bill to see that we have covered the major areas. When you have 100,000 public sector employees, and still many of them employed under different acts, you could never categorically say that there are no exceptions; but when they are drawn to your attention you are duty bound to deal with them.

In terms of adjourning debate, as I indicated earlier, we have to come back in any case. We would have to recommit clause 2. While we are discussing these issues of leave, I think it would be in the committee's interest to at least try to finish that part of the debate. We will revisit, but in case other issues come up, surely it would be better to deal with them now.

We will not complete debate on this bill this evening, so there will be the option, through a recommittal of clause 2, to completely revisit these issues if members wish to reconsider them. However, at least for now I would suggest that we go on and complete that part of the bill that deals with the leave service loading. As I said, we have already had a significant discussion on related parts of it. Let's complete that, and we can then investigate the alternatives at that stage.

The Hon. R.L. BROKENSHIRE: We are happy for further debate but we certainly would not want any further voting on these types of clauses.

The Hon. J.A. DARLEY: Just as a matter of interest, can the minister advise what is the position with ministerial drivers?

The Hon. P. HOLLOWAY: My understanding is that they are employed under the Public Sector Act. Remember, we are only talking essentially about the catering service, library, and other people who are employed under the Parliament (Joint Service) Act. They are in a very special group. Because they work for the parliament, they are under that act. That is the only reason they have fallen outside the bill that we are debating.

Drivers, parliamentary staff and the like—that is, staff of members of parliament as opposed to the staff in here—are employed under the public sector provisions. My advice is that they are weekly paid employees; so, there is again a different group who are weekly paid employees, but they do come with the long service leave provisions.

The Hon. R.I. LUCAS: From the Liberal Party's viewpoint I indicate that, given the commitment from the government and other members that we will not proceed to finalise the committee stage at the very earliest tomorrow and possibly in two weeks, we are prepared to proforma support this amendment with the proviso that I gave earlier that we reserve our right, on further consultation, to change our position and vote against it on recommittal. Given the commitment from the government and crossbench members that we will not finalise the committee stage certainly tonight, tomorrow and possibly not until the Tuesday of the following week, we will support it at this stage, but reserve our position.

New clauses inserted.

Clauses 40 to 60 passed.

Clause 61.

The Hon. P. HOLLOWAY: I move:

Page 26, line 22—After 'subclause (2) insert:

or to any class of employees employed under the Parliament (Joint Services) Act 1985.

As we have just been discussing, the Parliament (Joint Services) Act was overlooked in the original drafting of this bill and the handful of employees who are covered under that were not covered.

That was not the intention of the government in relation to the long service leave and leave loading measures. This amendment enables them to be covered in relation to the leave loading provisions. Again, this brings employees under that act within the ambit of this part of the bill.

The Hon. R.I. LUCAS: For similar reasons to those I gave earlier—although the earlier provisions related to long service leave and, as I understand it, these relate to the leave loading provisions—I will indicate at this stage that we will support it, but we reserve our right on further consultation to reverse our position or to reinforce it.

Amendment carried; clause as amended passed.

Clause 62 passed.

Clause 63.

The Hon. J.M.A. LENSINK: This is the first clause in the section that relates to new fees for radiation protection licensing, some $2.6 million over three years. While the bill does provide some information about new licences, I was wondering whether the minister could outline what it is intended to raise these fees from and, indeed, how they are to be expended. I am interested to know whether they relate in any way to the BHP Billiton expansion and whether other companies may be impacted by these fees.

The Hon. P. HOLLOWAY: My advice is that these fees are based on cost recovery, as they are now, and that consideration is being given to revising the licence fees to ensure that there is full cost recovery for the existing, and any future, uranium mines.

The Hon. J.M.A. LENSINK: Can the minister outline which companies are likely to be affected; and is this an existing activity for which the government is now seeking cost recovery or is it a new activity?

The Hon. P. HOLLOWAY: The three operating mines are Olympic Dam, operated by BHP Billiton, the Beverley Mine operated by Heathgate Resources and the Honeymoon Mine operated by Uranium One which, although it is not yet commercially producing, is licensed. They are the three existing mines for which costs would be recovered. As the mining minister, I can say that we hope there will be more in the future. In fact, another mine near Beverley, we hope, will be operating fairly soon. I am advised that the fees for cost recovery will relate to existing activities, not new activities. However, if there are new activities that are required in relation to the operation of this act, they would be covered by this amendment.

The Hon. J.M.A. LENSINK: Can the minister advise whether those three companies were consulted prior to this and, if so, what their reaction was?

The Hon. P. HOLLOWAY: My advice is that the fees have not actually been set at this stage, and the companies will be consulted in relation to that process.

Clause passed.

Remaining clauses (64 to 87) passed.

Long title.

The Hon. P. HOLLOWAY: I move:

After 'the *Motor Vehicles Act 1959*,' Insert—the *Parliament (Joint Services) Act 1985*

This follows on from the amendments we discussed not long ago. It changes the long title to include 'the Parliament (Joint Services) Act 1985'. Again, this is part of that package of measures. It is obviously necessary to facilitate the other amendments we have considered.

Amendment carried; long title as amended passed.

Bill reported with amendment.

APPROPRIATION BILL

Adjourned debate on second reading (resumed on motion).

The Hon. J.S. LEE (21:24): I rise to speak briefly to the second reading of the Appropriation Bill and to pass on my congratulations to my colleagues on this side of the chamber for their worthy contributions so far. Halloween is generally observed on 31 October in some parts of the world, but it seemed that Halloween had arrived early in South Australia when the Rann government handed down its budget. I think this budget has the Halloween theme because the

budget cuts are not dissimilar to listening to frightening tales or watching horror movies. The common Halloween activities include trick or treat, but when it comes to the Labor government, there are more tricks than treat.

This is a Halloween budget made up of horror stories, mismanagement, lies and deceit from a government that tricked the people of South Australia to stay in power. The state election in March was fought mostly on trust. In order to be returned to power, the Labor government misled the people with promises, only for the people to find out with this budget just how dishonest the government is. The budget is not the budget that was promised prior to the state election, but it is the budget that was designed for the state election. It was designed to trick the people of South Australia.

Before the election, the government did not say that it was going to axe about 4,000 Public Service jobs. Before the election, the government did not say that it was going to slash public servant's entitlements. Before the election, the government did not say that it was going to close down small schools, cut community hospitals, adult education and business assistance, and that it was going to increase tax by $1 billion. This Rann Labor government cannot be trusted. It has misled the people of South Australia.

Thousands of people across electorates—the Parks community supporters, Public Service workers, country people—are very upset about the budget. The steps of Parliament House have never been busier, with rallies and groups of people protesting against Labor budget cuts. If this continues, very soon there will be a need to schedule bookings for the steps of Parliament House!

Even Australia's most powerful union leader has led an unprecedented public assault on the Rann Labor government at Parliament House. Thousands of Public Service workers have rallied outside Parliament House over budget cuts. The ACTU President told the large crowd—and it was a really large crowd indeed—that the ACTU is calling on the Rann government to come to the negotiating table. The Public Service Association indicated that about 10,000 people turned up at the rally. They do have the right to be upset because the Labor government has broken its agreement with public sector workers.

The PSA has taken out a full-page advertisement in *The Advertiser* warning that all South Australians will carry the pain of 3,700 government job cuts. The PSA rally on the steps of Parliament House voiced its outrage at Labor's leadership team. The state's peak union body formally condemned the Labor government for its blatant disregard for workers' rights.

SA Unions secretary, Janet Giles, said the organisation would continue a vicious campaign against the budget until planned cuts to jobs and leave entitlements were abandoned. She said:

> They have, in our view, moved away from Labor values and no longer represent the interests of workers and their families in this state.

The Labor government went to the election in March promising that there would be no forced redundancies. The Labor government tricked the Public Service Association into thinking that the negotiations would be done in good faith, but the government knew the whole time that there were going to be drastic cuts.

The teachers were going through arbitration. They all thought they were entering into a new enterprise agreement in good faith. They were led to believe that there would be no cuts to the current situation and that their current entitlements would be retained. The budget delivered earlier this month revealed a different story—a horror story. The government has breached the agreement with the unions and all those public sector employees who trusted this government. Good faith went out of the window. This government intends to get rid of 3,740 public servants, yet it kept it a secret—another secret the government kept hidden until after the election.

Yesterday another rally happened, with hundreds of people on the steps of Parliament House protesting against the closing of country hospitals. Country people have every right to be angry, because the Labor government is going to remove money from private hospitals. It is a saving of $1.2 million per year and the government is going to take away the money from small country private hospitals such as Keith, Ardrossan and Moonta.

Those hospitals provide a service in their communities. Often they have boards of unpaid people who are there serving their beloved communities. With a very small amount of input from the government they are able to keep those hospitals running to provide a service to those communities, but the government does not seem to care and cannot see the serious implications of closing a hospital. The government does not care for the sick and weak in our community. The city-

centric Labor government is constantly depriving the people of the regions around South Australia. It is shameful.

I do not understand why the Labor government hates country people so much. Why does it believe that country people do not deserve the sort of services that you expect in the city and urban electorates? The Leader of the Opposition and my colleagues talk about the cuts to PIRSA, cuts to agriculture, fishing services and all that research and development. It is so sad, because this state was built on its primary sector and continues to reap huge benefits from its primary industries.

Primary industry can only survive if it can continue to be innovative and stay at the cutting edge of new technologies. Continuous improvement through research and development has been delivered through having a viable primary industry department such as PIRSA, and that has now been cut to the bone. It is no surprise that our exports continue to decline in this state. We know that a high proportion of exports come from our primary industry sector and yet, with less and less support from this government, primary industries have been disadvantaged.

One of the harshest cuts of the budget is to cut the state's leading economic agency, the Department of Trade and Economic Development. DTED's allocation will be slashed by nearly $100 million over four years as the government targets services which have minimal impact on the ordinary voting public. The Labor government has no sympathy with small businesses in our state, even though the small business sector is a key driver for the state economy. Funding for incubation agencies and nine business enterprise centres will cease at the end of June 2011, as will funds for Small Business Month, the small business helpline, the South Australian Youth Entrepreneur Scheme, Innovate SA and the Technology Industry Association.

International trade development has also been targeted for severe cuts. Overseas trade offices in Singapore and Dubai will be merged with the federal government's Austrade network, and funding for the Council for International Trade and Commerce SA (CITCSA), as I said yesterday, will be phased out. Cutting the Department of Trade and Economic Development demonstrates that the Labor government's priorities are all wrong. After eight years of the Rann Labor government, our living standards, service levels, infrastructure and economic position relative to other states have all declined. Our share of the national economy has declined.

Our share of the national population has also declined. If we had kept pace with the national growth, we would now have 34,000 more people employed in this state than we have. We have failed to keep pace with what the rest of the country is doing. We used to be the third largest state. We are now trailing along at the bottom because of the mismanagement of this government. When Mr Rann came to office, we had a 7 per cent share of national business investment. We now have only 5.4 per cent of national business investment. The SA Strategic Plan said we were going to triple exports. What started out at $9.1 billion per annum in exports when the Liberals left office is now down to $7.9 billion.

Our exports declined by 14.5 per cent last year. We are falling behind the other states and the government wants to cut the funding in an agency such as the Department of Trade and Economic Development that potentially promotes trade and economic activities in our state. We have the lowest proportion of exporting businesses of all mainland states. We continue to lose residents to other states, with three times more people migrating to other states than when the Liberals were last in government. We used to be roughly 8 per cent; we are now down to about 7.3 per cent.

The tourism budget (this is the shadow ministry area of the Hon. Terry Stephens) has been cut by $12.5 million. Tourism is one of our growth areas and important to many country regions, but this short-sighted government is going to cut the number of programs, which will reduce the capacity for the state to expand its tourism appeal. This cut will have a serious impact on our tourism potential in this state.

What else? This state remains the highest taxing state in Australia. That has been confirmed by two independent authorities. Tax revenue has increased by 76 per cent since this government came to office. Property tax revenue has more than doubled. In fact, aside from Victoria, we pay the highest stamp duty in the nation. In this budget the $4,000 first home buyer subsidy on existing purchases has been cut.

Land taxes are up by over 300 per cent since this government came to power: it has increased four-fold. It is about time the Labor government recognised that land tax actually affects everyone—nearly all the business in this state. However, the Treasurer does not seem to realise that nearly all the businesses in this state are small to medium sized enterprises and most of them

use rented premises to operate their business. If businesses are operated out of rented premises, then someone is paying land tax and that land tax has been passed on to that business and they are passing it onto their consumers. When the cost of doing business goes up, products and services become more expensive.

Furthermore, people who are the most vulnerable in the community are probably the ones in rental accommodation and, if landlords are paying land tax, then they are likely to increase the rent which will reduce affordable rental options for people in the low income group. Their rents go up because of land tax going up. The land tax is going up by huge amounts, yet this government does not seem to care. This is the highest taxed state in the nation. We were not always in that position but we have landed in that position because of this incompetent government. Now we have $1 billion in increased taxes and officially South Australia really is now the highest taxed state in the country.

In this budget there has been a huge number of increases, including rises in water rates, stamp duty, drivers' licence fees, vehicle registration and bus tickets, as well as fewer subsidies for country residents and the abolition of the first home buyer grant on existing homes. All this—the cuts and the tax increases—will hurt families and businesses. This government is blowing out the debt to a point where we will be back where we were after the State Bank disaster, where the people of this state will be paying approximately $2 million a day in interest.

The Leader of the Opposition has often invited people to think about what this state would look like if you could take that $2 million every day and put it somewhere useful—perhaps to upgrade a community centre such as The Parks Community Centre, to fund a small school or to save a country hospital—somewhere where it will benefit the community as a whole. All I can say in my concluding remarks is that this budget is a Halloween budget. It is a budget of broken promises and will hurt South Australia.

Debate adjourned on motion of Hon. I.K. Hunter.

MINING (MISCELLANEOUS) AMENDMENT BILL

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

No. 1. Clause 7, page 7, lines 37 to 39—

Delete subparagraph (i)

No. 2. Clause 7, page 7, line 40—

Delete 'the adverse' and substitute:

any adverse

No. 3. Clause 45, page 29, line 29—

After 'this section' insert:

, if the Court considers it to be just and appropriate in the circumstances of the particular case

No. 4. Clause 45, page 29, line 33—

After 'compensation' insert:

, after taking into account (to such extent as the Court considers appropriate) any compensation or other amounts that have been paid to the owner under the other provisions of this Act

No. 5. Clause 45, page 30, after line 2—

Insert:

(3) This section does not apply in relation to an exploration licence.

At 21:41 the council adjourned until Friday 29 October 2010 at 11:00.