

## HOUSE OF ASSEMBLY

Tuesday 1 May 2007

**The SPEAKER (Hon. J.J. Snelling)** took the chair at 11 a.m. and read prayers.

## CLIMATE CHANGE AND GREENHOUSE EMISSIONS REDUCTION BILL

**The Hon. M.J. ATKINSON (Attorney-General):** I move:

That the Climate Change and Greenhouse Emissions Reduction Bill be restored to the *Notice Paper* as a lapsed bill pursuant to section 57 of the Constitution Act 1934.

Motion carried.

## EQUAL OPPORTUNITY (MISCELLANEOUS) AMENDMENT BILL

**The Hon. M.J. ATKINSON (Attorney-General):** I move:

That the Equal Opportunity (Miscellaneous) Amendment Bill be restored to the *Notice Paper* as a lapsed bill pursuant to section 57 of the Constitution Act 1934.

Motion carried.

## CRIMINAL LAW (CLAMPING, IMPOUNDING AND FORFEITURE OF VEHICLES) BILL

**The Hon. M.J. ATKINSON (Attorney-General)** obtained leave and introduced a bill for an act to provide certain powers to seize and deal with motor vehicles in connection with certain offences and alleged offences; to make a related amendment to the Summary Offences Act 1953; and for other purposes. Read a first time.

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

That the bill be now read a second time.

The government's 2006 election pledge on hoon driving was to allow police to wheel-clamp a motor vehicle as an alternative to impounding it for an impounding offence; extend the period of police impounding or clamping from 48 hours to seven days; include as offences for which police may impound or clamp a motor vehicle and for which police may seek a court order for impounding or forfeiture the offences of graffiti vandalism and repeat offences of driving an uninsured motor vehicle, driving an unregistered motor vehicle, and driving without a licence.

The bill achieves these objectives, removes these laws from the Summary Offences Act 1953 and puts them in an act of their own. It adds further deterrence to hoon driving and associated offending and enhances the powers of the police and the courts to deal with vehicles in response to such offending in provisions that allow magistrates to extend the period for which a vehicle is to be clamped by police to up to 90 days. It increases from five to 10 years the period of previous offending to which a sentencing court may have regard in determining whether it has authority to impound or forfeit a motor vehicle. It allows the government to prescribe the offences to which the act applies by regulation and expands the regulation making power so that the regulations can also set procedures and guidelines for the enforcement of the act. It restricts police impounding or clamping to cases that are not expiated and are intended to be prosecuted, and gives police the authority to—

**Mr Goldsworthy:** Remember that time you wore your football jumper into the parliament?

**The SPEAKER:** Order!

**The Hon. M.J. ATKINSON:** Apparently the member is making a comparison between football and the imprisonment for eight years of Father Ly. The bill gives police the authority to impound or clamp a motor vehicle at any time until proceedings for the offence are finalised, and to do so by notice if it is not convenient to impound or clamp on the spot. It authorises the Commissioner of Police and the Sheriff to require a person to bring the motor vehicle that is to be impounded or forfeited to a designated place at a particular time, allows the impounding, clamping or forfeiture of any motor vehicle owned by the alleged offender, whether used to commit the alleged offence or not, and enhances the powers of the Commissioner of Police and the Sheriff to seize motor vehicles. The bill ensures that the proceeds of the sale of collected impounded vehicles and forfeited vehicles are applied in a way that protects the interests of the crown and credit providers and protects the rights of credit providers to vehicles the subject of the legislation.

I would have thought that the member for Schubert, far from objecting, would believe it is the right thing for a minister introducing such far-reaching legislation to give some summary of the effect of the provisions rather than insert it in *Hansard* without my reading it. In this report I explain how the bill will change the current law. In broad terms the current law to be found in part 14A of the Summary Offences Act 1953 allows police to impound a motor vehicle for up to 48 hours if there are reasonable grounds to suspect that a person has committed an impounding offence involving that vehicle and if they have charged or reported the person for that offence. Then, if a court finds the person guilty of that offence and the person is a repeat offender, it may impound or forfeit the motor vehicle. I seek leave to have the balance of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

## Police impounding and clamping for seven days

The Bill extends the period of police impounding from two days to seven days, to better deter drivers from the kinds of antisocial offending to which this impounding regime applies. The seven-day period will also apply to police wheel-clamping, which the Bill introduces as an alternative to impounding. The time in which police must give notice that a motor vehicle has been clamped or impounded has been correspondingly extended to 4 days.

## Time periods for impounding and clamping

The Bill provides that the first day of any period of impounding and clamping is the day on which the vehicle was actually impounded or clamped, whatever time of day that happened.

It also provides that the relevant authority (whether police or the Sheriff) is not obliged to release a vehicle from impounding or clamping outside ordinary business hours (these being between 9 am and 5 pm on any day other than a Saturday, Sunday or public holiday) and may remove clamps or release a vehicle from impounding before the end of the clamping or impounding period.

If, for example, police impound a vehicle at 10 pm on a Saturday night it will be liable to be released at midnight on the following Friday. That being outside business hours, police are under no obligation to release the vehicle then. They may instead release it earlier (for example, during working hours on the Friday) or later, at the earliest possible time within ordinary business hours after the vehicle became liable to be released (which will not be until the following Monday, if it is not a public holiday).

## Grounds for police impounding and clamping

The Bill changes the grounds on which police may impound or clamp in two respects.

It removes the requirement that, among other things, police must have reasonable grounds to suspect that the vehicle to be impounded or clamped was used to commit a relevant offence. That requirement

is replaced by a requirement that police must have reasonable grounds to suspect that a relevant offence has been committed (whether or not a motor vehicle was allegedly used to commit it). This change is necessary because the Government intends to add some offences that may be committed without using a motor vehicle to the list of offences for which police may impound or clamp vehicles.

It is for the same reason that the Bill also removes the requirement that for police to impound (or clamp) a motor vehicle for an impounding offence other than the offence of misuse of a motor vehicle, that offence must have been committed in a way that involves a component of the offence of misuse of a motor vehicle.

#### **Vehicles that police may clamp or impound**

The Bill also allows police to impound or clamp *any* motor vehicle owned by the person alleged to have committed the prescribed offence, whether it was allegedly used to commit a relevant offence or not and even though the offence was not one that is committed by the use of a motor vehicle.

Thus, if all other prerequisites for impounding or clamping are met but the alleged offender is driving a motor vehicle lent to him by a friend, police may either clamp or impound that vehicle or, instead, a motor vehicle owned by the driver. If the alleged offender was driving his own vehicle at the time of the offence, but owns another one, police can impound or clamp either vehicle. If the offence was not one committed by the use of a motor vehicle (for example, the offence of marking graffiti) but the alleged offender owns a vehicle, police may clamp or impound that vehicle.

#### **Clamping at an alleged offender's home**

It is intended that vehicles be clamped at the home of the alleged offender and not at the site of the alleged offence. Clamping on the roadside could compromise road safety and traffic management and expose the clamped vehicle to vandalism. The Bill prohibits the clamping of vehicles on public roads or any other area prescribed by regulation.

#### **Extending the period of police clamping**

The Bill authorises police to apply to a magistrate for authority to extend the period for which a motor vehicle is clamped for a suspected offence from seven days to up to 90 days. The magistrate is to take into account previous relevant offending, the seriousness of the current allegations, the likely effect of extending the period of clamping on the alleged offender's behaviour, the alleged offender's ownership and use of the motor vehicle that is to be clamped, and whether anyone would suffer financial or physical hardship as a result of extending the period of clamping.

Police must give notice of the application to each registered owner of the vehicle, to the holders of registered security interests in the vehicle, and, if aware that anyone else claims ownership of it or is likely to suffer financial or physical hardship as a result of the vehicle being clamped for longer than seven days, that person. The court must hear representations from people notified in this way or from any other person who requests to be heard on the ground that the order might affect them. A credit provider might argue, for example, that the proposed extended clamping period would leave the vehicle exposed to the weather or vandalism to such an extent that the resulting damage would significantly reduce its value.

#### **Notice requirements and credit providers**

Where relevant, the notice requirements in the Bill protect credit providers who have availed themselves of the opportunity to register their interest in a vehicle under the *Goods Securities Act 1986* (for example when the credit provider does not own the vehicle but holds a chattel mortgage over it) or under the *Motor Vehicles Act 1956* (for example when the credit provider owns the vehicle but finances it by lease or hire purchase arrangement).

#### **Release from police clamping or impounding**

The Bill requires police to release a vehicle from its clamps as soon as reasonably practicable at the end of the clamping period (that is, after seven days or after any longer period set by the court). It also provides that police need not release a vehicle from impounding or clamping outside ordinary business hours.

In other respects the provisions for release from clamping are the same as under the current law for release from police impounding.

#### **Police may impound or clamp at any time before proceedings finalised**

The Bill gives police authority to impound or clamp a vehicle at any time before proceedings for the alleged prescribed offence are finalised. They need not impound or clamp on the spot but may arrange to do so at a later time.

This will give police time, in cases that are less than clear-cut, to check the evidence for the charge before deciding whether to

impound or clamp it, given that the alleged offender will bear the cost of impounding or clamping only if found guilty of the charge. The ability to impound or clamp later is also useful when clamps are not immediately available or when it is difficult to determine on the spot which of the alternatives or impounding or clamping is the more suitable.

#### **Prescribed offences**

The Bill removes the list of offences for which vehicles may be impounded, clamped or forfeited from the Act and instead grants a power to prescribe the offences by regulation.

The category of 'impounding offences' is removed, because it is used in the current provisions to make a distinction between offences for which police may impound and previous offences that a court can take into account before impounding or forfeiting, a distinction that is no longer necessary under these new provisions. The distinction (that offences for which police may impound must have been committed in a way that involves a component of the offence of misuse of a motor vehicle, whereas the offences a court may take into account as previous relevant offences need not involve that component) will not be relevant because some of the offences that the Government intends to prescribe are not committed by the use of a motor vehicle or are offences in which the misuse of a vehicle is not a relevant characteristic.

All current 'prescribed offences' will be prescribed by the Government under this new Act. They are the offences of misuse of a motor vehicle (s44B *Road Traffic Act 1961*), failing to obey a police direction not to emit excessive amplified sound from a motor vehicle and associated offences (s54 *Summary Offences Act 1953*), driving at excessive speed (s45 *Road Traffic Act 1961*), driving under the influence of alcohol (s47 *Road Traffic Act 1961*), driving while having the prescribed concentration of alcohol in the blood (s47B *Road Traffic Act 1961*), dangerous driving (s46 *Road Traffic Act 1961*), and dangerous driving cause death or injury (s19A *Criminal Law Consolidation Act 1935*).

In addition, the Government intends to prescribe these offences:

- marking graffiti (s9 *Graffiti Control Act 2001*);
- the related offence of damage to property (s85 *Criminal Law Consolidation Act 1935*), to the extent that this offence involves graffiti vandalism. Some serious forms of graffiti vandalism are charged as damage to property;
- a second or subsequent offence of driving an uninsured motor vehicle (s102 *Motor Vehicles Act 1956*) and a second or subsequent offence of driving an unregistered motor vehicle (s9 *Motor Vehicles Act 1956*). Depending on the circumstances, investigating police can choose which offence to report or charge, or whether to report or charge both, and also whether to impound or clamp the motor vehicle for either possible charge;
- a second or subsequent offence of driving while one's driving licence is suspended, cancelled or disqualified (s91(5) *Motor Vehicles Act 1956*) and a second or subsequent offence of driving when one is not and never has been authorised to drive a motor vehicle (s74(2)(b) *Motor Vehicles Act 1956*); and
- the offence of driving with a prescribed drug in oral fluid or blood (s47BA *Road Traffic Act 1961*). This offence was enacted in 2006, after the enactment of Part 14A of the *Summary Procedure Act 1953*. Had it been enacted before Part 14A was enacted, it would have been included as an impounding offence because the conduct it prohibits is so similar to the conduct the subject of the impounding offence of driving while having the prescribed concentration of alcohol in the blood.

#### **No police impounding or clamping for prescribed offences that are expiated**

The Bill provides that police may not impound or clamp a motor vehicle if they have given the alleged offender an expiation notice for the prescribed offence, unless the notice is withdrawn before the offence is expiated (in which case the notice will be taken not to have been given). The intention is that police may impound or clamp a motor vehicle only when a prescribed offence is to be prosecuted. A prescribed offence that is expiated will, however, be counted as a previous prescribed offence for the purposes of court impounding or forfeiture.

Only one of the current impounding offences, and none of the proposed new prescribed offences, is expiable. That offence (the offence of driving at excessive speed) is an unusual case, being more serious than most expiable offences, but the immediate loss of

licence scheme that applies to it is sufficient to keep these drivers off the road.

#### **Police discretions about impounding or clamping**

Once police establish that there are grounds for impounding or clamping a motor vehicle, they still have a discretion whether to do either. Sometimes, for example, the impracticality of impounding or clamping or an obvious hardship to a person may persuade police not to impound or clamp at all.

The Bill does not set out criteria for police in making this decision. Instead it expands the regulation-making power so that police can make guidelines for the exercise of their powers to impound and clamp.

The decision about which alternative to choose, if impounding or clamping is appropriate, is also at the complete discretion of police, and may also be the subject of police guidelines established by regulation.

In practical terms, impounding is likely to be the default whenever clamping is impossible (for example, because there is nowhere to clamp the motor vehicle other than on a public road or because there are no clamps available) or undesirable (for example, because it would unduly obstruct vehicular or pedestrian access to premises by other residents) or too difficult (for example, because the owner of the premises cannot be contacted for permission to enter the premises to apply or remove the clamps).

#### **When police may impound or clamp**

Police need not impound or clamp immediately but may do so at any time until proceedings for the alleged offence are finalised. Police may, for example, postpone any action until equipment or personnel become available, or until they assess the evidence for the alleged offence, or to prevent severe hardship to someone who depends on the use of the motor vehicle at a particular time.

#### **Authority to require production of motor vehicle**

The Bill gives police authority to require the owner of a motor vehicle that is to be impounded to deliver it to a particular place at a particular time. This authority is also given to the Sheriff for enforcing court orders to impound or forfeit. It is an offence to fail to comply with a notice to produce a vehicle.

#### **Prohibition on sale or disposal of the motor vehicle**

When a person is reported or charged with a prescribed offence, and knows that his or her vehicle is liable to be impounded or clamped by police or later by the court, he or she may be tempted to sell or dispose of it, not only to avoid this punishment but also to avoid the fees associated with it. The current law deals with this by allowing police to give the owners of a vehicle that has allegedly been used to commit an impounding offence a written notice in prescribed form prohibiting its sale or disposal until after proceedings relating to the offence have been finalised.

The Bill maintains the current offence of selling or disposing of a vehicle in contravention of such a notice but alters the preconditions for the prohibition to reflect that it will no longer be necessary for a vehicle to have been used to commit a relevant offence for it to be liable to be impounded, clamped or forfeited and that the police will no longer be obliged to impound or clamp immediately.

It also provides that credit providers who exercise their rights under the *Consumer Credit Code* to repossess and sell motor vehicles that are the subject of such notices will not thereby commit this offence.

#### **Credit providers' entitlements to have vehicles released from police impounding or clamping**

If a borrower defaults on payment on a vehicle that has been impounded or clamped by police, a credit provider wishing to repossess and sell the vehicle may apply to the Magistrates Court for an order requiring the removal of the clamp or the vehicle's release from impoundment.

The court may make the order if satisfied that the rights of the credit provider would be prejudiced significantly were the order not made. A seven-day period of impounding or clamping is generally unlikely to prejudice the rights of a credit provider to a serious degree but an extended period of clamping may do so.

#### **Notice to credit providers of an application for a court order to forfeit a vehicle**

The Bill provides for people who have registered their interest in a vehicle under the *Goods Securities Act 1986* or the *Motor Vehicles Act 1956* to be included as people to be notified of an application to forfeit that vehicle.

A credit provider notified in this way may ask the court to decline to forfeit the motor vehicle on the ground that the order would severely prejudice its rights.

In practice, the options open to a court that recognises significant prejudice to the credit provider will be to decline to forfeit the vehicle or to forfeit it and also order that the credit provider be paid an amount from the proceeds of sale, after deduction of the costs of sale and outstanding fees. The aim of the forfeiture provisions being to deprive serious repeat offenders of their vehicles, forfeiture accompanied by a compensatory order should be the preferred option unless the credit provider is in a position to repossess the vehicle immediately.

#### **Notice to holders of registered security interests of the impending sale of an uncollected impounded vehicle**

The Bill, like the current law, authorises the Sheriff or the Commissioner of Police to sell an impounded motor vehicle when, within two months of it ceasing to be liable to be impounded, it has not been collected by a person legally entitled to its possession.

The Bill adds a requirement that the holder of a registered security interest in the motor vehicle be notified of the impending sale not less than 14 days beforehand. With the current requirement to notify registered owners of the vehicle, this provision will give credit providers the opportunity to exercise their rights under the *Consumer Credit Code* before the vehicle is sold or, failing that, to apply to the court for a share in the proceeds of sale.

#### **Credit provider applications for relief**

The Bill gives credit providers the right, at any time, to apply to a court for various forms of relief:

- an order requiring the removal of clamps from a motor vehicle. A credit provider should apply for this when seeking to repossess a clamped vehicle;
- an order requiring the release to the credit provider of a motor vehicle that has been impounded. A credit provider should apply for this when seeking to repossess a vehicle that is in police or court-ordered impoundment; and
- an order that the credit provider be paid an amount out of the proceeds of a sale of the vehicle under the Act from what is left after deduction of the costs of sale and any fees outstanding under the Act. A credit provider might apply for this when a vehicle that has been forfeited is to be sold (forfeiture extinguishing all other entitlements to the vehicle) or when a vehicle that has not been collected after being impounded is to be sold (should the credit provider not be in a position to repossess it before the sale).

Because any such order for relief could defeat the purpose of depriving the alleged or convicted offender of the vehicle, the Bill provides that it should not be made unless the court is satisfied that, were it not made, the rights of the credit provider would be significantly prejudiced.

To ensure all persons with a relevant interest in the vehicle the subject of such an application have the opportunity to speak to the court, the Bill requires the applicant credit provider to notify the Commissioner of Police (if the vehicle has been impounded or clamped by police), the Sheriff (if the vehicle has been impounded or forfeited by a court), each registered owner of the vehicle, each holder of a registered security interest in the vehicle, and, if the credit provider is aware that any other person claims ownership of the vehicle, that person.

#### **Fees for police impounding and clamping**

Under the current law, police do not collect fees for impounding or clamping. They are collected by the fines penalty unit when the court that convicts the person of the impounding offence orders that person to pay them.

The Bill clarifies

- that an alleged offender becomes liable for these fees only when found guilty of committing the prescribed offence;
- that if police apply to the court for an order for the payment of these fees upon conviction, and the sentencing court makes that order, the fees specified in the order will be recoverable by the fines penalty unit as a pecuniary sum within the meaning of the *Criminal Law (Sentencing) Act 1988*, and to the extent that they are unpaid when a forfeited or uncollected vehicle is sold, will be deducted from the proceeds of the sale and paid to police; and
- that if an order for payment of police fees is not sought and obtained, the only way to collect those unpaid fees is by ordinary civil debt recovery procedures, because they cannot be deducted from the proceeds of sale.

As a matter of practice, prosecutors should routinely seek court orders for the offender to pay fees for police impounding and clamping

- when applying for a court order to impound or forfeit an alleged offender's motor vehicle (and should also seek an order for the payment of the separate fees for court-ordered impounding); and

- on a prosecution for a first prescribed offence (when there is no application for court impounding or forfeiture).

#### **Repeat offending for court impounding and forfeiture**

The current law is that a court may impound the motor vehicle of a person found guilty of an impounding offence if, during the five years immediately preceding the date of the offence, the person has been found guilty of at least one prescribed offence, and may forfeit the motor vehicle if the offender has committed three or more previous prescribed offences.

This five year period is too short to catch all the serious repeat offenders at which this legislation is aimed, particularly given that a person may be imprisoned for more than five years for the most serious impounding offence (causing death by dangerous driving). The Bill increases the period in which previous relevant offending is to be taken into account to 10 years.

#### **Motor vehicles that may be impounded or forfeited by the court**

Under the current law, the only motor vehicle that a court may impound or forfeit is the one used to commit the impounding offence. This means that people who drive other people's motor vehicles to commit the offence can escape this penalty even though they may own a motor vehicle themselves. There would be a similar result when a person who owns a motor vehicle is found guilty of a new prescribed offence that is not committed by the use of a motor vehicle.

The Bill will allow a court to impound or forfeit a motor vehicle owned by the offender whether or not it or, indeed, any motor vehicle was used to commit the prescribed offence. The motor vehicle to be impounded or forfeited must be identified clearly in the application.

#### **Additional powers of seizure**

The Bill gives the Sheriff and the Commissioner of Police specific authority, when authorised to seize a motor vehicle under the Act, to do so from a place occupied by the person whose offending or alleged offending forms the basis for the exercise of powers under the Act. This authority is in addition to the current authority to seize without warrant from a public place or from private premises with the owner or occupier's consent. It will improve the enforcement of the impounding and forfeiture provisions.

#### **Allocation of the proceeds of the sale of impounded or forfeited vehicles**

The Bill maintains the current distinction between the way the proceeds of sale are allocated, depending on whether the sale is of a forfeited vehicle or of an uncollected impounded vehicle. The distinction is necessary because when a vehicle is forfeited to the Crown all other interests in it are extinguished, whereas impounding a vehicle does not have this effect and existing entitlements to the vehicle continue and can be enforced.

The Bill clarifies, in each case, the amounts that may be deducted from the proceeds of sale by the authority conducting that sale (either the Sheriff or the Commissioner of Police). These amounts include, for sales of both forfeited and uncollected impounded vehicles, the costs of sale and any fees ordered to be paid in accordance with this Act. For the sale of uncollected impounded vehicles only, the relevant authority may also deduct, after deducting the costs of sale and fees ordered to be paid in accordance with the Act, any other costs resulting from the failure to collect the motor vehicle.

After these deductions, the Bill requires a relevant authority, in either type of sale, to pay from what remains of the proceeds any amount that a court has ordered to be paid to a credit provider by way of relief. Finally, as under the current law, any remaining proceeds are to be paid to the Victims of Crime Fund (in the case of the sale of forfeited vehicles) or treated as unclaimed moneys the owner of which cannot be found (in the case of the sale of uncollected impounded vehicles).

#### **Additional offences**

The Bill adds further offences to the current offences associated with impounding and forfeiture of vehicles.

There is a new offence of hindering or obstructing a relevant authority exercising its powers under the Act. A relevant authority for police impounding or clamping is the Commissioner of Police or anyone he authorises to exercise his powers under this Part. A relevant authority for court-ordered impounding or forfeiture is the Sheriff or anyone he authorises to exercise his powers under this

Part. A person who prevents access to a motor vehicle that is to be impounded or clamped may commit this offence.

It will also be an offence for a person other than a relevant authority to interfere with a wheel-clamp affixed to a motor vehicle in accordance with this Act.

It will be an offence, without reasonable excuse, to refuse or to fail to comply with a notice from the Commissioner of Police or the Sheriff to produce a motor vehicle at a time and place specified in the notice.

The maximum penalty for each of these offences, as for the current offences, is a fine of \$2 500 or imprisonment for 6 months.

#### **Regulations**

The Bill expands the power to make regulations for impounding, clamping and forfeiture. It not only allows the prescription of fees by regulation but also the specifying of procedures and the prescription of guidelines for police and the Sheriff in the exercise of their powers. The regulations may also make further provision for the sale or disposal of impounded or forfeited motor vehicles in accordance with the Act.

Most importantly, the offences for which a motor vehicle may be impounded, clamped or forfeited will be prescribed by regulation, obviating the need to change the Act when new relevant offences are created or when existing relevant offences are renamed or changed.

#### **Summary**

The Bill is designed to expand current impounding and forfeiture provisions so that they deter and punish hoon driving and similar antisocial crime more effectively.

#### **EXPLANATION OF CLAUSES**

##### **Part 1—Preliminary**

##### **1—Short title**

##### **2—Commencement**

These clauses are formal.

##### **3—Interpretation**

This clause defines terms used in the measure.

##### **4—Powers under Act in addition to other penalties**

This clause makes it clear that powers under the measure are in addition to other penalties applying in respect of an offence.

##### **Part 2—Clamping and impounding of vehicles**

##### **5—Power to clamp or impound vehicle before proceedings finalised**

This clause empowers a relevant authority (police officers and others authorised by the Commissioner of Police) to clamp or impound a motor vehicle used in the commission of a suspected prescribed offence or a motor vehicle owned by a person suspected of committing a prescribed offence. The powers cannot be exercised unless the person is to be, or has been, reported for a prescribed offence and has been advised of that fact or has been charged with, or arrested in relation to, a prescribed offence. The powers are not exercisable if the offence is to be expiated.

##### **6—Period of clamping or impoundment**

Subject to other provisions of the measure, a motor vehicle is liable to remain clamped or impounded for a period of 7 days commencing at the start of the day on which it is clamped or impounded.

##### **7—Extension of clamping period**

This clause gives the Magistrates Court power to order extension of the clamping period up to a maximum of 90 days and sets out matters to be taken into account in considering an application for such an order.

##### **8—Removal of clamps or release of impounded vehicle**

Clamps must be removed, or the motor vehicle released from impounding, as soon as is reasonably practicable after the end of the relevant clamping or impounding period. The clause also provides that the clamping or impounding period will be taken to have ended if the Commissioner is satisfied—

- that the motor vehicle was, at the time of the offence, stolen or otherwise unlawfully in the possession of the alleged offender or was being used by the alleged offender in circumstances prescribed by regulation (where it is alleged the motor vehicle was used in the commission of the offence); or

- that grounds did not exist to clamp or impound the motor vehicle.

##### **9—Payment of clamping or impounding fees**

This clause requires a court, on application by the prosecution, to order payment of clamping or impounding fees (which will be prescribed by regulation) where the person is

found guilty of the prescribed offence or another prescribed offence arising out of the same course of conduct. If no such application is made, the fees may be recovered as a debt.

### **Part 3—Court orders for impounding or forfeiture**

#### **10—Interpretation**

This clause provides that for the purposes of an application for an order under the Part, a person will be taken to have been found guilty of, or to have expiated, a prescribed offence if the person has been found guilty of, or has expiated, an offence that is prescribed as at the date of the application.

#### **11—Application of Part**

This clause sets out the circumstances in which the Part applies to a conviction for a prescribed offence.

#### **12—Court order for impounding or forfeiture on conviction of prescribed offence**

This clause requires the convicting court, on application, to order impounding or forfeiture of a motor vehicle (being either a motor vehicle used in the commission of the relevant offence or a motor vehicle owned by the convicted person) if the person has previous convictions for prescribed offences as follows:

- if the convicted person has, during the period of 10 years immediately preceding the date of the offence, been convicted of 1 previous prescribed offence, the court must order that the relevant motor vehicle be impounded for a maximum period of 3 months;
- if the convicted person has, during the period of 10 years immediately preceding the date of the offence, been convicted of 2 previous prescribed offences, the court must order that the relevant motor vehicle be impounded for a maximum period of 6 months;
- if the convicted person has, during the period of 10 years immediately preceding the date of the offence, been convicted of 3 or more previous prescribed offences, the court must order that the relevant motor vehicle is forfeited to the Crown.

The court is also obliged to make an order regarding the payment of fees.

The clause also provides for the giving of notice of an application under the clause and for the hearing of representations from persons likely to be affected by an order under the provision.

#### **13—Court may decline to make order in certain circumstances**

The court may decline to make an order if the order would cause severe financial or physical hardship to a person, if the offence occurred without the knowledge or consent of any person who was an owner of the motor vehicle or if the motor vehicle has, since the date of the offence, been sold to a genuine purchaser or otherwise disposed of to a person who did not, at the time of the sale or disposal, know or have reason to suspect that the motor vehicle might be the subject of proceedings under this section. If, however, the court declines to make an order on the basis of severe financial or physical hardship to the convicted person and the court is satisfied that it would be reasonably practicable for the convicted person to instead perform community service, the court must order the convicted person to perform not more than 240 hours of community service.

### **Part 4—Powers of relevant authorities**

#### **14—Commissioner may give notice prohibiting sale of vehicle**

This clause gives the Commissioner of Police power to give an owner of a motor vehicle a notice prohibiting sale of the motor vehicle in circumstances where the sale of the vehicle might frustrate the exercise of powers under the measure. It is an offence for an owner of a motor vehicle to sell or otherwise dispose of the motor vehicle in contravention of such a notice (punishable by a maximum fine of \$2 500 or 6 months imprisonment). The court may, in addition, require payment by the person of an amount determined by the court to be a reasonable estimate of the value of the motor vehicle (and such amount must then be paid into the Victims of Crime Fund). The provision also provides for withdrawal of notices where appropriate.

#### **15—Relevant authority may require production of vehicle**

This clause allows a relevant authority to issue a written notice to an owner of a motor vehicle requiring production

of the motor vehicle for the purpose of exercising powers under the measure. An owner who, without reasonable excuse (proof of which lies on the person), refuses or fails to comply with a notice given under this clause is guilty of an offence (punishable by a maximum fine of \$2 500 or 6 months imprisonment).

#### **16—Seizure**

This clause provides powers of seizure for the purpose of the measure.

#### **17—Warrants for seizure etc**

This clause provides for the issue of a warrant for the purpose of seizing a motor vehicle.

### **Part 5—Miscellaneous**

#### **18—Offences**

This clause creates an offence of hindering or obstructing a relevant authority in the exercise of powers under the measure (punishable by a fine of \$2 500 or 6 months imprisonment) and an offence of interfering with wheel clamps (also punishable by a fine of \$2 500 or 6 months imprisonment).

#### **19—Liability of the Crown**

Under this provision no compensation is payable by the Crown or a relevant authority in respect of the exercise or purported exercise of powers by a relevant authority under the measure except that a relevant authority is not protected from liability in respect of the exercise or purported exercise of powers otherwise than in good faith and the Crown is not protected from liability in respect of damage to a motor vehicle caused otherwise than by the proper exercise of powers under the measure.

#### **20—Disposal of vehicles**

This clause provides for the disposal of motor vehicles that have been forfeited or have been impounded and then not collected within 2 months of the end of the period of impoundment. Disposal is to be by public auction or public tender unless the Sheriff or the Commissioner (as the case may be) believes on reasonable grounds that the motor vehicle has no monetary value or that the proceeds of the sale would be unlikely to exceed the costs of the sale or unless the motor vehicle has been offered for sale but was not sold. The proceeds of sale of an impounded vehicle are to be dealt with as unclaimed moneys (after deduction of the costs of the extra period of impoundment and the costs of sale) and the proceeds of sale of a forfeited vehicle are to be paid into the Victims of Crime Fund (after deduction of the costs of sale).

#### **21—Credit provider may apply to Magistrates Court for relief**

This clause allows credit providers (within the meaning of the Consumer Credit legislation) to apply to the Magistrates Court for an order for the removal of clamps or the release of a motor vehicle or for payment of an amount out of the proceeds of sale of a motor vehicle under the measure. The Magistrates Court may make an order if satisfied that the rights of the credit provider would be significantly prejudiced if the order were not made.

#### **22—Evidentiary**

This clause provides an evidentiary provision to facilitate proof of ownership of a motor vehicle.

#### **23—Service of notices**

This clause provides for the services of notices under the measure.

#### **24—Regulations**

This clause provides a power to make regulations for the purposes of the measure.

### **Schedule 1—Related amendment and transitional provision**

#### **Part 1—Preliminary**

##### **1—Amendment provisions**

This clause is formal.

#### **Part 2—Related amendment to *Summary Offences Act 1953***

##### **2—Repeal of Part 14A**

This clause repeals Part 14A of the *Summary Offences Act 1953*.

#### **Part 3—Transitional provision**

##### **3—Transitional provision**

The transitional provision provides for the continued operation of Part 14A of the *Summary Offences Act 1953*, as in force immediately before the commencement of this

measure, in relation to offences committed or allegedly committed before the commencement of this measure.

**Mrs REDMOND** secured the adjournment of the debate.

### **OCCUPATIONAL HEALTH, SAFETY AND WELFARE (PENALTIES) AMENDMENT BILL**

**The Hon. M.J. ATKINSON (Attorney-General):** I move:

That the Occupational Health, Safety and Welfare (Penalties) Amendment Bill be restored to the *Notice Paper* as a lapsed bill pursuant to section 57 of the Constitution Act 1934.

Motion carried.

### **RESIDENTIAL PARKS BILL**

**The Hon. M.J. ATKINSON (Attorney-General):** I move:

That the Residential Parks Bill be restored to the *Notice Paper* as a lapsed bill pursuant to section 57 of the Constitution Act 1934.

Motion carried.

### **ADDRESS IN REPLY**

**Mr PICCOLO (Light):** I move:

That the following Address in Reply to His Excellency the Governor's Deputy's opening speech be adopted.

May it please Your Excellency—

1. Through Your Excellency, we, the members of the House of Assembly, thank His Excellency the Governor's Deputy for the speech with which he was pleased to open parliament.

2. We assure Your Excellency that we will give our best attention to all matters placed before us.

3. We earnestly join in His Excellency's prayer for the Divine blessing on the proceedings of the session.

It is with great pleasure that I move the adoption of the Address in Reply. I commence by thanking His Excellency the Governor's Deputy for attending parliament last Tuesday in the absence of the Governor, Marjorie Jackson-Nelson. Of course, as members would recognise, the Governor's Deputy fulfilled the role extremely well. I also thank Kaurua elder, Lewis O'Brien, for his 'welcome to country' to commence the ceremonies last week.

His Excellency drew attention to the special occasion of last week's sitting. As we celebrate 150 years of responsible government in this great state, it is appropriate for us to reflect on the achievements of parliament and the people. A tradition was sown 150 years ago that has been consistently nurtured over the decades. South Australia has time and time again demonstrated through its parliament the propensity for nation—and indeed world-leading endeavours through its representative body.

As Her Majesty the Queen noted in her kind letter of congratulations read by His Excellency, South Australia was among the first societies in the world whose representatives were elected by secret ballot, a system Australia exported throughout the world.

The 19th century saw the institution of the Torrens title system through the Real Property Act which has since been used world wide, bringing stability and equity to the recording and transfer of property titles to countless millions of people.

His Excellency spoke about perhaps the most widely cited example of the tradition of forward thinking and far-reaching legislation from our forbears—women's suffrage. Not only was South Australia the first colony in the fledgling nation

to give women the right to vote: we were the first people anywhere in the world to legislate for women's right to stand for parliament. These achievements alone would be enough to ensure South Australia a place in history as a trailblazer of representative democracy, but the trend for visionary legislation continued—and indeed expanded—with the coming of Sir Thomas Playford. It is widely recognised that in many ways Sir Thomas Playford helped shape the state that we recognise today. Sir Thomas Playford encouraged industry, pursued a pragmatic approach to finance and began to enact social programs that benefited the less affluent. In many ways, Playford was ahead of his time, and this was undoubtedly reflected in his 27 years as premier.

Building upon the legacy of the Playford era, which had helped the state towards economic maturity, was the premiership of Don Dunstan. The Dunstan era marked a period of wide-ranging progressive social reform, the scale of which was reminiscent of the earlier achievements of the 19th century. The advancements in civil and land rights for Aboriginal people, legislation banning discrimination on the grounds of gender or race, social spending on hospitals, such as the Flinders Medical Centre and, ironically, the Modbury hospital, and promotion of the arts marked a high water mark in South Australian progressive politics.

His Excellency noted that, 150 years since its inception, the South Australian parliament continues to represent the will of all South Australians and that it can be proud of its unique heritage—a sentiment I am sure all of us in this place can agree upon. On Thursday 4 May 2006, when I delivered my inaugural speech in this place, I said that the fact that so many of my colleagues hailed from my side of the political spectrum was testament to the leadership and vision of the Premier. I went on to say that the clear majority that was returned at the state election represented an overwhelming endorsement of the Rann government. In addition, this decisive vote of confidence reflected a mandate for further reform and presented a challenge to the government to act boldly and decisively, as befitting this rare opportunity in the state's history. I warned that it would not suffice to accept the politics of yesterday or to act moderately in the hope of maintaining a new status quo. The electors had made their decision, and they voted to reward decisive, imaginative leadership.

Accordingly, I draw the house's attention to the achievements of the government during the previous session of parliament in order to provide some context for the legislative plans of the forthcoming session. The First Session of the 51st Parliament was consistent with the government's track record of progressive social policy combined with fiscal discipline. Having maintained a budget surplus for the 2006-07 financial year, South Australia was again rewarded with a AAA credit rating from international ratings agencies, including Standard and Poor's and Moody's. The social policy credentials of the first session of the 51st parliament were established early with the creation of the powerful Social Inclusion Board, led by the dedicated community leader and now commissioner, Monsignor Cappo. As noted by His Excellency, the board aims to help halve the number of people sleeping rough by 2010, as well as work towards positive outcomes for drug abusers and the disabled and improve school retention rates.

This government has taken practical measures to achieve outcomes in areas long neglected or overlooked. The establishment of the new Veterinary and Applied Science Centre at the Gilles Plains TAFE campus is a prime example

of this government's hands-on approach to meeting the growing demands of the community. The training centre features the only dedicated teaching laboratory in Australia, built to strict industry standards, for the containment of airborne contaminants. The centre will also make available, for the first time in South Australian facilities, full-time training in veterinary nursing. The success of recent events, including the World Police and Fire Games, which attracted thousands of people to Adelaide and the International Rugby Sevens World Series, together with events such as WOMAdelaide and the Adelaide Fringe, reflect the government's targeted results oriented approach to attracting tourism to the state. Complementing this approach to high-value tourism is the welcome new Adelaide airport, which has seen a nearly twofold increase in international flights since its first flight last year.

Continuing the theme of innovative, world-leading reform, last year South Australia became one of the first localities in the world to legislate against smoking in cars when children are present. This move, designed to protect children from passive smoking, was complemented by the Charter of Rights for Children and Young People in Care, released in April 2006, to provide recognition of the rights of children and young people in alternative care—also a national first. Another achievement from the previous session of parliament I will touch on today—and also an example of South Australia's being at the leading edge of social policy thinking—is the Young Indigenous Entrepreneur Program. It is the first program of its type in South Australia and helps young indigenous people between the ages of 15 and 25 to start their own business through hands-on involvement in entrepreneurial activities. The program helps this disadvantaged section of our community, through practical assistance, to build skills and create social and financial wealth.

So far I have spoken about the achievements of the preceding year. However, today is necessarily a day about the future. The achievements of the past stand as a constant reminder to all of us in this place of the high standards required of those who choose to serve the community. This second sitting of the 51st parliament will see progressive, civic-minded and fiscally responsible legislation put forward across the whole range of ministerial responsibilities. As His Excellency noted in his opening speech:

This sitting will see the government continue to work to extend the benefits of an expanded Olympic Dam to all South Australians.

The mine, upon completion, will be the biggest in the world and will have significant and long-lasting benefits for the South Australian economy. The proposed desalination plant to be constructed in the Upper Spencer Gulf will support this project and contribute to the expected 23 000 direct and indirect jobs that will accompany the expansion.

The revitalisation of the state's northern suburbs (an area dear to my heart, of course) will continue with a \$6 billion air warfare destroyer contract, the largest defence project in Australian history. This is another example of South Australia at the leading edge of a world-class industry. The air warfare destroyer contract and a new battalion stationed at Edinburgh air base will create jobs and stimulate the economy of the north and beyond and will particularly benefit my electorate of Light.

The government's commitment to providing the infrastructure necessary to accommodate the state's continued growth is evident in the planned Northern Expressway project. This \$550 million project, which runs through my

electorate of Light, will be the largest road construction project in South Australia since the 1960s—I repeat: the largest road construction project in South Australia since the 1960s. It will strengthen the state's regional economy, reduce the impact of freight traffic on local roads, and benefit local communities.

Of course, speaking of the enduring legacies that this place has witnessed over the past 150 years (as noted in His Excellency's speech) helps to focus one's perspective on the major issues facing us as a state today. The River Murray is as vital to South Australia's continued prosperity as it was for our forebears, and its denigration is cause for national embarrassment. That is why the government is committed to transferring the management of the River Murray to an independent regulatory body to oversee the river system as a whole and ensure that adequate irrigation and environmental flows are directed from the upstream states.

**The Hon. M.J. Atkinson:** Way above depreciation. You weren't even keeping up with depreciation.

**The SPEAKER:** Order!

**Mr PICCOLO:** Mr Speaker, I thought I had the floor. His Excellency noted in his speech that this session will also see the government's unswerving commitment—I repeat: unswerving commitment—to education and training continued and extended. Six new schools, as part of the \$260 million Education Works initiative, will continue to be developed. Complementing this initiative will be 10 new trade schools, the first of which will open this year. This government's commitment to education and training represents the world's best practice and will continue to set the benchmark, enabling the next generation of South Australians to succeed in a rapidly changing global marketplace.

This year at least six new children's centres will officially open as part of the \$23.3 million investment to create 20 children's centres across South Australia. I am pleased to note that there will be some in my electorate. The centres will provide one-stop-shop support, including education, health and family services for families with young children. Up to 600 extra child care places are being provided through this initiative.

As His Excellency noted, the government will continue to fight for the rights of victims of crime and add to the reforms already enacted to ensure that serious offences are dealt with in a manner consistent with the community's reasonable expectations. This session of parliament will be sensitive to the needs of the state's more vulnerable citizens. This session will see enacted reforms into mental health in line with the recommendations of the Social Inclusion Board. Further reforms will bolster the state's public health care system and the roll-out of GP Plus clinics will continue.

In his speech, His Excellency noted that arguably the most significant work that will be undertaken in this session of parliament will be that conducted to advance a national emissions trading scheme. The plan, in conjunction with the other states, will be the largest effort yet undertaken in this country to address the most threatening issue of our time—that is, global warming. Having spoken of the challenges confronted and overcome by those who preceded us in this place, it is hard to imagine a bigger threat than global warming. I hope that the steps taken in this place at this time will be looked back upon as some of the first steps taken to overcome this enormous threat to our very way of life. Having already introduced Australia's first climate change and greenhouse reduction bill into parliament, committing the state to sourcing 20 per cent of its energy needs from

accredited green power, this parliament stands ready to confront the challenge of climate change.

In my maiden speech, just three days short of one year ago, I spoke of the hardship my parents endured as they grew up in Italy during the 1930s and 1940s. It was a time when ordinary workers had little, if any, protection in the workplace and were subjected to huge injustices. The war effort meant that most of the crops were confiscated by the authorities to feed the soldiers overseas. My father and his family suffered from immense poverty. This is why I am a proud advocate for the role of unions in political and industrial processes. Unions have long been the rallying point for those committed to advancing the lives of the marginalised and the underprivileged in our society. This role is taking on ever more importance in the new world economy. Unions remain committed to the equitable and just industrial arrangements that protect our society's values in the face of corporate and political greed.

On 29 June 2006, I rose in this place to speak in support of the working men and women of South Australia who have seen their rights to earn a fair wage and associated conditions, and to work in a safe environment, stripped away by the federal Howard government through its so-called WorkChoices legislation. At the outset I stated my opposition, and continue to do so, to the Howard government's extreme industrial relations laws. They do the very opposite to what they claim. They are draconian and reduce the rights of both workers and employers to negotiate on a level playing field. Howard's industrial relations laws are designed to do two things—

*Mr Pengilly interjecting:*

**The SPEAKER:** Order! I apologise to the member for Light. Unless the member for Finnis has been promoted without my knowledge, he is interjecting out of his seat.

**Mr PICCOLO:** Thank you, Mr Speaker. Howard's industrial relations laws are designed to do two things: drive down the wages and conditions of ordinary Australians and prevent unions from effectively representing their members. These harsh and unjust laws are designed to silence the unions and hamstring ordinary workers. In my speech on that day I gave an example from my electorate where a workplace delegate for the Liquor, Hospitality and Miscellaneous Workers Union was sacked on the alleged grounds of workplace bullying. What was this employee's alleged crime? The employee worked in the aged care sector. As an aged care worker and as a workplace delegate the employee cared for both the aged, frail and vulnerable residents of an aged care facility, and her fellow workers. She had the courage to speak out about the mistreatment of one of the elderly in the aged care facility.

This case raises some serious questions about the effectiveness of new mandatory reporting laws. If the workers cannot protect the elderly in our aged care facilities, who will? It makes a mockery of the mandatory reporting laws. Who will make a report when their livelihood is at stake? Who will protect the most vulnerable in our society? No-one, under Prime Minister Howard's laws—only a federal Rudd Labor government can do that.

The ongoing dispute at the local Bridgestone Australia plant is also an example of the negative effect that the WorkChoices legislation is having on working families. For many years workers at the plant have accepted moderate wage increases, and in the recent round of collective bargaining sought an increase to at least match the cost of living increases over the relevant period. After lengthy and protract-

ed negotiations failed to achieve any satisfactory outcome, the workers took protected industrial action. So, what did the employer do? Did it go back to the negotiating table? Did it reflect on its offer? No. It locked the workers out without pay. So, hundreds of ordinary workers and their families suffered as a result.

*Mr Pisoni interjecting:*

**Mr PICCOLO:** The member opposite says, 'Hear, hear.'

*Mr Pisoni interjecting:*

**Mr PICCOLO:** If you think it is appropriate for people to go hungry, etc., that is your choice, but not on our side. So, hundreds of ordinary workers and their families suffered as a result. Why is WorkChoices bad law? Because it creates a corporate culture where employees are seen as a cost and not as an asset. Because when disputes arise there is no independent umpire to help settle them. I am pleased that under a Rudd Labor government fairness will be reinstated into our industrial relations system.

In my maiden speech, I spoke about the Peachey Belt community and how it is the heart and soul of the Labor community. I look forward to working with the community to once again make it a proud place for all to live in. I also stressed how the state government's billion-dollar development is a transformation and not a make-over. I am pleased that work will commence shortly on the first stages of this exciting, bold and visionary project.

In my maiden speech, I expressed concern about the current over-emphasis on individualism and rationalist economic policy and how it unnecessarily pitted people against one another, generating a social and industrial environment that habitually disenfranchises the most disadvantaged in our society. The state of any community can be measured by a number of factors, such as employment levels, home ownership, or average income. While important, such dispassionate market-driven assessment of human experience masks the sometimes unpleasant reality of our social progress. Instead of focusing on mere numbers, I believe that a much simpler test provides more valuable insights.

I continue to believe that a balance can and must be found between the interests of the market and the needs of the community. A purely free-market approach to governance has produced an environment where consumption reigns at the expense of the community. The conservative dogma espoused by the devotees of economic rationalism is diametrically opposed to the true wealth derived from sound relationships and fulfilling lives. In previous speeches I have called for governments to embrace change and pursue the needs of all constituents and not just the top end of town, and that we need communities that are supported to the degree befitting the value of relationships and the society they represent.

The debate must change. Social inclusion must become the catchword of our time. The time of economic fundamentalism has passed; the time for inclusive governance has arrived. The appointment of the Commissioner for Social Inclusion is testament to this government's commitment to social justice. During my campaigning for office and my first year as an MP, I have met many men who feel they have been alienated by society and who increasingly have found negative ways to express their frustrations and anger.

In my maiden speech, I indicated that I was keen to establish and/or support (as the case may be) forums for men in my electorate to focus on unique afflictions and social issues confronting men in today's society. At the time, I expressed my concern that some may deride the need for a



men's support group in a world that still maintains genuine advantages for men; however, I believe that such arguments should not be an impediment to addressing the significant difficulties confronting men in our communities. Issues, including male youth suicide, depression, prostate cancer, and violence, require a forum, a place to generate ideas and action, a place where men can seek advice from others who have experienced and triumphed over these issues.

On 5 June last year I reiterated to the house the importance of addressing the growing problem of depression and suicide amongst men. Having met and spoken with a number of people in government and non-government agencies and community groups regarding the state of men's health in this country, I continue to believe that my original concerns are still well founded. I am pleased to advise the house that a men's health group has been established in my town. I wish to acknowledge the support of the CEO, Mr Eric Moen, and the Director of Community Services from the Gawler Health Service, Ms Debbie Martin, in establishing this group. This group is now well supported through the considerable efforts of Mr Aaron Phillips, the fatherhood worker in the area.

I also note that the Men's Health Task Force established under the previous health minister, the Hon. Lea Stevens, will shortly issue a men's health policy designed to give focus and direction to tackling men's health issues in this state. As many in this chamber would be aware, I have spent most of my adult life serving my community through local government. In my maiden speech I indicated that I felt that the time was ripe for further major reforms of local government. It was my view—

*Mr Goldsworthy interjecting:*

**Mr PICCOLO:** Wait for it—that the community was seeking changes to the governance structures in local government. I look forward to participating in discussions that will enable local government to lead the reforms and provide more effective governance to their communities. Since that day I have spoken on many occasions about local government governance and in particular the problems associated with the breakdown of effective governance structures at the Light Regional Council.

The parliamentary record shows that those opposite criticised me for raising these important issues, and they continue to do so today. I was accused of not demonstrating enough respect for local government and of having a vendetta against Light Regional Council and, on 8 March this year, *Hansard* records the member for Schubert stating that he had warned me on a number of occasions about raising these matters in this place. I can say with some confidence that history is likely to judge me kindly on this issue.

On the broader issue of local government governance, I still strongly believe that there is considerable, if not dramatic, room for improvement. Evidence presented to the Economic and Finance Committee, as well as examples provided by my colleagues in this place, clearly indicates that local government governance still requires reform. While the Leader of the Opposition yesterday flagged his support for the voluntary amalgamations of metropolitan councils—and I am not clear why only metropolitan councils should be singled out—changes to council boundaries will not automatically lead to better local government: the culture within local government needs to change as well.

In a previous life as mayor of the town of Gawler, I conducted hundreds of citizenship ceremonies and I had many discussions with those people who had taken the leap to become formal members of the Australian community, as

I did in 1979. Through that, I gained invaluable insight as to why they had chosen to take the oath of allegiance. I find the changes to the citizenship process enacted by the federal Howard government insulting and counterproductive. The decision to become an Australian citizen is one of the heart, not of grammar. On 19 September last year, I expressed a view to the house that there could not be a stronger statement by a migrant about the sense of belonging than by choosing to become an Australian citizen. It is a privilege for migrants to be granted Australian citizenship; equally, it is an honour for this nation that a migrant should choose to become an Australian citizen.

Migrants come to this country for a variety of reasons and from a range of circumstances. My parents, as I did, came from Italy to Australia in the early 1960s to overcome years of economic hardship and to give their children a better future—a story told many times across this nation. They achieved that goal and they had pride in becoming Australian citizens. However, I take personal offence, as do many migrants, at the changes to the citizenship laws introduced by the federal Howard government. My mother, for example—

*Mr Pisoni interjecting:*

**Mr PICCOLO:** Just wait and listen; you might learn something. My mother, for example, has lived in this country for over 44 years. She has raised three children and she has worked very hard in doing so. I take offence that the federal government has now decided that my mother is not a fit person today to become an Australian citizen. While my mother can speak some English for everyday living, she would not pass a written English test—nor would some members opposite, I might add. Some would argue that perhaps she does not deserve to be an Australian citizen for that reason. I remind those people that my mother, like many other women of her generation and circumstances, did not attend school and did not have an opportunity for education in her country of birth. Learning a new language is difficult; my mother can neither read nor write in Italian. My mother has been a law-abiding and hardworking woman, and for the federal government to now say that she is not fit to become an Australian citizen is degrading and an insult and it diminishes this great nation of ours.

The new citizenship laws discriminate particularly against women and the poor—the two groups that are less likely to have access to education in their country of birth. If you look at all the statistics, often it is the poor and women who are worse off in terms of access to education. By denying them citizenship, our federal government will be compounding that discrimination. I fully support programs that encourage and enable migrants to learn English. It benefits all of us when migrants speak English and learn to read and write, but to make it mandatory is the reintroduction of the White Australia policy by stealth. Citizenship should be a unifying process, not a divisive one—and I stress that.

On 8 June last year, I touched on the growing debate around multicultural policy. Those opposed to multiculturalism spoke as if culture stood still. In reality, all cultures develop and change over time. Multiculturalism is about integration and respecting and valuing our diversity. It is where we come together as one people, one country, irrespective of our cultural origins, in order to celebrate what we have in common—that is, our humanity.

On 28 April 2006, I sat in this place for the first time. Since that date, I have enjoyed the support and friendship of many in this place. I thank them for that. I also acknowledge the continuing hard work of my electorate office staff, who

spend many more millions of dollars and risk the local community. **Mr PISONI:** It is an impossible task, I agree, but one that is worthwhile. Last, but certainly not least, I acknowledge the ongoing support of my family and, in particular, my sons Raffaele and Stefan. At times, they have become de facto local members.

In his speech His Excellency spoke of our proud democratic history, the aspirations of the settlers who came to this state, and the good work performed by the many who have come through this place before us. Let us pray that the legacy we leave is at least as good as the one we have inherited. Mindful of the comments made by the former leader of the opposition during the condolence motion for the late Senator Jeannie Ferris, I am reminded of the comments made by the previous Labor member for Light, Mr Sid McHugh. Elected in 1941, he described a member's responsibility in the following terms:

Good men and women will strive for power, not for its own sake, but for the purpose of doing good and sharing their great love for mankind.

As only the second Labor member for Light, I add to that worthy sentiment by saying, 'Hear, hear!'

**Mr PISONI (Unley):** I rise to respond to the Lieutenant-Governor's opening address to the parliament. I note that during the Second Session of the 51st Parliament the state government intends to continue to foster prosperity, growth and opportunity. That is most laudable, of course, and apparently all within the framework of the strategic plan. It is always good to have a plan, but to have the luxury of being able to put into practice a plan, you need to have the finances to do so. Thankfully for the Rann government, the state Liberals fixed up the economic disaster of the State Bank that the government and this Premier were part of and created. No doubt it was in the interests of tact that the Governor's Deputy omitted references to this dark chapter in South Australia's history when he described the achievements of South Australia's parliament over the last 150 years.

The luxury of having the finances to allow the implementation of a plan is very much the result of the federal Liberal government's economic and taxation reform, including the introduction of the GST. Labor members opposite and their hired guns, the trade union movement, of course opposed any change at the time. They stormed Parliament House in protest at the first round of changes to economic policy in 1996, and I note that Labor frontbencher Jennie George was in the thick of the protest. It was an absolute disgrace to see the doors of our Parliament House smashed in and riot shields being stolen from police officers and used as weapons against them. They ran a misleading scare campaign on the GST much like we are seeing now with regard to WorkChoices. But they were wrong then and they are wrong now. They are happy to swim in the extra revenues of the GST and the payroll tax that both these reforms have provided this state. There is an increase in payroll tax because of the increase in employment that is directly related to the good economic management of the Howard government and the WorkChoices reforms.

The Treasurer is happy to take credit for the AAA credit rating delivered to him by the tough and responsible policy decisions that he opposed on every occasion, and these police decisions were made by his Liberal predecessors Stephen Baker and Rob Lucas. It should be noted that many of the initiatives and projects which will, in fact, bring positive outcomes to this state are the result of the state and federal Liberal Party's initiatives and reforms. There is the new

airport and runway extension; the Ghan extension to Darwin; the Port River Expressway; the transfer of the battalion to South Australia from New South Wales; and, of course, as the member for Light mentioned, the air warfare destroyer, and I give a special thank you to Liberal minister Robert Hill, who was responsible for that coming to South Australia.

There are the changes made by Liberal Senator Amanda Vanstone with respect to the immigration policy, which has enticed immigrants to settle in South Australia rather than the more internationally-known states of New South Wales, Victoria and Queensland. It is just a pity that Multicultural SA is not there to support them when they arrive. I could go on to mention the Heysen tunnels, the Bolivar pipeline, the Starfish Hill wind farm, the Clipsal 500 and the Tour Down Under—all initiatives that were put in place by Liberal governments. It should not be forgotten that former Liberal premier Sir Tom Playford set up the Adelaide Festival of Arts and the fringe events in 1960.

In terms of putting South Australia on the cultural map, it is heartening to note that the state government intends to work closely with BHP Billiton to facilitate and negotiate an indenture to underpin the Olympic Dam expansion. How things have changed since the Roxby Downs indenture bill was rejected by Labor leader John Bannon on the advice of the author of the anti-uranium document entitled 'Uranium: play it safe'. His key adviser at that time, of course, was a young New Zealander named Mike Rann. However, the Mike Rann who was prepared to scare the Labor Party and South Australians away from the economic advantages of Roxby Downs and mining uranium and copper resources in this state with fears of cancer-causing radon gas is now encouraging the notion of tourists observing the mining process at Olympic Dam from the Premier's viewing platforms.

Small business is the largest employer in the state, and so to foster prosperity, growth and opportunity for South Australians this sector must be assisted in every possible way. The fact is that 235 000 South Australians are employed by small to medium enterprises, but what is small business faced with under the state Labor government? It is faced with a bloated and politicised Public Service which is struggling to deliver essential services but which is keen to wrap business in red tape. Small business faces a government which does not understand business and a cabinet which is a business experience free zone. Why else would South Australian businesses have to suffer the highest payroll tax and the lowest payroll threshold in the country—a threshold of \$540 000? And do not forget that all employee entitlements (including superannuation payments) are included in the equation.

At a time of record wages growth, due to the Howard government's strong economy and economic policies, there has been no adjustment to the threshold. This may have been fine in the Labor Party days when wages actually went backwards under the agreement with the unions. However, this means that, because of the wage growth we are getting from the Howard government, we are seeing many small family businesses now paying a tax that was designed to apply to much larger and established businesses.

Businesses that employ only six or seven people are now caught under the payroll tax umbrella. The Rann government continues to take small business as suckers, and I can understand why it does because it does not understand small business itself. Small business in this state also suffers the highest average WorkCover levy in Australia, and an unfunded liability that has blown out from a manageable

\$67 million under the Liberals to an out of control \$700 million under Labor. That is a tenfold increase in just five years. This poses an enormous threat to small business confidence in this state.

WorkCover SA offers the most generous benefits in the country, and trade union leaders have been told by minister Wright that workers' benefits will not be cut as part of the government's attempts to wind in the unfunded liability. We remember those famous radio interviews with Nick Thredgold, President of SA Unions, when he was asked whether he had obtained a commitment out of the government that there would be no cuts to benefits. The President of SA Unions said:

We've got the commitment from the appropriate minister and that's Michael Wright—yes!

He continued:

My understanding is that we have verbal commitments from the minister that employee entitlements will not be cut. . . Michael Wright is a man of his word [and] we are confident that the commitment we have been given from him will be upheld.

So, this government has half the leaders of change locked up. Small business will be forced to bear the full costs of winding back the unfunded liability. Labor will do what Labor does best, that is, make business pay by increasing the levy and move more of the administrative burden onto small business. In order to thrive and create jobs, wealth and opportunity the small business sector needs a modern, flexible workplace relations system. The mums and dads who run small businesses should be free of the fear of speculative unfair dismissal claims made to extort them for profit.

Small business employers, whose life savings are invested in their business, should have the right to run those businesses as they need and employ the people they believe will most benefit their business. They should be able to remove staff who steal from them and staff who make no effort to work with others or who repeatedly disobey instructions from their managers. They should be able to make their own staff arrangements without the fear of being fined thousands of dollars or being bullied into paying 'going away money' because their legal adviser told them that it would be cheaper for them to do so, even if the termination was fair.

It is of no coincidence that the majority of unfair dismissal laws against small business are settled out of court, even if the business owner has no case to answer. It is cheaper than winning in court, because costs are not awarded in favour of the business, even if it is found to have no case to answer. The new Rudd plan, which was announced over the weekend, will make things even worse for small business. Small business will not be allowed to have legal representation under the new Rudd plan. However, the employee can have a union representative, and my guess is that they will hold a law degree.

I have given notice of a motion for this house to reject the proposal by federal Labor leader Kevin Rudd to reintroduce regressive unfair dismissal laws if elected. People do not just have to take my word for it. Paul Kelly of *The Australian* said the following about the rest of Kevin Rudd's new industrial relations policy:

It is a giant step into the past, indeed, so sweeping is Labor's embrace of the principles of collective power and re-regulation that it must be wondered whether Rudd fully comprehends what he has done.

Kelly went on to say, 'Key sections were kept from business before the announcement.' That is how business friendly this policy is—and the architects of this policy are the left wing's

Julia Gillard and the ACTU's Greg Combet. I can just imagine the two of them referring to the light on the hill for inspiration as they were writing this policy over a latte, a chardonnay and a canapé at working-class Darling Harbour over the weekend. Kelly continued:

At this point Labor loses the goodwill of big business and the hope of winning small business and the dream that it stands for entrepreneurship.

Labor's promise to punish business should come as no surprise. Because this state government is going to rely on BHP and its expansion of Olympic Dam, in particular, to ensure South Australia's economic viability into the future, it should be championing the right of BHP to pass comment on Kevin Rudd's proposed industrial relations agenda. As a major investor, employer and taxpayer in this nation, it already employs over 2 000 people in this state alone. BHP has every right to comment on a policy that could potentially affect its investments and its workers. The Deputy Leader of the Labor Party and the left's Julia Gillard has already warned business not to become involved in the vital IR debate, because it could get 'injured'. Is this her code for ALP and union retaliation and intimidation?

I note that federal Labor has made no such calls for the union movement to abstain from the debate, and it is clear that it will continue to spend tens of thousands of dollars promoting its antiquated views on IR. There is no doubt that business in South Australia would appreciate Mr Rann and his appropriate ministers putting the long-term interests of this state first by requesting Julia Gillard to pull her head in.

The federal ALP has trashed any hope of building a constructive relationship with business and employers in South Australia. Small business, in particular, has already expressed fear of being sent to the wall by the extra job destroying costs that Labor would impose if elected. Once again, the Labor paymasters—the unions—which represent only 15 per cent of the private sector workforce, will be dictating to small business a regime of inflexibility and unreasonable demands. The national affairs director of the Australian Hotels Association, which represents a large group of small business employers in South Australia, said as follows:

We're particularly concerned about the proposal to change the unfair dismissal laws because we believe that, psychologically, that will have a big impact on our people deciding to employ people permanently.

The attitude of the Rann government towards small business growth in South Australia is shown by the last (and much delayed) state budget—a drop in small business growth programs funding from the previous year of \$2 million, or roughly 40 per cent. Of special note was the dramatic decrease in grants and subsidies for small business, which dropped from nearly \$2 million to \$65 000.

Union membership is the price of entry to Labor decision making. Kevin Rudd was reminded of this when questioned on the ABC last weekend—and, after a bit of a think, he picked the Community and Public Sector Union as his ticket to Labor democracy. As federal Labor looks to the past to cobble together an IR policy, the small business community in South Australia should be under no illusion that its state Labor government supports the notion that Labor's workplace policy will always be dominated by the views of the AWU, CFMEU, AMWU, SDA and the myriad of other faceless union funders of Labor campaigns, which, of course, represent only 15 per cent of workers employed in the private sector.

This coming election is all about saving the trade union movement, because under WorkChoices we are seeing employees making their own arrangements with their employers and cutting out the middleman. The trade union movement lost 125 000 members in just 12 months, as workers take control of their own lives. The true attitude of this government towards small business (whose ministers generally owe their place in this parliament to unions) can be gauged by its priorities. While funding is pulled from programs to promote small business growth, minister Wright, through the Health and Safety Workplace Partnership program, will be providing South Australian unions with \$1 million per year for three years—supposedly to help improve workplace safety. It is certainly a partnership—a rather cosy one—between this state Labor government and its union backers.

It is a poor trade for South Australian small business and its employees to have funds redirected from growth initiatives to union recruitment and small business wrecking programs. I note that the Minister for Small Business (Hon. Karlene Maywald) is permitted via clauses in her signed agreement as a National Party member of the Labor cabinet to disagree with cabinet decisions which may be inconsistent with her non-affiliation with the ALP, or which may affect the business community. Presumably, then, the Minister for Small Business agrees with this redistribution of funds from the small business community to the unions, as a quick check of press releases and *Hansard* shows that she has remained silent on this issue. The price of holding her spot as a minister in a Labor government is paid for by the small business community—a minister who cannot afford to push for business taxation reform.

However, as it has proved to be in the eastern states, this type of funding is likely to be a redistribution of taxpayers' money indirectly through affiliated trade unions into Labor's campaign war chest to supplement the taxpayer funded government advertising which Premier Rann has made an art form of abusing for political gain. We are told that state Labor is very cashed up—and is it any wonder! Small business knows full well the price of dealing with this state government. Apart from the lowest payroll tax threshold at the highest rate in the nation and excessive WorkCover levies, business leaders are even fleeced by the Rann government to be heard through the South Australian Progressive Business forum. What does the Rann government say it does for business?

In 2003, the Rann government established SA Progressive Business 'to link Labor and the business community'. The website states:

South Australian Progressive Business is a forum designed to ensure Labor and business remain in touch with each others views and aspirations.

The website goes on to explain that the Rann government is seeking to build on its achievements and develop closer relationships with the business community. However, I think that this line describes Labor the best:

SA Progressive Business provides a unique opportunity for business to meet with Labor leaders. . .

I think that describes this government perfectly. When business meets with Labor, it is a unique opportunity because this government does not understand business: it has no business experience. However, there is a catch because there is a cost to you. You can buy breakfast and twilight ministerial briefings for \$500 a head, or a corporate special for \$2 500

which allows you to bring three friends along, or you can pay \$10 000 for foundation membership. In other words, paying for consultation. Businesses are being forced to pay for consultation that should be provided to them free of charge under the banner of fair and democratic government. This is how Rann gets results.

The trade unions, through the Labor Party, have come a long way since offering not to break your windows in exchange for a fee. The Rann Labor government is happy to foster communication between itself and the business community, as long as the business community makes a sizeable contribution to Labor's campaign funds. A prominent business trade association head, Mr Frank Agostino, of the MTA, recently pointed out:

This is a government which is very good at consulting, very good at listening, never good at agreeing with our concerns, but very short on action.

Small businesses are increasingly frustrated by continued high business costs such as land tax, payroll tax, WorkCover levies and TAFE training fees for apprentices. Remember, it was Mr Rann, as minister for further education and training in the Bannon government, who introduced TAFE fees for apprentices in the first place.

Despite record revenues flowing to the state via the GST, and huge windfall gains in state-based taxes such as payroll tax, stamp duty and land tax, this government has dropped the ball on providing incentives to business in critical areas of the economy such as manufacturing, particularly by way of state-based taxation reform. Business investment in South Australia is almost at a standstill and it will take more than a timely mining boom—based largely on the uranium that Premier Rann once saw as the basis of all evil in the world—to allow us to even try to keep up with the growth of other states.

My seat of Unley is known for the number and diversity of small businesses and I maintain close contact with the small business community—I was for many years one of their number. From experience I can relate to their frustrations with this state government as investors, employers and taxpayers. The message I am receiving is that they are fed up with spin and arrogance and with a state government that ignores and dismisses their needs and concerns. It would appear that this state government has a real problem. Recent surveys by Bank SA, Sensis Business Index and Business SA indicate that South Australian small businesses are the least optimistic in the nation about jobs growth and ongoing profitability. This is proof that the Rann government is failing to foster growth in this important sector and that small businesses are voting with their feet and setting up interstate.

For the sake of prosperity, growth and opportunity, it is hoped that small business, the powerhouse of our state, will be more favoured in the upcoming budget; however, I do not believe that small business will get even a toe in the door, as this is a government which could be defined as being more concerned with the fluffy, 'feel-good' media grab issues than issues of real substance. Small business is not fluffy; it is the nuts and bolts of our economy, often working behind the scenes and away from the media opportunities that are a prerequisite for the Rann government to act.

Talking about 'fluffy', we see serious problems in the area of consumer affairs going unaddressed while our attention is repeatedly drawn by the minister to the perils of a white Transit van selling loudspeakers, or Darren and Jimmy, the two dodgy roof painters from Western Australia, or to email scams from Nigeria. Surely a proper program aimed at

tightening the marketing practices of those in the mobile phone industry and of payday lenders, who peddle expensive credit to our youth, could take priority over warning them about SMS dating scams.

Just as the young show alarming vulnerability to incurring debt through access to easy and misunderstood credit, those on lower fixed incomes are most at risk in the increasingly tight South Australian rental market. Recently an 83 year old constituent brought to my attention attempts to impose additional rental costs on him through a direct debit system called RentPay. This system, creeping into the eastern states, was obviously of little concern to minister Rankine, as the Office of Consumer and Business Affairs was fully aware of the scheme yet the minister had failed to act. There is no doubt that the Residential Tenancies Act should be amended to prevent tenants being required to pay for the convenience and business cost savings of rental agents through third parties—a clear breach of the intention of the act. However, once again the realities of business and the basics of fiscal responsibility are not the strong points of this government's ministers.

In 2002 minister Rankine made the outstanding assertion that the Bannon Labor government survived the State Bank collapse because it was fiscally responsible. Certain members of the Bannon government, such as Mike Rann and his then electorate officer and office union representative Jennifer Rankine, may have survived the shambles of the State Bank collapse intact, but hundreds of South Australian small businesses did not. The 'closing down sale' and 'to let' signs on the premises of my fellow traders along Unley's shopping strips is not something that I will ever forget or forgive.

**The Hon. R.B. SUCH (Fisher):** I am pleased to contribute to the Address in Reply debate and, along with other members, continue to show my support for Her Excellency. I note that she has been over visiting some important sites associated with the sacrifice of the 100 000 young men and women of Australia who have given their life for our freedom. Just commenting on that aspect, I think it is important that we continue to acknowledge the sacrifice of those men and women, not only those who died in conflict but also those who suffered post the conflict and many who still suffer, including some of the Vietnam War veterans.

There are a lot of topics I would like to canvass, the first one being a quick snapshot of where I believe the Rann government is at the moment. Putting partisan aspects to one side, I think it is fair to say that the government has done some worthwhile things. I support the tramline—a lot of people are critical of it—but my criticism is that it has not been enunciated as part of a wider plan. However, I hope the government is working on something that will extend the tramline light rail beyond North Terrace—and members would know that I have been advocating for a long time that that is what should happen. In terms of the government itself, it has been in office for over five years now, and I get the impression that in some ways it has run out of zip and zest. Half the ministers are probably performing in the way they should; I am not convinced about the way in which the rest of them are performing.

Ministers would know I write a few letters, and I make no apology for that, but when some ministers take a year to reply, if at all, I do not believe that is satisfactory. When a simple request is made to a minister's office for some information, it will sometimes take months to get a simple answer to a simple question, and that is simply not good

enough. I think part of the problem—and this happens on both sides of parliament—is that there is a tendency to employ people who may not be worldly wise or worldly experienced and who may have spent much of their time within the confines of a political party, and that tends to show at times with some of the staff who are employed by the government.

The government really needs to fire up on all cylinders; at the moment it seems to be in a bit of a lull. I am not one of those suggesting that we follow some sort of cargo cult mentality, but I think that good, constructive infrastructure projects are necessary, as well as genuine reform of our criminal justice system. I think the slogan 'Tough on crime' is wrong and irrelevant. What we need is to be effective on crime. I know the government is committed to more prisons. Personally, I do not think prisons achieve a lot, except detaining someone who may be an immediate or ongoing threat to the community. I do not believe prisons change attitudes. In fact, I think they probably have the opposite effect.

Rather than its going down the conventional path of more of the traditional-type prisons, I would like to see the government look at something that is more cost-effective, and that is to go down the path of constructing a work camp. I do not support boot camps; I think marching around in ever-diminishing circles is a waste of time, but I think that work camps, where people can do constructive and environmental work under supervision and at night and participate in programs that will change their attitude, are well worth considering. However, I fear that the government might be going to do more of the same—more of the prison approach that does not work for most prisoners. I am not saying that those who are a risk or who have committed a particularly heinous crime should be in a work camp, but I think most prisoners would benefit from that sort of approach.

Likewise, some of the young people who are causing trouble—and it is not just in the Aboriginal community—would benefit from some innovative programs, where young people are taken not just out into the Outback but also into areas where they can do constructive environmental work. We did have a program years ago that was run by TAFE. We had specially equipped vehicles, and we used to take young Aboriginal lads out to work on the dingo fence and in conservation parks. That program worked brilliantly. It was run by Aboriginal people, so there was never any accusation that it was run by white people; and it worked. We were gearing up to do a similar program for young Aboriginal women but, sadly, like the program for young Aboriginal boys, it was curtailed. It was very unfortunate.

Rather than glib statements about being tough on crime, I would like to see the government looking more at preventing people from getting onto a path of criminal activity and antisocial behaviour. Clearly, there is a problem in our community at present. We now keep statistics because staff in the Attorney-General's Department have indicated they do not like people such as MPs going directly to the Office of Crime Statistics. We now have to go through the minister—which seems to be a variation on the 'open government' approach which was enunciated some years ago. We now keep our own crime file, and from 1 January this year to 26 April, as reported in *The Advertiser*, we have noted: six incidents of indecent exposure or behaviour (which would be an understatement); 25 cases of indecent sexual assault; 26 of assault; four of causing death; six stabbings; another two of causing death; four where shots were fired; seven where

shots were fired causing injury; another two causing death; 27 of armed robbery using a knife/screwdriver; five of gunpoint robbery; 14 car chases; 11 car thefts (but it would be a lot more than that); 18 theft/muggings; and four cases of theft of copper wire. These figures would be an understatement of the reality but my point is that the criminal justice system is not working.

Each day we hear of illegal activity the previous night involving shootings, muggings, drive-by attacks and car chases. This is happening in little old Adelaide which has a population of a little over one million. The system needs a thorough overhaul and review because it is not working in certain aspects. It is not working in relation to young Aboriginal offenders, in particular. I know Monsignor Cappelletti is looking at the issue, but young Aboriginal people do not believe in themselves and cannot see a future for themselves. Often they are involved in antisocial, illegal behaviour before they reach the age of criminal responsibility.

There needs to be some special effort made in order to create a sense of pride in themselves and understanding of their culture—what little is left of it—to try to orientate them towards something more constructive than that which we have at present; namely, a night-time guerilla war against the rest of society. It amazes me that after all the money, effort and time spent on education and other programs we still seem to be capable of churning out a significant number of people who engage in serious crime; and that is not specifically in the Aboriginal community but, rather, across the board. If one listens to the media each morning, one hears that nearly every night in Adelaide some significant serious criminal activity is occurring.

In terms of other things on which the government needs to focus, water is central to our future as well as the present. I have been arguing for a long time that the government needs to look at the usage of water and have one minister responsible for water. This is no reflection on the two ministers; in their own way the Hon. Karlene Maywald and Gail Gago are doing a good job. It does not make sense to have one minister responsible for water above the ground and another minister responsible for water below the ground. Unless someone can prove otherwise, ultimately water comes from the same source. We need a policy which looks at the wise use of water. At present we do not have that. We have a very primitive usage arrangement in terms of people accessing water from underground.

I believe the allocation system for drawing from the Murray and other rivers needs to be looked at. I have spoken informally with the minister, who tends to argue that the market system is working well. My understanding is that many large corporations—Timbercorp is one and Macquarie Bank another—have been buying up water licences and a statement attributed to Timbercorp was that it did not intend to use the water. That concerns me greatly if it means that the family irrigators along the Murray cannot get water at a reasonable price because large corporations are buying up the licences and holding on to them.

I am told that information on who owns the licences is confidential, but I do not believe it should be. The community has the right to know if big water corporations are buying up water licences and are in effect creating a problem for family irrigators who want to make a living for themselves and support their family and support the towns along the Murray. I have written to the Premier and Minister for Water Security arguing that there needs to be a comprehensive independent review of water usage. There needs to be a review of water

pricing. You can use as much water as you like domestically as long as you pay for it, which is irresponsible because we have a simple, crude system in South Australia where you pay less than 50¢ per kilolitre for the first 125 kilolitres used domestically and it jumps up to \$1.09 above that. Western Australia has a five-tier system: the more water you use the more the price increases—it is progressive. Victoria has a three-tier system.

We need a system which allows domestic users to have enough water for washing and all those things, but does not allow or encourage people to waste water inside their home. I have come across people who happily tell you that they still stay in the shower for half an hour or more and also tell me that the industry where they work wastes water and they ask why they should save water if the place where they work wastes enormous quantities of water. The government does not provide the range of incentives to encourage water saving as do other states—Queensland, New South Wales, Victoria or Western Australia. While there has been an improvement recently in relation to rainwater tank subsidies, the government is still way behind the other states.

We need to look at infrastructure. I wrote to the previous minister responsible for SA Water, Hon. Michael Wright, suggesting various things and the answer came back that it would make more sense to widen reservoirs rather than deepen them. He pointed out that it would cost \$200 million to fix mains put in prior to the 1950s. The government needs to spend money on those sort of measures. Likewise, we need to engage in aquifer recharge and proper wetland policies. We should have been doing it in the South Parklands and that would help the flooding situation in the West Torrens council area, Unley and other areas.

The point has been made by many others recently that with the heavy rains most has gone into the ocean. Some of it needs to go into the ocean because it depends on some of that water for various ecological purposes, but not all of it needs to go in and if it does it should go in as clean water and not as contaminated stormwater. I hope we do not see as a result of the rain we have had and is forecast that we get into a false sense of security and the government takes it easy. Now is the time to look at more efficient use of water and a more sensible pricing policy.

In terms of other issues of concern (and these are not in any order of importance), we are increasingly seeing the construction of retirement villages, but essentially at the moment they are built on one title, which means they do not have to provide any contribution towards open space, either financially or in actual open space, which is a great deficiency. I have some wonderful retirement villages in my electorate. One village has, I think, 270 homes in it. The developers did not have to provide any contribution to open space even though they have a development which is greater than many of the other residential developments that have been occurring. I think that is a deficiency in the act and it needs to be addressed.

Another deficiency is that developers can put in big residential subdivisions without making any contribution to social infrastructure. I think that needs to be looked at. I know the development industry would not be keen on it. If we take as an example Craighorn Farm at Blackwood, there will be something like 1 100 blocks by the time the development is finished, and about half of them are built on now. Those blocks are in excess of \$200 000 each and there is not one piece of social infrastructure in that development. To the discredit of Minda Incorporated and the Adelaide Develop-

ment Company, they now plan to build on the only piece of flat land in that whole development, which means that there will be no area where a child can kick a football or throw a netball.

In this day and age, knowing about planning, to have developments without any contribution towards social infrastructure is unacceptable. There should be provision for things like a community centre. I wrote to the developers and said, 'How about contributing towards a community centre where people can have cooking classes, where they can go when they retire and do various things?', but that fell on deaf ears. People say it will add to the cost of the block, but if you took off just \$1 000 from each \$200 000 block in a development like Craighburn Farm, you would have a huge amount of money to build some worthwhile social infrastructure.

South Australia has led in the area of recycling, thanks to the vision of Don Dunstan and a few others. However, I believe many of our shopping centres could improve their behaviour in this regard. We have a good commitment in terms of domestic recycling, but I am still frustrated when I see some—not all—shopping centres ignore recycling. To the credit of some, they have become very innovative. When I see people throwing bread in with cardboard, and so on, it really makes one wonder where the people who design and manage these facilities have been in recent times. I do not think it is too much to ask that, if homeowners can recycle, all shopping centres should recycle their cardboard, and that foodstuffs be treated separately so that they are not thrown in and the whole lot goes to landfill which, sadly, is still happening in at least one of the centres close to my office.

Last year, sadly, members would know that Colin Thiele passed away. He was a wonderful South Australian. I wrote to the Adelaide City Council suggesting that it create a sculpture park down by the Torrens, which would be of great appeal to not just young people but people of all ages. I know the member for Adelaide (the Minister for Education and Children's Services) argued at the time she was mayor that we have a statue of Roy Rene, the comedian, somewhere in the Hindley Street area. We can see how people enjoy the statues as they stroll down Rundle Mall. Rather than people focussing on what I would call the cargo cult, where they want the biggest something or other in Victoria Square or a building which looks a bit funny, I think we can build the quality of the city by doing things like good public art. I was hopeful that for our sesquicentary we might, with the support of the government, get a sculpture somewhere out the front, or on the King William Street side, highlighting the orator—a symbolic sculpture portraying a member of parliament (male or female) as part of a commitment to public art. I urge the government, as well as the city council, to come to the party by acknowledging the great contribution of Colin Thiele with a sculpture park on the banks of the Torrens. I think it would be a great thing to do, and also to include a sculpture of Roy Rene (Mo), the famous comedian, which was suggested many years ago by the current member for Adelaide.

Earlier, I spoke about this government and referred to how it is travelling and needs to re-energise itself, as I think it is suffering from the five-year blues. I am not a great believer in huge government departments, and I have given this a lot of thought over time. I think what needs to happen is a decentralised approach, where smaller units can still be under the same departmental umbrella but where real responsibility and autonomy are given to branches of the agency. One of the reasons we are not delivering in the way we should—for example, through Families SA and DECS, and so on—is that

they are too much like a huge whale that is often out of touch, too centralised and spending too much time on survival and internal activities in head office, rather than giving authority to people who can intervene quickly and who are in touch with the local community.

I think that the concept of smaller decentralised government agencies is something that is really worth considering. I do not believe that big departments can interact with the community in the way people expect or want. I think that there is an argument for a new model that looks at still having a coordinated policy approach but with decentralised units able to relate to the people, and this should apply even more to those agencies involved in human interaction, such as Families SA, education, the police department, and the like. I am not suggesting restructure for the sake of it, because it is costly and time consuming, but I think that the government could look at a fundamental refocus of the Public Service in a more localised, decentralised way that would achieve greater results than we are getting currently with these big anonymous departments.

Members might be surprised to discover that the Australian Bureau of Statistics publishes detailed information about the environment, and I must be honest and say that I was surprised, too. On ABC Radio recently, there was a little reference to detailed material published the previous week by the bureau (and I can give members the website if they want it), which highlights a concern and interest of mine that goes back a long time—that is, the environment. Members will note that the Australian Bureau of Statistics is an organisation that is not into anything other than statistical accuracy. This latest report, published on 6 April, states:

Between 1996 and 2006 the number of bird and mammal species assessed as extinct, endangered or vulnerable rose by 44% from 119 to 171 (of which 68 of birds and 103 were mammals). At 1 June 2006, just under half (47%) of these species were vulnerable, around one-third (35%) were more seriously threatened (endangered) and the remainder (18%) were presumed extinct over the 10-year period.

These are pretty alarming figures. The report goes on to point out:

Land clearing destroys plants and local ecosystems and removes the food and habitat on which other native species rely.

It also points out that in 2004, 325 500 hectares of land were cleared in Australia, which was a slight reduction on what happened in 1994. These are Australia-wide figures and, obviously, South Australia would be significantly less than 10 per cent of that, one would hope—much less. The point is that we hear a lot of talk about saving the environment and global warming and so on but, if we are not careful, there will not be any biodiversity left by the time we have tackled global warming and climate change.

Again, I highlight that this report is from the Bureau of Statistics. From its latest data, the amount of agricultural land which has been classified with a high salinity hazard or which is in an area at high risk from shallow watertables in Australia is 4.65 million hectares. The bureau has indicated that it intends to update that information, because it is a few years old, but that is a pretty staggering figure of 4.65 million hectares of agricultural land being affected by high salinity.

The same report goes on—and I cannot go into all the detail because of the time—to talk about greenhouse gas emissions and so on. I would commend this report for members to have a look at, because it is not from some green group: it is from the very conservative and highly respected Australian Bureau of Statistics. I think it does bring home to us the need to focus on the environment. We will always have

an environment, but the question is: what sort, and what is in it?

I want to touch very briefly on some other issues in the short time I have left. I would like to see the government commit more strongly to providing an off-road cycleway network in Adelaide. I do not accept the 'share the road' philosophy as being the be-all and end-all. It might be all right in certain situations for professional riders and highly experienced riders, but it is certainly not appropriate for young children and for the average Josephine cyclist. Adelaide is ideally suited to have an off-road cycle network and, regarding that, I have spoken to people who are now importing electric bicycles. I guess we would all want people to pedal their own, but there will come a time when many of us will need a battery-powered one. It has been put to me that our laws and infrastructure do not cater for the electric cycle and, indeed, that is also true of the law in relation to electric cars—the smaller type. The people selling these electric bikes have said that we could have an infrastructure network system which allowed people on electric bikes to get about Adelaide.

The matter of road safety is still an ongoing interest and concern of mine. I think we have made a lot of improvements. It is good to see that, overall, the fatality rate has fallen but, sadly, as was shown only last week, there are still too many lives being lost on our roads. I do not think it is acceptable to blame the road. Obviously, the road can be a factor but, importantly, it comes down to the quality of and standard of the driving. I think we could do more in driver training and driver awareness than testing people to see whether they can park on a sunny day in a shopping centre car park. We are still not training people to deal with wet weather conditions or country roads. I still hear of people driving to Melbourne who have never been on a country road before.

I will not go into great detail about the need for arrester beds for trucks, because that is a motion that I am going to put, but I think the Department of Transport should be proactively looking to see where it can reduce risky black spot areas in advance of accidents happening.

**Mr PENGILLY (Finniss):** I will eventually come to some of the areas within my portfolio but, before I do that, I would like to make some comments about what I term the farcical situation that we are going through today, tomorrow and the next day. Just over 12 months ago, we came back from an election and went through this process. We had maiden speeches and Address in Reply speeches and whatnot. Here we are, in my view, wasting time, wasting taxpayers' money, wasting all sorts of things, after a prorogue of parliament that was totally necessary. I actually thought the open day, which unfortunately I could not attend, was a good idea and I think it went off very well and it gave the people of South Australia an opportunity to come in and have a look at the place where the laws of the state are made and to get a handle on, perhaps, some of the vagaries of this place and have a look at some of the people who work in it, particularly the members, rather than the staff, I would suggest.

However, I just find that, instead of debating legislation which is of most importance to the state, we are spending this week on the Address in Reply. You could well argue that we are wasting time doing it. My argument in response to that is that that is our parliamentary right; but I do feel strongly that it is just a waste of time. It would also appear that the national conference of the ALP over the weekend in Sydney was a

waste of time—something that I viewed with a fair bit of interest. I have been picking up on some of the things that have come out of it and some of the machinations that have happened within the Labor Party. My view is that I do not think that all the members of the Labor Party who attended that national conference were all that happy with the way things went on, because one was quoted as saying, in relation to the Labor Party—they didn't even put 'party' up, as members will recall—'Apparently we are not even a party any more; we're a state of mind.'

I think that is what has happened in South Australia with the members of the Labor government; I think they are a state of mind; they are actually not going anywhere at the moment, apart from coming back with wonderful announcements on mining exploration. That is something which I support wholeheartedly—I have no argument with that. I would like to put on the record that the sooner we get nuclear power in South Australia and reduce greenhouse gases, the better. I am sure, Mr Acting Speaker, that you will nod in agreement with that. You are probably not allowed to but I know your thoughts on the matter. I wonder just where this state Labor government is actually going.

It causes me some concern that the rank and file members opposite, sitting on the back bench, do not really have any input into what is going on in this government. It is the troika that sits on the front bench that seems to decide everything. Judging from the views that are expressed by some members on the other side at the back, they are not all that happy with things, and you can hardly blame them. However, this seems to be the way the Labor Party is going. It is interesting to note yet another comment that came out of their national conference referring to the 88 Labor members who serve in the federal parliament: 42 are former full-time union officials, 32 are former staffers of Labor parliamentarians, and four are former full-time ALP officials. So, out of those 88 there are 78 who have all been hacks or whatnot.

They now have this process where they really do not have to have a party any more, because the national executive has taken over and they are picking celebrity candidates. They have picked one in South Australia for whom I feel particularly sorry. Looking at the front page of *The Advertiser* this morning, I think the plan has gone astray. I do not think it is going as well as it could be. We in the Liberal Party get slammed, but at least we go through this process where the rank and file members can have a fair bit of input into who becomes a member of parliament, even more so now under the plebiscite system.

*An honourable member interjecting:*

**Mr PENGILLY:** No, the union does not make the decisions. Hearing the federal deputy leader of the Labor Party this morning, Ms Julia Gillard, I just about squirmed in my seat. If this is the best they can do to ramp up Julia Gillard, I feel sorry. I do not think Australians are going to be hoodwinked by this nonsense. I do not think they are going to be hoodwinked by this campaign by the Australian Labor Party against AWAs and WorkChoices, because the Premier of Western Australia has come out and slam-dunked the federal Labor Party already. He said, 'Well, we're pretty happy with them in Western Australia. Across the nation just short of 300 000 jobs have started since AWAs came into place.' But no, the union bosses who control the Labor Party have decided that they will go, that they are going to bring in this new system of working out industrial disputes and heaven knows whatever else, and the wheels are going to fall off everything.



As I said, I do not think that Australians will be hoodwinked by the Labor Party. I think that South Australians are starting to wake up to the idea that they are getting totally hoodwinked by the government of South Australia. I think it is a sham, it is all froth and bubble, it is all puff and blow, it is all media releases, it is all orchestrated, and it is absolute nonsense. It is not in the best interests of South Australia. If we just look at what they have not done on the water issue alone, they stand condemned. This government has been in place for five years. Many parts of Australia have been in drought for nearly a decade. South Australia, in many respects, has been no different.

What has the government done about long-term water provision for Adelaide? Absolutely sweet stuff all; not a thing. They have been pumping flat out of the Murray—a great idea. Meanwhile the Murray goes down and down and dies. What has the government done? Where is the desalination plant? Perth has a plant in place producing copious amounts of water. We have not even heard from the state government. Why on earth the good news Premier has not announced the desalination plant as a matter of urgency for Adelaide I do not know—

**Mrs Redmond:** Too busy with the tram.

**Mr PENGILLY:** Yes, too busy with trams to nowhere. We have heard all about the desalination plant in the Upper Spencer Gulf. From what I hear, I am all in favour of desalination plants. Indeed, in my electorate we have the one and only desalination plant operating in South Australia, which was put in place by a Liberal government, and it has been a success. It had a few teething problems, but it is now working very well. There is a great deal of conjecture as to whether Spencer Gulf is right place to put it. Impressions put to me by people from up that way are that it is being steam-rolled and that the environmental impact of the brine going back into the water where there is little or no tidal movement is a major concern.

The member for Flinders—bless her heart—suggested strongly that it goes across on the West Coast, feeds the Eyre Peninsula and the mining areas that will need water so desperately. That thought may well have a lot of merit, but I say to the state government: come to grips with water; do something about it. Near my little place at Glenelg North huge amounts of water are drained after a rainfall event. Where does it end up? Out in the Gulf of St Vincent. Why on earth we are not capturing that water, why we are not making immediate plans to capture that water, put it back into the aquifers and be smart about water? I do not know.

Out in the country we have increased bureaucracy put on farmers and landholders through licensing and telling us that of the water that falls from the sky only a small percentage is your water; you can be taxed on the rest of it. So, you have to be very careful. A few of us have been around the traps for a while and there are a few broken down old cockies in here like myself—there are a couple sitting to my right—who know a bit about capturing and harvesting water, keeping it, using it carefully, and putting it aside so that we have water for two or three years. Indeed, we know what we are doing with it. I say to the Premier, to the Minister for Infrastructure and to the Treasurer on the other side (all of whom are not here): for God's sake, get busy and do something about ensuring long-term water capacity for South Australia. Do something about a desalination plant. Get on with it. We cannot keep pumping for ever and a day out of the Murray, which we all know is at a critical level. We cannot put terror into the irrigators and the people of the Lower Lakes in my

electorate who are feeling terribly concerned about the impact of this possible weir, which we were told by the Premier would be only \$20 million, or thereabouts, but now it could be \$100 million or \$120 million—it could be any amount. So, I say to the government, 'Get your act into gear.'

Turning back to where the Labor Party is headed, I seriously question where it is going in respect of celebrity candidates and the process involved. It is inherently unfair to those rank-and-file ALP members who have worked off their backsides for years, who have strived to raise funds as members of the Liberal Party's grass roots do as well who have been absolutely shafted by this academic genius who seems to think that he knows all about where Australia should be in the future, and he stands there blinking like Blinky Bill on a cartoon. I find it a major concern to think about where this nation is going.

In relation to my own electorate of Finnis, encompassing Fleurieu Peninsula and Kangaroo Island, it suffers from a lack of money still. This is a huge growth area for South Australia. The number of people choosing to live on Fleurieu Peninsula is rising astronomically. Victor Harbor will have 15 000 people by 2020, as has been forecast, and there will be large numbers right through Middleton, Port Elliot and Goolwa. Essentially, one day that area will be just one large town. I say to the government, 'For heaven's sake, come to grips with reality. Do something about putting funds into regional areas, about building a TAFE college in my electorate of Finnis and about health services. Do something about schools. Stop fluffing around and messing around and not making any proper decisions. Get on with the best interests of the state.' When I look across at the gentleman depicted in that painting on the wall, Sir Thomas Playford, and what he did for South Australia in contrast to what is happening at the moment, I just shudder.

I turn now to my portfolio areas in order to discuss some of the things I would like to see occur. I turn first to tourism and the issue of the Minister for Tourism. I am starting to think that tourism for the Minister for Tourism is an annoying by-product of a meaningless proletariat that is beneath her dignity. There is no question that the minister is the undisputed queen of cabinet who can do as she pleases. This minister lends her royal patronage as she sees fit, even if it totally opposes the government's view; I refer now to Victoria Park. When the Minister for Infrastructure was in opposition, he referred to the Minister for Tourism (who at that time was the Lord Mayor of Adelaide) as the 'Princess of Adelaide'. Well, now she is the 'Queen of Cabinet'.

We want a minister for tourism who acts in the best interests of tourism across South Australia and for tourism that does not finish up at Melbourne Street, quite frankly. It is not good. You cannot be unresponsive, dismissive and condescending of tourism and tourism operators who work hard for long hours and for very narrow margins, who employ copious numbers of South Australians and who do not get the recognition they deserve.

I say to the Minister for Tourism that she needs to get out. You need to go to the regions and functions. You do not need to put in apologies permanently, and I am told by people in the tourism industry that this happens with regular abandon. You need to get out there to talk to these people. There is no vision for tourism in South Australia beyond Melbourne Street and North Terrace. To me, this is a terrible tragedy, and it is something that needs fixing very quickly. You cannot go on cutting marketing budgets year after year, relying on the goodwill of tourism operators and the fact that

South Australia is here to bring people into this state. It just does not work.

We are not competing with the other states as we should be. Our share of tourism marketing budgets is going down. When you look at the money that is being spent in Tasmania and Western Australia in comparison to what is being spent in South Australia, our effort is absolutely pathetic. I do not know whether the troika is going to knock more money off the tourism budget this year. It probably will because tourism does not count for much in its hands. You actually have to get your hands dirty in tourism, work hard, and encourage operators and the marketing exercise, and you have to encourage visitors—overseas, intrastate and interstate—to get active and to get around the place.

We seem to be in a rush to target March as this mad month when we bring visitors by the score to South Australia. From here on in, the school holidays are fixed and now it is all going to die in the backside because nothing happens until the spring—September and October—so we become pretty much a ghost town. The hotels' numbers drop considerably. They still have to employ staff and have ongoing running costs, and they still have to pay the copious taxes demanded by the state, but their occupancy levels go down. This is simply not good enough, and we need to do something about it. In fact, the Minister for Tourism needs to do something about it.

On that point, where are we with Tiger Airways? Why have we not had an update on this? Tiger Airways coming into Adelaide and being based at Adelaide Airport would be absolutely wonderful for this state and Adelaide, yet there does not seem to be any effort being made to secure it. My understanding is that Avalon Airport is the prime spot for Tiger Airways at this stage. The new Adelaide Airport, with the old terminal sitting there doing nothing, presents us with an ideal opportunity to have Tiger Airways come in, be another low-cost carrier and do a lot for tourism in South Australia. I will stand corrected if necessary, but I do not believe that the minister at any stage has made any positive contribution to pursuing Tiger Airways, because you do not get the answers to questions in this place. It is no good having front page glamour promotions about March and not doing the hard work. So, I say to the Minister for Tourism: you need to get out there and listen to the people of South Australia who are involved in the industry, and get busy and do something about it so that the industry does not go down any further.

Another portfolio area of mine is local government, something for which I have a passion. I spent 17 years in local government and during that 17 years (the last three years in the position of mayor) I learnt fairly quickly, and in no uncertain terms, about the imposition of state-imposed burdens on local government. Unfortunately, currently, the minister is the invisible minister for local government, and little or nothing has happened. My view is that the minister seems to be over-awed, extremely nervous and under-achieving in relation to the local government area. It is an area that requires a huge amount of work and it requires careful management, but we are seeing nothing. My phone is running hot with calls of concern from mayors and people involved in local government about what is not happening and the fact that they are just getting completely run over, bulldozed and pushed into the ground by government agencies such as the Environment Protection Authority, the Native Vegetation Council, and the multitude of steamrolling bureaucrats who are allowed to do just what they want by this Rann Labor government (who are increasing in numbers) and

not allowing people to get about their business in local government as they should. To me, that is a disaster; it is holding everything back.

Many councils are in a perilous financial position—and members should bear in mind that, by and large, the only way they can raise money to survive is through rates. Councils are limited to that. They are not recognised under the constitution. They are subservient to the state government law (the laws of this parliament), and what they can and cannot do is set in concrete, and I can tell members that those councils are getting a bit fed up. Look at the development assessment panels that have been put in place by legislation. Now they have to have independent members. Independent members are fine. However, most of these independent members demand a fairly high price, so you have another cost imposition on local government in paying these people who go on the development assessment panels. In many cases, particularly in rural and regional areas, they are required to travel, because of the lack of numbers of so-called professionals in the community who can go on those panels, and it is causing a great deal of financial angst.

*Mrs Redmond interjecting:*

**Mr PENGILLY:** Well, they may well know nothing about the area. It is causing a lot of financial angst to councils, because it is just another thing that will hit the poor old ratepayer. My good friend the member for Kavel referred to the NRM boards. I recall going to a meeting at the Tollgate in my capacity as chairman of the Animal and Plant Control Board together with the former minister for the environment. I thought, 'This is a great idea. It's all going to work really well. I think it's a good idea.' Out of it came the fact that local government was required—

*Mr Goldsworthy interjecting:*

**Mr PENGILLY:** Yes, I know. What came out of it was that the levies were to be collected by council. So, what we see now is this Rann state Labor government cutting back money to NRM boards and their operation and, in turn, they have to raise the money. So, what are they doing? They are jacking up the levies to be collected by councils by more than 100 per cent. The poor old local government sector is getting screwed again. It is no wonder that people raise their eyebrows with concern over what is happening. Quite frankly, local government is the collector. Local government is seen as collecting that money for itself instead of for the NRM boards.

It gets belted around the ears and, again, the government gets away with blue murder. It is just fortunate that we do have an ally on the other side of the house in the member for Enfield, who recognises what is going on. The member for Enfield would make a particularly good minister, but he is not allowed to be a minister. Two or three members are sitting on the back bench who are not allowed to be ministers either; and, in my view, they would be substantially better than some of those members who sit on the front bench. This Labor government and the Minister for State/Local Government Relations have missed opportunities to transform local government and assist it to stand on its own two feet in the year 2007. I think that it is a sham and a shame and it should not be allowed to happen.

My other portfolio area concerns the southern suburbs, and I am delighted that the Minister for the Southern Suburbs is in the chamber. I believe that what we are seeing with respect to the southern suburbs is a chronicle of missed opportunities—a disdain for the south! You cannot run around being an ever-smiling matinee idol and being very

good at smooching with the south and not doing anything. One only has to pick up on the letters to the editor in the newspaper and what is coming through on talk-back radio over the last few days to learn that the south is getting hammered. The south is not getting a thing. People are getting progressively angry.

Look at what has happened with the McLaren Vale bus service. Look at what has not happened with the Southern Expressway. The fact is that a good Liberal government brought in the Southern Expressway when the state was left bankrupt by Mr Rann, who was a minister in the Bannan government, and we do not ever want to forget that fact. We must look forward, but we do not want to forget that. The Liberal government put in the Southern Expressway. Land was purchased to finish that road. It is still there, yet not a thing has been done to it. There is no money down south. I say to the Minister for the Southern Suburbs, 'Stand up and be counted in cabinet. Do something about the south. Do something about the road leading down to my electorate. Duplicate that road and get on with it.'

Another issue which has gone through to the keeper and which the minister has not picked up on is the diabolical disaster of Port Stanvac. What a diabolical debacle! I think it will be 2019 before anything can happen at Port Stanvac. Would it not be a wonderful site for a desalination plant? Would it not be wonderful infill for housing and heavens knows what else if some reasonable, decent and honest decisions were made, Port Stanvac abolished completely and renovated and something started to happen down there? It is just a total missed opportunity for the south. Another thing that really concerns me, of course, is the future of the car industry and the tens of thousands of people whose lives revolve around it, particularly in the south. That is of major concern.

In addition to picking up some vibes from the newspapers and the radio, I have received a number of phone calls from people in the south and from people in responsible positions who are terribly concerned about what is not happening and the fact that, to all intents and purposes, they are dead in the water. I was just getting warmed up, but I seek leave to conclude my remarks.

Leave granted.

**The Hon. J.D. HILL** secured the adjournment of the debate.

*[Sitting suspended from 1 to 2 p.m.]*

### SENATE VACANCY

His Excellency the Governor's Deputy, by message, informed the House of Assembly that the Governor-General of the Commonwealth of Australia, in accordance with section 21 of the Constitution of the Commonwealth of Australia, had notified him that, in consequence of the resignation on 26 April 2007 of Senator Amanda Vanstone, a vacancy had happened in the representation of this state in the Senate. The Governor's Deputy is advised that, by such vacancy having happened, the place of a senator has become vacant before the expiration of her term within the meaning of section 15 of the constitution and that such place must be filled by the houses of parliament, sitting and voting together, choosing a person to hold it in accordance with the provisions of the said section.

**The SPEAKER:** I inform the house that I have conferred with the President of the Legislative Council and arranged to call a further joint meeting of the two houses for the purpose of complying with section 15 of the Commonwealth of Australia Constitution Act on Thursday 31 May 2007 at 10 a.m.

### ETSA CABLE

A petition signed by 219 residents of South Australia, requesting the house to urge the Minister for Urban Development and Planning to reverse his decision to approve the ETSA aerial high voltage cable along or near Margaret Street, Parkgate Court and Kings Hill Circuit, Onkaparinga Hills, was presented by Ms Thompson.

Petition received.

### SANTOS

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

Leave granted.

**The Hon. M.D. RANN:** This morning I announced that there will be a review of the 28 year old law limiting individual shareholder ownership in Santos to 15 per cent. The decision to review the cap comes at the request of Santos. The cap was introduced in 1979, nearly 30 years ago, and was designed to prevent Alan Bond from taking over the company, with accompanying concerns at the time about ensuring continuity of gas supply. The cap was introduced in 1979 by the Corcoran Labor government to protect a strategic asset of our state. I think that, with the benefit of hindsight, I would have to say what extraordinary foresight the then deputy premier and minister for mines and energy, Hugh Hudson, had. He had met Alan Bond and felt that he did not really want our gas supplies to be run by someone who ended up being, of course, a gaolbird.

Santos has written to me concerned that the cap restricts the company's growth. Cabinet yesterday agreed to conduct a review of the cap. When it was introduced, the Cooper Basin was our sole gas source in South Australia. Today, South Australia is the centre of a national gas hub, taking supply from Queensland and Victoria through the SEA Gas pipeline. I congratulate the Minister for Infrastructure and Energy in his role in facilitating that project in the nick of time, after there was a problem at Moomba. The operation of the cap is conditional on Santos's continuing to produce petroleum in South Australia. For many years, critics of the cap have claimed that it is anticompetitive, deflates Santos's share price and is a restriction that does not apply to any other South Australian company.

Similarly, under existing arrangements, there is no obligation on the company to maintain its head office in Adelaide. That has always been a bit of a myth because, in fact, it could still, even with the cap in place, have had its head office in Darwin, Brisbane or anywhere else. However, we are very pleased that Santos has recently invested in a new head office in Flinders Street, which is a strong sign of its future commitment to South Australia. I am really pleased that I have been invited to open this new building and I hope members opposite will join me in that joy. The previous Olsen Liberal government reviewed the cap in the year 2000. At the time, the minerals and energy minister and minister for year 2000 compliance, Wayne Matthew, said that a central issue to its review would be determining whether the public

benefits of the 15 per cent restriction on shareholdings outweighed the costs of the restriction. The then government decided to maintain the cap.

However, a lot has changed in the past six to seven years, and I agree with Santos that it is time to look at it again. A decision on lifting or retaining the cap will only be made after full assessment of potential costs and benefits. The government's approach will be driven by maximising benefits to South Australia. The review will have to show and the company will have to provide and prove clear benefits to South Australia from any move to lift the cap. The review will be the responsibility of the Minister for Mineral Resources Development (Hon. Paul Holloway), and will be undertaken by the Department of Trade and Economic Development in conjunction with Primary Industries and Resources SA. Terms of reference for the review will assess the benefits and costs of retaining the shareholding cap for both Santos and South Australia, taking into account:

1. The original intent of the 15 per cent shareholding cap and its applicability today.
  2. The impact of the shareholding cap on the operations and future growth of Santos both globally and in South Australia.
  3. Any potential risk from removal of the cap to South Australia's economy.
  4. Energy security issues in South Australia.
  5. Regional development implications.
  6. An overall assessment of the current and future benefits of Santos's operations in South Australia.
- There will be an opportunity for public consultation and submissions by 15 June, with an announcement to be made by government by the end of September.

Santos is a very important company in our state. It employs or supports the employment of about 2 500 people. I understand that it has about 14 000 to 15 000 South Australian shareholders. Ultimately, the decision that we will make will be based on what is best for South Australia.

### PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. K.O. Foley)—

Regulations under the following Acts—  
Superannuation Funds Management Corporation of  
South Australia—Prescribed Public Authorities

By the Minister for Transport (Hon. P.F. Conlon)—

Regulations under the following Acts—  
Motor Vehicles—  
Accident Towing Roster  
Road Transport Compliance  
Road Traffic—  
Driving Hours  
Mass and Loading Requirements  
Oversize Vehicle Exemptions  
Road Transport Compliance  
Road Rules  
Vehicle Standards

By the Attorney-General (Hon. M.J. Atkinson)—

Regulations under the following Acts—  
Citrus Industry, City of Adelaide, Co-operatives,  
Cremation, Development, Education, Emergency  
Services Funding, Employment Agents  
Registrations, Explosives, First Home Owner  
Grant, Fisheries, Guardianship and Administration,  
Land and Business (Sale and Conveyancing),  
Maralinga Tjarutja Land Rights, Public Trustee,

Rates and land Tax Remission, Retail and Commercial Leases, Technical and Further Education—  
Domestic Partners

Civil Liability—Revocation

Legal Practitioners—Fees

Rules of Court—

Supreme Court—Search Orders

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

Regulations under the following Acts—

Natural Resources Management—Prescribed Transfer

By the Minister for Aboriginal Affairs and Reconciliation  
(Hon. J.W. Weatherill)—

Regulations under the following Acts—

Aboriginal Lands Trust—Umoona Community

By the Minister for Consumer Affairs (Hon. J.M.  
Rankine)—

Regulations under the following Acts—

Liquor Licensing—

Gawler

Maitland

By the Minister for Science and Information Economy  
(Hon. P. Caica)—

BioInnovation SA—Report 2005-06.

### PUBLIC WORKS COMMITTEE

**Ms CICCARELLO (Norwood):** I bring up the 268th report of the committee, entitled Country Water Quality Improvement Program Stage 3.

Report received and ordered to be published.

### GOVERNMENT PERFORMANCE

**The SPEAKER:** I have received the following written notice of a proposed matter of urgency from the Leader of the Opposition, pursuant to standing order 52, which I have determined is in order:

That the House of Assembly expresses its concern that after five years of the Rann Labor government South Australia's living standards, service levels, infrastructure and economic position relative to other states has declined, and signals its alarm that during the same period state taxes have been lifted to historic high levels and with little to show for it. The house urges the government to deliver on the promises it has broken and to indicate to South Australians whether it is to be fair, honest and accountable or whether it is unworthy.

*Members interjecting:*

**The SPEAKER:** Order! I ask that members in support of the matter rise in their places.

*Honourable members having risen:*

*Members interjecting:*

**The SPEAKER:** Order!

**Mr HAMILTON-SMITH (Leader of the Opposition):**

This is the first week of the Second Session of the 51st Parliament, and it occurs as this state Labor government begins its sixth year under the tepid leadership of a Premier who has achieved little but who has made enormous noise doing so. As we sit in this place, the mood of most South Australians is one of frustration, annoyance and disappointment. If one searches over the past five years for this government's major achievements, one can see that it is a soulless exercise. So much was promised: so little has been delivered. South Australians ask, and I ask: what is the government's legacy to be? How will this government be remembered? We have been told things that are not true and we have been given carefully managed figures and

information designed to deceive and mislead. We have seen in this state for the first time since the inception of representative government in 1857 the most arrogant, the most sanitised and the most media-managed manipulation of the truth by a government that we could ever have imagined.

A buoyant national economy has carried this government along—no thanks and no credit to the Premier or his cabinet. The Rann government has simply surfed the wave of buoyant national economic times, adding little value of its own. Year by year and month by month our share of Australia's future has been eaten away by state Labor's inaction and its insufferable conceit. In Premier Rann's five years as emperor our share of the national economic cake, measured by gross state product, has declined from 6.83 per cent to 6.59 per cent, but we have 7.6 per cent of the nation's people. While the national economic growth over this time has been 13.3 per cent, in South Australia growth has been dumbed down under this Premier to 9.2 per cent. Our share of construction work done, state final demand, private new capital expenditure, engineering construction activity, employment growth, population growth, exports and retail trade have declined as we have fallen further behind our fellow Australians under this Premier's failed leadership. Of course, this reality has been glossed over by Media Mike.

But there is one area in which we have broken all records: the Rann tax frenzy has stripped the pocket linings of South Australian working families like a cancer. Tax collections under Premier Rann are the highest in the state's history and will hit \$3.4 billion by 2009-10. Land tax collections are up from \$140 million five years ago to \$382 million in 2009-10. Most of this windfall has been stripped from ordinary South Australians by a greedy government which now enjoys revenues almost \$3 billion greater per annum compared to that in place when we Liberals were last in government. How will young couples ever afford a home under this Premier's reign?

GST takings this year will top \$3.6 billion—and the Premier and his Treasurer opposed the measure. Such is the good fortune this government inherited from Liberal governments, both federal and state, that it will collect an extra \$1.7 billion in GST over the seven-year period to 2009-10 over what it would have collected under the pre-GST funding deal. It is an orgy of taxation! The Rann/Foley ransacking of household budgets has been vicious, heartless and uncaring but, most of all, it has been profligate. This government is swimming in a sea of cash, but it is having trouble coping with the monthly bills. I ask: how will this Premier and this Treasurer cope if interest rates rise and economic circumstances turn down?

*Members interjecting:*

**Mr HAMILTON-SMITH:** Yes; they are laughing. This tells the story. The great truth of South Australian politics is that Labor governments are incompetent financial managers who bankrupt the state and who struggle to cope even in the best of times. On each occasion when they shipwreck the state, Liberal state governments are elected to sort out their mess and balance the books. Here we go again! This time the Premier's name is Mike Rann; last time it was John Bannon. One can guarantee, though, that in relation to old Labor the leopard has not changed its spots. Who is the Premier? Does anyone really know him? On 11 February 1986 in his maiden speech he said:

My district includes a varied and dynamic part of Adelaide's northern suburbs. It is a part of Adelaide in which I will be proud to raise my family.

Well, he represents the working men and women of Salisbury, but he now lives in the leafy urban streets of Norwood. I wonder if he cares about the dreams of the ordinary South Australians living in his electorate. I am sure they wonder too. When was the last time he doorknocked his electorate for a whole day? How many days, hours or seconds has he spent in Salisbury in the last five years?

Of course, he is not alone: there is a swag of Labor MPs representing working and struggling families living the swish life in upmarket suburbs. They live in nice homes outside the less well-heeled electorates they represent. We would not want to get our hands or clothes dirty, would we? The leader sets the standard and others follow. It is not a proud standard from a Labor leader. Oh my goodness, how the state Labor Party under Mike Rann's leadership has changed over the years! I am reminded of the words of Kim Beazley senior when he said:

When I joined the Labor Party 40 years ago, it was run by the cream of the working class. It is now dominated by the dregs of the middle class.

What is, or what will be, the Rann government's legacy when it goes? I invite the Premier to answer my question. Will the Premier simply say, 'I came, I saw, I did nothing, but look everyone, I'm a celebrity. I'm really, really important, and I'm clever.' After he is gone what will be left for future generations? 'Who cares,' the member for Ramsay might say, 'I'll be back in New Zealand or in England or in Tuscany. Who cares.' It is little wonder that after five years under this Premier's leadership we know not where we go, because his is an infamous record of failure, poor decisions and bad judgment covered over by some slick media management and a bountiful supply of good luck. It is a record of failure, but five failures stand out.

First, he opposed Roxby Downs. The man of principle wrote in a 1982 paper titled 'Uranium: play it safe' that Roxby Downs was doomed to failure. He said this:

No serious commentators are now likely to join Premier Tonkin in trumpeting the economic impact of Roxby.

Well, who is blowing the trumpet now? It was a stupid mistake. It was a gross error of judgment that exposed a man with no business sense now further exposed as one whose principles blow with the wind of popular opinion and expediency.

Then there was the State Bank. Do you remember the HMAS State Bank which ran aground, shipwrecking the state's finances—\$11.6 billion worth of debt, \$300 million current account debit? Captain John Barron was at the helm with his faithful lieutenant.

**The Hon. K.O. FOLEY:** I have a point of order, Mr Speaker. I think if the leader is to refer to a former premier he should get his name right. It was Bannon, not Barron.

**The SPEAKER:** There is no point of order. The Leader of the Opposition.

**Mr HAMILTON-SMITH:** His faithful lieutenant and chief navigator was Mike Rann, right by his side. Running around on the bridge was cabin boy and eager-beaver Kevin Foley, as a senior adviser to the Premier, adding up the figures, making cups of tea, providing financial advice. Now they are the Premier and the Deputy Premier and Treasurer, trying to navigate the state forward through troubled and uncertain waters. Well, we should be worried, very worried. The Premier is a brilliant judge of character in all this. On 13 December 1989, after his elevation to the ministry, he said he had learned 'prudence and strategy in management' from

John Bannon. Well, heaven help us! On the same day he told parliament:

Our State Bank is entrepreneurial and aggressive, as well as careful, prudent and independent.

He then told the House of Assembly:

Mr Marcus Clarke was in no way in breach of any regulations or any protocol.

He acted quite properly at all times, the Premier said. What a champion he is. How lucky we are to have this Premier.

Mike Rann's third mistake was to oppose the very measures we Liberals had to enact to sort out the mess he had created: the saving measures and asset sales made by the Brown and Olsen governments to get rid of Mike Rann's debt. He opposed them. He wrecked it and then he would not let anyone else fix it. At least he is consistently reckless. But it gets better. His fourth act of brilliance was to oppose the GST. Yes, the GST—that is the one that gives him \$3.6 billion in spending this year alone. How smart was that.

The fifth failure is unfolding before us as we speak, and it has to do with whether South Australia is sustainable. It has to do with protecting our water. It has to do with our roads, railways, and public works, those we need to provide for health education and services. The Premier's lack of vision on infrastructure is his fifth great failure, and it is unfolding as we speak.

The Premier has taken hypocrisy and fawning insincerity to new heights. His promises have not been delivered. It was Labor that imposed the 15 per cent gap on Santos share ownership to protect South Australia, but today the Premier announced that he wants that measure scrapped. On 19 January 2002, to con the electorate, he said, 'We have released today a detailed plan of action that aims to block future state governments from overriding proper processes by way of major project status to oppose developments in the Parklands.' Well, it didn't work, did it?

Here is a man, a sworn opponent on principle of uranium mining, who has now become an ardent advocate. He did not want nuclear waste in South Australia, but he is happy to have it anywhere else in the world, using our uranium. He is an advocate for overseas power stations using our uranium. He says it is good for the environment and for climate change, but he tries to run a scare campaign that it is not good for the environment in Australia. He is awash with contradictions. He told us he would not have 15 cabinet ministers. Guess what! We have just that. Remember the promised openness and accountability? That legislation was abandoned. Then there was ministerial responsibility and codes of conduct. Oh for a minister who will take responsibility. On 3 February 2002, again to con an unsuspecting electorate, Mike Rann said, 'There will be no sale of our Housing Trust.' However, on 15 March 2007 he announced the sale of 8 000 Housing SA homes over two years—another broken promise, or another lie? When in opposition he railed against privatisation; now he is Premier has he attempted to buy back any part of our electricity or power generation infrastructure? No. It has been out there for sale, but his hands have remained in his pockets.

He has renewed the outsourced bus contracts and he is refusing to say whether he will renew United Water's outsourcing contract when it becomes due. Here is a man with one set of principles and values when in opposition but another when he gets what he wants. It is called duplicity, and it is a dangerous walk for any politician. If the member for

Ramsay's nose was any longer he would be bumping into trees.

This Premier is a good news Premier—we all know that. When things go wrong, he is nowhere to be seen, it is someone else's fault. So courageous is he that he has refused to debate me on statewide television about the need for a 20 year infrastructure plan, and he refuses to appear on ABC 891 because he is afraid to be held to account. In fact, the Premier and I have different stories to tell. In his February 2002 campaign launch he said that he had come here from New Zealand to work for Don Dunstan. He is an accomplished media performer and professional politician.

My story is different. I grew up in my electorate. I spent 23 years in the Defence Force. I learnt what I have learnt out there in the school of hard knocks, outside parliament. I call a spade a spade; the Premier calls a spade a champagne glass. South Australians want to talk about the future, and so do I. I challenge the Premier to debate me in the battle of ideas and not shirk the task. If he wants to rumble, come on, let's rumble in the ideas department. Don't hide behind carefully managed one-on-ones and a brigade of media minders.

I should point out to the house that he was one of the most unpopular leaders of the opposition. The harsh truth is that we have opposite a gypsy wagon, complete with bells, flags and medallions. On board is a group of acrobats, spruikers and flame swallowers disguised as a cabinet, and out front, prancing, freshly puckered up for the cameras and pulling the circus into town is the greatest show pony the parliament has ever seen.

It is a story of failure. My message is clear. The Rann government has had an opportunity to make a difference over the last five years. It has failed. It is time to go. If you cannot set a direction in five years, you will not do so in the three years that remain. If you are useless, you are useless.

**Honourable members:** Hear, hear!

**The Hon. M.D. RANN (Premier):** I suggest an extension of time to allow the opposition leader to keep going. I can understand why the leader is redfaced. This is what we have been waiting for. We have been told that today he was going to outline his vision for our state, his strategy for our state, and his plan for our state, and all we got was personal abuse at the most childish level.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.D. RANN:** I can also say that he will do anything to avoid asking me a question. Last Tuesday at question time he sat there; he would not stand up. So—

*Members interjecting:*

**The Hon. M.D. RANN:** He squibbed.

**The Hon. P.F. Conlon:** There was a lot of argy-bargy.

**The Hon. M.D. RANN:** There was a lot of argy-bargy. We have been told through the media that the Leader of the Opposition is spending a lot of time reading Sun Tzu's classic work *The Art of War*. He has been telling journalists that he is particularly interested in the chapter 'The Art of Surprise', like the surprise attack he made on Iain Evans while he was in Canberra. But the problem with a strategy based on Sun Tzu's 'The Art of Surprise' is that it has to be a surprise. But, the fact is that we were tipped off about today's motion. In fact, this morning I foreshadowed it at 9 o'clock with the press gallery. And that is his problem: he should turn to Sun Tzu's chapters about the need for unity, which the opposition does not have—a loyalty which is a two-way relationship, and which you did not show to either Rob Kerin or Iain

Evans. You stabbed Rob Kerin in the back before the election, and you stabbed Iain Evans in the back.

This is the fifth Liberal leader that I have faced, and he will not be the last. He was supposed to talk about the South Australian economy. Let me give you a quote:

... the economic growth that is now occurring South Australia—the best for a generation—will in fact be reinforced and will continue.

Do you agree with that? Because that was not my judgment; that was John Winston Howard. Let me give you another quote:

I think the commitment of your government today... are doing a fantastic job... Well, I think there is more happening in South Australia today than has probably happened since it was established. The aggressive approach of the government to enticing and working in conjunction to make things happen is really the difference between working in one place compared to another. Every point of assistance, all the way through, and support from the government has been fantastic.

Lindsay Fox, 23 January 2007. Here is another quote:

I just see that you've got a progressive government that wants to do things here.

From KPMG: South Australia has gone from 10th in the world to third in the world. Just remember, from 99 cities we went from 10th to third in the world and first in Australia. The Australian Industry Group states that Adelaide is the most competitive place in Australia to manufacture. The ABS states that South Australian firms are now the most innovative in South Australia.

Then we go on to some other facts that, perhaps, rather than personal abuse you chose to ignore. The fact is that \$10 billion worth of defence projects have been won for this state in the last two years, and \$6 billion for the destroyers contract, except that was John Howard. Do you not think that the Victorian government spent a fortune trying to win that project and we beat them do it? Leadership is not standing up in parliament and carrying out childish personal attacks on people.

Let us talk about mining. Let us talk about the fact that we have had a 433 per cent increase in exploration over the past four years. Let us talk about mining again. You thought you were proud of your record in mining. We got off our backsides. Rather than talk about it, we got off our backsides, introduced the PACE initiative and we have seen not only a 433 per cent increase in exploration—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.D. RANN:** —but the Fraser Institute in Toronto has rated us from 36th in the world, which is when you were in power, to fourth in the world in terms of mining prospects. You want to talk about employment. Employment in South Australia grew by 9.3 per cent between March 2002 and February 2007. There were 64 100 more jobs than when you were in government and you were a minister. That is the difference.

Our rate of jobs growth is nearly twice the rate that it was under the Liberals during their eight and a half years. When you were the minister, unemployment was 7 per cent. It is now 5.6 per cent. You talk in your motion about infrastructure. In 2007-08 our spending on capital works will be twice the level we inherited from the former Liberal government, of which the opposition leader was a minister. In 2001-02 capital spending was so low that it was not enough to cover depreciation of the assets we had. We have doubled capital spending in this state. And so it goes on and on.

Let me give you some other material. In the government's first term it has massively invested to improve health services. Since you were in government an extra \$1.5 billion has been spent on health to fund extra elective procedures, improve emergency services and recruit more health staff. However, we could not repair the state's health system without boosting our public health workforce: an extra 1 836 nurses under Labor, an extra 467 allied health professionals under Labor, an extra 466 doctors employed in our hospitals since this government was elected in 2002. Never before in our history has the health system employed so many doctors and nurses. And that is the point: we are reinvesting in the things that count. We have much lower unemployment than when you were in office, we have got 64 000 more jobs than when you were in office, and we are investing huge amounts of money in health and education and have doubled the expenditure on infrastructure compared to when you were in office.

Let us talk about taxation. The simple fact is that we have provided more services than ever before, together with budget surpluses locked in compared to your budget deficit. Everyone of your budgets was in deficit; everyone of our budgets has been in surplus. The Liberals left the budget in deficit. Your only policy was privatisation. This is the Leader of the Opposition whose most proud claim of the past is that he supported the privatisation of ETSA that forced up electricity prices, and his most proud promise of the future is a nuclear reactor for South Australia which will force up the wholesale price of power by 100 per cent. Not only are we putting more into services, not only do we have a much stronger jobs growth, not only have we stopped privatisation, but we are also rolling out the largest tax cuts in South Australia's history: more than \$1.5 billion by the end of the decade.

So my advice to the Leader of the Opposition is this: the problem with your side of politics in government and in opposition is that you have no unity. You are so busy fighting and squabbling for your own jobs that you did not care about fighting for the jobs of South Australians. You are so busy fighting amongst yourselves that you would never fight for South Australia, and that is the difference. The Leader of the Opposition would not ask me one question on his first day—he would do anything to avoid asking that question—but he did not have the courage today to move a no-confidence motion which would see what would truly be the reflection of the rule of this house and the rule of the people of this state.

**Ms CHAPMAN (Deputy Leader of the Opposition):**

The Premier, the Treasurer and the ministers for health and mental health openly boast that they spend more dollars per capita on health than any state in Australia, and that we now spend \$3 billion out of the \$11 billion budget. But what is the reality; what do we actually receive? In 2002 they held a Drugs Summit—involving one of the biggest health challenges facing our families in South Australia—and yet we are still waiting for a rehabilitation centre. They continue to have annual health budget blow-outs requiring an injection of an extra \$65 million in February 2006 about which, of course, they did not tell the public of South Australia because we were in the middle of an election campaign. They delayed this year's budget for four months because of health cost pressures. They brought in some hot shot from New South Wales to advise them on the budget: even after four years of managing the state finances, they did not know what to do.

They left the biggest government department (health) without a permanent head for months, even after four months' notice that the previous CEO was leaving in mid-2006. They abolished maternity services at the Queen Elizabeth Hospital, leaving western suburbs mothers with pregnancy advice and abortion services, but no place to have a baby. They have held two inquiries into obesity, but still have done little to address the plague on our children's health. They announced in 2003 that we would have a government funded statewide 24-hour health call centre, and we are still waiting. They opened the Margaret Tobin Centre and another mental health unit at the Repatriation General Hospital, both the brainchild of Dean Brown, and they did not even have the decency to invite him to those openings.

The previous minister (who now sits on the back benches) announced new mental health services. However, the new minister slashed one and cancelled the rest. They commissioned a report from Monsignor Cappelletti and then picked out the easy recommendations on mental health reform and left the Glenside Hospital in decay. Last year (an election year), they threw \$25 million to the mental health industry and then expected it to survive, with no recurrent funding. They have achieved for South Australia the worst average wait for elective surgery in mainland Australia, and our aged people are still waiting years for basic surgery.

Scant regard is given for people with disabilities. Even an 81 year old could not get surgical shoes until the matter was raised in this parliament. They have achieved the longest average wait for emergency department services in public hospitals in mainland Australia. They claim the recruitment and retention of hundreds of extra nurses and yet, according to the nurse labour force census, we are still well below the national average. They leave staff to continue under extraordinary pressure in our public hospitals: one man was left waiting for surgery for 42 hours without being washed or fed. The former minister told us that the health system was 'stuffed'. And what did the Treasurer do? He rushed out to offer the transfer of the problem to the federal government, because it was too hard for him.

There has been criticism by the Auditor-General about the late filing of health sector reports, and the Treasurer's announcement in 2005 was as follows:

The lack of good information flow and lack of compatibility in our reporting systems is alarming to the extreme.

It took them six months to produce financial accounts for their metropolitan hospitals for 2004-05 and 2005-06, which they finally delivered up in December 2006 under FOI. Despite all the pretence of caring for the health of South Australians and the cost explosion in providing the same, they were happy to go out and spend \$1 million last year on flat screen televisions and the refurbishment of the department's headquarters. After glowing endorsement by the AMA president last year, he admitted the following in his budget submission this year:

... that growth funding specifically for health has been provided by the state government in the September 2006 budget. However, in reality, this is no more than the predicted increase needed to maintain current services over the next four years.

He went on to explain the 6.5 to 7 per cent health cost inflation factor, which simply does not keep up with this budget. The services suffer, and our people pay the price.

Country health (in case this government had forgotten) got a kick in the teeth last year, with only \$1 million out of a \$130 million capital works budget. It was totally ignored. Nearly 50 000 adults are waiting for dental treatment in this

state, and what did the government do? It announced that it was going to charge primary school students for their visits in order to help reduce the waiting list. When the elective surgery bulletin started telling the bad news, the government cancelled it and promised electronic reporting, which is now consistently late, fragmented and not comparable.

Complaints relating to health services in this state have doubled in 2005-06 compared to the preceding year. At a time of a shortage of doctors and nurses last year, we employed an extra 52 full-time equivalent administrators in the health department. They forgot to sign up all the specialists visiting public hospitals last year, which has now caused a multi-million dollar health budget blow-out, and the minister claimed 'it was a mistake' when he forgot to sign a delegation of authority to spend \$2.42 billion in the health budget.

The Auditor-General calls it unlawful when a Treasurer's Instruction is clearly breached. In 2003, the minister was found to have misled this parliament but not deliberately. We now have silence from the minister on the massive increase of deadly viruses this year in this state. No announcement was made when 40 people contracted salmonella in March at a time when five people died in Victoria, yet he rushes out to tell us to get a flu shot. When the HIV bungle disclosed that his department did nothing for two years, his defence is 'I know nothing'. The minister cannot remain the man in charge of the department and accountable to this parliament continually using the excuse 'I was not told'.

Now for the mother of all deceptions. In March 2006, the Premier announced by press release that he would deprivatise the Modbury Hospital, but forgot to mention how much it would cost. On the same day, during the election campaign, he announced a major redevelopment of the Flinders Medical Centre with one of his latest media stunts. In September last year, copies of all the contracts and correspondence relating to the buyback were refused under freedom of information to the opposition. In October, the budget disclosed the \$17.5 million cost to break the contract with Healthscope due to expire in 2010. After even admitting that it was not profitable for Healthscope and making no criticism of its management, the government pressed ahead with the buyback. It could not even do that on time. It promised to renegotiate by the end of 2006—and it is four months late.

The Treasurer must come clean on the real cost of this buyback. First, Healthscope is a major employer and pays payroll tax of \$40 million plus wage bill. This is nearly a \$7 million revenue loss over the next three years. Secondly, as for management under public ownership, the government cannot even balance the books on what it currently manages. Even with a huge injection of extra money in early 2006, the Queen Elizabeth Hospital still blew its budget in 2005-06 by \$6.3 million; the Royal Adelaide Hospital by \$6.2 million; and the Lyell McEwin Hospital by \$5.1 million. It is absolutely laughable to expect that the same managers will balance the books at Modbury. Add up the contract discount, add up the average budget blow-out and the loss of the payroll tax, and the truth is Healthscope runs Modbury 12 per cent cheaper than this government will ever run it. Of course, if it extended the option to 13 years, that would have saved South Australians nearly \$130 million.

We know there are ideological zealots in the Labor Party obsessed with central control. I suggest the real reason to get rid of Healthscope is so that they can slash the services, strip this asset and sell off the good bits. They say that they want to network all the hospitals but, on their form, that is code for



rationalisation of services. In anticipation of the health care bill, which will abolish the regional boards, this will dispose of those who might complain. Everyone will then be employed by the Health Commission. So they are gagged and, of course, the advocacy groups fear their funding cuts. This is all about silencing the critics and the government has form.

It has announced the sale of valuable land occupied by our prisons to lease back in Murray Bridge. It has announced the sale of multiple school sites, providing valuable real estate to sell off. It refuses to confirm which part of Glenside Hospital it will sell, and it is even having a fire sale on Housing Trust properties, which we have never seen before in this state. All this from a non-privatisation government. Even SA Water has sold its headquarters and will rent a property in the future. The pattern is there. The government cannot help itself. It has been on a spending spree over the last five years and we have little to show for it. Its thirst for South Australia's money is insatiable and its hunger for the sale of South Australian assets is deeply disturbing.

The Treasurer would do well to spend more time on financial management of this state rather than giving me fashion advice here in the house. Let me outline what this government's 10 rules of financial management are. If it is worth something, sell it. If it makes money, tax it. If it is a good program, cancel it. If it is costly, announce it and then cancel it. If it is good news, spin out the Premier. If you are criticised, then employ them. If it is bad news, conceal it. If it is disclosed, deny it. If you are found out, sack someone. If you are sued, pay up and shut up. I urge this government to break away from those rules, get a grip of the situation, understand that the stakes are high and the priority must be our people and not its own self-preservation. This government has made promises and has set targets, and it is about time it started delivering, completing and achieving those commitments.

**Honourable members:** Hear, hear!

**The SPEAKER:** The Deputy Premier.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. K.O. FOLEY (Deputy Premier):** I am sorry; did you just ask whether I knew she was married before I started ringing her up? What a disgraceful remark.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. K.O. FOLEY:** Mr Speaker, 20 minutes of abuse directed towards the Premier is no substitute for vision or leadership. The Leader of the Opposition has promoted today as being an opportunity for him to outline his vision for this state; well, I have been here in this parliament for a long time but I have never before heard the abuse that the Leader of the Opposition has just thrown at the Premier.

*Members interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Order! When I call the house to order I expect it to come to order.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. K.O. FOLEY:** We had a new Leader of the Opposition wanting to outline his credentials as the alternative premier of this state but what we got was abuse about where the Premier lives, about where I live and about where other members live. We got abuse about where the Premier chose to raise his family, and we got abuse about the Premier

being an immigrant to this state. What an example that was for an alternative leader of South Australia to set in this chamber today. It was an appalling contribution.

I have heard about the State Bank in this parliament from much better leaders than the present Leader of the Opposition. I have heard references to the performance of previous Labor governments from much better leaders of the Liberal Party in this parliament. They are quotes lifted from Dean Brown and John Olsen that have served their times in the rough and tumble of this parliament, but putting them into his speech today shows a lack of preparation and a lack of concern.

Mr Speaker, not only were we subjected to 20 minutes of personal abuse—which is no substitute for leadership—we also had the alternative premier of this state say to the Premier, 'Come and rumble.' What sort of alternative premier would use that type of phrase in this place? I am sure that the member is very proud of his 23 year military career—as he should be, he should be very proud of it. However, I will give some advice to the Leader of the Opposition: everyone has a career before they enter this place. Some people may choose to have a career in the military and others may have careers elsewhere; however, it is childish and immature in the extreme, and lacking leadership, to make the point that the Leader of the Opposition did today. I think the fact that he has resorted to abuse says more about his inability to lead than anything else.

Regarding the finances of this state, this Labor government is proud to have restored the AAA credit rating and proud to have delivered five budgets in surplus. When we came to office the net operating balance of the Liberals was \$174 million in deficit. In our first year we turned that around to a \$448 million surplus. The capital budget of this state has doubled. We have cut tax after tax. We have cut land tax. We have cut the Liberals' payroll tax. We have increased the first home owners grant. We have abolished debits tax. We have abolished cheque and lease duties. We are abolishing mortgage duties on residential, and refinancing of, home loans. We have abolished a whole series of other minor taxes. This government has a strong track record when it comes to managing the economy. In relation to this economy, Lang Walker said:

South Australia's economic climate compared very favourably with other states and, along with Queensland, offered the most growth potential.

Lindsay Fox said:

I think there is more happening in South Australia today than has probably happened since it was established.

Our economy is strong. This government is managing our finances well and increasing expenditure on health, police and schools. We have managed the budget well and we will continue to do that. I say in conclusion that 20 minutes of abuse is no substitute for leadership.

*Members interjecting:*

**The SPEAKER:** Order!

**Mr WILLIAMS (MacKillop):** I have so much to say in support of this motion but, unfortunately, I have so little time. Unlike the Premier and the Deputy Premier, who claim to have known about this motion since 9 o'clock this morning, those of us on this side are prepared to address the question before the house. We are prepared to talk about this government's record—something that neither the Premier nor the Deputy Premier spent too much time doing. Why would they?

Their record is very short, very small and, in reality, it is an embarrassment. Today, I will address some of the matters pertinent to regional South Australia. A significant downfall of Rann Labor is its abysmal performance beyond Gepps Cross or the tollgate. While the government claims to gain an insight into regional South Australia by having two regionally-based Independents in its cabinet, and those members claim to represent and fight for regional issues and causes, nothing could be further from the truth.

South Australia's regions are suffering due to drought at present, but this suffering is compounded by five years of neglect from a typical Labor government. Labor does not understand business, disdains private enterprise and does not believe in government support for business sectors, let alone individual operations. The inclusion of two Independents in the Rann Labor cabinet has done nothing to improve the lot of regional South Australians under Labor. On 3 June 2003, the Minister for Agriculture, Food and Fisheries said:

The commitment this government will give to those communities is that in terms of significant cabinet decisions the second tier (the regional impact assessment statements) will be made public and will be available to the community as part of the decision-making process. Communities will be engaged.

Tours by cabinet to country areas are about spin, not engagement. We are still awaiting publication of the first regional impact assessment. A third of the state's population not only has been ignored but also, more importantly, has been treated with contempt. Labor fails to even understand that industry and business require nurturing. They think economic success just happens; and we saw that demonstrated just a few minutes ago. For instance, South Australia under the previous Liberal government set targets for, amongst other things, export earnings—a bit like this government set targets in its so-called Strategic Plan. The difference is that we supported industry to achieve the targets. The trebling of exports from \$3 billion to just under \$9 million under the Liberal government's watch did not just happen. We worked with and supported business to ensure that exports improved. Under Labor, exports from South Australia are, five years on, barely at the level achieved in 2001-02, after falling significantly below that level.

*An honourable member interjecting:*

**Mr WILLIAMS:** The minister will have his opportunity. Within the food sector, in the industry largely based in regional South Australia, exports which were almost \$3 billion in 2001-02 now languish, with only about \$1.8 billion worth exported in 2005-06. The figures come directly from the minister's department web site. If climate variability or exchange rates were the reason, the minister might explain why our food exports—as a percentage of the national figure during the last five years—have dropped from almost 14 per cent to around 9½ per cent. He might also explain why the annual private new capital expenditure in the sector has dropped significantly in recent years. No wonder rumours abound that the food group is to be removed from PIRSA.

In spite of the Premier's claim to govern for all South Australians, this government shamelessly reduces expenditure in regions while concentrating on shoring up votes in Labor city electorates. The member for Mount Gambier has given a whimper about the plans to remove regional health boards and to emasculate local health boards, but obviously the desire to fight the good fight for regional South Australia was overwhelmed by more pressing needs.

Likewise, neither of the independent champions for the bush has raised a concern about the appalling state of road maintenance in non-metropolitan South Australia. Maybe they cowered when they witnessed the savaging meted out to the RAA for having the temerity of pointing out the \$200 million backlog in regional road maintenance for state-controlled roads. This government is very sensitive to criticism and reacts violently towards anyone who dares to question its competence or motives.

One must question the government's commitment to regional South Australia when, in order to impress its bona fides, the Treasurer lists the Kangaroo Island koala sterilisation program in the budget as a specific capital expenditure item for regional South Australia. This government attempts to hide its lack of vision and action by referring to the State Strategic Plan. As I have always said, the document is neither a plan nor strategic. It is simply an assemblage of motherhood statements and vague targets either eminently achievable—such as the renewables target in the Premier's much vaunted climate change bill—or to be met at some date when most, if not all, of us will be long forgotten.

Unfortunately, millions of dollars of the state's resources are being wasted because public servants are being forced to tie their every action to that plan in an attempt to make it relevant. No wonder the public sector has grown by an unbudgeted 9 000 full-time equivalents during the five-year life of the Rann Labor government.

Similarly, I was told a few days ago by several PIRSA agricultural scientists that their clients, the cereal farmers of South Australia, struggle daily with the challenges of coping with climate variability—that is, the annual changes in the time of the opening rainfall—and how to best match crop varieties and seeding regimes to meet these challenges. But their political masters are interested only in global warming and climate change, which is totally irrelevant to the people concerned.

Only this morning I heard the new LGA President, Joy Baluch, from Port Augusta complaining about the lack of police resources in rural towns and cities. While the government claims to have bolstered police numbers, they have failed to acknowledge the low morale, high attrition rates and lack of resourcing which have made our police force less effective, particularly in regional South Australia.

Another issue facing regional South Australia and metropolitan Adelaide is water security. South Australia currently faces a huge challenge as a result of continuing drought. Despite the rain events of last week—whilst very welcome and of significant benefit—the irrigation industries along the River Murray face a very bleak season without extraordinary rainfalls across the catchment. Unfortunately, again, the government has either been in denial or been prepared to gamble. I think it is the latter.

The Minister for Water Security, the Premier's little Murray Princess, seems to have run aground on this one. Notwithstanding the warning bells of 2002, the minister and the government have made no provision for South Australia in the face of continuing drought across the catchment, apart from instituting the River Murray levy. This, of course, was after the Premier's promise of no new taxes. We now know how fickle are this Premier's promises.

The minister noted a little over a week ago that, if it rains, allocations can be lifted above the proposed level of zero, but she added, 'Of course, it will have to rain first.' Obviously, the minister learnt a good lesson from last year, because, last year, they let 770 gegalitres of water flow down the river and

out to sea. For those who do not understand how much that is, it is about the same as South Australia's total consumption from the river per year or more than double the total of Adelaide's annual consumption. The minister claims that the outflow was unavoidable. Last year, on 15 November, the minister told the house that one-quarter of this was return flows from the Barmah-Millewa Forest environmental watering, and that we were not allowed to touch it. A bit over a week ago she told radio listeners in Adelaide that it was from rainfall. In any case, with Murray storages at historic lows and with a continuing drought, South Australians deserve to know how this happened.

I am yet to be convinced by the government's claims. On 29 November, the minister told this house that she would provide data to my colleague the member for Frome on the barrage releases. We are still waiting. I would have thought that if the minister's claims are accurate she would open the books and allow us all to see the records to substantiate her claims. What really heightens my suspicions on this matter is that, on the one hand, the minister claims that the government tried valiantly to hold back the water, whilst, on the other, she and the Premier rushed down to Goolwa with the TV cameras in tow to claim credit for putting more water into the river as environmental flows. Minister, you can't have it both ways.

*The Advertiser* has been writing about the saga surrounding the Premier's proposal to build a weir at Wellington. Obviously, this was another knee-jerk announcement, like the one which sees us stuck with a tram to nowhere. With no understanding of the benefits, disbenefits or costs, we got the announcement from the Premier while he was in Canberra. Ever since, we have had half truths and obfuscation from a government obviously embarrassed by the Premier's wont to grab a headline and to be a hero. It beggars my imagination how SA Water (a government owned monopoly) can claim that most of the documents that it holds on this matter are commercial in-confidence.

This farce was only surpassed by the announcement of water restrictions five weeks prior to their implementation. We were told that the intervening period would be used to advise and educate the public. I knew that the slick pictures of the Premier on TV pretending to be statesmanlike would not work. In fact, it reminded me more of his statement as opposition leader that when you saw a politician's face on a taxpayer funded advert you were really seeing a taxpayer funded party political advertisement. Again, this Premier promised that this would not happen if he were elected. Unsurprisingly, this has also proved to be a false promise.

We were all made acutely aware of the absurdity of the claim and that the ads were merely a rort of an overly arrogant government when the minister responsible for the water supply could not even get it right. He could not even turn off his tap. Further, none of us were surprised when water consumption increased drastically in the weeks before the commencement of the restrictions on 1 January this year. Interestingly, consumption for the year to date is still above consumption at the same time last year.

Only last week, the Premier could not help himself yet again and he flagged further possible restrictions from 1 July. This time, Premier, please spare us the ads. The minister continues to blame others while she and the government have done nothing to solve our water supply problems. She claims ad nauseam that South Australia has the highest level of water re-use in Australia, yet she fails to acknowledge that it was all achieved by the former Liberal government. In the

meantime, her government fails to get on with either the Virginia pipeline extension or the Waterproofing the South project, both of which projects have been signed off by the commonwealth with funding.

The government has completely missed the boat with regard to desalination, the most comprehensive solution for Adelaide's water needs. When first confronted with the opposition's commitment to desalination the government tried, clumsily, to imply that the costs would be double the estimate we made. When it noted the positive public opinion for desalination, the government eventually agreed to an investigation. Given the record of the do nothing Rann Labor government, this will merely be a tactic to quell public questioning while the government hopes for rain.

More remarkable is the government's claim that it is building a desalination plant in the Upper Spencer Gulf. Typically, the Treasurer has been somewhat more coy when it comes to committing any money. It seems that SA Water will only use water from this source if the commonwealth again provides the money. This obviously begs the question about the hundreds of millions of dollars which SA Water provides to the Treasurer each year. In reality, it is BHP Billiton's proposal to build a desalination plant to provide water for its mine expansion at Roxby Downs. The government should commit to a desalination plant for the north, including the Upper Spencer Gulf cities, irrespective of BHP Billiton's plans. But, again, such an initiative would be visionary, and thus, not on Rann Labor's agenda.

It may be news to the Minister for Water Security that South Australia's minimum entitlement flow of 1 850 gegalitres is not sustainable. With current extractions and losses, we would run out of water each time we receive only this amount of flow across the border. If the government will not commit to building a desalination plant for Adelaide, it will need to buy back licences from irrigators to achieve sustainability. It is inconceivable that the Premier can continuously talk of global warming and climate change as the greatest challenge facing mankind without also acknowledging that we must wean Adelaide from a water supply totally dependent upon rainfall.

Like your minister, Premier, you cannot have it both ways. The Liberal Party, unlike Rann Labor, believes that South Australia does not need to live under Third World conditions. The last five years cannot be seen as anything other than wasted opportunity for South Australia, a period where media manipulation and spin is masqueraded as activity, a period when the level of government and ministerial openness and accountability have reached new lows.

Time expired.

**The Hon. P.F. CONLON (Minister for Transport):** Mr Speaker, sometimes you can find the measure of people in the little things as well as the big. One of the things that I suggest to the house that shows the measure of these people is that not three quarters of an hour ago there was an agreement that we would take 30 minutes each. But, of course, they never intended to keep that agreement. Like I say, you can sometimes tell the measure of people on the small things as well as the big.

*Mr Hamilton-Smith interjecting:*

**The Hon. P.F. CONLON:** With your deputy leader, that is who with; with your leader of business, that is who with. If you want the stat decs we will do it. You cannot keep an agreement. Since the member for Waite became the Leader of the Opposition—

*Mr Williams interjecting:*

**The SPEAKER:** Order!

**The Hon. P.F. CONLON:** When the member for Waite became Leader of the Opposition last week we heard massive talk from him and a bit of help from some friends in the fourth estate.

**The Hon. M.J. Atkinson:** Shock and awe predictions.

**The Hon. P.F. CONLON:** Shock and awe it was going to be. We were going to get rolling thunder today. It was going to be last week, but then he thought about it, so it is rolling thunder today. And then we got an orgy of abuse. He abused us for 15 minutes straight. The one thing he did not do is abuse his way into the 21st century. His abuse stopped in the 1990s. The Leader of the Opposition wants to go back in time.

*An honourable member interjecting:*

**The Hon. P.F. CONLON:** Okay, I will deal with the substance of the leader's motion. The substance of his motion was that six years ago everything was great under a Liberal government. Six years ago everything was terrific and, shock horror, for the last five years it has gone downhill. I can see why this bloke wants to stay in the 1990s. Do you know what? He wants to put it on television. He wants to get that on television. I think that we should pay for the time. If someone has had as good a day here today it is the Deputy Leader of the Opposition who, I must say, for the first time in this place in my experience looked quite good. All things are relative.

*An honourable member interjecting:*

**The Hon. P.F. CONLON:** I do not think that even Greg Kelton will be able to describe as good what we heard from the Leader of the Opposition, but he will have a try, no doubt. But, I do not think that even Greg Kelton will be able to describe that as good.

I will say this: his tirade of childish abuse—his orgy of abuse (just to help him out)—is all fair enough but, when you accuse a migrant to this country of only being here for the job and raising the question that he might go back to England or New Zealand afterwards, that is just simply low. I hope that our friends in the fourth estate, who are very quick to point to us about personal abuse, note just how long a tirade that was. But I will deal—

**The SPEAKER:** An hour having expired for the debate of the motion—

**The Hon. P.F. CONLON:** I move:

That the time for completion of the debate be extended by 10 minutes.

Motion carried.

*An honourable member interjecting:*

**The Hon. P.F. CONLON:** Plan ourselves? We did plan ourselves. We planned to have 30 minutes and planned for you to have 30 minutes. Then we put it to the deputy leader's office and she agreed. The thing is, you never intended to keep the agreement, did you? I have to say that there is an object lesson in this for the Leader of the Opposition. Arrangements you come to with the Deputy Leader of the Opposition are fraught with danger, as the member for Davenport learnt to his great chagrin. Let me come to the substance of it, that things are so much worse today than they were six years ago.

*An honourable member interjecting:*

**The Hon. P.F. CONLON:** I did not say that.

**An honourable member:** Yes, you did.

**The Hon. P.F. CONLON:** No, I did not. Check *Hansard*. They are friends of mine.

*Members interjecting:*

**The Hon. P.F. CONLON:** Check *Hansard*. They are friends of mine. Let us go through it: capital expenditure doubled; road expenditure more than doubled—highest on the state's record; highest level of funding for health on the state's record; a record number of police. Now, you are complaining about police: a record number of police.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. P.F. CONLON:** The creation of the SEA Gas pipeline that took away our—

**Mr Williams:** That was well under way before you came.

**The Hon. P.F. CONLON:** It was well under way! The member for Waite—the man who does not like personal abuse—compared the Premier to a fish—a remora fish, I think it was, Premier. It did lead me to think: what sort of a fish would the Leader of the Opposition be?

*Members interjecting:*

**The Hon. P.F. CONLON:** No, no. I thought: what sort of a fish would he be?

**An honourable member:** Piranha.

**The Hon. P.F. CONLON:** No, a cuttlefish. It is not very smart, it is not very attractive, it is not very quick, but what it can do is puff itself up full of water and appear bigger than it is, but after a while the water runs out and you find out it is just an ordinary little fish again. And what about the rest of them? What fish would they be? The Deputy Leader of the Opposition: very slippery, and would have to be an eel. And there is absolutely no doubt the member for Unley would be a European carp: loved by no-one. Of course, we are engaging in personal abuse. Fair enough for them; not fair for us. But I will go on. The creation of the SEA Gas pipeline that reduced our reliance—

**Mr Williams:** You did not create it.

**The Hon. P.F. CONLON:** Okay, I will get Ed Metcalfe from International Power and we will talk about it because, when we celebrated, he recognised the achievement of this government in bringing it about. There has been the creation of the Emergency Services Commission, bringing together emergency services for the first time ever. With not a single wind turbine in South Australia previously, more than half the wind farms in Australia are now in South Australia; the best carbon footprint in Australia in a carbon constrained world which sets us up for the future; and, of course, we turned around the electricity disaster because, Mr Speaker—

**The SPEAKER:** Order!

**The Hon. P.F. CONLON:** —if they want to go into—

**The SPEAKER:** Order! Point of order.

**The Hon. I.F. EVANS:** Mr Speaker, standing order 52 clearly states that the matter of urgency is withdrawn after one hour. I respectfully ask you to rule how a matter can be extended if it is withdrawn after one hour.

**The SPEAKER:** I uphold the point of order. I apologise to the house, and I suggest to the Minister for Transport that he will need to move to suspend standing orders in order to extend the motion.

**The Hon. P.F. CONLON:** That will not be necessary, sir.

**The SPEAKER:** In that case, the motion stands withdrawn.

## GRIEVANCE DEBATE

### RANN LABOR GOVERNMENT

**Mrs REDMOND (Heysen):** Historically, political observers and commentators generally agree that the Liberal Party held domain over Labor in certain areas, such as economic management and law and order. The Rann Labor government is acutely aware of this, and has been from day one. Government members are also experts at manipulating the media. So, from day one, they have been trying to overcome their poor ratings as economic managers and in the law and order debate. I want to talk about law and order—an area where, traditionally, if asked who managed law and order issues better, voters would in the past have said the Liberals. The Premier has made it his key objective to steal that title, and his tactics—based on the idea that, in politics, perception is everything—have been twofold: firstly, call for and introduce tougher penalties; and, secondly, criticise judges, lawyers and generally anyone involved in the administration of justice.

With respect to the first aspect of tougher penalties, anyone who has worked in the area of law enforcement and justice knows that tougher penalties are not the answer. I have said many times that, if a burglar is breaking into someone's house, he is not saying to himself, 'Gee, I'd better not do this; they've just doubled the penalty from five to 10 years.' The fact is that he thinks he will get away with it. The 'tough on law and order' aspect can often be confused with tougher penalties, and that is a fact on which the Rann Labor government has relied so far, to its apparent advantage. However, people are beginning to realise that so-called tougher penalties are nothing more than a cheap way for a government to sound tough, without having to put any real money into addressing real issues.

We all know, as members of the community, that most people who become involved in a life of crime as adults have not just suddenly turned to a life of crime. They usually have a long and graduated history from when they were juveniles, some of them from before they were even 10 years old. A select committee, chaired by the Independent member for Fisher, Bob Such, three Labor members and three Liberal members spent 12 months examining the juvenile justice system in detail to see how we could improve on the results, and how we could deter more young people and get them off the wrong track and onto the right track. That committee presented a unanimous report to the government. So, its own three members (including you, Mr Speaker) unanimously agreed that there were a number of positive things we could do. The government so far has failed even to respond to any of the 43 recommendations of that committee.

We in the community also know that the drug culture has a huge part to play in both the level of mental illness and a large amount of crime that occurs. They are all inextricably interlinked. Introducing tougher sentences does absolutely nothing to address these issues: it is just window dressing, which allows the Rann Labor government to pretend that it is doing something tough on law and order. For too long the Rann Labor government has been getting away with this pretence of being tough when, in reality, the passing of laws with higher penalties is ineffective, lazy and, most of all, cheap, because it costs nothing to pass the law. It achieves its publicity and then moves onto its next trick, never being

called to account for its failure to make any real headway in addressing the problems.

With respect to the second aspect—criticism of judges, lawyers and anyone involved in the administration of justice—again, this is a cheap tactic and one that has thus far had a certain appeal to the public. It has often puzzled me why the Premier, in particular, hates lawyers and the legal profession so much. What has caused that resentment of what he sees as a very exclusive club, of which he cannot be a member? In the case of the Attorney-General, of course, the reason is more obvious. We have an Attorney-General who certainly has a law degree but it is, to say the least, an embarrassment that he has spent more time in court as a witness than he ever has as a practitioner.

But these attacks on the legal fraternity, be it the head of the Parole Board, successive DPPs, judges, or even lawyers who dare to have a different haircut from what the Premier likes, are all designed to do one thing; that is, to deflect attention from the inadequacy of this government in actually addressing the problems by picking on someone else. It is in fact the traditional schoolyard bully tactic: if you are inadequate yourself, pick on someone who cannot fight back. It is popular, it gets exposure in the media, and the nature of those who hold high public office is that they know better than to get down into the gutter where the Premier picks these fights. They recognise that the demeanour and integrity of the office demands that they behave with respect, forbearance and intelligence. It might be popular for a while, it might even resonate for a while with those who, like the Premier, see all lawyers as motivated by greed, eager to drive BMWs and live in the leafy eastern suburbs where, of course, the Premier himself lives.

### PEER VEET

**Mrs GERAGHTY (Torrens):** Recently, I had the great pleasure of attending the PEER VEET annual graduation and awards presentation night at the AAMI Stadium Convention Centre. The night was attended by over 400 apprentices, trainees and their families. I have to say that it was wonderful to see, for some, the celebration of the completion of their apprenticeship or traineeship, and for others the recognition for the hard work that they had put in over the past year. Russell Ebert, four times Magarey medallist, presented an inspirational speech, congratulating the graduates and award winners on completing one of their goals and stressing to them the need to continue to set goals to achieve their full potential in life. The Hon. Paul Caica, Minister for Employment, Training and Further Education, also attended the evening and presented the achievement awards. It was particularly wonderful to see the enthusiastic support given to the apprentices and trainees by their families and friends. CEO of PEER VEET, Michael Boyce, and his staff are to be congratulated on putting on such an outstanding event.

PEER VEET stands for 'plumbing, electrical, electronic and refrigeration (PEER), vocational employment, education and training (VEET)', and is made up of two main arms: PEER Training, a group training company which is one of the largest employers of apprentices and trainees in South Australia; and PEER TEC, a private registered training organisation which provides trade based vocational education and training (VET) in the electrical, refrigeration, air-conditioning, telecommunication, data cabling, security systems, plumbing and fire sprinkler fitting industry sectors. PEER had humble beginnings in 1986 when it started as a

group training company employing 12 apprentices. It has developed over the years to become PEER Training, which employs over 475 apprentices and trainees and is also a provider of VET training through its training arm, PEER TEC.

PEER VEET is a not-for-profit organisation managed by a bipartite board consisting of representatives of employer associations, sole employers and unions. The board has sought to manage PEER VEET to ensure that the very best vocational education and training is provided to their industries. It is an example of what can be achieved when industrial parties come together to act in the best interests of their industries and to ensure their long-term viability. PEER TEC, apart from providing training to its own group training apprentices and trainees, also provides training to private employers. It also provides up-skilling courses to enable existing tradespersons to keep their skills up to date, as well as conducting private training to over 250 VET-in-school students.

There is a looming critical shortage of skilled tradespeople and the VET-in-schools program is one mechanism to address this serious issue. PEER's VET-in-school program is designed to expand opportunities and pathways for our senior secondary students as part of their normal school curriculum. The program is designed to improve post-compulsory education outcomes in line with the State Strategic Plan, as well as address the employment needs of South Australian industry. PEER's program provides studies in both electrotechnology and plumbing, and is offered to both public and private school students across Adelaide. PEER, as I said, is one of the largest private providers of VET in schools in South Australia.

PEER Training is widely recognised by industry in South Australia as being the pre-eminent employer of apprentices and trainees in the electrotechnology, refrigeration and plumbing industries. PEER TEC is recognised for its high level of training for the industry sector and also for the work it undertakes to promote vocational education and training across South Australia.

Again, I would like to add my congratulations to PEER VEET on its marvellous graduation and awards presentation night and wish it many more years of success in providing employment and training opportunities in the vocational employment arena to South Australians—particularly young South Australians. I would also like to congratulate those apprentices and trainees who have successfully completed their training and wish them well in the future.

### GOVERNMENT PERFORMANCE

**Dr McFETRIDGE (Morphett):** Today we have heard what can only be an excuse for failure from the Labor government. The Leader of the Opposition made some really good points and we saw a total failure from the other side to answer those challenges.

I have been given some challenges in the reshuffle. I now have industry and trade, transport and infrastructure, and science and information economy, and I have also kept my arts portfolio and my beloved Aboriginal affairs and reconciliation portfolio. However, it is my intention to make sure that the Premier, Treasurer Foley and minister Conlon do something for this state. They have done nothing, and it will be my job to continually scrutinise the Rann government and its ministers to expose the spin and lack of results. We saw

on the Premier's election profile, 'Rann gets results'. Well, what we have seen today is a lack of results.

The Rann Labor government has no long-term strategic plan for South Australia; merely a wish list, a document full of grand statements and dreams. This is particularly the case with transport and infrastructure. It had no policy at the 2002 election and it has no plan now. At least the Liberals came to the election with a transport policy, and in 2002 we had a transport policy. This government has no policy. In 2003 it had a draft plan that was scrapped, and it now has a strategic plan that is really just a wish-list. It has absolutely nothing. I remember back then we had the MATS plan, and when I came into this place I borrowed that plan from the library and looked at it. At least we had the MATS plan, but Dunstan stopped it and Bannon sold the land off.

We had a plan for transport and infrastructure in South Australia but now we have Pat's plan, and that plan is a road to nowhere paved with the taxpayer's dollar. He is the third Minister for Transport under this government, and he certainly lets people in this place know that, because he blames every mistake on the two previous ministers. We saw on the weekend, 'Fresh thinking for Labor'. Well, there is no fresh thinking in this place from this minister or this government; we are seeing absolutely nothing of worth in this place. The current minister will go down as the worst Minister for Transport because he keeps blaming everyone else. Everyone who criticises this government, who criticises this minister, is bullied and berated, criticised and belittled. I will not be intimidated by this government or by this minister; he can do all he likes to try to belittle, berate and bully, but I will be scrutinising him. His legacy will be blown budgets and dreams that have become nightmares.

This minister is part of a Rann government that will say and do anything to get good press, but Rann and Conlon's results in transport will be fail, fail, fail. Let us look at a few examples of Pat's plans. South Australians have the highest taxing state government ever but let us look at what that government is doing to the hard-working taxpayers; taxpayers who are paying billions of dollars in taxes, levies, fines, fees and charges that are being wasted every day. Look at the tram upgrade. I love trams, and I weep for what could have been for light rail in South Australia. This government bought the wrong trams. Just go out the front and see what it is doing with this upgrade. It is absolutely atrocious; it is an absolute mess. The government is wasting taxpayers' dollars, and we will see that waste very soon when it has to repair the trams it bought, the trams I warned it about four years ago.

Let us look at the roads. There is \$200 million in backlog in roads. I do not have to go out to the country roads; I can just drive out to my electorate of Morphett down the Bay through corrugated, rough bitumen roads. Go down into the Labor electorates and you will see that they are getting some work done. The other day I was very pleased to go back to Elizabeth South, where I grew up, to a meeting about the Northern Expressway. What did Playford council say? I will tell you about that later.

Philip Highway is being done up. Roads need to be done up. Taxpayers are paying \$1.7 billion in taxes to this government, plus \$600 million on GST and fuel. Financial management by this minister is atrocious—the Auditor-General has said as much. This government will collect \$106 million in traffic fines in 2006-07—\$2 million a week. Where is it going? It is not going back into police or roads, or repairing South Australia's accident black spots as part of a road safety initiative; rather, it is going back into the coffers

to pay for extra public servants. The government cannot afford to put seatbelts on school buses but it is pulling \$2 million a week in fines. This government should hang its head in shame. We have seen nothing of substance today from the government. We have seen absolutely nothing in the way of policy. This government did not have a policy in 2002 and it does not have a policy now.

### MULTICULTURALISM

**Ms SIMMONS (Morialta):** I rise today to add my views to the continuing debate that is being ramped up yet again by federal Liberals on multiculturalism in Australia. Multiculturalism is part of the foundation of Australian society.

*Mr Pengilly interjecting:*

**Ms SIMMONS:** I am sorry the member for Finnis feels like that; I think it is very sad, indeed. The principles of multiculturalism have been, and must continue to be, integral to every aspect of our community. It is one of the main reasons for my personal decision to adopt Australia as my country 21 years ago. The debate (started last year by the federal government) that the term 'multicultural' be dropped and deleted from all federal government communication is against the wishes of the vast majority of Australians. Many Australians whom I know are furious about this concept. They were an integral part of building the foundations of this state. Their hard work has helped build a stronger economy and a stronger community in this state. They have embraced Australia but they have not forgotten their own heritage.

In my electorate of Morialta we have a truly multicultural community. I attend many festas organised by the Italian community, from Montevergine, San Rocco, Santa Eufemia and many others. A strong Greek presence sees us process the streets for the Greek Easter and celebrate the saints days for Saints Raphael, Nicholas and Irene. New migrants from Vietnam, Turkistan, Sudan, Sierre Leone, Sri Lanka, the Punjab, and many others, ensure that all aspects of cultural diversity, whether it be language, race, religion or ethnicity, are valued in our community. These celebrations go a long way towards building community harmony and understanding of each other's cultures. At the Multicultural Communities Council last year, the Premier said:

Our culturally rich and harmonious society hasn't simply been gifted to us. It has taken time and, like anything of true and lasting worth in this world, we must work to keep multiculturalism in good repair.

I repeat: 'We must work hard to keep multiculturalism in good repair.' Many people over the years have worked hard. Some in our community have devoted their whole life to ensure that we live in a society where people are respected, regardless of where they or their parents come from. This year 2007 is also the 40th anniversary of Aboriginal people getting the vote in Australia, and it is a timely reminder that we all are guests in this country (including the member for Finnis). It belongs to our indigenous people and I believe that it has been enriched by successive waves of immigrants to this land. I also believe that this fact needs to be lauded at every opportunity.

I am proud to be part of a South Australian government that intends to remain sensitive and responsive to the contemporary issues of a multicultural Australia. I will close with the words of the Chairman of the South Australian Multicultural and Ethnic Affairs Commission, Mr Hieu Van Le—himself a refugee from Vietnam 29 years ago. He

has contributed much to South Australia, both to the economic welfare of this state as a well-respected accountant and businessman and as a community leader within both the Vietnamese community and the multicultural community. He said:

The commonwealth government has proposed a citizenship test for migrants to test their English language skills and understanding of Australian values. The test has been sold to Australians on the basis that it will strengthen national unity. In practice, however, those who fail the new test will go on living in Australia as permanent residents alongside the rest of us, only now with an officially sanctioned 'outsider' status. A test of this kind is likely to create further division when community harmony is already being tried by international tensions. Why not devote resources to ensuring that all migrants have adequate opportunities to learn English instead? It is important to remember that multicultural policy reflects the multicultural reality of the [South] Australian community, with 43 per cent of Australians either born overseas or with one or both parents born overseas, and about 200 languages spoken between us. These numbers speak for themselves; multiculturalism in fact underpins the Australian way of life.

Time expired.

### EMPLOYMENT STATISTICS

**Mr GRIFFITHS (Goyder):** Today I wish to briefly discuss a situation regarding employment and, conversely, unemployment in South Australia. Since coming into this place, I have read hundreds of media releases issued by the government, all pushed the side of a story that is favourable to the government, but in reality these media releases do not tell the complete story, a story that all South Australians deserve to know.

For months I kept reading the argument of the minister that South Australia was experiencing record jobs growth. In reality, over the March 2006 to March 2007 period, a very different story—one hidden from South Australians—has actually occurred. Since the introduction of the commonwealth WorkChoices industrial relations laws last year, and considering the seasonally adjusted measurement of employment, some 276 000 jobs have been created in Australia. Amazingly, over 90 per cent of those are full-time positions. That is a wonderful effort, and it is a testament to the sound economic policies of the federal Liberal Party/National Party coalition.

How does the South Australian economy compare? South Australia has something like 7.6 per cent of the nation's population, so if South Australia had truly been benefiting from the economic boom that the minister, the Treasurer and the Premier continually talk about, I would have expected that our cut of this jobs growth would have been equal to 7.6 per cent of the 276 000. It makes sense. However, as with many things in life, making that assumption could not have been further from the truth because 7.6 per cent of 276 000 equates to 20 800. 'Fantastic' people would say—and we should have 20 800 more jobs in South Australia now than we did 12 months ago. If the South Australian economy had managed to create 20 800 jobs, I would be congratulating the minister and the government.

*The Hon. M.J. Atkinson interjecting:*

**Mr GRIFFITHS:** However, I am not congratulating them, and do you want to know why, Mr Attorney-General? It is because while 276 000 jobs have been created in Australia, only 800 new jobs have been created in South Australia. Do you know what 800 into 276 000 actually equates to? It is not 7.6 per cent, that is for sure. Eight

hundred jobs into 276 000 equates to 0.289 per cent. I say to the minister that South Australia creating only 0.289 per cent of the new jobs created in Australia over the last year is a disgrace. Jobs growth of 0.289 per cent is not the sort of figure that the minister, the Treasurer or the Premier want the South Australian public to hear. Achieving only 0.289 per cent of the national jobs growth is not the sort of figure that South Australians deserve. If South Australia had kept up with the national jobs growth, another 20 000 people would be employed in this state. Imagine that—20 000 more people in work. Imagine what that would do for our economy.

South Australians want to have a prosperous future. South Australians want to know that job opportunities exist for their kids. Since August 2006, the unemployment rate across all age ranges for South Australia steadily increased from 4.6 per cent to 5.6 per cent. Unemployment of 5.6 per cent means that 41 600 South Australians who are looking for a job cannot find one. Remember, this increase in South Australian unemployment levels has been at a time of record jobs growth across the nation. Remember that this increase has been while the minister and the government have been continually telling South Australians only the story that they want them to know. How are the minister, the Treasurer and the Premier getting it so wrong?

What has the minister done to change this situation? Not much it would seem. Sadly for the youth of South Australia finding a job has probably never been more difficult. Youth unemployment at the time I have been in parliament has continually been above 20 per cent, with it being between 25 and 30 per cent for the majority of the time. In fact, two months ago it was a massive 39 per cent. What sort of a future does a 39 per cent youth unemployment rate create for our wonderful state? What sort of incentive does a 39 per cent youth unemployment rate give a young person to even get out of bed in the morning to look for a job? That said, I believe in our kids and I know they will look for any opportunity to upskill themselves. I believe that our kids will get out of bed to look for voluntary work experience opportunities so that they can impress a potential employer. I believe our kids will get out of bed in the morning so they can go to TAFE, to try and gain the skills that they need. I believe our kids will get out of bed to go to university in the hope that a tertiary education will guarantee them a position in a field they have studied hard in for years in order to gain the required knowledge and skills and to pursue the job of their dreams. Our kids will do this in spite of this government's lack of real support to give them a future. Our kids will make us proud.

**The Hon. M.J. ATKINSON:** Madam Deputy Speaker, I have a point of order: we now have six members of the opposition who are masticating in the chamber.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. M.J. ATKINSON:** The Opposition Whip has been distributing food.

**The DEPUTY SPEAKER:** I remind the Opposition Whip that standing orders provide that food is not permissible in the house. I require a note if it is about diabetes!

### STEVEDORING CODE OF PRACTICE

**Ms BEDFORD (Florey):** As we head toward the federal elections the issues of working rights and conditions will come more sharply into focus, perhaps and necessarily more so than ever before. And today being May Day it is especially relevant to acknowledge and honour the importance of the

contribution of the labour of Australia's workers to the prosperity of our state and nation. The reason workers have traditionally come together to organise will be apparent as each one of us wrestles with the implications of the new world of IR in Australia, the work choices legislation, recently 12 months old. It has been a long 12 months for the many workers who have experienced the sharp end of this regressive legislation's repercussions. Many other struggles continue around this nation, championed by the men and women who work in the union movement, for it is from the work of union officials that we discover and take action against practices that are unfair or unjust and, again, through their work, negotiate a fair and just outcome with industry and business. I must mention here the recent work of Janet Giles and SA unions on behalf of young workers which may see changes to the minimum age requirement for employment in South Australia.

Another important struggle is being championed at this very time by the Maritime Union of Australia. We all remember the debt we owe that union for standing up for workers and the terrible dispute that galvanised Australian workers on waterfronts all around the country in the late 1990s. Now, the MUA is working around the creation of a national stevedoring code of practice. The necessity for such a code has been brought to a head by the recent sad and untimely deaths of four MUA members around the country, on the waterfronts of Melbourne, Westernport and here at Port Adelaide. The union has been able to gain the support of two major stevedores for the adoption of such a code—Patrick/Toll and Dubai Ports World (formerly P&O).

In a recent promotional article in *The Advertiser*, DP World outlined details of 30 years 'in an industry synonymous with change', noting that the Adelaide Container Terminal had experienced more than its fair share of highs and lows in that time, and I again quote from the article:

Due to the foresight of a number of individuals and with the dedication and determination of a truly unique workforce, the terminal at Outer Harbor has managed to survive and eventually prosper.

The future looks bright with a planned upgrade to the terminal's infrastructure over the next five years, working with government and industry to increase cargo traffic. It is this cooperative approach that will pay the biggest dividends, as the national nature of stevedoring demands a national approach, ensuring the best outcomes for both businesses and the workers who make every industry happen. However, with the responsibility spread over the portfolios of several federal ministers, along with bodies such as the Australian Safety and Compensation Council, and the Australian Maritime Safety Authority, negotiations could be long and protracted, something to be avoided if productivity and the safety of workers is to be achieved to the fullest.

The ASCC, which is charged with developing and promulgating national OH&S standards, needs the support of the federal government to initiate meetings of relevant stakeholders, to begin a process, to develop and oversee implementation of a new national standard for OH&S in the stevedoring industry. Stevedoring is tough, hard work and workers have the right to safe workplaces. The stakes are high, and workplace standards should also be high, along with the government's urgency to see the code adopted and put into place.

Stevedores are covered by state and territory OH&S legislation, and it is important that the states and the Northern Territory are committed, as they are considered to be part of



the ASCC. Given AMSA's role in maritime safety and its responsibility for marine orders, it will be important that any new standards be consistent across all regulatory agencies. The MUA has named the project a national code of practice for stevedoring. However, taking into consideration OH&S terminology, the title could be misleading in that what is in mind is a new national standard adopted through regulation under state and Northern Territory OH&S law under the Navigation Act 1912. Naturally, such regulation of marine orders would need to be supported by the practical guidance of an instrument such as a code of practice.

The MUA has also commenced research for an appropriate model standard and has identified the International Labour Organisation's dock workers' code of practice as an appropriate starting point, recognising that it will need adaptation for Australian conditions. This groundwork will ensure that stakeholders have a starting point representing a substantial amount of goodwill and best practice. It has to be hoped that this momentum will see a result before the federal election, which, after all, could be as far away as 2008, and before another worker is injured or, worse still, loses their life earning an honest living in conditions that could have been improved by government action.

#### PUBLIC TRUSTEE'S OFFICE

**The Hon. M.J. ATKINSON (Attorney-General):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. M.J. ATKINSON:** Last week, I advised the house of allegations involving financial transactions at the Public Trustee. Those allegations arose out of an internal departmental inquiry into workplace bullying at the Public Trustee. I was informed last week that those allegations of improper financial conduct were referred to the Anti-Corruption Branch of the South Australia Police by the Government Investigation Unit through the Crown Solicitor. Late yesterday, the Director of Public Prosecutions advised my office that his office had now completed deliberation on the matter and that no charges will be laid. I have also been informed that the Anti-Corruption Branch, the Public Trustee and the employee the subject of the allegations have been told about the Office of the DPP decision.

I have been told that the matter under the ACB investigation was, in fact, about the procurement and tendering process of an information technology contract for the Office of the Public Trustee. The Director of Public Prosecutions also informed me that the allegations before his office made no suggestion that the officer had defrauded the Public Trustee of any money. He further advised me that there was no suggestion that the officer had profited in any way by his dealings. Speculative media reporting of the matter has raised concerns about the probity of this important institution. I say again, as I said last week, that the funds held in trust by the Public Trustee are not at risk because of the allegations examined by the ACB.

Owing to a continuing Public Sector Management Act disciplinary process being carried out by the Attorney-General's Department into bullying allegations, it is not appropriate to provide further details at this stage. I repeat my statement from last week that the Public Trustee, Cath

O'Loughlin, is not the subject of the disciplinary process or the Anti-Corruption Branch investigation. I will be examining the materials available to me on these matters to consider what action may need to be taken in the future.

#### ADDRESS IN REPLY

Adjourned debate on motion for adoption (resumed on motion).

(Continued from page 49)

**Mr PENGILLY (Finniss):** In the short time I have left allotted to me I would like to follow through on some matters pertaining to my own electorate and relating to the issues of the ministers that I talked about this morning. One of the major issues in my electorate is the matter of roads and the lack of substantial funding coming through from the state to assist various councils in and around my electorate with those roads. I refer particularly to the Goolwa to Mount Compass road, the Inman Valley road between Yankalilla and Victor Harbor and, of course, the Victor Harbor Road which is a priority for the Liberal Party to upgrade and to improve substantially at the first opportunity.

**The Hon. M.J. Atkinson:** No matter what the cost?

**Mr PENGILLY:** If the Attorney-General shuts up he might learn something. The fact of the matter is that these roads, and a number of others, have been poorly looked after for some time and have received little or no public money from the state government. Of course, I would need to actively pursue the issue of the intolerable road conditions currently prevailing on Kangaroo Island on 1 100 kilometres of dirt roads, which is absolutely outside the capacity of that small local government authority to do anything about. Many ratepayers and taxpayers and electors who spoke to me on the weekend were almost crying in agony at the condition of those roads, and the fact that they have paid rates for 20, 30, 40 or 50 years and nothing has happened. At the end of a period since last July when there has been no rain, the tracks now—they are not roads—are absolutely appalling, and people are pleading for assistance to get something actually happening about those roads. I say to the government and to various ministers and the Premier that it is high time to take this matter on board and reintroduce some sort of funding mechanism to institute some new roads to assist the council on Kangaroo Island, particularly when it is an icon of tourism across the state and loudly applauded by the government, the Premier and the Minister for Tourism and various other ministers.

Also, water is an issue of extreme concern, on both the Fleurieu and Kangaroo Island parts of my electorate. I urge the government, and I have written to the minister—and am yet to receive a response—about extending the height of the Middle River Dam so it can hold more water and we are not in the intolerable situation that occurred this year where it would have actually run out. If it had not been for the fact that there were some large private dams nearby, the main towns would have been out of water. Western Fleurieu is also in a parlous position. Recently the water was switched off on the private Rapid Bay scheme, and that small town and school were out of any sort of minor mains system water, as I term it. But the water down the western Fleurieu is absolutely critical. Second Valley, Rapid Bay and Cape Jervis could actually boom ahead if water was put down there.

The Myponga dam is still holding 70 per cent of its water

despite the drought, and there is a limited capacity to take some water back to Happy Valley via a small pipe. We have 70 per cent of this major dam still sitting there. For the life of me I cannot see why we cannot bite the bullet and institute a system down the western Fleurieu to provide water to Second Valley, Rapid Bay, Cape Jervis and others beyond. People are moving down there in droves, and this infrastructure just needs to be put in place. It is about time that we started looking at some regional priorities and realising that a few people do live outside the metropolitan area and that we need to tackle these issues as soon as possible.

The final matter, which I raised earlier, concerns the South Coast TAFE down at Victor Harbor. I have raised this matter on countless occasions in this place. Once again I implore the government to put this facility in as a matter of urgency, and I will be waiting with great interest for the state budget in a few weeks to see what happens. This is absolutely a cause of great dismay to those people who want to do their TAFE courses in some level of comfort and not in the prehistoric conditions that currently exist. They have every right to do so and they have every right to live in those towns of their choice, particularly down in Goolwa, Middleton, Port Elliot and Victor Harbor, and attend TAFE in that facility.

Time expired.

**Mr GOLDSWORTHY (Kavel):** I am also pleased to make a contribution to the motion moved earlier by the government member with respect to the Address in Reply to the speech made by the Governor's Deputy in the other place last week commemorating 150 years of this parliament. I regard it as an honour to be a member of this parliament at the time of the historic event that took place last week, celebrating 150 years of the democratic process of electing members to the parliament of this great state of South Australia.

I want to cover a few issues in my contribution this afternoon, and I would first like to comment on the proceedings that took place in the house earlier today. I specifically refer to the matter of urgency that was brought to the attention of the house by the Leader of the Opposition, who certainly stamped his authority on the parliament this afternoon in no uncertain fashion. I want to comment on the quite inadequate response of the three most senior members of the government to those matters raised by the leader.

The Deputy Premier had 15 minutes to speak, and within about four minutes he was running out of puff. I think he looked up at the time clock and saw that he had 11 minutes to run and decided that he had better start talking a little bit about economic performance and the like. However, it was just a repetition, to a fair degree, of what the Premier had raised in terms of some comments that Lindsay Fox had made in relation to the economic performance of the state. We then heard the quite lacklustre response of the leader of government business, the Minister for Transport and Infrastructure. He did not cover any of the issues or arguments put forward by the opposition. We just got more of the same from the minister, in his usual red-faced rantings and ravings. We then saw (and the government obviously does not have a good grasp of standing orders) the matter of urgency finish in an hour. It was quite out of order to move the motion to extend for a further 10 minutes because, when the point of order was raised by the member for Davenport, the Speaker—correctly—ruled in favour of the point of order. It was clearly evident that the government was totally inadequate in its performance this afternoon. I believe that it was really caught

off guard.

The Premier tried to float out a bit of a smokescreen, and said that he was tipped off this morning by some people within the media. We have seen those tactics used ad infinitum since the Premier has been a member of this house. It is pretty standard form for the Premier to run those lines out. I have every confidence that the government had no idea that this issue would be brought to the house until an hour before, at one minute to 1 o'clock, when notice was delivered to the Speaker—and, obviously, the Speaker would then have communicated it to the government.

I just wanted to make that observation about what we saw this afternoon. The leading members of the government ran out of puff. They really did not have any cogent arguments to support their position with respect to what was put by the leader, the deputy leader and the member for MacKillop, which was then strongly supported by three, I think, quite outstanding grievances from the members for Morphet, Heysen and Goyder. I can tell government members that that is only the beginning of things to come. The government has been put on notice that these matters will certainly be brought to the forefront and debated in a very strenuous manner.

The other interesting point about which I would also like to comment, which was clearly evident from the ALP National Convention (which I understand was held last Friday, Saturday and Sunday), is the continuing strong union domination of the ALP. ALP members try to paint a particular picture of themselves, their government and their federal opposition that they are working independently for the community for the betterment of the state and the nation of their own volition, and that they have their own ideas and thought processes. However, when one observes from quite a distance the conduct at the national convention of the ALP, one really gains an insight into how much union dominance there is within the ALP structure.

We have seen the federal opposition leader endeavour to distance himself from the unions, publicly looking to pick a fight with some of the national secretaries of the various unions and also rebuke some quite disgusting and insulting comments made by (I think) the secretary of the Victorian electrical union. I do not know the name of the union, but he gave a disgusting description of the Prime Minister on television. We then saw the federal opposition leader make a fairly weak attempt—most of his public media performances are weak—to distance himself from those comments. He can talk a lot and wax on a lot, but once you scratch the surface, there is not much substance. That is similar to our current Premier in that once you scratch through that thin veneer, there is very little left and very little to be discovered.

As I said, the federal opposition leader was trying to distance himself from those crude, disgusting and insulting comments. It is just another piece of evidence that the union movement has a strong stranglehold on the ALP. We see that in the state ALP structure where the union bosses dictate the terms. One of the bosses of a union in South Australia does not like the stance taken by one of the ALP senators on some particular issues in the federal parliament. That woman's preselection is in jeopardy because she happened to have a different opinion from one of the big union bosses who holds office in this state. We all know that it comes down to money. There is an old adage that money makes the world go round. Money certainly makes the Labor Party go round, because the unions have enormous financial resources to fund election campaigns.

I have mentioned this in the house previously—and it is

only 12 months ago that we were debating the previous Address in Reply—that at the opening of the parliament last year when new members were sworn in and gave their maiden Address in Reply speech that they all thanked the big union bosses for their support, particularly Don Farrell from the shoppies union. I do not know the full name of the union and nor do I care, but it was clear that that union is a highly cashed-up organisation. It spread a considerable amount of money throughout many electorates to help with the election campaigns of many ALP candidates. It is evident that, even though ALP members and the current Rann Labor government put on a public display of having little to do with the unions and distance themselves from the unions, the truth is the complete opposite; that is, the unions still have an extremely stronghold over the ALP mechanisms and machinations and how the caucus operates.

I will continue my comments in relation to the three uranium mines policy which was amended on the weekend at the national Labor Party convention. The Labor Party has been stuck in the past, in the pages of history, for the past 25 years in relation to this policy. The Premier has been heralding that he has broken through and it is tremendous, as has the federal opposition leader, that it is a whole new world out there, fresh thinking—all headline grabbing nonsense. All the ALP has done is to move into the 21st century. That is all that it has achieved. It has dragged itself into the 21st century on an issue which has been the policy of the current federal Liberal government, past Liberal state governments and Liberal oppositions around the country for the past 25 years. All the Labor Party is doing is playing catch-up.

We also notice that, even though the federal opposition leader says that he has broken through and there is a whole new world out there—fresh thinking and the like—it is still interesting to note that each individual state has the veto. Even though the federal opposition leader says that the national convention has voted that the three mines policy has been abolished, it is still up to individual Labor state governments to approve any further uranium exploration and mining within their particular jurisdiction. What has it really achieved, apart from trying to grab a headline for the day and making them look like pretty good fellows? Not much, because the states can say, 'No, we will not have any new uranium mine.' That is what I would regard as a hollow outcome.

Over the past two or three days, mention has been made on television and radio stations and in the print media about some potential candidates whom the ALP is looking at preselecting for a couple of federal seats. There was some comment today in the house in relation to the potential Labor candidate for the electorate of Boothby. I listened with interest to the interview on 891 this morning with the national journalist who is interviewed every day at 9.45 a.m. The journalist spoken to was Phillip Coorey (an interstate print media journalist, I think) and I have to agree with his assessment of what has taken place with the potential candidate for Boothby. I actually feel some empathy and sorrow for this lady because she has just been jettisoned into the spotlight by the Labor Party, obviously ill prepared and ill informed.

I recall the day I was preselected. I was actually preselected during the 2002 election campaign; the campaign proper had commenced when my preselection took place so I had about 2½ weeks to set up a campaign and crank that along. However, that is history and obviously it was a success

because I was elected and then re-elected last year.

*Mr Koutsantonis interjecting:*

**Mr GOLDSWORTHY:** Only just? The majority went up, mate. I do have some sympathy for this lady because it is not a particularly enjoyable experience being put out the front with the television cameras turned on, lights being shone on you and questions being thrown at you from behind those lights so that you cannot actually see who is asking the questions. I had the blowtorch put on me that day (I remember it quite clearly), and I admit that it was not a particularly tremendous performance on my part. However, I knew that that was the way of politics, that once you stepped up to the line you had to take whatever came your way.

I would not be surprised if the lady withdraws from the contest. She has a young family, and I do not think that the ALP has done the right thing by her in—

**Ms Breuer:** What right do you have to cast judgment on that?

**Mr GOLDSWORTHY:** I have every right to have an opinion on that, thank you. Wait until the member for West Torrens gets up and has a go in relation to this motion; see where he takes things, and we might question whether he has the right to make comments. I have the right to make any comment I want on any issue relating to politics. If the member for Giles wants to make a contribution she can be my guest. She can stand up and the whole opposition will be here listening to her.

As I said, I would not be surprised if this lady withdraws, because the Labor Party has jettisoned her in there and really left her to try to fend for herself. Actually, they are wasting their time because Dr Southcott, the member for Boothby, is a long-standing, well-respected and entrenched federal member. It does not matter what candidate the ALP puts up against him, he will retain that seat and with every chance of an increased majority. The member for Finnis has just given me today's *Advertiser* with the headline, 'Backlash'.

I think I have made enough comment on that issue, and I want to talk now about an issue I raised in the house last week regarding a question put to the Premier about the safety of schoolchildren travelling to Nairne Primary School, which is in my electorate. Members of the media were so incensed with the behaviour of the Premier in response to my question that they rang me to get a comment on how I perceived his behaviour, and I think there was a quite good article in Saturday's paper that summed up how the Premier treats issues such as children's road safety.

However, and more interestingly, some further issues have come out of that article that relate to comments made by the Minister for Road Safety. That minister, Carmel Zollo, in the other place, was quoted in the article speaking about the interchange at Mount Barker (where the red-light and speed cameras are being constructed) to Swanport. Now, if anyone knows anything about the Hills and further on to the east—

*An honourable member interjecting:*

**Mr GOLDSWORTHY:** Yes, it must be a massive interchange, because Swanport is actually an area of Murray Bridge. It has nothing to do with Mount Barker. It is an area at Murray Bridge. If the poor old beleaguered Minister for Road Safety has to make a comment about the safety of schoolchildren travelling to and from the school, will she please get her facts and the actual detail of the location right. Swanport has nothing to do with Mount Barker. Sure, there is an interchange at the freeway at Murray Bridge that goes to Swanport; and the member for Hammond would know that. I know that because I used to work at Murray Bridge

some 25 years ago.

**The Hon. G.M. Gunn:** I was still here then.

**Mr GOLDSWORTHY:** Graham, you were here 37 years ago. You walked up the steps of Parliament House with my father in 1970—and all power to the member for Stuart! The exit ramp off the freeway to Swanport is at Murray Bridge, not at Mount Barker. One almost feels pity for the Minister for Road Safety.

**The Hon. G.M. Gunn:** She needs some help.

**Mr GOLDSWORTHY:** She needs some help and she needs some assistance because, quite clearly, she is incompetent. She is incompetent when it comes to carrying out her duties as the Minister for Road Safety, and that was clearly evidenced in the comments she made in the article in *The Advertiser* on Saturday. She does not know what she is talking about. She does not know where the intersection is. She does not know the detail of the issue. The red-light cameras have nothing to do with the safety of the schoolchildren at Nairne. She has failed to identify the issue—perhaps on purpose—because that would only enhance her incompetence.

**Mr Koutsantonis:** You are beating up on a woman!

**Mr GOLDSWORTHY:** I am not beating up on a woman. I am beating up on her performance as a minister. Tom, it does not matter about her gender. I am highlighting her incompetence. The government found the money to construct a red-light camera and a speed camera at the intersection, but it does not have the competence to build what is required at the Nairne school crossing and the intersection to make that area safer for the children. I know the Minister for Education and Children's Services is aware of this issue because departmental staff have met with representatives of the local council, the school community and the Nairne community as a whole about the issue. The Minister for Education and Children's Services is aware of this issue. Ministers for transport going right back to when the members for Lee and Taylor were minister were aware of the issue, and now the Minister for Transport and the Minister for Road Safety are aware of the issue. That comment in the article in Saturday's paper was another example of the incompetence of the Minister for Road Safety in handling her responsibilities.

I will comment on some important electorate matters, in particular the increasing demand in my district in relation to the provision of health services. The area of Mount Barker and surrounding districts is the fastest growing inland area in the country and it will continue to be that for a number of years. The local council has submitted a plan amendment report to the government—and I understand it is still in the minister's office—that will give approval to the council to open up further areas where we will see up to 2 500 new homes built. That will put a lot of pressure on a lot of existing service providers, none more so than the health services within the district. I wrote a letter to the minister some time ago and, as a consequence, a review has been conducted of the health services within the Mount Barker area. We are all waiting with bated breath for results of that review. If the minister has not completed his response, I understand it will not be too far away.

I reinforce what I have said in this place before and what I wrote to the minister about, namely, that if this government does not provide a satisfactory level of services in Mount Barker and surrounding districts the whole system will fail. It is a rapidly growing residential area, with businesses moving into the town and further expansion in commercial sites and the like, and it will only bring about further pressure

on services within the district, particularly in the health services area.

I wrote to the minister recently in relation to the dental service in the area. The response I got back was that the waiting list at the Mount Barker dental service surgery was only slightly in excess of the average 23 months waiting list. What an indictment on a government to say that the average waiting list for dental services is 23 months. You have to be on the waiting list for nearly two years. If that is not an indication of the inadequacy of this government, I do not know what is.

Time expired.

**The Hon. G.M. GUNN (Stuart):** Reluctantly I get to my feet. Having participated in the Address in Reply in the 39th parliament, I am happy to continue to participate in the 51st parliament. Having had the pleasure of serving in this august chamber for a number of years, it is interesting that many of the issues are revolving. They continue to come forward and, as progress is made in one area, we seem to either go backwards or the problem grows.

In my large, interesting and diverse electorate, there are many industries and many demands are made of government. I think that the requests are normally very reasonable, well thought out and there is great potential to do good for the people of this state. The tourist industry is exceptionally important, employing a lot of people. Also very important are the mining, the petroleum, the pastoral and agricultural industries, and many others. The growing of wine grapes is also very important. Not many people realise that, in places like Port Augusta, we also have very significant heavy engineering workshops which carry out very important work to ensure that the rolling stock of the nation's railways is in good order.

One thing that has concerned me for a long time has again been brought to the fore by the exceptionally difficult drought conditions that we have had—and over recent days we have had very good rains. That is just the beginning. The benefits, if the rain continues, will take months to flow through into people's pockets. To highlight this particular difficulty taking place in rural South Australia, and in particular the difficulty for people who want to educate their families, I thought it would be important to bring to the attention of the house in the Address in Reply speech an initiative which has taken place at the Booleroo Centre District School—and I am pleased that the minister will be there next week to open the combined facility.

The Booleroo Centre District School has a very good reputation for providing the very best educational facilities possible in rural areas. I will read a letter addressed to me, as follows:

I am part of a studies of society (SOS) class in year 12 at Booleroo Centre District School in the Mid North region. As part of our year 12 SOS we are undergoing a group task on social ethics. As a class we have chosen to do our task on the effect the drought is having on the career pathways of today's youth in regional areas.

We have been working in conjunction with Mid North Regional Health in order to identify the effects of a drought on career pathways of youth.

Our guiding question for this investigation is: 'Is the drought affecting career pathways for school leavers in regional South Australia' and the three main areas we are focusing on are:

1. In which way is the drought impacting on regional youth and families in the local community?
2. What aspects of support are provided?
3. Are school leavers being catered for with sufficient career

pathways?

As a part of our investigation our requirement is to have a result action which we have decided will be a widespread list of actions, these include the establishment of a Career Room at school, review of the current Flying Solo package (which is a gospel for school leavers), articles in the *Flinders News*, Wednesday April 11, *The Advertiser* Wednesday April 11. We are also fundraising and doing a class presentation to senior school students at Booleroo District School promoting support services for the youth of the region. As a class we are also addressing how to apply for scholarships and subsidies and hope to provide assistance in these areas.

As our local member of parliament we draw to your attention this important issue raised in *The Advertiser* Saturday March 31 [headed] 'Rural student aid urged'. As our government representative it would be appreciated if you could raise this very important issue with your colleagues and assist us in addressing the problems rural students face when leaving school and moving on to their chosen careers. We are hoping that you may be able to have this matter and our investigations raised during State and Federal parliament which would highly contribute towards our social action.

I thank you for your consideration and look forward to a favourable response.

It is well thought-out letter, and I commend the group responsible for taking the initiative, because there is a real challenge for parents who have to send their family to Adelaide for further education. It has been pointed out to me that the cost can be up to \$10 000 a year for accommodation, in addition to the cost of transporting the student home for holidays and long weekends. Many of them are leaving home for the first time, and they are cut off from their families and the support they receive from them. If they are established in a flat or unit or share a house with other students, there is considerable cost for the families involved. In many cases, motor vehicles are also required. There is an urgent need for government to look very closely at how it can ensure that students from rural and regional South Australia can access the facilities of education in Adelaide, that is, University, TAFE, or to learn a trade. There is a tremendous need for tradespeople.

There is some support, but I do not think that it is enough, and further assistance is needed to support the travel arrangements, accommodation and some associated costs. It will not be hundreds of dollars: it will need to be some thousands of dollars per year. At the end of the day, if we do not ensure that these young people are given an adequate education, they will not be in a position to play a full and productive role in the future of this state. I think that it is a very pressing need for governments, both state and federal, so I commend these young people for this initiative.

It is important that we also encourage young people from rural areas to get an education and a trade so that they can go back to provide the services that are badly needed in the rural area. It is obvious that people who come from country towns and regional centres are more likely to want to go back to live there. Of course, they must have gainful employment and be given the opportunity to take advantage of what other people take for granted. I commend this group and look forward to pursuing these issues in the next few weeks. I intend to ensure that my federal colleagues, other members of the house and the minister are aware of their concerns. I look forward to some increases in the future, and it is a matter that will need to be pursued in the budget.

In my electorate, we have a number of export industries, and an important one in the southern part of my electorate is the exportation of hay and straw to Japan. It is an important and growing industry. If you look around the Mid North of South Australia, you will see many sheds being constructed

to store hay. This is being done by responsible and hardworking people trying to make a living. It is not the role of government, bureaucracy or other government officials to make life as difficult as they can for citizens. It is not their role unreasonably, harshly or arrogantly to impose upon them irrational conditions or, because they have their own agenda, to attempt to make life as difficult as they possibly can. I believe that if you act reasonably and sensibly in this world, people will respond in that fashion. If you take that other step, then you have to take what comes to you. In my view, the actions of the police—the highway patrol based at Gawler and, in particular, one officer—are right over the top.

I have attempted to bring my concerns to the attention of the minister and to senior police. One of my constituents has been given two on-the-spot fines without any proper warning or discussion by one officer, and when that constituent complained to the local police he was advised that the officer in question said that next time he would throw the book at him. That was an implied threat. A person who exercised their due right in a democracy to complain, to challenge and to seek advice was threatened. It is my view that that officer would be better off cleaning cars instead of enforcing the law.

I will give you his number; I have it here. I make no apology; I have given the warning. If you do not do anything about it, you get what comes to you. The number that I have on this on-the-spot fine is 2353. I am not sure what the other number is and you cannot read his signature. In my view that is deplorable. If people are to be given on-the-spot fines, the signature should be clear and legible, and people should know who it is. The actual notice expiation number is D5987909A, and it was issued on the 26th. My constituent is a hardworking person. These people are under enough stress without getting this sort of treatment.

There has been no discussion with the other industry that has been penalised—the export hay industry—and there has been no discussion with the association. I understand that the Farmers Federation has been involved. I put to the minister and the government that I will get the name of this person. I will speak to my constituent, and I will bring it up in this house, and I will move a motion of censure on that person unless some common sense applies. Is it the aim of the government to make life as difficult as possible for the farming community? We have had enough. Listen to Jeff Kennett talk about the number of people around this country who have been pushed over the brink.

The attitude is also what annoys people. These people will not accept reason. Some of them think that they know best. What disappoints me is that the local sergeant from Gawler who is in charge appears to think that his officers are absolutely perfect. I was very disappointed when I got back. My constituent complained, I think they had a conciliation meeting, and, as expected, nothing happened. He is very disappointed, and I am looking forward to getting a copy of that letter. I say to the government: I intend to pursue these matters and there will be questions put on the *Notice Paper*. I would sooner not do that. If I have to raise these issues with the Minister for Police when the Commissioner is here during budget estimates, I will do it even if it takes a whole afternoon.

I make no apology, because what has happened up there is deplorable. Other members of parliament are aware of it and have had complaints. I am very disappointed that I have not had a telephone call about this matter. I will read from another letter that I received about this from a well-known company. It states:

I have been in discussions with farmers... on this issue and trying to knock it on the head quickly before it gets out of control.

Currently... (Australia Fodder Industry Assoc) Executive Officer Colin Pearce has been heading this and spoken to Mr John Chamberlin [from Transport SA] who showed disappointment of this issue occurring and reoccurring. Between these guys they will try organise a meeting with all involved... next week it would be fantastic if you could join us as well.

I have passed your details... and he will endeavour to reach you and discuss in more detail, however please feel free to contact me.

These particular people have been carting hay for generations. The last thing they want to do is load hay onto trucks and then have it fall off. It is a terribly important industry, and they have not had very much this year. One of the themes of this year is that, because the crops were a lot lower, it will blow off; but hay or straw blows out of the paddocks across the roads, so what are they talking about?

These people are racing around, full of their own importance. I want to know what instructions the police have given them. I want to know if it is their aim to make life as difficult as possible for primary producers and pastoralists. Have instructions been given to issue as many on-the-spot fines as possible? Are the minister and senior police officers satisfied that the officer in question and his offsiders have acted appropriately, reasonably or fairly? Have they tried to work with the community? Have they tried the carrot, and not the stick? Why did they not go out and speak with people and issue a few cautions? Why have they just gone out and pinged people hundreds of dollars—which some of them might not have? They have laid down the ground rules. This parliament has the right and I have a responsibility to pursue these people, and I will, if it is the last thing I do. As I pointed out earlier, I would sooner not go down this track.

I have done the right thing by approaching senior police officers, who give you a sympathetic hearing on the phone, but nothing has happened. They have started it and so, from tomorrow, they can expect the *Notice Paper* to be filled up with questions on notice from me and from others, and the matters will be raised in this house time and again. I am appalled that my constituent, Mr Nitschke, has been given two on-the-spot fines in a most outrageous fashion. I am appalled that the carriers have been pinged before any discussions have taken place. I am appalled that there was no commonsense whereby the people in charge said, 'You should have given these people a warning; we'll cancel the on-the-spot fines, and we'll sit down and discuss what is a fair and reasonable thing.' That is all I want. If that happens, I am happy, and I will stop all questions.

I waited, hoping to get a telephone call back, but I have not had one, and it has been a couple of weeks now. My colleagues in the upper house have raised this matter, it has been raised in the local media, and I intend to issue a press release about this matter in the next few days.

The other matter I want to raise concerns the new laws in relation to transport. Small carriers, farmers, pastoralists and other people involved with trucks are told, 'If you are confronted by inspectors or police and you think you have been harshly or unreasonably treated, take the name of the officer, his number, the number of the motor vehicle, write the time down and contact your member of parliament.' In this parliament I have attempted to have some commonsense applied to this legislation. The member for Schubert and I have a little knowledge about trucks and things, but we are not total experts. We have some knowledge and understand the difficulties. The greatest thing in this world is to have commonsense. There should not be people out there putting

barriers in the way and trying to make life difficult. We should have people helping and encouraging and working with others. That is what I want to see but, if we have difficulties, let me tell you again that I will go on and we will have some fun.

There was another thing I wanted to talk about briefly. There are a lot of subjects I can raise, but I am normally a person of a few words when I get on my feet in this place; it takes a long time for me to get up and raise these issues! I read in *The Australian* of Thursday 12 April a very interesting editorial, which clearly explained the foolishness of a campaign run by the teachers union in relation to trying to split the community and turn people whose children go to private schools against people whose children are in the government system.

I believe that people are entitled to a choice. We need a well funded public system, in which people can receive the best possible education, which is available to everyone. Schools, whether small or large, should be well resourced, and the students should receive the best possible opportunities. People who, for various reasons, want to send their children to a private school—whether it be to access boarding facilities, or whatever—are also taxpayers and are entitled to support from the government, because it means that there will be more for the rest of the community. The editorial in *The Australian* was interesting, and it stated as follows:

The campaign mirrors a \$1 million advertising blitz by the AEU against the Government at the last election, urging a boost in funding for public schools. But what both union campaigns failed to mention is that public school funding is a state responsibility.

I know that the government has been given huge amounts of money by the federal government. It continued:

The federal government does provide the majority of taxpayer funding for non-government schools, as the state governments do not fund the private sector. But overall, government schools receive a higher level of government funding than private schools. Sixty-seven per cent of students are in government schools that receive 75 per cent of total taxpayer funding. And under the Howard Government's funding formula, which is based on income demographics in the school catchment, the poorest non-government schools can receive a maximum of 70 per cent of the taxpayer funding provided per government school student, with a sliding scale down to a minimum of 13.7 per cent. The AEU campaign conveniently leaves out the fact that commonwealth education funding to government schools has increased by 120 per cent since 1996, while enrolments have risen by 1.1 per cent over that period. And it must be remembered that the state funding for public schools comes largely from commonwealth grants.

That parents are voting with their feet and taking their children away from public schools and putting them into the private sector underscores the danger in anti-government campaigns based on demonising private education as elitist. The reality is that parents who send their children to private schools effectively pay twice: once in taxes for a public system they don't use and again in private school fees. Labor has rightly dumped Mr Latham's failed policies of trying to widen the public-private divide. Opposition Leader Kevin Rudd should not thank the AEU for reminding voters about it. All levels of government certainly have their failings on education, but this does not excuse the AEU's shameful political campaign based on a false premise.

I think that is a very good editorial. Since that editorial was published, we have not seen much of this campaign: it seems to have faded into the background. Hopefully, that is where it will stay, because there is a need for adequate funding for the education system. In an electorate such as mine, which has a lot of small schools, there are many costs. However, that does not lessen the need to ensure that the children in these small communities do not have to travel too far and that they have the best possible facilities available to them so that

they are in a position to receive further education, including tertiary education.

The other matter that is always of concern to me is the need to ensure that people who require specialised health care can receive it at a reasonable cost. I am fortunate to have a number of excellent health facilities in my electorate, from a large hospital at Port Augusta to all the rural hospitals in my electorate. We have hospitals, nursing homes and other facilities, which are looked after by dedicated, hardworking people. However, something that concerns me is the ongoing waiting list for hip replacements, and those sorts of things, which are brought to our attention on a regular basis. I spoke to a lady last night who was most concerned, because she believed that she would have to wait in excess of three months for a hip replacement. The pain does not lessen over time; it normally gets worse. Therefore, we really need to look closely at the priorities of the government.

This government has been very fortunate. It has probably had more resources at its disposal than any government since Federation and, therefore, it is a matter of organising priorities. I think it is terribly important that our health system in rural areas is not curtailed. One of the reasons we have had good health services in rural areas is that those institutions have always had strong community support. The local community have taken ownership of their hospitals and have regarded them as an important part of their community. They have financially supported them; indeed, they have given great support to them, and I would be very disappointed if they lost their ability to influence policy or to be part of that decision-making process through any changes which the minister may put to this house. I think it would be a retrograde step that would have long-term detrimental effects on those communities and, whatever happens, I would hope that commonsense prevailed.

The last thing I will talk about in my electorate is the need to ensure that road funding is not cut back. I want to raise a couple of questions concerning those people who, with the coming federal election, are trying to be all things to all people. We have heard nothing about Roads to Recovery. We know when that great scheme was brought in that the then Labor leader opposed it, even though his own electorate got a lot of money out of it. So, where do they stand on this issue? We know that in the past they wanted to put capital gains taxes on people's homes. That is the issue we want to talk about. We know they wanted to attack four-wheel drive vehicles, and we have to make sure that every four-wheel vehicle driver around this country is aware of that. We have to make sure that everyone who wants to sell their house is aware of what may happen.

They are going to cut back on road funding. What group is most important? Is it the aim to appease the trendy greenies and other groups, a few of whom appear to me to be often allergic to water and have no understanding of the real world? I am all for sticking up for the mining industry. I am all for sticking up for the people involved in industry and commerce, including the blue collar people, who are the ones who do the work, not the trendies. The blue collar people are the ones who like four-wheel drive vehicles. With a mobile community, we really do need to ensure that these important issues are brought to the attention of the people of this state and across this nation. So, I am looking forward to the budget debate and I sincerely hope that resources to rural South Australia are enhanced, not cut back.

A couple of weeks ago I had the pleasure of driving on what is known as Goog's Track between Ceduna and the

railway line at Malbooma, accompanied by the Hon. Robert Lawson and the member for Flinders. It was an interesting and challenging trip, and it highlighted the need to have a link between the middle of Australia and the coast. There is a need to upgrade that link from Kingoonya down so that the people in the middle of Australia can get to the beach. For the mining industry to have access and for local communities, those particular roads are important. So, there is going to be a need to spend some money there in the very near future.

I have pleasure in supporting the motion for the adoption of the Address in Reply, and I look forward to participating again next year, as there are many items that I wish to bring to the attention of the house in the future.

**Mr HANNA (Mitchell):** I make this speech in reply to the address given by the Lieutenant-Governor a short time ago in the Legislative Council. I take the opportunity initially to give my best wishes and humble respects to both Her Excellency the Governor, Marjorie Jackson-Nelson, and the Lieutenant-Governor, Bruno Krumins. They have both served the state well. The Governor's speech is traditionally given by the Governor but written, in fact, by someone in the Premier's office to outline the program for the government in the coming session of parliament. The theme of the current government and its philosophy and its policies, I want to approach in an unusual way. I begin by commenting on the Labor Party preselection process.

Readers will see that, from this unique event, I draw some conclusions about the future of the Labor Party and, indeed, our democracy. Just this weekend, Nicole Cornes was preselected for the federal seat of Boothby. She is well known as the wife of Graham Cornes, but in her own right as well she has been writing a column for the *Sunday Mail* for some time. She is a law student, a wife, a mother and a local. The preselection of Nicole Cornes for Boothby is fascinating because, frankly, she has very little knowledge of Labor policy. She brings a very fresh approach to the task of federal ALP candidate. In my view, she is a decent and sincere person, and I believe that she is willing to work very hard not only to win the seat but to serve the people as a member of parliament.

The fascinating side of it comes from the fact that the Labor leadership continues to espouse traditional Labor Party views, yet clearly, on many occasions, is willing to jettison traditional Labor ideology. In other words, at both state and federal level they display what Graham Richardson, a former Labor member of parliament, described as 'whatever it takes'. That is the *raison d'être* of the Labor Party leadership these days. When I heard that Nicole Cornes was going to be selected for Boothby, I did feel some sympathy for the many loyal branch members who, over the years, have raised funds selling sausages, raffle tickets, etc., and served at polling booths. When we talk about the Labor Party, we need to talk about two completely separate entities.

There is the Labor Party membership and there is the Labor Party leadership. They might as well be in different groups. They have about as much in common as the directors of BHP Billiton and the blokes who work in the mines at Roxby. They are linked in name, but it is just about name only. It makes me wonder why those who have worked hard for the ALP machine over the years continue to put up with it, when people without an ideological background can be preselected for an important seat like Boothby. I think many stay for sentimental reasons, simply because of the great institution that the Labor Party has been: the essential role

that it has played in Australian politics over the past century. Of course, many have devoted much of their life to it and it is very hard to admit that things have changed so much that those efforts are now misdirected.

Having said that, it is not just a matter of sentiment that people continue to be active in the Labor Party at grassroots level. I do not doubt that most of those people have idealistic reasons for their continuing membership and work for the Labor Party. Most Labor Party members whom I know and who do not have important positions in the party are thoroughly committed to socially democratic principles and social justice. The reasons they had for joining have continued to motivate them throughout their entire time in the Labor Party. Once again, I distinguish this motivation from the motivation of those who have become careerists in the Labor Party—and there is no need for me to name names, but I refer to the Labor leadership generally.

Of course, there are the factions in the Labor Party and they do display some different characteristics. Probably the right wing of the Labor Party is more guilty of the aspersions I am casting than the left, but these days the left fulfils a role as a kind of window dressing: it is the shopfront display, but when you go into the store you find that the products are the same as the store down the road. These days the left is the prime item in the marketing department to attract young idealistic people into the Labor Party, believing that it is the vehicle for bringing Australia in line with social democratic principles.

The truth is somewhat different. I will give some examples, and it is an appropriate time to do so, since last weekend we had the ALP national conference. Of course, I should clarify that immediately by saying that not only has the red faded from the Labor flag, and not only has the light on the hill dimmed, but they have even changed the name now to Australian Labor. I am not sure what happened to the light on the hill; I think the Greens ran off with it. I just hope they know what to do with it. The Labor Party (or Australian Labor) has moved significantly from something that used to correlate to the British Labour Party to something more akin to the US Democrats—one of two parties, essentially, in accord with big business. No matter the groaning and sniping we have from the big business sector in relation to Labor's industrial relations policy; the reality is that big business works well with Labor, and the Labor leadership is only too happy to do what big business wants in general terms. At the same time, the party needs to appeal to its former working class base to stay in the business.

In commenting on that industrial relations policy for a moment, I highlight the unfair dismissal regime which has now been adopted as federal Labor Party policy. The Rudd presentation of unfair dismissal laws, upheld by the Labor Party today, is essentially where John Howard was when he became Prime Minister in 1996. True it is that the Labor IR package of laws is a lot fairer to workers on the whole than John Howard's WorkChoices legislation. The WorkChoices legislation has clearly been a step too far, and many in the electorate are looking to punish the federal Liberal government for it. But look at what Kevin Rudd is willing to cop in the interests of maintaining a foot in both camps, that is, the camps of both working people and employers. Labor is now willing to say that there should be no legal remedy for workers unfairly dismissed, if they have been working for a certain period of time with employers. I understand that if people have been working for less than six months for an employer with 15 or more employees, or if they have been

working for up to a year for an employer with fewer than 15 employees, then they will have no unfair dismissal remedy.

Where is the justice in that? It is one thing to have a probation period based on work performance; no-one could possibly dispute that. But if employers can dismiss people on the basis of their carer responsibilities, or because they do not want to go out with the boss socially on Friday night, or things such as this—and these are true stories; I can vouch for that—it is pretty crook. Unfair dismissals by definition are cases where the employer has sacked someone without good reason—in fact, without reason. To have a legal system that allows that sort of callous behaviour that can deprive someone of their income for no good reason is appalling, in my view, yet that is something that Labor is willing to accommodate in order not to be too scary to big business.

At the Labor Party conference on the weekend, Labor also scrapped its previous policy in relation to uranium mines, so there is a green light for further uranium mining throughout Australia. Of course, our Premier Mike Rann has been a particularly strong advocate of mining more uranium in South Australia. I remember asking him a question once in parliament about it, and he said it is because he did not like it that he wanted to get as much of it out of the ground as possible and to get rid of it. If only it were that simple. It was a glib answer to a very serious problem. What hypocrisy, when we have our Premier promoting as much uranium mining as possible and yet currying public opinion against nuclear waste dumps when it suits his political purposes.

We refuse to have a nuclear waste dump in South Australia yet we want to mine as much uranium as possible—and we know that when that uranium is exported it will go, in some cases, to countries that have signed the non-proliferation treaty, but there is increasing pressure for exports to go further than that. In any case, what would inhibit countries receiving our uranium from using it for nuclear power purposes and then forwarding other uranium stocks that they have to regimes which have even less palatable purposes?

For example, it is quite conceivable that North Korea might be able to obtain uranium—even enriched uranium—from China at some time in the future, and that could go towards a nuclear weapons program. One could speak for hours about that proposition but it is not completely far-fetched; it is clearly something for which the uranium miners and the state government in South Australia take no responsibility. However, as citizens of this world I do not think we can be so simplistic and wash our hands of the stuff once it is trucked out of Roxby Downs. That is another example of how Labor has changed.

Thirdly, and closer to home, I want to reiterate my disgust at the readiness of the state Labor government to entertain massive cuts to the rights of injured workers in South Australia. These cuts have been proposed by the WorkCover board—a board hand-picked by the Labor government. The two most insidious propositions are, first, a massive reduction in the payment to injured workers after three months off work due to injury (a 25 per cent reduction, in fact) and, second, to deprive injured workers of income when a dispute about income is raised. In other words, the worker who says that he or she is not being paid enough and who wants to challenge it in the tribunal will be not only unable to afford a lawyer but also unable to afford to live, and will not readily make the challenge in the first place—even if their rights have genuinely been cut across by an insurer's decision. So, another one of the Labor Party's sacred cows is led to the



slaughter. They are even willing to cut injured workers' rights in the name of economic rationalism.

A fourth example is the program declared by this government of doubling the number of sales of Housing Trust homes. The Minister for Housing says that we need to double the number of sales of Housing Trust homes in order to save the Housing Trust. Well, that is so preposterous that it is funny. In a way it reminds me of an episode of *Yes, Minister*. You cannot save a valuable social institution such as the Housing Trust (whatever it is called these days) by selling off the houses required to give homes to those most in need in our society.

Having discussed Labor's severance of its traditional policy base, where does that leave the Labor leadership now? What role does it leave for the Labor Party in the Australian political process? Well, I think it has a twofold role: first, it is an alternative management team and, second, it is a kind of employment agency for political aspirants. If only both Labor and Liberal were honest about that, there would really be nothing too objectionable, even if we were all left a bit more cynical at the end of the day. At least one could appreciate the honesty and transparency. If the debate was purely about who can manage the sums better and set the balance, giving as much as possible to stop people demonstrating in the streets while at the same time placating big business in all of their policy desires, then I suppose that would be an honest contest. Secondly, if both the Labor and Liberal Parties came out and said, 'We have better apparatus than the other side and, if we are put into government, we will be replacing heads of the Public Service and giving jobs to our own political affiliates in ministers' officers as well, and our people are better than your people'—not just the elected representatives but the many people who are careerists within the Labor Party and Liberal Party structures—at least that would be honest. But, certainly, the light on the hill that we historically associated with the Labor Party—in other words, the social democratic vision—has faded into the past.

There is a consequence of this, of course, for the political system, and that is people intuitively discern the cynical approach of the Labor leadership these days, and minor parties and Independents will continue to grow in strength in the state and federal parliaments. In my view, the more we have a hung parliament—that is, an evenly balanced parliament—in South Australia, the better government we will have. If it had not been for a hung parliament when John Olsen was around, there would not have been an independent inquiry which found out that he had lied to us. If there had not been a hung parliament in the last parliament (which was a Labor parliament), we would not have had the Mullighan inquiry into abused children. So there are real benefits from having a bit of free play in the parliamentary voting and the ability, in exceptional cases at least, to create real pressure on the government of the day.

Getting back to Nicole Cornes, I wish her well. Even if she does not have ideological baggage, as Labor said (and, of course, I am using 'Labor' in the sense of the Labor leadership), she really is the face of new Labor. My advice to her, for what it is worth, is to hang in there. The Labor leadership is out to use her to win the seat of Boothby, but I think she can turn that around and use the Labor Party in order to get the seat and then not only have a satisfying career in federal parliament but also do the right thing by those in the electorate. I believe that she can win. The tide is coming in for Labor because they have been very smart in the way

they have presented themselves. There is no doubt that Kevin Rudd is a very smart and presentable leader of the federal Labor Party. Everything that people like about John Howard they can have in Kevin Rudd, but he is blonde and younger.

So, I think that Nicole can win in Boothby, and she will have my support. I do not want to unduly criticise Andrew Southcott (the current member for Boothby), but I think he has taken the seat for granted for far too long. I give credit where it is due. I bump into him regularly at the Marion RSL, which is both within the seat of Mitchell and within the federal seat of Boothby, so he does get around the electorate. But I know that Nicole is prepared to work much harder to get there and stay there.

**Ms CHAPMAN (Deputy Leader of the Opposition):**

First, I wish to record my thanks and appreciation to the Governor's Deputy, Mr Bruno Krumins AM, who this year delivered the speech on behalf of our Governor, Her Excellency Marjorie Jackson-Nelson. His Excellency, Mr Bruno Krumins, had the privilege of opening the 51st parliament. This was a very special occasion because it was the sesquicentenary (150 years) celebration of democratic bicameral government in South Australia. Mr Krumins has undertaken his duty as deputy on many occasions at which I have been present, and he carries out those duties with distinction.

Also, I wish to record formally my appreciation to Her Excellency Marjorie Jackson-Nelson because, whilst she was absent from the opening of parliament, she did travel to Gallipoli. She was South Australia's representative at the special Anzac Day service. Indeed, as I understand it, she attended four services, including the Turkish recognition of that important day on our behalf. On this occasion she provided interviews from Gallipoli, and there is no question that she was not only moved by the experience but also enormously proud to represent South Australians. I simply say that we are proud that she was our representative.

The contribution through the speech provided by the government is to outline the government's program in the forthcoming session. As spokesperson I have responsibility for a number of areas on behalf of the opposition. I have spoken at length in another debate today on questions of health, and there are a number of concerning aspects about what the government has not done over the past five years. In his presentation, His Excellency outlined the government's intention to continue the development of its GP Plus centres across Adelaide, and I am pleased to hear that.

The government announced that it would open 10 in the last 18 months, or so. In fact, only two have opened, one of which was already an amalgamated service in the southern area (I think Aldinga is the actual location) and the second centre is located at Woodville, which is actually the relocation of the sexual advisory centre from Kensington in my electorate to Woodville. In some ways I do not consider those facilities to be GP Plus centres in the terms of what was originally outlined by the government. Nevertheless, the government is claiming those as its first two and, of the next two, one is due to open at Marion. However, I just raise a concern about the extraordinary delay in rolling out these centres when they had been a key plank of the government's initiative, one which, in principle, the opposition supports. Unless these centres are rolled out rather than simply relocating existing services, clearly, we will not receive the benefits that are espoused by the government.

The banning of junk food in schools is promised and, after two inquiries into childhood obesity in the lifetime of this

government, I am pleased to see that it will be doing that. Of course, it was an initiative first announced by Prime Minister John Howard some years ago; and specifically it was the responsibility of state governments to carry out such an option. I am glad the government has picked up that important initiative from the federal government. I refer to the Premier's Be Active challenge to promote physical activity from reception to year 9 students. My understanding was that that was already happening but, if it is not, of course, I comment only on the delay. I am concerned, however, about the government's sacrifice of school physical programs which has been mentioned in this house. Essentially, we are rebadging health program money with the Premier's name on it, and that does concern me. It really is just a shallow attempt to pick up the credit for some new initiative that is not new at all.

Most important is the announcement that governance of the public health system will be introduced in the new health care bill and that an independent health performance council will be established. The government has made various announcements about this over the last 18 months, and we will be pleased to at least see the new health care bill. However, I think it is fair to say that the government has already flagged its intention to abolish every regional board in South Australia. It has already dismantled the country regional boards and established one regional board, without providing any funding for future years—nevertheless, it is there—and a new headquarters (Country Health SA) has been set up in Port Augusta. This bill will also dismantle all the metropolitan boards (that is, southern, northern and central health and the Women's and Children's Hospital and other allied health services).

The government has also foreshadowed its intention to change the powers and responsibilities of country boards. I have made a number of comments expressing my concern about any attempt the government might make to reduce their power to hire and fire senior staff or, indeed, to identify which specialties they select involving visiting specialists and, most particularly, which services they will offer. Historically, these boards have managed the hospitals' finances and general administration and, in some cases, have done so for well over 100 years.

Whilst the government has indicated that it will not attempt to interfere with the assets of these boards, clearly, those assets will be transferred into advisory committees, about which country communities have expressed overwhelming concern. We will have that debate in due course, and I expect that the people of country South Australia will be quite vocal about their concern regarding the lack of real consultation in some cases and the lack of information given. However, we will await the minister's bill. It may be that he has accommodated those concerns and that the governance restructure will be a shell of what has been flagged, but I doubt it, and I think we are in for a fight.

The government plans to introduce new mental health legislation. I say that it is about time; it is long overdue. Work was done by the previous government. We are five years into this government, and it is still a problem. We have finally received the mental health report by Monsignor Cappo. As I said today, the government has plucked out the easy bits and left the Glenside campus in a shocking state of decay. If the government is not prepared to get on and develop that site for statewide mental health services, it should for ever hang its head in shame, because, clearly, it is desperately needed. That

is the extent of my comments on the government's intentions regarding health.

What I also want to comment on today is the government's announcement that it proposes to sell off 8 000 South Australian Housing Trust homes. Under legislation currently before the parliament, the government again proposes to abolish all the boards and place the governance under central control. In fact, if and when the relevant bill is passed, the minister and the Chief Executive, Ms Vardon, will have the control of public housing in South Australia. The government's announcement to sell 8 000 homes out of a stock of some 45 000 South Australian Housing Trust homes is quite alarming. At the moment, there are 30 000 South Australians on the waiting list for public housing, and this number includes our most needy and those with low and moderate incomes. It is a matter of concern that the government is to sell off 8 000 homes when it has an obligation to repay its debt at the rate of \$99 million a year and could effectively make a profit of over \$70 million a year from the sale of 8 000 homes over 10 years (assuming that it sells, say, 800 a year).

The government says that it will use this money and put it all back into public housing. We have yet to see whether it will use it all to retire debt and what it will do with its own public housing funding. It is concerning that the reality is that public and community rental housing stocks—and I will use these figures because it is important to recognise that we not only have Housing Trust stock of units and homes in South Australia owned by the South Australian Housing Trust—are available for rental upon certain conditions. In addition, in South Australia we have supported accommodation and other special facilities for high-needs high-dependent members of our community.

There is another ever-growing area of rental housing stock, namely, community housing. As we all know, over the past 30 years there has been a progressive sale of Housing Trust stock, but, effectively, there has been a corresponding increase in community housing stock. This is property which is not owned by the South Australian Housing Trust but, rather, often has a number of owners. It may start from a local council, a charity or a trust owning certain land and, coupled with both state and federal government contributions, they are able to proceed with the development and offer it for public housing. So we have had a corresponding increase in stock.

Notwithstanding claims by the state minister that it is necessary for him to sell off stock to save the Housing Trust, this is the truth of the situation around Australia. New South Wales, Victoria, Queensland and Western Australia from 1996 until the end of 2005 (over a 10-year period) have had an increase in their total public and community rental housing stock. In New South Wales it went from 133 675 to 138 580; Victoria, 66 934 to 71 042; Queensland, 54 224 to 57 289; and Western Australia, 35 787 to 37 392. South Australia and Tasmania are the only states left—and they have had a decrease. From 1996 to 2005 South Australia plummeted by about 9 000 dwellings from 60 698 to 51 628. Tasmania (which is a much smaller state) went from 14 114 down to 12 441.

I mention this because it seems that every other state has been able to build up their housing stock with the commonwealth money that they have received every year, taking into account their obligation to repay debt and taking into account that every state received a reduced capital grant in 1996 from the federal government. We all faced that, yet our state and Tasmania have significantly depleted stocks. The minister

frequently says on radio and in the media that the Liberal government from 1996 to 2001 sold off 10 000 homes. Well, it may have but it increased other stock and supported the development of community housing. The truth is that the total number of Housing Trust, community housing and other supported facilities—the total public and community rental housing stock—under a Liberal regime went from 60 698 down to 57 020, which is some 3 500.

What has happened under this government in the past five years is that the number has plummeted from 57 020 in 2001 down to 51 628. So in its short stint the government has had a net drop of another 6 000. It is just fantasy to say that this has been some big sell-off over a period of time. The net stock is down 6 000. It may have sold off 10 000, 20 000 or 30 000 but, more realistically, it is probably around 10 000 or 12 000 properties. The government also sold off a massive amount of land in that time. Correspondingly, there has been very little build up of the community housing stock.

So we have announcement that we will sell off 8 000 homes. There are a lot of issues surrounding that and we will continue to raise, in the parliament and in public forums, the issue of inadequate provision and management of disruptive tenants. It is a serious problem, of which the minister is aware. He talks of a 'three strikes and you're out' policy out for discussion. I have read the policy and it looks like a 'three strikes and you're still in' policy. Nevertheless, he says he is addressing it, albeit a few years after a recommendation from a committee of this parliament, but I suppose he must be given some credit for saying he will get on with it. The tragedy of this proposal is that he says he will exclude anyone with a mental health problem. I would think that most people here would understand that where we have difficulties with disruptive tenants it frequently involves someone with a mental health problem and/or a substance abuse or alcohol problem. So anyone who lines up with a medical certificate to say that they are depressed or have some other mental health problem will be excluded from this sanction, and that is totally inadequate in dealing with this problem.

Secondly, the 53 000 letters that have gone out to housing trust tenants do three things. First, they blame the federal government for everything as the excuse for selling off these houses; secondly, they reassure tenants that they will have an opportunity to buy the house (and it gives the number to contact); and, thirdly, it states that their Housing Trust tenancy will not be interrupted. That does not mean that they can stay in the house they are in but that they will be entitled to South Australian Housing Trust accommodation somewhere. That is not satisfactory to me or to a number of members of the public who have raised it with me, nor, having discussed it with members in another place, is it satisfactory to them. We must have some security of occupancy so that, unless the government needs to improve, renovate or redevelop a Housing Trust property, the tenancy of that law-abiding tenant is not interrupted. We want some security and assurances (we have had none to date), and the position is quite inadequate.

Houses and land are still being sold. I refer to Saturday's catalogue of auction properties under instruction from the South Australian Housing Trust. There are about 12 properties, including some blocks of land. To give an example, it refers to Sturt, 388 Diagonal Road, allotments 1 and 2, and states 'Build to live or invest in these very affordable allotments set in popular and evolving suburb, close to shop, transport and schools.' It then provides the area and frontage of the property, giving a price guide of \$120 000 for one and

\$115 000 for the other. Why are these two blocks of land not being developed by the South Australian Housing Trust, with or without some socially conscious property developer, as the government states it will do? These are affordable blocks of land: why are they not being developed? The opposition has been informed that there are now no new contracts going out to build any Housing Trust houses—none! Different contracts are available from the Housing Trust, with some being for redevelopments, others for maintenance programs and some specifically on the tender list to build new houses. The industries that historically have had these contracts have been told that no new contracts are going out.

Not only is the government selling off 8 000 homes, but there are no programs to proceed with community housing, which they it has not produced for the five years it has been in office. There is absolutely no opportunity to build new homes, so where will these people live, unless they buy their own property? These properties will be sold, and we will increase the numbers of the destitute and homeless in this state. There are numerous other excellent properties in good condition available for accommodation right now, and it would be ideal for them to be available for one or more of the 30 000 people sitting on the waiting list. It is quite scandalous that we have a diminishing stock with the commonwealth money provided, with \$10 billion put into the states over the past 10 years under two administrations of different political persuasions here.

We have an ever-diminishing stock, yet everywhere else in Australia—except Tasmania—stocks are actually increasing. We have a fire sale about to start and we are already selling off. We have sold off most of the land and we are continuing to sell off prime blocks suitable for redevelopment, and we have a freeze on any new contracts to build new properties. It is very concerning that the government is trying to speak with a forked tongue on this and trying to suggest that they are actually concerned about accommodating our homeless and those who do not have access to either purchase or rent commercial accommodation. It is simply unacceptable to continue to limit the stock and reduce it at this escalating rate.

*The Hon. R.J. McEwen interjecting:*

**Ms CHAPMAN:** Well, we have socialist governments all around the country and they are able to do it; why is this government not able to do it?

*The Hon. R.J. McEwen interjecting:*

**Ms CHAPMAN:** The member also interjects as to the socialist position. The position is this: the state-owned Housing Trust is capable of making this provision. It is its direct responsibility and its charter to make provision. We know that, of the 100 per cent of people who need accommodation in South Australia, about 70 per cent—provided they have reasonable policies—can afford to buy or rent in the commercial market. This parliament understands that it is the direct responsibility of government to help the other 30 per cent. We do that in two ways: the federal government chips in by giving public housing money—\$10 billion over the last 10 years—and, in addition to that, it provides some first home owner grants to get people into homes and some rent relief. Those are good, positive things.

The state government provides accommodation for those who cannot afford to get into that 70 per cent and high needs people. That is its responsibility. By selling off these houses, what the government is actually doing—

*Members interjecting:*

**Ms CHAPMAN:** I have read the figures. Did you see the difference? They should not pretend that they are actually doing something for homeless people or for people who need subsidised support for accommodation when they are really cost shifting. They are doing this by saying that we actually have more per capita—thanks to Sir Richard Butler and Sir Thomas Playford, and so on—of Housing Trust stock, so we need to get rid of some so that we can put into commercial accommodation more people who can then attract rent relief from the commonwealth government. This is cost shifting the supported accommodation element for these people from the state government to the federal government.

Let us be honest about this; this is what is actually happening. The federal government can pick up the tab. I do not really have a problem with the government transferring some of these people. I do not have a problem with that. They can fight it out with the federal government. What I have a problem with is that they are selling off the basic stock for those who cannot afford to buy that stock, and we do not have a commercial rental market to accommodate them. The vacancy rate in commercial tenancy in South Australia is less than 0.05 per cent, and nobody on a low to moderate income, certainly not the pension—even if they tender these days or bid to get into occupancy—has really got a snowball's chance of securing that accommodation. So, let us understand the truth of the situation here.

We can have the minister go out there smiling and pretending that he is actually helping these people, but the truth is that he is making it harder. He is selling off their homes. If you cannot afford to buy them he will sell them anyway and, under the agreement, you will be relocated, as per his commitment in a letter to secure the tenancy. He, of course, has said, 'We don't usually take them any more than five kilometres away from where they are currently living.' That is what he says is a general rule of thumb. There is nothing in writing—if they do not have a place for them, they can send them to Whyalla, Murray Bridge or anywhere.

We are not going to get any comfort from this government's announcement about what it is doing. I will tell you what I am really interested to know from the minister. I wrote to Monsignor Cappelletti on 28 March to ask him, as the Commissioner for Social Inclusion, for his view on the government's announcement of the sale of 8 000 Housing Trust homes. Guess what? I have not had a response or an acknowledgment. Isn't it sad that the Commissioner for Social Inclusion has decided not to provide an answer conveying his view? He and his committee are the people vested with the very important responsibility of looking at a number of issues, including homelessness, as a priority for this government. I am very disappointed that I have not had a response; I look forward to receiving it—if ever.

I wish to conclude with a reference to the Mullighan inquiry, which was set up by this government (at the behest, I might say, of a former speaker of this house and after the incredible contribution made by the former leader of the opposition and a year-long fight) to properly inquire into the institutional abuse, particularly sexual abuse, of children once under the guardianship of the Minister for Families and Communities and his predecessors. In the inquiry, the Commissioner has identified a shameful number of deaths of young people whilst under the guardianship of successive ministers and the extraordinary and rather heart-wrenching stories of victims who have been living, largely, in either institutional facilities or foster care homes, although some have been in other campsites where they have been victims

of sexual abuse. Over 100 cases have been referred to the police under this inquiry, and I think that it is very disappointing that something like only 15 have been inquired into. I think that a few more cases have progressed in recent months, and I hope that they will hurry along, as it is a matter of great concern.

I will tell you what is even more concerning: in the last week or so, I read a report in which I found that five cases of abuse against children are happening right now in our children's prisons, that is, the Magill Training Centre and the Cavan facility. Magill, of course, has residents who are young people up to 14 years of age, and older children (sometimes from the age of 14 or 15 up to the age of 19 or 20 in some cases) who have been sentenced as a result of being involved in some criminal activity are detained and trained in Cavan. So, to find that of all the complaints made about the abuse of children in the categories of sexual and physical abuse, neglect—

**Mrs Redmond:** Emotional.

**Ms CHAPMAN:** There were no findings of emotional abuse in this case. The other categories were the primary basis of those complaints—and these were the complaints that were sustained; plenty of others were not sustained. You would expect, of course, that in these facilities there would be some complaints by residents against a staff member, for example, or another child resident that are unsubstantiated. However, here we are in this day and age—notwithstanding that the Mullighan inquiry is still going on—and there is a huge public outcry against the abuse of children and the importance of protecting them; indeed, children are suffering ongoing sexual and physical abuse and neglect in our institutions while under the guardianship and watch of the Minister for Families and Communities.

It is shameful, and I think that, if the minister is not aware of this going on, he ought to make himself aware and understand that we can spend millions of dollars on inquiries and we can all be sympathetic—

*Mrs Geraghty interjecting:*

**Ms CHAPMAN:** We have done that. This is an important issue, and we are expecting him to follow it up. Public statements have been made on it for the understanding of members of the house. It is absolutely incredible that, after all the public outcry, we could have such a situation still going on. I am pleased to have had the opportunity to make these comments.

**Mrs REDMOND (Heysen):** It is my pleasure to acknowledge, as others have done, the excellent work done by both our Governor and our Lieutenant-Governor, who performed the opening of the Second Session of the 51st Parliament last week. I am pleased that I was able to attend, and I am also pleased that Her Excellency remained Governor long enough to be able to fulfil a wonderful dream in attending at Gallipoli, although that unfortunately meant she was not able to be here with us.

I recognise that my time will be interrupted, and I will in due course seek leave to continue my remarks. I will address just a couple of things at this stage and allow a couple of minutes before 6 o'clock to attend to the necessary formalities. I want to make a couple of comments on things that were said by the Lieutenant-Governor in his opening of parliament. He stated:

This day affords an opportunity for us to look back at the achievements of not just this institution but of the people of this state overall.

It is also a day for us to think of the future. . . and advance the interests of the state and to bring about the common good.

I thought, that is good: we are all here with a common purpose. He also pointed out that historically our parliament has been a real innovator. It has been amongst the first in the world to achieve certain things.

The first that he mentioned is that we were very first place in the world to be elected by secret ballot. My understanding is that we are still one of the relatively few places in the world that uses a secret ballot. But, within a very short time of the commencement of this colony, we actually emerged from being a colonial system with a Governor responsible to the British Crown ruling South Australia to a government responsible directly to the people of the state.

The Lieutenant-Governor then went on to talk about a number of the very innovative aspects of the principles upon which this state was founded. He talked about adult male suffrage, including for Aboriginal men—which, of course, they lost at Federation and did not regain until the 1960s much to the shame of this entire country—the use of the secret ballot, no plural voting, no property qualification for members of the House of Assembly, and a relatively limited property qualification for members of the Legislative Council. Most importantly from my point of view, he talked about some of the measures adopted at the time, in particular the granting to women of the right to both vote and to stand for parliament.

Until recently, I had always understood that we were, in fact, the second place in the world—just a few months behind New Zealand—to give women the right to vote, but then I recognised that the Isle of Man actually beat us by 15 years or so, and somewhere else must have. According to the Deputy Governor's speech we were apparently the fourth place. But, we were very first place to give women the right to stand for parliament. It does us no credit, however, that it took from 1894 until 1959 for the lady on the wall up there, Joyce Steele, to be elected to this chamber. But, we are here now.

The reason that I mention this is that I am probably one of the very few people in this state—particularly females in this state—who has had the honour to be both a member of local government during the celebrations of the sesquicentenary of local government in South Australia during the 1980s, and now a member of state government during the sesquicentenary of state government. It was a particular joy for me to be here the other day for that opening. I really wish that we had taken a picture of the whole lot of us out on the front steps of Parliament House, or something by which, in a photographic way, to record the event of the day.

That said, I now want to begin my comments about some of the things that concern me in the remainder of the Lieutenant-Governor's contribution, which, of course, as already pointed out by an earlier speaker, the member for Mitchell, I think, is actually written by the government and delivered by the Governor or the Governor's representative on behalf of the government. In the first instance, I want to complete the few remarks that I did not get a chance to complete in my grievance contribution earlier today where, members might recall, I talked about the Premier and the Attorney-General constantly attacking various members of the legal fraternity, be it the head of the Parole Board, successive directors of public prosecution, judges or even lawyers who dare to have a different haircut from what the Premier likes.

What puzzles me most is that they have this idea that lawyers are motivated by greed but that, in fact, is not the reality. That seems to be an obsessive idea that both the Premier and the Attorney-General have, but the reality is that most of the lawyers I know are, in fact, not motivated by the money but by a belief in what they do: a belief that justice is important and, indeed, fundamental to our way of life.

What the Premier and the Attorney-General fail to appreciate is that, by belting the legal profession and those involved in the administration of justice for their own short-term and very short-sighted political gain, they run the very real risk of damaging public confidence in a venerable institution. I am not trying to suggest that it is perfect; it certainly needs constant attention, constant care, constant attempts to improve and upgrade it, but they are fundamentally sound processes. We do not have a corrupt legal system. People in this state do not pay off judges to get the result they want.

The Premier and the Attorney-General do not seem to realise that, by damaging public confidence in that institution, they damage the very fabric of our society. To my mind it is the wrong approach. We need to work cooperatively with those who work within the system if we are to have any hope of coping with the increasing tidal wave of drug and mental illness-induced crime, and with white collar crime which is increasing at a dramatic rate. I will continue my remarks at a later date, if I may be given leave, Madam Deputy Speaker, but I understand a couple of formalities do need to be attended to.

Leave granted.

**The Hon. R.J. McEWEN** secured the adjournment of the debate.

## **SESSIONAL COMMITTEES**

The Legislative Council notified its appointment of sessional committees.

### **ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE**

The Legislative Council appointed the Hon. J.M.A. Lensink to fill the vacancy on the Environment, Resources and Development Committee caused by the resignation of the Hon. D.W. Ridgway.

### **STATUTORY AUTHORITIES REVIEW COMMITTEE**

The Legislative Council appointed the Hon. R.I. Lucas to fill the vacancy on the committee caused by the resignation of the Hon. J.M.A. Lensink.

### **ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE**

The Legislative Council appointed the Hon. T.J. Stephens to fill the vacancy on the committee caused by the resignation of the Hon. J.M.A. Lensink.

**PARLIAMENTARY COMMITTEE ON  
OCCUPATIONAL SAFETY, REHABILITATION  
AND COMPENSATION**

The Legislative Council appointed the Hon. T.J. Stephens to fill the vacancy on the committee caused by the resignation of the Hon. S.G. Wade.

**ADJOURNMENT**

At 5.59 p.m. the house adjourned until Wednesday 2 May at 11 a.m.