HOUSE OF ASSEMBLY

Wednesday 26 November 2003

The SPEAKER (Hon. I.P. Lewis) took the chair at 2 p.m. and read prayers.

STATUTES AMENDMENT (PARLIAMENT FINANCE AND SERVICES) BILL

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

OMBUDSMAN'S REPORT

The SPEAKER: I lay on the table the report of the Ombudsman for 2002-03.

Report ordered to be published.

SHINE

Petitions signed by 174 residents of South Australia, requesting the house to urge the government to immediately withdraw the trial of the Sexual Health and Relationship Education Program, developed by SHine, from all 14 participating schools, pending professional assessment and endorsement, was presented by the Hons M.R. Buckby and D.C. Kotz and Mr Venning.

Petitions received.

PAEDOPHILE TASK FORCE

The Hon. K.O. FOLEY (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: I rise to update the house on the activities of the paedophile task force that has been operating within the South Australia Police since 2 June this year. The South Australia Police formed the task force in response to a request from the Anglican church in South Australia to investigate allegations that there was a complex and widespread network of paedophiles within the church. After an initial scoping exercise, the task force was expanded from four to 11 officers on 24 July this year, and they set to work investigating a large number of allegations that came in through the Anglican church help-line. To date, I can advise the house that 196 allegations related to people associated with the Anglican church have been recorded, 138 victims have been identified, and a further 58 victims have chosen to remain anonymous or are yet to be identified. At this stage 47 so-called 'people of interest' associated with the Anglican church have been identified as warranting a full police investigation. Another 15 people of interest are now confirmed dead. Investigations have already begun into those who are still acting in an official capacity within the church or who are the subject of multiple allegations. Other investigations will begin shortly, but I am advised that there is no identified risk to children within the church or associated organisations. I repeat: I am advised of that.

The task force was also subsequently given responsibility for assessing potential extra resources that would flow from the government's decision to review the pre-1982 statute of limitations on sexual offences. There has been an overwhelming response to that decision. The task force has received information through reports from Crimestoppers, SAPOL Sexual Assault Unit, and direct contact by victims with SAPOL'S Child Exploitation Investigation Section. There have now been 540 historical sexual assault cases identified as a result of this government's decision to remove the statute of limitations. The task force will investigate all multiple allegations of historical sexual offences that relate to organisations and agencies with a responsibility for the care and welfare of our children. It is estimated that the task force will be required to run for at least 12 months. More resources from within SAPOL have recently been allocated to the task force, and the Police Commissioner has advised me that further funds are not required from the government at this time.

There are now 17 SAPOL personnel on the paedophile task force. The government has already indicated its willingness to provide the police with the necessary resources to combat paedophilia in this state as part of its determination to track down and lock up the offenders who commit these abhorrent and evil crimes against our children. I intend to keep the house informed of the progress of the paedophile task force in the future.

MEMBER'S REMARKS

The Hon. K.O. FOLEY (Deputy Premier): Yesterday, the Hon. Angus Redford MLC in another place disclosed details of documents to which he had gained access under a freedom of information request on performance agreements. Mr Redford wrongly claimed that I had altered a draft performance agreement assessment so that I shared credit for the budget position in that document instead of credit being attributed to the Under Treasurer alone. In fact, that was completely inaccurate. In an early draft of the performance agreement, dated 3 October 2003, prepared by the Under Treasurer, the Under Treasurer wrote:

> Early draft. The credit of these outcomes lies with the Treasurer and the government, but the Under Treasurer has provided strong support.

However, when I was provided with this draft by the Under Treasurer, I removed—and I repeat: I removed—reference to myself in that paragraph, and described the situation completely accurately, as follows, in a document dated 24 October 2003:

> The Under Treasurer deserves full credit for his leadership, and the strong budget position is an indication of his hard work.

The dates appear clearly on the two documents. It is difficult to believe that the Honourable Angus Redford MLC—and I use that word 'honourable' carefully and loosely, I might add—could not have noticed the dates and the sequence of events. He has been, at least, mischievous and, at worst, has deliberately misrepresented the facts. The Hon. Angus Redford MLC should apologise to the parliament for this misrepresentation.

Members interjecting:

The SPEAKER: Order! The chair makes it plain, given the interjections that have occurred, that the last remark made by the Deputy Premier is entirely in order, and were it the resolve of this house to require the Hon. Angus Redford to so do, then he could be directed to do. I think it appalling that in another place members can attack the integrity of members in this place without there being any requirement upon them to be accountable for their conduct. This is not the first time it has happened.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Health (Hon. L. Stevens)—

Chiropractors Board of South Australia—Report 2002-03
Psychological Board, South Australian—Report 2002-03

By the Minister for Environment and Conservation (Hon. J.D. Hill)—

Chowilla Regional Reserve Review 1993-2003
Correctional Services Advisory Council—Report 2002-03
Correctional Services, Department for—Report 2002-03
State Heritage Authority—Report 2002-03
Water Well Driller's Committee—Report 2002-03.

MITCHAM HILLS OUT OF HOURS SCHOOL CARE SERVICE

The Hon. P.L. WHITE (Minister for Education and Children's Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.L. WHITE: On 15 October 2003, a 5-year-old child left the Out Of School Hours Care (OSHC) program run by Mitcham Hills Out Of School Care Services Incorporated on the Belair Primary School grounds. Following his disappearance from the Mitcham Hills Out of School Hours Care Service, a search for the child was successfully conducted and the child was found in safety. This incident should not have occurred. On learning of the incident, on 16 October 2003, I immediately instructed that an investigation be conducted.

Consequently, two officers of the Licensing and Standards Unit of the Department of Education and Children's Services went to the Belair site that day to investigate the incident. All relevant persons were interviewed. The Licensing and Standards Unit of my department is responsible for the monitoring of nationally agreed health and safety standards in out of school hours programs. All out of school hours care programs operating on public schools sites must be validated against those standards as a condition of use of the public school premises.

I am advised that the Mitcham Hills program is validated and does not have a history of non-compliance. However, as minister, I expect all after school hours care facilities to know the whereabouts of all children in their care at all times and to ensure that they are properly supervised. My department's investigation found that the Mitcham Hills Out of School Hours Care Service was in breach of the standards for out of school hours care relating to staffing, supervision and operating procedures. The board of management of Mitcham Hills Out of School Hours Care Services Incorporated, Belair, has been notified that it has breached standards 3.1, 4.5.2 and 4.4.1 of the Standards for Out Of School Hours Care.

Following this investigation, the Department for Education and Children's Services has recommended that the board of management of the Mitcham Hills Out of School Care Services Incorporated be required to:

- immediately rectify the identified breaches;
- provide written assurance that the health and safety of children attending this service is maintained and that the service will operate in compliance with the requirements of the standards for out of school hours care at all times;
- immediately put in place strategies that ensure the adequate supervision of children attending the service at all times, particularly when playing outside;
- develop and implement a policy and procedure that ensures new children are inducted into the service and made aware of predetermined rules, limits and boundaries;
- ensure parents are informed of the above policies;
- ensure staff reinforce the predetermined limits and boundaries with all children attending the service;
- develop and implement a policy and procedure that ensures the safe handover and transition of new children from the school to the out of school hours care service.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 7th report of the committee.

Report received and read.

Mr HANNA (Mitchell): I bring up the 8th report of the committee.

Report received.

PARLIAMENTARY PROCEDURE

Mr HAMILTON-SMITH: I rise on a point of order, sir. I seek your guidance in regard to standing orders 120 and 122. Standing order 120 states:

A member may not refer to any debate in the other house of parliament or to any measure impending in that house.

Standing order 122 states:

Offensive words against either house
A member may not use offensive words against either house of parliament.

In relation to standing order 120, I seek your guidance, sir, on the Deputy Premier's recent statement concerning comments by the Hon. Angus Redford; and I ask for your guidance as to whether or not it was appropriate for the Deputy Premier to make such remarks, which clearly refer to matters raised in debate by the Hon. Angus Redford.

The SPEAKER: The member for Waite raises interesting points, although perhaps not for the consequence he might have wished. The chair would hope that all honourable members would understand that standing order 120 refers to debate in the other house; and that is then to say that members in this house may not quote debate, that is, argument, that has been led in support of or in opposition to any proposition before this house that has already been debated in the other place. It does not stop honourable members from quoting the remarks that have been made there, other than in the context of debate. The Deputy Premier in this instance was not disorderly to have drawn attention to the offence that has been given by the remarks made in the other place by the Hon. Angus Redford to himself as Deputy Premier and, more particularly, in his office as Treasurer. It would be a nonsense were the standing orders to prevent a member in this chamber from defending himself against assertions of any kind, whether made in the other place or elsewhere.

Equally, in looking at standing order 122—a member may not use offensive words against either house of parliament—the Deputy Premier did not use offensive words against the Legislative Council (the other house) but, rather, drew attention to the offence caused by proceedings in that place. When interjections followed the remarks made by the Deputy Premier, which tended to indicate to the chair that not all members shared his desire to have the member of the other place who had caused the offence to do anything about assuaging that offence, the chair took the liberty of drawing

honourable members' attention to the very serious nature of such offence and, quite properly, the right of any member—the Deputy Premier or any other member—to do as the Deputy Premier did.

I also say to the member for Waite, and other members who may be interested, if it were only possible for the honourable members of the other place to pay as much respect to the honourable members in this place, as they in turn have been paid by members in this place, then the standing of the parliament in the whole of the community might be somewhat higher than it is now. There is no point of order.

QUESTION TIME

PARTY POLITICAL ADVERTISING

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Premier. Given that in June 2001 the Premier declared Labor support for proposed legislation to ban taxpayer funded party political advertising, and force South Australian ministers to pay $100 000 out of their own pockets if they authorised the use of taxpayers' money for party political advertising, does the Premier still support the thrust of that legislation?

The Hon. M.D. RANN (Premier): Can I just say that—

Members interjecting:

The Hon. M.D. RANN: I am very happy to answer the question. We remember the many millions of dollars that you spent selling ETSA and also how you hired—

The Hon. R.G. KERIN: I rise on a point of order, Mr Speaker.

The SPEAKER: Order!

Mr Brokenshire interjecting:

The Hon. M.D. RANN: They do not want to hear this; they are getting a bit nervous.

The SPEAKER: Order! The Leader of the Opposition has a point of order.

The Hon. R.G. KERIN: The issue is obviously relevance.

Mr Brokenshire interjecting:

The SPEAKER: Order! The Premier will resume his seat. If the member for Mawson has a point of order, he should take it in an orderly manner. I warn the member for Mawson. The member for Unley.

Mr BRINDAL: On a point of order, sir, with deference to the Premier, the Leader of the Opposition stood up and asked you to rule on a point of order, and the Premier inadvertently cut across you before you had ruled.

The SPEAKER: As did a few other members, none the least of whom was the member for Mawson who, should he wish to still be here some minutes or hours later, will say nothing further that is out of order. The Premier will address the question, notwithstanding his desire to sing the praises of the efforts made by the government to address whatever political ills and inadequacies may have befallen the previous government.

The Hon. M.D. RANN: Yes. I must say, sir, on the issue of electricity and privatisation, it is like following a Liberal horse and cleaning up after it. I draw your attention to the real difference: the millions of dollars spent by a Liberal government without the permission of the people of this state to sell their electricity assets. We are trying to fix up their mess—

The SPEAKER: Order! The Premier will come to the substance of the question.

The Hon. R.G. Kerin: I think the Premier is treating it as a political ad, actually.

The Hon. M.D. RANN: Can I just say that it was not a political ad. If it was a political ad, it would have said, 'following the dishonest and disastrous privatisation of ETSA by the Liberals'. What we did was stick to the facts.

BRIGHTON SECONDARY SCHOOL CHOIR

Ms THOMPSON (Reynell): My question is to the Minister for Education and Children's Services. Minister, with the Brighton Secondary School choir recently departing for China, will the minister advise the house where the choir will be performing during their trip?

The Hon. P.L. WHITE (Minister for Education and Children's Services): Earlier today, the Premier and I were delighted to wave off the Brighton Secondary School choir as they went off on a tour to China for approximately three weeks. The state government guaranteed that the trip would go ahead once the SARS risk that was apparent earlier this year had passed. Of course, that was the reason why the earlier trip had to be aborted. I am pleased that the government was able to provide the support to ensure that the choir will sing in China. The trip follows on from the Brighton Secondary School's choir's success in Sydney in August, where they were the most successful school at the Australasian Choral Championship. This was a very proud achievement for the school, the school community and, indeed, for South Australia.

The choir will perform across four cities, including singing at the 700-seat Shanghai Conservatoire of Music on 16 December. The concert will be recorded and broadcast on radio, and a number of Chinese education authorities and corporate leaders will be present. There will also be concerts at international schools in Beijing and X'ian. The choir will also perform at the Jing'an Plaza and will join with students from Qingdao No. 39 Middle School to sing to a 3 000-strong crowd of students and educational and civic leaders. The young people were very excited today when they left on their trip, with their presentations from the Premier and me. Their singing was in fine form, and I am sure that they will do us all proud as they show the Chinese nation why they are Australia's premier student choir.

POLITICAL ADVERTISING CAMPAIGN

The Hon. R.G. KERIN (Leader of the Opposition): Will the Treasurer confirm that the total cost of production and transmission agents and other expenses associated with the government's political advertising campaign regarding power did not exceed $20 000?

The Hon. K.O. FOLEY (Treasurer): As I said yesterday, I am getting that information. The early numbers with which I have been provided indicate that it is a very modest amount. Once the numbers are known in full, I will be happy to provide that information to the house.

MENTAL IMPAIRMENT COURT

Mr RAU (Enfield): What action has the Attorney-General taken to have the Mental Impairment Court evaluated and what are the results of that evaluation?

The Hon. M.J. ATKINSON (Attorney-General): In January 1999, the then Liberal government approved funding for a pilot mental impairment diversion program at the Adelaide Magistrate's Court. Many members came to the meeting earlier in the week where the heads of courts appeared in Parliament House to have a conversation with members of parliament. The magistrate in charge of the mental impairment diversion program, Ted Iuliano, was present. This program refers offenders with a mental or intellectual impairment to appropriate treatment, rehabilitation and support services while the formal legal process is adjourned. Although it is not a true diversion program in that offenders remain within the criminal justice system and must face the consequences of their behaviour, they are provided with opportunities to address their mental health, their disability, and their offending.

After its first year, the program was evaluated and introduced to all metropolitan courts and some regional courts. This initial evaluation pointed to the need for the monitoring of any continued offending patterns as the program developed. The evaluation revealed a steady increase in the number of referrals, there being 290 in the most recent financial year. Of those accepted onto the program, 72 per cent were male and one-third were aged between 20 and 29 years.

Offender profiles remained consistent in terms of income sources and accommodation with the pilot period. In our example, 67 per cent of participants were receiving a disability pension; 16 per cent were on unemployment benefits; and 31 per cent were in government-subsidised rental accommodation. Also, the majority of charges were about property and against good order. The evaluation also showed that 55 per cent of participants were known to have had an admission into a psychiatric unit; 61 per cent were currently prescribed medication to control symptoms of their mental impairment; 59 per cent had current or past dependence on substances; and 87 per cent of offenders who were accepted onto the program completed the program.

There has been a substantial reduction in the proportion of persons charged with offences after the program compared with before the program across all types of offences: for example, a decrease of 60 per cent in non-aggravated assault incidents; a decrease of 86 per cent in other types of assault; and a drop of 71 per cent in offences against good order. The evaluation shows that the Magistrate's Court diversion program plays an important role in reducing the levels of remand and imprisonment. I congratulate the previous Liberal government on inaugurating the program.

ELECTRICITY PRICES

The Hon. W.A. MATTHEW (Bright): Does the Minister for Energy accept the findings of consultants KPMG in their report to the electricity regulator that there is no justification for reducing electricity prices, or does he accept the findings of consultant Dr Robert Booth that electricity prices are 'excessively generous' to AGL and that there is scope to reduce prices by 13.5 per cent?

The Hon. P.F. CONLON (Minister for Energy): Regrettably, once again the member for Bright completely misapprehends an act of this parliament, the act that establishes the Essential Services Commission. As I understand it, as a result of the Regulator's discussion paper on tariffs in 2004 there have been some eight or nine submissions. Plainly, under an act of parliament it is not my job to pick which of those I accept: it is the Regulator's job. They laugh, sir! I know that when members opposite were in government they had no regard for acts of parliament and no regard for the laws of the land, but I do. I do, therefore I will allow the properly constituted Regulator—constituted according to a law of this parliament—to consider those submissions. It is not for me to pick among them.

Members interjecting:

The Hon. P.F. Conlon: Because they're not getting any bloody rises, that's why.

The Hon. DEAN BROWN: I take a point of order. The minister just interjected across the house saying 'Because they're not getting any bloody increase or rises in power.' I just wonder who he is referring to in such a manner. I believe it is unparliamentary for a minister to refer to a statutory body in that manner.

The SPEAKER: Order! The expletives used by the minister, whilst in the minds of many people I am sure are offensive, are nonetheless commonplace in society at large. The derivation of the use of that expletive 'bloody' is an oath, 'by our lady', arising from the ancient English of Chaucer's day in the thirteenth century. It is an abbreviated form. It has nothing to do with gore and blood that may issue forth from any wound. The expletive was not directed at the firms: it was to emphasise the nature of the rise, as it were, the consequence of any change. The Minister for Infrastructure will take such consequences as there are for any citizen, whether a member of this place or not, may choose to subjectively attribute to his choice of terminology. The house itself has never found the use of the oath 'bloody' to be unparliamentary.

The Hon. P.F. CONLON: If it assists with the sensitivity of the Leader of the Opposition, I will withdraw the word 'bloody'. The rest of the words stand.

The SPEAKER: And so be it. Let us not waste more of Question Time.

The Hon. R.G. KERIN: I will accept that from the minister, but he totally contradicted the answer he had given the house—which is right.

The Hon. P.F. CONLON: If it helps, I am looking into the future, sir; merely making a prediction.

The SPEAKER: All members, I am sure, are interested for the sake of their constituents rather than the prospective advantages that any party or person may obtain from the exchange. Let us proceed with Question Time. The member for Wright.

FUNDING FOR DRUGS SUMMIT INITIATIVES

Ms RANKINE (Wright): My question is to the Minister for Health. What is the focus of the second round of allocations for initiatives identified at the South Australian Drugs Summit, and which programs will receive funding?

The Hon. L. STEVENS (Minister for Health): I know that the answer will be of particular interest to the member for Mawson who, not so long ago, claimed that the government had implemented only 11 of the 53 recommendations from the Drugs Summit.

An additional $6 million will be spent over the next four years on 14 new initiatives identified by the delegates at the Drugs Summit. While the first round of initiatives focused on youth education and the use of dance party drugs, our second response boosts support for families of drug users and enhances prevention and treatment programs for Aboriginal people. The second round of initiatives has a strong focus on

better prevention and better treatment for young people and families. They include $600 000 per year to extend the successful Aboriginal kinship program to rural and regional areas; $100 000 to investigate the feasibility of establishing an Aboriginal family treatment facility in the Adelaide metropolitan area; expanding policies and practices through the whole school drug strategy to address tobacco and smoking related issues for young people; $655 000 per year for the Department for Correctional Services to increase the provision of psychological and mental health services for offenders with substance abuse problems in prisons and community correction settings; $145 000 a year to collect information from people presenting with drug-related health issues at the emergency departments of the Royal Adelaide and Lyell McEwin hospitals to guide activities to reduce harm arising from amphetamine and other psycho-stimulant use.

This $6 million boost builds on our initial $12 million commitment to reduce illicit drug use and its devastating effect on individuals and families in our state, and these 14 initiatives—which reflect our strategic directions of prevention, timely intervention, and timely and effective treatment—follow 21 initiatives announced last year. The government has now addressed 80 per cent of the recommendations from the summit and is progressing the balance.

ELECTRICITY PRICES

The Hon. W.A. MATTHEW (Bright): My question is again to the Minister for Energy. I ask the minister why he did not give permission to the Energy Consumers Council to prepare a submission to the Electricity Regulator until 11 November 2003, just three days before such submissions were due?

In its report recommending a 13.5 per cent cut in electricity prices, the Energy Consumers Council says, and I quote:

> The Energy Consumers Council sought the approval of the Minister for Energy to make a submission. The minister's approval was granted on 11 November 2003. The council regrets that the time available for it to prepare comments on the ESCOSA proposals was extremely short—just a few working days—and it has not been possible to explore all of the issues in depth that their importance justifies.

The Hon. P.F. CONLON (Minister for Energy): I can tell the house when I gave my permission: as soon as they asked, as soon as Dick Blandy said, 'Can we make a submission?' I said, 'Yes, and we will fund you for the resources.' Can I also explain to members opposite, because we do things differently from how they used to, that as far as I was concerned they never needed permission. The only issue was the authorisation to spend some funds. But I can say that the permission was given orally as soon as it was asked for, and the letter followed a few days later. So, had the Energy Consumers Council asked for permission in October they would have got it. Had they asked for it in August they would have got it; had they asked for it in July they would have got it. You have to understand this: we set up the Energy Consumers Council—a brave second stream of advice. We set it up, we fund them, we resource them, and we have allowed them to do whatever they have asked so far. The answer is very simple: they got permission as soon as they asked.

The Hon. W.A. MATTHEW: I have a supplementary question. In view of the minister's answer, does he believe that the price setting role for 2003 would have been assisted if he had created the Energy Consumers Council in time to lodge a submission on the 2003 prices that South Australians are now being forced to pay?

The Hon. P.F. CONLON: That is not the view of the Energy Consumers Council—you can go and read that—and I share their view.

The Hon. W.A. Matthew interjecting:

The Hon. P.F. CONLON: If they need clarification: it is not the view of the Energy Consumers Council that they needed to make that submission, and I share that view.

SPORT, PARALYMPIC SCHOLARSHIPS

Mr CAICA (Colton): Will the Minister for Recreation, Sport and Racing advise what the significance is to South Australia's elite athletes of the recent announcement of the Paralympic Preparation Scholarships as part of the SASI high-performance scholarships?

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): I thank the member for his question and also for his ongoing interest in this area. The increased recognition of paralympic athletes, with the most recent round of high-performance scholarships offered by the South Australian Sports Institute, will provide a significant boost to these athletes. In June 2003, I signed off on a recommendation to provide a separate funding pool to put in place a paralympic preparation high-performance scholarship program. The initiative has been developed in co-operation with the Australian Paralympic Committee for the benefit of our South Australian athletes. Previously, paralympians who applied for the SASI high-performance scholarship program were assessed for funding in the same pool as able-bodied athletes. The new separate funding pool provides $40 000 specifically for paralympic athletes. This represents almost a doubling of the annual funding usually awarded to athletes with a disability. Included in the list of the 18 high-performance paralympic scholarships awarded through this program are track athletes Neil Fuller and Katrina Webb, shooter Libby Kosmala and swimmer Matthew Cowdrey.

The scholarship grants range from $500 to $3 000 per athlete. The scholarships are based on previous years' performances as verified by the athlete's state sporting association. There was also an emphasis on supporting potential 2004 Paralympic team members. This is an excellent initiative and will be a major boost to South Australia's elite athletes as they prepare for next year's Paralympics.

SCHOOLS, ASCOT PRIMARY, ASBESTOS

The Hon. D.C. KOTZ (Newland): Will the Minister for Administrative Services advise the house why he has not implemented the recommendations of the DAIS Asbestos Management Procedures: Ascot Park Primary School review, which he received in April this year? Why were these recommendations not implemented at the Playford Primary School, where only last month Transfield Services were found to be in breach of safety procedures and management of asbestos removal at that school, some six months after the minister received the report? The review received by the minister in April of this year was scathing on the lack of procedures undertaken by DAIS during the asbestos removal at Ascot Park Primary School, from tender to removal to clearance certificates. Criticisms noted in the report state:

The appointment of the head contractor was non-conforming with the tender specifications. There was no mention in the conditions of tender or conditions of contract relating to asbestos removal or the code of practice for safe removal. There were no on-site visits made by DAIS workplace service inspectors to inspect the site following the discovery of asbestos in the sports equipment room. The first final clearance inspection on January 17 was not sufficiently vigorous. Further testing was necessary and a clearance letter was not received until February. There was no formal final inspection or clearance report provided by the main contractor, by the air monitoring consultant or by DAIS and any of its management units involved in the project.

The Hon. J.W. WEATHERILL (Minister for Administrative Services): I thank the honourable member for her important question. It is a matter of grave concern to the government about the way in which—

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. J.W. WEATHERILL: Thank you, sir. It is a matter of grave concern to the government about the way in which asbestos and the removal of it is handled in our schools. That is why, when the event that occurred at Ascot Park took place, we instituted an independent inquiry.

We provided the necessary resources to ensure that an inquiry was undertaken. All of the matters that were documented by the member for Newland relate to the events that occurred at the time of the Ascot Park event. In other words, those deficiencies were documented in the report, and the honourable member has mentioned those. They were not the same issues that then arose at the Playford Primary School that occurred very recently. A little bit of confusion, I think, was generated by the way in which the question was asked.

There are two separate issues: the Ascot Park Primary School issue; and the Playford Primary School issue, which has arisen later. The report undertaken was a report into the Ascot Park Primary School. In relation to that matter, I asked for each of the report's recommendations to be acted upon; and, as I understand it, they are being acted upon. The Playford Primary School issue concerned a separate and different matter. The Playford Primary School issue concerned a standing instruction, which, in fact, has been in place since the time when the previous government got itself into some difficulty over the Cowandilla Primary School.

That concerned the undertaking of work to remove asbestos during a time when the school was still operational. That is a separate standing instruction and not one which was called into question in the Ascot Park Primary School matter. We have a longstanding position—which is known by and should be understood by all contractors who do work with government—that no asbestos removal should occur during school hours. That is a fairly simple and, one would have thought, commonsense proposition, and one which I understand is a contractual obligation between us and our contractors.

As I said, that measure was put in place because of the fact that the Cowandilla Primary School, under the previous government, did attempt to remove asbestos during working hours. It was, I think, as a result of the agitation of the then shadow minister for industrial relations (minister Key) that that change in policy was brought about. In any event, that obligation does exist. It was breached in relation to the Playford Primary School. That breach is a matter that has been drawn to my attention and acted upon. It will not happen again in respect of this contractor; and, in respect of this contractor, we are reviewing their performance.

It may well be that our future relationship with this contractor will, indeed, be affected by this performance. It will certainly be taken into account in our review of our ongoing relationship with this contractor. I might say that it has been the cause of some consternation, I think, within industry generally that we have elevated the standards around asbestos removal. I know that I have received a number of representations from members opposite on behalf of some asbestos contractors who are concerned about the elevation of the standards that this government now requires in relation to asbestos removal.

That has put some pressure on the industry. Certain people who formerly were able to remove asbestos from government projects are now no longer in that position. We are attempting to work through some of those issues with those contractors. We make no apology for demanding the highest standards in relation to the removal of asbestos, especially in circumstances where we are dealing with the fragile and vulnerable bodies of young children. It is an important question; it proceeds on a misapprehension that the Playford Primary School situation was, in fact, related to some of the deficiencies that were identified in the Ascot Park situation. That is not the case.

It is a separate breach. It is equally as alarming, and I have taken immediate steps to act on it.

STUDENT OUTCOME SURVEY

Ms CICCARELLO (Norwood): My question is to the Minister for Employment, Training and Further Education. What is the significance of the results of the annual student outcome survey released by the National Centre for Vocational Education Research and to what does the minister attribute these good results?

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): I thank the member for Norwood for this question and for her comments about the NCVER results. The National Centre for Vocational Education Research survey published in 2003 relates to the outcomes for TAFE graduate studies from the preceding year. We are very pleased to announce this year that 96 per cent of SA TAFE graduating students are in employment or further education after the end of their course. This is an astounding result and is a five percentage point increase on the previous year and four percentage points ahead of the national average. This outcome means that, for any young person who is out of training and out of employment and looking for opportunities, the chance of going to TAFE in South Australia offers them the best opportunities in the country.

The figures show not only a substantial increase in outcomes for our state but also that the level of graduates' satisfaction with the quality of their training has increased dramatically by 16 percentage points over the last year, rising to 83 percentage points. It is higher than the national average of only 82 per cent. Again, satisfaction levels are 18 per cent higher this year for students completing modules through TAFE. Other results of the survey show that 81 per cent of our graduates were employed within six months of leaving their TAFE course, compared with 70 per cent nationally. Some 72 per cent of those who completed modules through TAFE became employed within six months, compared with 65 per cent nationally. The survey clearly shows that our TAFEs perform well compared with national average. This is closely following on from two research projects from TAFEBIZSA winning Australian Vocational Education

Training and Research Association national awards and our TAFE SA results at the ANTA Awards, with three out of 10 winners and one runner-up.

This morning, there were some other excellence awards and, getting to the point of the question, which was to what do we attribute the success of our TAFE system in this state, I am absolutely unequivocal in saying the reason we have such good results in our TAFE system in South Australia is the fact that we have very high quality staff who work through sometimes very difficult conditions and circumstances to deliver always the best educational outcome for their students. Today, it is appropriate that we comment on those people who were commended in the Satisfac TAFE Excellence Awards this morning: Lloyd Bennetts, State Disability Coordinator, TAFE SA Shared Services; Belinda Brereton, Enrolled Nurse Lecturer/Coordinator, Spencer TAFE; Rob Denton, Advanced Skills Lecturer, Electronics and IT, Torrens Valley TAFE; Melanie Keynes, Lecturer Coordinator, Cellar Door Sales, Murray TAFE; Christine Medlin, Lecturer/Traineeship Coordinator, Business Services, Regency TAFE; Nahid Mehraein, Business Manager, City West Child Care Centre, Adelaide TAFE; Roger Parry, Principal Lecturer, Building and Construction, Douglas Mawson TAFE; Debbie Reed, Educational Manager, Business Services, Onkaparinga TAFE; and Marj Swaffer, Retail Coordinator, South-East TAFE. I congratulate these winners and unequivocally say that the reason our TAFE scored so well in national prizes is undoubtedly the quality, dedication and enthusiasm, as well as the innovative, high level commitment, given by all our teachers and staff at our TAFE institutes.

PUBLIC SERVICE EMPLOYEES

The Hon. R.G. KERIN (Leader of the Opposition): What is the Minister for Industrial Relations doing to help the government achieve its stated goal of reducing the number of Public Service employees earning over $100 000? The Auditor-General's supplementary report published yesterday lists the Department of Transport and Urban Planning as employing 37 people at over $100 000. A check of last year's report shows that the number of employees in this bracket has risen from 22 in 2002 to 37 to 2003, an increase of 70 per cent.

The Hon. M.J. WRIGHT (Minister for Transport): Working very hard.

HOMESTART FINANCE MEDIA AWARDS

Mrs GERAGHTY (Torrens): My question is to the Minister for Youth. Minister, what is being done to promote positive images of young people in the media?

The Hon. S.W. KEY (Minister for Youth): I thank the member for her question, because this is obviously a topical issue. Recent media coverage of youth crime in the southern suburbs, in particular, highlights the destructive activities of some young people in our community. Reporting of Schoolies Week in Victor Harbor, too often focuses on trouble caused by a few young people in our community. I think the point needs to be emphasised that, overwhelmingly, the number of young people in our community are responsible and well behaved.

This image sometimes leads to young people as a group being portrayed negatively in the media, and that can have an affect on the image many young people have of themselves. It is important that a balanced picture of young people is portrayed and that the achievements of our youth are acknowledged and celebrated, as well as their concerns raised and discussed. This is why the government, through Home-Start Finance, supports the South Australian Youth Media Awards, which acknowledge and reward accurate and professional reporting of the achievements and issues faced by young people in South Australia.

On Friday 21 November, I had the great pleasure of attending the 2003 HomeStart Finance Media Awards, and I would like to take this opportunity to congratulate this year's winners. They are John Bisset, for best artwork/cartoon in print or digital media; Brenton Edwards, best photograph printed in print or digital media; Jonathan Atkins, best online news report or feature; Daniel Sluggett, best feature in regional press or publication; Rebekah Devlin, for best feature in metropolitan suburban press or publication; Abbie Chenoweth, best news report in regional press or publication; Barry Hailstone, best news report in metropolitan/suburban press or publication; Gemma Clark, best radio news report, feature interview or documentary; Sonia Madigan, best television news report, feature interview or documentary—

An honourable member interjecting:

The Hon. S.W. KEY: It was held on Friday night—and William Rayner, ETSA Utilities Young Journalist of the Year. There were a record number of nominations for this year's awards, with more than 170 nominations compared to 96 last year. This presented the judges with the very difficult task of reducing that list to 35 finalists in 10 categories. I want to acknowledge the work that has been done not only by the sponsors but also by the judges in making this happen. All the winners were worthy recipients of their prize, and the standard of entries was incredibly high. Well-known comic Stephen Abbott, also known as Sandman, was the host of an excellent evening. The finalists in each category have much to be proud of in portraying youth and youth issues in a balanced, accurate and professional way.

REGIONAL MINISTERIAL OFFICES

The Hon. G.M. GUNN (Stuart): My question is to the Minister for Transport, and we know how he likes to quickly answer questions. I ask the minister how he can justify paying for the regional ministerial offices at Port Augusta and Murray Bridge out of the Department of Transport's budget, and does he take responsibility for the activities of the people employed in those offices? The house would be aware that the two offices are headed up by Labor Party candidates who were unsuccessful at the last state election.

Mr Brokenshire interjecting:

The SPEAKER: Order! The honourable member for Mawson knows the consequences, so he had better zip it. The Minister for Administrative Services.

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): The question, of course, proceeds from a misapprehension. The offices are, in fact, contained within the budget line which includes the agency of the Department of Transport and Urban Planning. In fact, they have come into existence under the urban development aspect of that portfolio. Together with the Office of the Southern Suburbs and the Office of the North, they are all located within that portfolio for obvious planning purposes. There is a document to which members opposite do not pay a lot of attention. It is called the Social Atlas. If one looks at

the Social Atlas one can easily see that the Upper Spencer Gulf and the northern and southern suburbs are amongst the most needy not only in this state but also in the nation. We have chosen—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —to allocate resources to those areas because, God knows, those opposite have neglected them over the last 10 years. We have said that—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order! I call the member for Davenport for the last time.

The Hon. J.W. WEATHERILL: We have said that the concentrated and coordinated efforts of this government should be aimed at particular locations. We know from experience that it is not sufficient just to have agencies carrying out their functions—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: We have come to know that it is not sufficient for agencies just to carry out their functions and hope that all sections of the community will receive equally the benefit of those functions, and that it is necessary to advocate for particular areas, and that is what these offices do: they coordinate the activities of government agencies and advocate on behalf of particular areas. I know that members opposite are not interested in the disadvantage that manifests itself in particular pockets of our community, but this government is. These are modest resources in an attempt to have a whole-of-government approach to particular problems that occur in parts of our community. I would have thought that, if members opposite who purport to have the interests of rural and regional South Australia at heart were genuine, they would be celebrating these offices and congratulating this government on its fine work.

The Hon. R.G. KERIN (Leader of the Opposition): Is the reason for these offices being located in the Department of Planning because it is all about the ALP planning for the next election?

The Hon. P.F. CONLON: I rise on a point of order, Mr Speaker. I have never heard a question that more clearly imputes improper motives.

The SPEAKER: Order! There is no point of order. There was no imputation; it was a straight out, direct observation seeking confirmation or denial from the minister. There was nothing implied at all.

The Hon. J.W. WEATHERILL: I will ignore the cheap shot that is implicit in the question, but it probably does require some explanation regarding the thinking behind locating these offices within the Department of Transport and Urban Development Planning. In fact, this decision was informed by the experience that occurred in relation to the use of these geographical offices in New South Wales. In fact, the Office of the western suburbs was set up, and the feedback received as a consequence of those organisational structures within government was—

Members interjecting:

The Hon. J.W. WEATHERILL: Well, are you interested in the answer?

Members interjecting:

The SPEAKER: Order! The member for Schubert!

The Hon. J.W. WEATHERILL: Because these structures cut across a number of agencies, they essentially are across a number of different portfolios.

The Hon. W.A. Matthew interjecting:

The SPEAKER: Order! I call the member for Bright for the last time. Roll the swag and zip it!

The Hon. J.W. WEATHERILL: Because many of these were planning issues—and that was certainly the experience of the Office of the Western Suburbs in Sydney, that there was some difficulty with being able to ensure a sufficient coordination between the new offices and geographical planning and urban development portfolios in that state—it was considered that, rather than run up against some of the potential agency difficulties that would occur, it would be appropriate to locate it within a central agency that had, in a broad sense, responsibility for spatial aspects of the way in which a particular region developed. The thinking may be a bit too sophisticated for those opposite, but that is some of the thinking that went into where this agency ought to be located and the choice was made that it ought to be located within the Department of Transport, Urban Development and Planning.

I have to deal with a range of different ministers who have responsibility for those areas—in the case of southern suburbs, the Minister for the Southern Suburbs—and it does assist the coordination of those functions to have them within the one agency.

SALISBURY COMMUNITY SPACES

Ms RANKINE (Wright): My question is to the Minister for Urban Development and Planning. How is the government helping the Salisbury community improve its community spaces?

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I have great pleasure in indicating that the state government provided $550 000 from its Places for People program to the City of Salisbury to help pay for its new town square. This government recognises the importance of ensuring that there is public life. We want to ensure that there are public spaces that are lively, interesting and attractive, that ensure that the community can actually engage in social interaction. Too much of life today is privatised. Too many people sit at home in front of their televisions and do not interact with their fellow citizens. We want to encourage more community interaction. We want high quality public spaces. Not only are they good for the health of the community but they also assist in engaging in improving economic activity.

They allow us to support local culture and to protect the community's character and heritage. Those spaces also provide a civic heart for both residents of and visitors to the Salisbury area. The Salisbury town square was the result of a unique partnership between the state government and the City of Salisbury. The idea also is to send a message to people in suburbs that perhaps have been less fortunate in relation to some of their urban amenity that this government is serious about its commitment to them. Salisbury and the northern suburbs generally is an area that has come in for some criticism about its form and about the standards of its urban environment, and this government wants to make clear that there is no part of South Australia—and certainly no part of the metropolitan area—that should slip off our radar screen.

We believe that every part of South Australia is as important as the other and that each citizen is entitled to live in a high quality urban environment. It reflects our commitment to improving the quality of urban design in our

community and, indeed, our commitment to the less privileged sections of our society.

ADOPTION BY SAME SEX PARTNERS

Mr SCALZI (Hartley): Does the Premier support same sex partners being legally able to adopt children and will he allow a conscience vote by Labor members when this matter comes before parliament? Amendments to adoption laws in South Australia have been identified for reform in Labor's discussion paper called 'Removing legislative discrimination against same sex couples.' In an answer to my question on 12 November the Attorney-General stated:

Whether a matter is a social question will be decided by the leader of the parliamentary Labor Party.

The Hon. M.J. ATKINSON (Attorney-General): Look, I know—

Mr SCALZI: I rise on a point of order. I specifically asked the question of the Premier. The Attorney answered that question on the 12th.

The SPEAKER: The member for Hartley knows that all members of cabinet are jointly and severally responsible for the decisions of government and if, by chance, the minister who answers the inquiry is not the minister to whom the honourable member directs the inquiry it is of no concern to the house, nor should it be to the honourable member, unless the substance of the answer given can only have relevance were it to come from that particular minister.

Mr SCALZI: Mr Speaker, if I may I will read the explanation again.

The SPEAKER: The member for Hartley may choose to read the question again, I do not know that the explanation—

Mr SCALZI: Does the Premier support same sex partners being legally able to adopt children, and will he allow a conscience vote by the Labor members when this matter comes before parliament? The Attorney-General stated that it was a matter for the leader of the parliamentary party. I think the people of South Australia have a right to know.

The SPEAKER: Whilst I share the member for Hartley's curiosity about that matter, if the Attorney-General chooses to answer, it is not the chair's responsibility to redirect the question to the Premier. It is merely a matter of public record now that the Premier has declined to be drawn on the issue. I am distinct from the chair in making that observation.

The Hon. M.J. ATKINSON: The member for Hartley—

Mr BRINDAL: I rise on a point of order. Sir, does that mean that your ruling implies that the Attorney-General now exercises responsibility for the Premier in this place? The question quite specifically—

Members interjecting:

The SPEAKER: Order! There is no point of order. The member for Unley—had he listened—would have understood that indeed the contrary is the case.

The Hon. M.J. ATKINSON: The discussion paper on changing the law to give same sex couples the same rights as opposite sex de facto couples has been produced by my department. I, together with the Minister for Social Justice, am responsible for the discussion. The Premier and I are of the same mind on the question of the conscience vote, and I refer the member for Hartley to the traditionally broader conscience vote which members of the South Australian branch of the Australian Labor Party enjoy compared with members of the Australian Labor Party in other states. The Premier and the President of the party have generously applied the rule on social questions to give members of the Labor Party a free vote. I will be making an important announcement on this matter tomorrow; the member for Hartley will not be disappointed. I know the member for Hartley has a long, particular and abiding interest in same sex relationships.

LOTTERIES

Mr O'BRIEN (Napier): My question is to the Deputy Premier. How has SA Lotteries' recent financial performance benefited the state?

The Hon. K.O. FOLEY (Deputy Premier): I thank the honourable member for his question. I am sure all members would be interested in knowing that SA Lotteries is now the only government-owned gambling organisation in South Australia since the sale of the TAB. If I am correct in my recollection of this, the former Liberal government did look at selling the Lotteries Commission, one of the few profitable government enterprises to escape the auction by the Liberals in government but, thankfully, this particular entity remained in government ownership.

As we know, the commission is empowered to promote and conduct lotteries in South Australia. In the 2002-03 financial year gross sales were $335.9 million—up 7 per cent; prizes, $202.3 million, representing over 60 per cent of sales; 11 million players participated (an extraordinary number of people); $82.8 million paid into our state's hospitals; $300 000 paid to the recreation and sport fund. Importantly, in the 36 years since the Lotteries Commission was created in 1967—and this is an extraordinary amount of money—$1.42 billion has been paid into the state hospital fund, and $2.99 billion paid in prize money over the same period of time. SA Lotteries' strong financial performance in 2002-03 means that the state-owned government enterprise can continue to contribute to the community. The government will continue to support the provision of responsible gaming in the state through SA Lotteries and will continue to ensure that the dividends we receive are used in areas of community need.

SA Lotteries continues to develop games for South Australians to play. From Monday 17 November SA Lotteries' own state-based SA Lotto game commenced two weekly draws conducted each Monday and Wednesday night. The division one prize pool will also increase to a guaranteed $400 000 per draw as a rolling Monday to Wednesday to Monday jackpot. This initiative also represents an increase in commission to SA Lotteries' 523 small business agents—yet again, an example of this government assisting small business in South Australia. SA Lotteries has conservative sales expectations of the returns from this initiative in the short term. This reflects SA Lotteries' and the government's commitment to responsible promotion of the game. There is a low per capita spend on lotteries played in South Australia of $4.51 per week, which has remained relatively static for a number of years. SA Lotteries is particularly careful that its advertising promotes responsible participation in its games. All advertising is in accordance with commonwealth and South Australian law. This compliance extends to non-mandatory provisions such as those contained in the Australian Association of National Advertisers Code of Ethics.

SA Lotteries has been working closely with the concerned sector and the Independent Gambling Authority and its commitment towards finalising codes of practice for responsible gambling and advertising. If I can say to Hans Ohff, the

chair, and June Roache, the CEO of the Lotteries Commission, it is an outstanding effort of which this government is rightly proud.

SCHOOLS, NURIOOTPA HIGH

Mr VENNING (Schubert): My question is to the Minister for Education. Will the government commit to providing adequate facilities for the internationally recognised wine studies course run at Nuriootpa High School? Nuriootpa High School has achieved great success with the development of a unique curriculum to educate students for work in the wine industry. However, at present the program—which exports wine around the world—has well outgrown the disused car shed. The school has applied for a funding grant from the government to help build appropriate facilities but as yet has been given no support. Other schools, both here in South Australia and interstate, are now copying Nuriootpa High School techniques and are building new facilities, while the inventor and innovator of the program languishes in a substandard shed.

The Hon. P.L. WHITE (Minister for Education and Children's Services): It is very interesting that the member asked this question, and I suggest that his support could be garnered in approaching the federal government to provide such a facility. Indeed, the federal education department does have allocations of money available for exactly such a purpose. In fact, they have provided money for various schools around the state, so I suggest the honourable member assist the school by approaching the federal government for some funds. However, state funds are under much more pressure, owing totally to the gross backlog of projects that this government found when it came to office. Priorities have to be put into place and priority has to be given to schools that have had their building burnt down, to those that do not have enough room for classrooms, and to those schools that need to repair roofs and to do all those sorts of things.

Currently, the Nuriootpa High School has a facility to operate this wine course and they are requesting a larger winery facility, but before the state government can look at that sort of priority it has to fix the mess that the former Liberal government has left. The member could quite easily lobby his federal counterparts who do have quite a lot of money available for this purpose, but have they come up with anything in this case: no. Has the member approached them: probably not. I suggest that he gets together with some of the winery interests in that region and approach the federal government who has a much greater capacity to pay for this sort of item.

Mr Venning interjecting:

The SPEAKER: Order! The honourable member for Schubert will come to order. The honourable member for Schubert may wish to participate in the grievance debate, but may not engage in debate across the chamber in a disorderly manner.

GRIEVANCE DEBATE

ASBESTOS REMOVAL

The Hon. D.C. KOTZ (Newland): The state Labor government has ignored recommendations from a scathing review into its handling of asbestos removal at a South Australian school, placing other school children at risk from the dangerous material. The government has failed to act on recommendations from this very damning report into management procedures from an asbestos removal program at Ascot Park School; a review which was received by the Administrative and Information Services minister, Jay Weatherill, in April of this year.

The report advised the minister of problems relating to the tendering process and removal of asbestos to clearance certificates. No formal final inspection or clearance report was provided by the main contractor, the air monitoring unit or by the Department of Administrative and Information Services or any of its management units that have total responsibility for all of those areas.

The six-month old review has been ignored by the minister while other schools, most recently the Playford Primary School, face similar asbestos problems. Had the minister acted on the recommendations within the review, Playford Primary School students and staff may have been better protected when last month a contractor was found to be in breach of safety procedures and management of asbestos removal at the school, some six months after the minister received the recommendations.

I can suggest to the minister, after his pathetic answer to this question in parliament today, that Playford School was, indeed, a potential disaster waiting to happen, as with many other schools that will be on the minister's work list at present. Given the potentially harmful effects of contact with asbestos material, I would have hoped the minister would have been more active in fixing a system which is obviously not adequate to safeguard the health of our school students.

In the case of Playford School, the minister has refused to investigate the circumstances leading to the breach by Transfield Services, the contractor for asbestos removal at that school. In a local newspaper article on the matter, a spokesperson for the minister stated:

> The facts are known in regard to Playford Primary. The real issue is that we want to investigate the penalties for companies that breach rules for asbestos removal in schools.

I would suggest to the minister that, although penalties for breaches may be commendable, the real issue and the only issue for staff and children at primary schools undergoing asbestos removal in the infrastructure, is that their safety become paramount. Before the minister goes off on other tangents, this very damning report clearly shows that the minister needs to get his own house in order and start setting some top level standards from within the three units under his responsibility that deal with asbestos removal projects—from initial tenders, removal of asbestos and clearance certificates.

I also remind the minister that providing clearance certificates that leave school sites still contaminated is, in my opinion, gross negligence. The minister has sat on this report for six months. With due respect to Parsons and Brinckerhoff who undertook this review, the recommendations really do state the obvious. They are quite basic. Minimal adherence to basic procedures could well have averted the incidents that have taken place at both Ascot Park and Playford Primary Schools.

It is interesting to note the series of criticisms that came out of the report. Parsons and Brinckerhoff's first review was undertaken and presented to the minister in March. That review identified huge areas which has let the department, and therefore the minister in this government, down, in terms of the safety procedures that are not absolutely in place at this moment within the department that manages asbestos removal through the tender to contractors out in the public arena.

Stage 2 of that review, which was presented to the minister in April, turned the first consulting process into recommendations. The comments and criticisms that were made talk about the appointment of a head contractor that was made without nomination of any subcontractors. This is strictly non-conformist, since the tender specification required the nomination of any subcontractors as part of the tender submission. There were three site visits by Workplace Service inspectors in December and two in January, but there were no visits made by the inspectors to inspect the site following the discovery of asbestos fragments in the sports equipment room. This is outrageous.

Time expired.

SCHOOLS, HENLEY HIGH

Mr CAICA (Colton): The house is aware of my close association with Henley High School. It is in my electorate, but, not only is it in my electorate, I am also a former scholar of that school. I send my son, James, to that school and next year I am pleased to report that Simon, my youngest boy, will be attending Henley High School and he is looking forward to it.

Last week in another place, the Hon. David Ridgway directed a question to the minister, via Paul Holloway, in relation to Henley High School. Let me say from the outset that I welcome the interest in and involvement of the Hon. David Ridgway, and anyone being involved with aspects of not just Henley High School, but any public school in South Australia. However, what I found a little confusing was the fact that the Hon. David Ridgway had attended Henley High School, and protocol from my perspective would have suggested that perhaps he might have notified the local member that he was coming into the area, similar to a couple of weeks ago when I addressed the Hyde Park Rotary Club. I informed the member for Unley that I was coming into his area to speak to that group. I would just remind the Hon. David Ridgway that that would be good. I do not know what type of protocol the members of another place abide by, but that is the point I wish to make. He is the duty member for the Liberal Party for that electorate and, indeed, was the campaign manager at the previous election for John Behenna.

As I said, I welcome the interest and involvement of the Hon. David Ridgway in that school—and I trust it is an interest in the broader public education system and not just the fact that he happens to be the duty member for that electorate. I know that he does, indeed, have an interest in Scotch College; most parents have an interest in the schools that their children attend. Perhaps the Hon. David Ridgway would like to speak to some of his colleagues at the federal level to try to obtain an increased level of funding to public schools in this area as opposed to the double level of funding that has occurred for Scotch College and Princes and other types of schools in this state. However, I do welcome his input. He is the duty member, and he was the former campaign manager for the Liberal candidate—who, in fact, as we all know, did not win at that stage.

What was very interesting with respect to Henley High School in the lead-up to the last election was that three feasibility studies into a redevelopment of the school were undertaken by the Liberal Party during its terms of government. In its death throes the Liberal government made a promise to fund a redevelopment of the Henley High School. Interestingly, that was promised at a stage when the local candidate for the Liberal Party in that election was also a senior adviser to the education minister of the day. Members can draw whatever conclusion they may wish from that, but it all just seems a little bit too cute. The fact is that a promise was made, and it was not funded, as we found on so many occasions. The Liberal Party promised so much in the death throes of its last term of government and, when we came to government, we found that there was no funding. How many times was the QEH promised; how many times were we told that ETSA would not be sold? Lots of promises were made.

The other point that I would like to make is that the Hon. David Ridgway in his contribution last week said:

> The silence from the member for Colton who, incidentally, is a former scholar and should be representing this important western suburbs school on the issue of funding this important school, has been almost deafening.

I work as part of a collective, and I work very closely with the school, and one thing that I can guarantee this house is that Henley High School will be looked after in such a way that the educational outcomes of those students will be met. Members can draw from that whatever inference they like. We will not make unfunded promises like the previous government. We will look after the education system in this state and we will make do, as best we can, with the situation with which we have been left. I am very proud of the fact that I send my children to that school and I am sure that, if we looked around here, we would find that many of the members on this side send their children to public schools. I have an abiding interest in Henley High School and the public education system, and we will do our very best to make sure that we remedy the situation that we were left with.

AUSTRALIAN SCOUT JAMBOREE

Mrs REDMOND (Heysen): It is a pleasure to follow the member for Colton, but perhaps with something more positive than what he has just been talking about. I am pleased to inform the house about a wonderful event that will take place in my electorate in January next year, and that is the 2004 20th Australian Scout Jamboree, which will bring some 11 000 scouts into the district. The jamboree will be held at Woodhouse—and many members of the parliament would be aware that Woodhouse is located roughly between Stirling, Piccadilly and Mount George. It is a massive undertaking, of course, to bring scouts not only from all over this country but also, indeed, from all over the world. There are, in fact, scouts coming from Belgium, Germany, Papua New Guinea, Malaysia, the UK, Canada, Hong Kong, Japan, Mongolia, Swaziland, the USA, India, Kiribati, the Netherlands, Sudan, Fiji, Indonesia, South Korea, New Zealand and East Timor as well as all the states and territories of Australia.

Mr Venning: What government support is there?

Mrs REDMOND: There is not a great deal of government support, and I will come to that in a minute. I thought that members might be interested in some of the incredible work that is nearing completion on the site in preparation for this event, because it is a huge event to bring that many people in. Basically, they build a small town: it has its own medical facility, food outlets, internet cafes and first-aid post. It has a religious observance centre, it has an internal newspaper, a radio station and a bus terminus. It is a huge undertaking and, in fact, in my personal capacity as a member of the Mount Lofty Business and Tourism Association, I am involved in trying to prepare Stirling as one of the gateways to Woodhouse.

It is pleasing to note that the Nestle company has decided to become a corporate sponsor, and this is very much a first. It has given a huge amount of support. I will give members an idea of just what the Nestle company will provide for this jamboree. It will provide 48 000 serves of Peter's ice-cream; 24 000 packets of lifesavers; 12 000 drink bottles; 240 000 pieces of Allen's confectionery; 2 200 kilograms of Milo—

Ms Bedford: Any vegetables?

Mrs REDMOND: Yes, there are vegetables. I can tell the member about the vegetables. Before we get on to vegetables—

The SPEAKER: Order! The member for Heysen will leave the member for Florey out of this.

Mrs REDMOND: Thank you, Mr Speaker: I forget myself. There will be lots of vegetables, as well as 5 000 kilograms of canned baked beans and spaghetti, 4 000 kilograms of fruit salad and 4 000 dozen eggs. I know that youngsters like bolognaise sauce, but the concept of 2 000 kilograms of bolognaise sauce leaves one staggered. There will be 7 000 kilograms of tomatoes; 10 000 heads of lettuce; 3 000 cucumbers; 40 000 pieces of fruit and various other things, such as 5 000 kilograms of stir fry mix. These figures will give members some idea of the logistics involved in organising such a thing. Of course, having eaten all that, they will need 320 toilets. Scouting has become a different thing these days because I note that, in amongst the things they need, they also need 700 cans of hair spray, which makes me wonder a little. As a sign of the new age, on site there will be 227 computers as well as 80 hand-held radios and 300 metres of power cords.

The logistics that go into it are just extraordinary. In order to feed this enormous number of people, there will be a crew of up to 20 chefs and 15 kitchen hands, with additional people to be supervisors and gofers. All these things take a great deal of organising and, of course, it brings a lot of money into the state. As the member for Schubert commented, there has been very little government back-up. In comparison, the New South Wales government provided services worth approximately $200 000 when the jamboree was held there, but so far this year the Rann government has provided only some $10 000 to help financially disadvantaged South Australian scouts. Whilst I welcome that input and congratulate the government on providing that money to help disadvantaged scouts attend the jamboree, it is clear that there is a huge economic roll-over into the state and the community of some millions of dollars. It is expected to be about $10 million into the local economy, yet this government can only loosen the purse strings enough to put $10 000, compared to the New South Wales government's $200 000, towards the cost of this event.

COBBLER CREEK RECREATION PARK

Ms RANKINE (Wright): This morning I performed what is probably a fairly unusual act.

Members interjecting:

Ms RANKINE: I did. I set alight to my electorate. I went out this morning with officers from the Department of Environment and Heritage and the Salisbury CFS and commenced the burn-off in the Cobbler Creek Recreation Park. This was part of the planned—

Mr Venning: You always were a fiery beast.

Ms RANKINE: Thank you. That is true. Some have said that—more recently than you would realise, let me tell you! I, of course, deny that—

Mr Venning: Not the reputation that I've heard.

Ms RANKINE: Is that right? You never know. You cannot not feel things and believe in things and not be a bit fiery, I reckon. I was happy to put on my yellows this morning and go out with the Salisbury brigade and officers from the Mt Lofty CFS to help reduce the hazard in the Cobbler Creek Recreation Park. This really is about protecting those families and those homes that abut the perimeter of the park.

The state government has embarked on a fairly substantial hazard reduction in our national parks; and this has come about as a result of the Premier's Bushfire Summit, which was held earlier this year. I have been saying for many years that I was concerned about the potential fire threat to areas of metropolitan Adelaide that people really never considered to be at threat, and Golden Grove, I think, is a prime example of that. I was there this morning—not performing brilliantly, I have to say. There were a few chuckles and a few people were making sure that I was okay—

Mr Venning: You're not as young as you used to be.

Ms RANKINE: It is not about being young: it is about running fast, let me tell you, while you are dragging that can of flame behind you. That was something that I had not done before. It is a very important aspect of keeping our community safe, and for a number of years I have been running community fire safety days out of my electorate to lift people's awareness of the dangers of living close to large areas of natural open space. We will be holding another fire safety day on 11 December (in just a couple of weeks) at the Village Shopping Centre from about lunchtime through to about 6 o'clock.

We will again have officers from the local CFS brigade in attendance, and also officers from the Metropolitan Fire Service. We had a fantastic day the last time we ran this. A couple of appliances were available, and young people were able to come along and talk one on one with the local fire officers. A range of information was provided to people, such as colouring-in books for young people which had good fire messages and which was developed by the Metropolitan Fire Service. At one stage our shopping centre was a sea of little red fire helmets and red balloons as people came up to talk to those officers.

I have had to print another batch of my fire safety booklets for the day, which have proved to be very popular since I started doing them. In fact, the CFS helped me write those booklets, which are very appropriate for people living in metropolitan Adelaide. It includes very simple, realistic things that people should be aware of and take note of when they live in an area that is prone to bushfire. As we know, the state government has allocated something like $10 million to the Department of Environment and Heritage over the next four years, including $1.3 million for this fire season in the Mount Lofty Ranges.

It is being used to improve fire planning and reduce those fuel loads. The government has provided funding to recruit specialist staff to undertake this hazard reduction. I understand that something like 13 spring burns will be carried out this year and 17 autumn burns, and removing something like 80 hectares of woody weeds and burning off heaps of weeds that were removed last year. Everyone remembers the Canberra experience but, certainly, when I visited New South Wales a couple of years ago I saw the devastation of fires that were occurring at that time. My message is: be careful and be aware.

Time expired.

KAPUNDA HOMES REDEVELOPMENT

Mr VENNING (Schubert): Following the announcement by the Minister for Health that cabinet had given approval for the Kapunda Homes redevelopment to go ahead, the board of the Eudunda-Kapunda Health Service has been advised that there will be another significant delay to this project. Last month I questioned the minister on the government's interference in the community project, which is totally funded by donations, bequests and savings made in other areas through sound management practices. When I first raised this issue the project had already been held up by many months. A fortnight ago the minister advised—via my local media—that cabinet had given the project the green light.

In order to progress the project, the board of the Eudunda-Kapunda Health Service met with DAIS and DHS officials. The meeting was held on 17 November. The meeting was positive and the board was told that the only delay to the project would be if tenders came in over budget. The board was advised on 18 November (the next day) that DAIS issued a directive that no more contracts were to be let for this year. In effect, this means the project has been delayed yet again for another three months, with the tenders being let only at the end of January 2004. Not only is this a further three-month delay to the project, which has been held up due to unnecessary delays, but it also means that the tenders will be let on the same day as $350 million worth of other tenders, which will be held up over the Christmas period.

This will obviously mean yet more delays for the project. As I understand it, the documentation has been prepared and the builders have been selected through expressions of interest. It is now just a matter of forwarding the formal tender documents. All it needs is a signature from the minister and for the tender documents to be posted. I am appalled that the government can interfere in this community-funded project in the first place; and, now for the board to be told that it will have to wear more delays is just totally unacceptable.

As it is the project is expected to cost 5 per cent (an estimated minimum) more than when the government first delayed the project. With the project costing in the vicinity of $1.65 million, 5 per cent is a very significant amount of money. Also of concern are the aged care bed licences issued by the federal government. The board applied for the licences in 2001. In February 2002 they were granted, and with the delays to date an extension was sought and granted until 27 January 2005. You do the maths, minister, the tenders for this project will not be let until the end of January. The estimated building time is 10 months provided there are no further delays. Has this government's meddling again jeopardised these aged-care beds?

I call on the government to let the tender for this project as a matter of urgency. I raised this matter a few moments ago with the minister, and I hope for a positive result. I was pleased with the minister's sympathetic ear. All I ask the government to do is to help these people, help them, not hinder people in a country community who are providing for themselves and for their senior citizens. I asked the minister for education a question this afternoon about the funding of adequate facilities to accommodate Nuriootpa High School's wine studies. I thought that the answer was totally unacceptable. We cannot do anything without her approval because she is the minister.

It is a public school and under her control.

An honourable member interjecting:

Mr VENNING: Yes, I have contacted the federal member of parliament, I have contacted local government and I have contacted many private companies prepared to back the project with their own private funds, but until the minister gives approval they cannot do anything.

The Hon. P.L. White interjecting:

Mr VENNING: I spoke to the federal member only last Friday on this matter who said, 'Unless we get something directly from the state government, nothing will happen.' The minister must give approval on all these things. I am happy to take this matter further. The school is desperate. I invited the minister to attend a reception for the school in Parliament House. Everything is to be provided by the school. The barramundi, the wines and the hospitality will all be school sourced, which is a fantastic effort. It is sad, very sad. We have all these ideas, all these actions and all this activity and today's answer disappoints me.

I am also very disappointed that the minister has not accepted the invitation from the school to the reception, which she promised earlier in the year that she would do before Christmas. The invitation is still there, minister. There is still time to accept. I am sure that the school would love to meet you. You could try the beautiful barramundi and the wine and hear about the hospitality course and, in the end, come up with a resolution.

SCHOOL SYSTEM

Ms BREUER (Giles): I want to refer to the subject of schooling to which my colleague referred in his speech about Henley High. I want to thank the schools for the excellent education they have given my daughter. My daughter has now finished year 12, and I have to say that it was quite a sad time for me to realise that no longer do I have any babies, they have all grown up. I want to pay a tribute to our school system—

Mr Venning: There's still time.

Ms BREUER: I am a bit past it now, Ivan. I am looking for grandkids now. I want particularly to pay tribute to the school system we have in South Australia, because I think we can be very proud of our school in Whyalla. I particularly want to pay a tribute to the three schools my daughter attended. She attended Whyalla Town Primary School for the first seven years of schooling. She then went to Whyalla High School for a couple of years; and so she did most of her schooling in the state school system. She then decided that she wanted to go to St John's College in Whyalla, a private Catholic school, much to my consternation at the time because I had always been a state school person.

But I respected her decision and was happy for her to attend the school, so she spent the last three years there. I now quite confidently can say that I have been involved in both the state school system and the private school system, and they both can be proud of the way in which they operate. One of the two most important things we can give to our children is a good education. I think the most important thing we can give them is lots of love, but also we need to ensure they have a good education. I am very proud of my daughter and the way she has grown up, and I believe a lot of that is owed to her schools. The state school system gets criticised in many ways by lots of people, but I believe that the education it offers our children is excellent. They have dedicated, caring teachers in the system. They sometimes have to fight against all odds to overcome problems with school maintenance and so on. They are able to overcome

those problems, and they provide an excellent, caring environment for our young people. Often, private schools have a different ethos from state schools but, in their own way, they are able to contribute to young people's education. I would never have any hesitation in referring anyone to either school system. I think both systems have good and bad points, but mostly good points.

Last week I went to Whyalla Special School to open a classroom. The thing that most worries parents is whether their children are being educated properly and whether they are getting a good education. Certainly, parents of children at Whyalla Special School can be satisfied that their children are getting an excellent education. It was pointed out to me that parents of children with special needs are often there—they have to be there—but teachers in that situation are there because they want to be there. I have seen some wonderful teachers at that school. I have seen some wonderful examples of how those children develop. Children at Whyalla Special School are able to stay there until they are 20. It is a very caring environment, and we can see real successes with those children. I think it is a wonderful environment for them, and I congratulate Whyalla Special School, which has a special place in my heart.

I want to speak of Mr Bill Parker, Superintendent of Schools in Whyalla and Port Augusta. He came to Whyalla some 25 to 30 years ago as a young teacher. He came there when he finished teachers college to teach for a brief period and he is still there. But, to my sadness, we are about to lose him. In recent years he has been the Superintendent of Schools in the Whyalla and Port Augusta area. He is now moving on to take over the Eyre Peninsula area. He will be a great loss to our community in Whyalla. He has been a wonderful teacher, principal and superintendent who has always had the community at heart. He has never been a teacher who came to Whyalla as part of a career move. He has always had the community at heart. I have never met anyone with the same fierce social justice ethos that he has. He has given assistance to Aboriginal students and he made some very courageous decisions in relation to detainee children at Port Augusta. I am really sorry to see Mr Parker leaving and moving on. He has been wonderful for our community. He has taken us through some very difficult times at the schools over the years. My warmest wishes go to him. Personally and on behalf of the people in Whyalla I thank him for the wonderful service he has given our community.

Finally, I congratulate Whyalla High School for its participation in the SHine program this year. We have heard a lot of bleating from the member for Bragg about this program. They have contributed against all odds, against abuse and criticism, and certainly carried through a wonderful program.

Time expired.

SCHOOL CARD

The Hon. P.L. WHITE (Minister for Education and Children's Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.L. WHITE: On Monday, the member for Newland asked a question about the processing of School Card applications within my department. I answered that question on that day and my answer was correct. I did say that I would check the detail of the honourable member's query and come back to the house. What interested me was the honourable member's claim, in respect of the schools in her electorate, that 'a total of 150 families do not know whether they are eligible for School Card concession'. The honourable member quoted from a letter from one of the schools. At the time I did not know which school that was. However, my department has looked at all the schools, and today I received an email from the school to which the honourable member referred. I can report that the information she gave was incorrect. I might also indicate to the house that there was an article in yesterday's *Advertiser*, which reported the honourable member's claim as if it were correct. It was not correct and my office was not contacted, even though I had said that I would investigate the matter to find out whether it was correct before that article was printed. The honourable member's claim about 150 families' outstanding claims needs some clarification. The process for handling School Card applications is that schools lodge the School Card applications. They collect the data from parents—

Mr HAMILTON-SMITH: I rise on a point of order, sir. Is the minister making a personal explanation?

The Hon. P.L. WHITE: No, a ministerial statement.

The ACTING SPEAKER (Mr Snelling): Order! The minister has leave to make a statement. There is no great distinction between a personal explanation and ministerial statement.

The Hon. I.F. Evans interjecting:

The ACTING SPEAKER: Order! The Minister for Education and Children's Services has the call.

The Hon. P.L. WHITE: Thank you, sir. The process for assessment of School Card applications is that during four weeks—that is, one week per school term, so four times a year—schools collect data from parents. They electronically submit that to the department. At that one time, that is, once per school term, the department submits that data electronically to Centrelink, which audits the data. The schools are then notified in a report of the outcome of that audit process, namely, the applications that are approved, those that are rejected, and so on. After each collection of relevant data from the parents at the school (which occurs once every term) a report is sent to all schools that have not sent in any data; so the department queries the school as to whether that is correct. The schools are asked to confirm that no data was sent or to contact the department to inform the department whether there has been a mistake, so the errors can be corrected immediately.

In respect of the school that is the subject of the member for Newland's complaint, I will go through the sequence of events. The term one collection of data from parents happened across the state in the week 3 to 7 March.

Mr HAMILTON-SMITH: I rise on a point of order, sir. The minister is engaged in a debate. She is referring to comments made by another member and is going through those comments and repeating them step by step. The minister has leave to make a ministerial statement. Standing orders are very clear on ministerial statements.

The ACTING SPEAKER: I ask the member for Waite to use the adjacent microphone. There seems to be a problem with the microphone he is using. I take the gist of the point of order is that the minister is entering into debate.

Mr HAMILTON-SMITH: Well, the minister is referring to comments made by a member on this side of the chamber. She is going through those comments. She is dealing with the matter as if it were a debate. The minister has been given leave to make a ministerial statement. There are other matters

upon which the house wishes to proceed, and it seems that the minister is straying into debate and going beyond the leave granted. I seek your guidance, sir.

The ACTING SPEAKER: Order! I will listen carefully to what the minister is saying, but nothing she has said so far is debate. The minister is referring to comments made by another member and correcting the matter as she sees it. The minister.

The Hon. P.L. WHITE: Term 1 collection of data occurred between 3 and 7 March. The school in question sent in its data on 5 March, and their approval report was sent to the school on 31 March. In term 2, the statewide collection of data period was 20 to 23 May, and no data was received from that particular school. The school was sent a report to indicate that that was the case, but I am advised there was no response from the school. The school received another report on 16 June, which should have alerted it of a problem if there was one. In term 3, the week of data collection was 11 to 15 August, and no data was received from the school in that period. All other schools that had sent in data received their report of approved list of approvals on 2 September. That particular school then lodged its data on 20 October.

The week of data collection for term 4 was 10 to 14 November. That particular school sent in its data on 11 November, and that has been processed and is included in the audit, as is the school's term 3 data that was not lodged in time to be included with all other schools' term 3 data in the audit that was notified in September. The school will be notified, along with all other schools, in the next week or two.

The improvements that have been made to the system this year are several. Additional people have been put on the Call Centre phone lines and, at peak workload times, there are seven staff. Answering machine services have been added so that parents can leave messages after hours and have their calls returned on the next working day. All hardship applications have been processed and applicants have been notified. All reviews have been completed and applicants have been notified. Schools have received five reports to date during the year, with step-by-step instructions and forms placed on the web site to add applicants during each term. Those schools that have not sent in data each term have been personally phoned by School Card staff and assisted with the process.

Several calls have been made to the particular school, with assistance resulting because data had not been received from that school for two terms. The finance officer was talked through the process of sending the data but was still not successful, so she was asked to burn a CD with the whole database, and School Card staff from my department manually entered all the data for her. On 11 November, the finance officer rang the School Card section to verify that the data had been successfully received, which it had. As I have said, it is part of the audit for term 4 data.

I received an email today from a member of that school's council which indicates that a majority of outstanding applications relate to applications submitted in the first term of the school year. It is surprising, if that is the case, that the school did not act on those applications before lodging those applications being lodged on 20 October.

Mr HAMILTON-SMITH: I rise on a point of order, Mr Speaker. I refer to standing order 107, which clearly states:

A minister, by leave of the house and so as not to interrupt any other business, may make a statement relating to matters of government policy or public affairs.

The minister is now straying well into debate. Not only that, the same standing order states:

Without further leave. . .the time allowed for the statement is limited to fifteen minutes.

I suspect the minister has already exceeded that 15 minute time limit.

The ACTING SPEAKER: Order! There is no way that the minister has exceeded 15 minutes. There is no point of order. The Minister for Education and Children's Services.

The Hon. P.L. WHITE: I am pleased that the processes that have been put in place this year have been an improvement. Indeed, the particular school has acknowledged, through an email to me, that the introduction of the ability for parents to apply at several times during the year has been a significant improvement. I think that is the view of most schools.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: ANNUAL REPORT 2002-03

Ms BREUER (Giles): I move:

That the 50th report of the Environment, Resources and Development Committee, being the annual report 2002-03, be noted.

The Parliamentary Committees Act 1991 sets out the committee's principal areas of inquiry, which include any matter concerned with the environment or how the quality of the environment might be protected or improved; any matter concerned with the resources of the state or how they might be better conserved or utilised; any matter concerned with planning, land use or transportation; and any other matter concerning the general development of the state.

Additional committee responsibilities are outlined in the Environment Protection Act 1993, the Wilderness Protection Act 1992, the Development Act 1993, the Aquaculture Act 2001, and the Upper South-East Dryland Salinity and Flood Management Act 2002.

In this reporting period, the committee tabled three reports, and it also considered 30 amendments to the Development Plan. As a result of submissions from community groups, councils or individuals, three of these amendments were investigated in greater detail by the committee. The committee has the opportunity to recommend changes to the plans to the Minister for Planning if it believes they are needed. The committee appreciates the assistance of the staff at Planning SA, who are always willing to provide information and advice to the committee.

In July 2002 the committee tabled its 46th report, on the Hills Face Zone. The committee decided to undertake this inquiry as it did not believe that the Hills Face Zone Plan Amendment Report dealt with the broader concerns of the community. The committee looked at the integrity of the long-term goals for the Hills Face Zone, and the report concentrated on issues related to the gradual erosion of the Hills Face Zone's natural character by inappropriate development of buildings and associated infrastructure. The committee made nine recommendations and looks forward to the results of the current government review inquiring into the management of the Hills Face Zone.

In May 2003, the committee tabled its 48th report, on the urban growth boundary. This report was also the result of a plan amendment report. The committee investigated the issues associated with the implementation of an urban growth boundary. These included the availability of development sites, the price of houses and land, the cost of maintaining and replacing infrastructure, and the provision of social housing.

In October 2002, the committee had the pleasure of jointly hosting with the Public Works Committee the National Conference of Public Works and Environment Committees. This was a great opportunity for the committees from all parliaments throughout Australia and New Zealand to meet and discuss issues. The conference had a water theme with many expert speakers who challenged all listeners to become involved in the water debates that impact on us all. As part of the conference there was a site visit to the northern suburbs to inspect water reuse using wetlands and aquifers at Parafield.

Other site visits during the year included an inspection of the environmentally sensitive urban ecology project in Halifax Street with its mud brick homes and rooftop gardens. The committee also inspected the Wingfield Waste Management Centre, Resource Co. and Jeffries at Wingfield and viewed the potential future site of the Buckland Park composting facility. The third site visit was a comprehensive tour of water reuse sites within the Patawalonga and Torrens Catchment water management boards' boundaries. The committee had the opportunity to learn about the capture and reuse of stormwater at Morphettville Racecourse.

The final inquiry that the committee began in the last financial year related to stormwater management, and 22 witnesses provided evidence for the committee's report, which was tabled in September of this financial year. The committee is now inquiring into wind farms and it is finding this topic both interesting and quite challenging as it covers a range of issues from visual impacts to the national electricity market and renewable energy certificates. This report should be tabled early next year. Other committee interests included the investigation of erosion problems at Christie Creek which were exacerbated by the building of the Southern Expressway. Another matter about which the committee received correspondence related to sand mining at Semaphore for the trial breakwater. As a result of community concerns, the committee decided to receive regular updates on this project.

I am pleased that a considerable amount of liaison has developed between the ERD Committee and members of the Public Works Committee who have accompanied us on a number of visits. We hope that this position can be fostered during the next year. I would like to thank the members of the committee for their contribution to the activities and reports of the committee. Only two of the members appointed after the last election remain on the committee: the Hon. Malcolm Buckby and me. The other four members—the Hon. Michael Elliott, the Hon. Di Laidlaw, the Hon. Rory McEwen and the Hon. John Gazzola—have either retired or moved on to new responsibilities. We appreciate the efforts that they put into the committee and their time with us, particularly the Hon. John Gazzola, who only recently left us. These members have been replaced by the Hon. Sandra Kanck, Mr Tom Koutsantonis, the Hon. David Ridgway and the Hon. Gail Gago. I would also like to thank the staff for their ongoing support and assistance. Mr Phil Frensham, our secretary, has the formidable task of organising our meetings and witnesses and our program, and without the assistance of Ms Heather Hill we would never get our reports completed. Her background and knowledge have been invaluable in producing our reports.

The Hon. M.R. BUCKBY (Light): I rise to support this motion to note the annual report of the Environment, Resources and Development Committee. The committee faced a number of important issues during the year, not the least of which was the completion of the Hills Face Zone inquiry. Since then, I have had a meeting with residents at One Tree Hill regarding their concern about the way in which this review is being conducted and, in particular, the future of agricultural land in the Hills Face Zone. It is reflected in our report that many property owners who want to build or renovate a new house are flouting the council's building regulations by undertaking far greater clearance of trees or changes to their existing buildings. Of course, once that has been done, it is too late for the council to impose changes. The committee recommended far more stringent regulation in this area and that fines be increased because the regulations are being flouted.

One Tree Hill residents are concerned that, as a result of this current review by the government, they will not be allowed to undertake certain farming practices. They made the point to me at our meeting that this is extremely important because, if they are locked into a certain range of agricultural pursuits and if those pursuits are not viable, there will be increased pressure on them to apply for a subdivision or to sell off various sections of their land. That is contrary to what we want to happen in the Hills Face Zone. Many of these people are significant landholders, and that is the last decision that they want to make.

So, as part of this review which the minister is currently undertaking, I trust that he will recognise the economic commitment to the state of the agriculturalists and horticulturists in the Hills Face Zone and the need to maintain the flexibility of their operations so that, if they wish to undertake, say, viticulture or to expand their viticulture production (given the growth in that industry at the moment) or if orchardists want to change the fruit they produce, they will be allowed to do so. There is some concern amongst farmers and horticulturists, which they expressed to me at the meeting at One Tree Hill, that they may be restricted in the pursuits that they will be able to follow. As I said, that could well create pressure on them to do the very thing that we do not want: that is, to further subdivide.

These people reiterated to me that they do not wish to see any further subdivision in the Hills Face Zone, particularly in their area. What they want is the ability to continue their farming practices with a level of flexibility in what they choose to do. I might add that many of these people are fourth and fifth generation farmers in the area. It is not as though they have come into the area recently and want to change things. Their families have been there for a number of generations, and they want to continue their family name in the area. So, whilst this review has concentrated more on housing issues, there are a number of other issues that need to be addressed, and I know the minister is doing that. However, he needs to keep an open mind regarding outcomes for farmers and horticulturists.

One topic that was of particular interest to me because of its effect on Gawler in particular was the inquiry into the urban growth boundary. The minister is still reviewing development to either the north or the south of Gawler. I am on record as saying that I believe that development to the south of Gawler should be allowed up to Tiver Road, because that would create a balance in development both north and south of the town and, in particular, because of the educational and sporting facilities located on the southern edge of Gawler: Trinity College, the Gawler High School, Evanston Primary School and Evanston Kindergarten, and St Brigid's Catholic Primary School. If there is further

development on the northern side of Gawler, there will be increased traffic going from the north to the south, and we already know that there is enough traffic movement there at busy times of the day.

Development to the north-east would only make that much worse, in terms of traffic moving through Murray Street. However, that urban growth boundary is particularly important because it will force developers not to pick up the easy development of land on the periphery of the metropolitan area but to look at the land that is inside that urban boundary and use innovative measures to develop that land exactly the same as at Mawson Lakes, where what was previously stock paddocks and very uninteresting land has been developed brilliantly by the Delfin Group to create a unique environment and one that is aesthetically extremely good for the residents of Mawson Lakes.

That can be done anywhere, but most developers wish to take the easy way out and, where you have rolling hills that are aesthetically extremely attractive and easy to develop, it means that that urban sprawl keeps ongoing. There is ample land within that urban boundary for developers to use, so the results of the investigations of the committee into that boundary were particularly pertinent. The final point was stormwater development. It was a particular interest of mine because in 1991-92, when I was at the Centre for Economic Studies, I undertook an evaluation of the economic value of stormwater to metropolitan Adelaide. I have considered ever since then that there is huge potential for the state to be able to reuse stormwater, particularly in the higher levels of the catchment area, where stormwater is uncontaminated.

The government has to address that. In particular, we must address the areas where grey water can be reused, and we should be looking at inserting regulations whereby new houses must have that dual system in their plumbing to ensure that grey water can be reused and, as a result of that, to save water for our state. In addition to that, I am pleased to say that there are a number of areas where local councils are looking at the potential to develop wetlands, let that stormwater settle and then pump that residual stormwater down into the aquifer to be reused on parks and gardens. That is a move in the right direction, but I believe that anything we can do to encourage the reuse of stormwater will be of significant benefit to this state and should be undertaken post haste.

I support the words of our chairman, the member for Whyalla, in congratulating the staff (Phil Frensham and Heather Hill) on their support of our committee. I believe that the inquiries we have undertaken have added to the information of the parliament and I look forward to further inquiries this year.

Mr Caica interjecting:

Mr BRINDAL (Unley): The chairman of my committee interjects that I am not on the committee. Indeed, I am not, but I want to congratulate the ERD Committee on the production of this report. I particularly want to congratulate the member for Light, because I am quite sure that this report is as good as it is because of his membership of the committee. He is a much loved member of this side of the house and a very fine contributor to any committee. I know that the member for Fisher and others are more across the totality of the report than I am, but I would just like to pick up what the member for Light said about the work of the ERD Committee in terms of the potential for stormwater reuse and the need to much more efficiently use the water that falls not only on the Adelaide Plains but in the greater Adelaide catchment, including the Adelaide Hills.

In many ways, the work of the committee that I am privileged to be on, chaired by the member for Colton, has itself been very much focused on matters of stormwater retention and reuse, albeit on a smaller scale. And that is the scale of the built form, whether it is the school or the house or the various other issues. It is really interesting that a number of committees of the parliament—indeed, a whole cross-section of members of this parliament from all sides of the house—are focusing on storm water and the potential of water generally in the Adelaide plains. Indeed, I acknowledge that the minister has a committee which I think they are calling 'Waterproofing Adelaide'; it was our idea and they stole it, but for the fact of giving it a new title.

Members interjecting:

Mr BRINDAL: I acknowledge that at least two members opposite admitted that they stole it. In one case it was called enhancement and in the other case it was called embracing.

Ms Rankine: We did not!

Mr BRINDAL: No, you said—

Ms Rankine: I said we were happy to embrace good ideas and we always acknowledge good ideas.

Mr BRINDAL: Sorry. I will quote the member exactly: 'We are happy to embrace good ideas and—'

Ms Rankine: And we always acknowledge them, unlike—

The ACTING SPEAKER (Mr Snelling): Interjections are out of order.

Mr BRINDAL: I know, I am listening to the voices that are coming from heaven, sir. I am getting divine inspiration from the member opposite. In all seriousness, I suppose it does not matter whose idea it is. The Labor Party is currently in government of South Australia, and whether it was originally a Liberal initiative or a Labor initiative, the fact that the current government is pursuing it is to—

Ms Rankine: That's right, that's what is important—

The ACTING SPEAKER: Order!

Mr BRINDAL: Mr Acting Speaker, in this house you try to have a certain magnanimity, a certain generosity of spirit. You try to be statesmanlike, and all you get told is, 'That's right.' I think that is a bit poor.

Ms Rankine: You were not being statesmanlike.

Mr BRINDAL: I was being statesmanlike. Sir, I will not detain the house other than to say that I congratulate the member for Giles on the production of this report. I point out to the house that other committees are working on the same issue, and I commend to the house the general principle that we have to do better with all the waters of South Australia. Whether it is storm water falling in the member for Heysen's electorate; whether it is the collection of the same water—much more polluted—in the Salisbury area down the bottom around Cavan, where they have those wonderful wetlands; whether it is down south, and anything that can be done with the Onkaparinga; whether it is SA Water and the discharge from Bolivar, Christies Beach, Whyalla and the reuse of that; indeed, whether it is the better use of water from the River Torrens to water the parks and gardens of Adelaide—whatever the initiative, it does not matter what the particulars are. The issue for metropolitan Adelaide is quite simply that enough rain falls on this metropolitan area to self-sustain the population at current water usage rates indefinitely, without draw-down from the River Murray.

If we all concentrate on that fact—that we are getting enough rainfall each year to fulfil all our uses, and that

includes our parks, our gardens, our swimming pools, our baths and showers, our washing our cars—if we concentrate on that fact and say, 'We are getting enough rainfall in this area to look after ourselves' then the River Murray starts to look after itself, because we will not need to draw down on it. I thank the member for Giles, as chair of the committee, for the production of the report and I commend the report to the house.

Motion carried.

KILPARRIN/TOWNSEND SCHOOL RELOCATION

Mr CAICA (Colton): I move:

That the One Hundred and Ninety Third Report of the Public Works Committee on the Kilparrin/Townsend School Relocation, be noted.

The Public Works Committee has examined the proposal to apply $5.54 million of taxpayer funds to the Kilparrin/Townsend School relocation. The committee is told the project involves relocation of the Kilparrin Teaching and Assessment Unit and Townsend School to the site of Ascot Park Primary School, and upgrading parts of the Ascot Park Primary School to accommodate this facility. It includes the following major components:

· The construction of new buildings, consisting of fully enclosed and unenclosed areas to provide administration and specialised learning areas;

· Upgrading one of the existing Ascot Park buildings to provide shared library resources and specialised materials production;

· facilities and accommodation for statewide service staff;

· site works including additional car parking, landscaping, playgrounds, running and bike tracks, netball courts and relocation of grassed play areas; and

· upgrade of the site infrastructure.

The cost of the proposed new facilities, inclusive of the partial upgrading of existing buildings and site infrastructure, is estimated to be $5 540 000 on completion, with occupation required in September 2004.

The Townsend School was purpose built in the 1970s for students with vision and hearing impairment by the South Australian Institute for the Deaf and Blind Incorporated (now Townsend House Inc.). In 1978, the Kilparrin Teaching and Assessment Unit relocated to a cottage on the grounds of Townsend House. Children and students attending Kilparrin are representative of approximately 3 per cent of the cohort of students with disabilities, and in addition to complex sensory impairment have either a significant developmental delay or diagnosed intellectual impairment.

Since 1978, DECS has used both facilities under a lease arrangement with Townsend House Inc., which expired in 2000. DECS has developed proposals to relocate the programs, after consultation with stakeholders, and has focused on Ascot Park Primary School as an appropriate location. Major redevelopment at the Townsend House site has meant that the programs have been housed in temporary accommodation. Collocation on the existing school site offers the opportunity for a world's best practice facility for providing specialist disability services in an inclusive setting. Ascot Park Primary's size and specialist focus of gymnastics also recommends it as a suitable site for this project.

The committee was told that there has been consultation between various stakeholders in the proposal leading up to the decision to relocate it at Ascot Park Primary School. The timing of these consultations and the extent to which information about certain elements of the project was disclosed—such as the process that ultimately chose Ascot Park and the adequacy of contingency plans, should the project be delayed—has been a cause for concern for some stakeholders and was raised by the committee during the hearing on 12 November.

The committee was told that DECS and DAIS planned to implement a managing contractor procurement methodology to allow commencement of early subcontract work prior to the completion of the project documentation. The managing contractor operating under a fixed management fee will progressively call and let tenders on an open book basis, with the contract sum increasing as each subcontract is let to an approved upper limit. The committee accepts and supports the need for a facility of this kind. The committee further accepts that the inadequate facilities currently occupied at the present Hove site and the imminent termination of this occupancy makes the project a priority.

The committee is concerned about the time it has taken to get to this point, given that the old lease was to run out in 2000, and seemingly now the project is so urgent for completion. We are suggesting that perhaps the planning might have been a little bit better than has been the case. Also, if the project is not completed by September 2004, there will be a significant safety issue for these students if they are forced to attend a school site that is still undergoing construction work. There are also contingencies to deal with this possibility, including relocating students to a third site if required until construction is complete, but the details of these plans have not been developed and will not be fully until the construction manager is appointed in early 2004. To this extent, the committee is of the opinion that, while DECS may not have many options given the time lines for this project, this process is adding further risk to a project with significant existing risk issues.

In regard to the consultation process, the committee believes that consultation processes could have engaged more directly with these communities, in addition to the extensive and necessary administrative and managerial level processes that were undertaken, although all schools claim to be happy with the move.

With respect to ecologically sustainable principles, the committee is not convinced that all that could have been done has been done. The committee believes that cheaper options, that is, going for cheaper capital cost over lifecycle costs, has not been embraced. A particular concern to the committee is the proposal to use bore water to irrigate the school grounds, whilst expelling all stormwater run-off directly into the drain system, rather than rehabilitating it through small wetlands or, even more appropriately, recharging the aquifer beneath the school from which the bore water that will be used for watering is to be drawn.

The committee reiterates its commitment to ecologically sustainable capital projects and trusts that the future involvement of the Office of Sustainability in the public works process will assist in the delivery of projects with appropriate and imaginative ecologically sustainable features. The committee was also concerned about fire safety in the proposed building. A number of the rooms have only a single door. The windows do not open and, although the committee is told that this meets fire safety requirements, the committee still expresses concern in that area. The windows are non-opening and the building will use natural ventilation. The committee accepts the premise on which the proposed ventilation system will operate, but feels that opening

windows, even if they were to remain closed for the most part, would provide extra flexibility to the project design. The committee notes evidence provided on the potential safety and security issues raised by opening windows in a facility such as that proposed.

In regard to the administration components of the proposed building, the committee notes that the existing administrative and teaching staff of the Kilparrin and Townsend schools will be accommodated in separate but shared facilities and operate as two separate entities. The committee is of the opinion that, over time, and in the interests of overall efficiency, consideration should be given to the merging of the administration apparatus of the two schools into one entity. The committee formally recommends to the minister that the manner in which capital works projects are funded be re-examined to ensure that the potential life-cycle savings and ecological benefits are prioritised when funding for such projects is allocated. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public work.

Motion carried.

PRIVILEGE COMMITTEE PANEL

Notice of Motion, Private Members Business Bill/Committees/Regulations, No. 13: Mr Brindal to move:

That for the remainder of the session—

(a) eight members be appointed to a privilege committee panel from which four are selected by the Clerk drawing lots to meet with the Speaker (who presides) to examine any matter relating to privilege that the house resolves to refer to a privilege committee;

(b) if any member of the panel or the Speaker has a direct interest in the matter referred to a committee, they must declare that interest and must not sit on the committee. If the Speaker is so precluded or otherwise unavailable, the Deputy Speaker presides and if the Deputy Speaker is also precluded or otherwise unavailable, a fifth member of the panel is drawn and the committee so formed will appoint one of its members to preside; and

(c) the referral of any matter to a committee must be by motion of which notice has been given or to which precedence is given in accordance with standing order 132.

Mr BRINDAL (Unley): My motion, in fact, touches on a letter I wrote to the Speaker respecting the privilege of this house about which the Speaker made a statement to the house yesterday. In saying what I want to do, I want to preface it by asking the indulgence of the house in the matter of privilege in so far as it concerns this matter. This morning I spoke to the police and they took details of all matters concerning this, and I gave them such material as I had. Because matters are before the house and are therefore the property of the house and not mine, I respectfully ask the house to indulge this matter at least until the police have done what ever it is they need to do or can do.

The matter is not sub judice—it is not before a court—but I do not think it would be correct or good procedure for us to try to investigate a matter the police may well be looking at. We will trample all over their paddock like elephants. I thank the Speaker for his ruling, but ask the house to indulge any further consideration of this matter pending whatever it is the police might come up with. That then results in a subsequent procedural motion. Today, as many members will know, I have consulted as many people as I can who are Independent members in this house and members of minor parties. I have consulted the government and I have consulted my own colleagues.

Whether or not the motion for an ongoing privileges committee has any merit—

An honourable member interjecting:

Mr BRINDAL:—I can actually count, whether it is counting across the floor or counting outside—at all, and there may well be, it needs to be a matter that is maturely considered by all members in this place, and that means not bringing it in yesterday and putting it on today. I would respectfully ask that the matter be adjourned until 3 December pending what other parties think.

Mr HANNA: I rise on a point of order, sir. Is it possible for the member for Unley to seek leave to continue his remarks?

The ACTING SPEAKER (Mr Snelling): No, it is not.

Mr BRINDAL: I have spoken to it.

The ACTING SPEAKER: I thought that is what the honourable member was doing, but if the member wishes to postpone—

Mr BRINDAL: I might have been rather long-winded about it, but I was merely seeking to adjourn the debate, which I do not think is a contribution.

The ACTING SPEAKER: I think that the honourable member means that he wants to postpone it?

Mr BRINDAL: Yes.

Debate adjourned.

ENVIRONMENT PROTECTION (INTERACTION WITH OTHER ACTS) AMENDMENT BILL

Mr HANNA (Mitchell) obtained leave and introduced a bill for an act to amend the Environment Protection Act 1993. Read a first time.

Mr HANNA: I move:

That this bill be now read a second time.

Today I bring to the parliament a bill which effectively allows the state's Environment Protection Authority extended coverage. The bill allows coverage of uranium mines, particularly in respect of the manner in which the waste products of such mines are disposed of. The bill does this by removing certain exemptions which are currently contained in section 7 of the Environment Protection Act. I would say that those exemptions were inserted into the Environment Protection Act particularly as a result of corporate lobbying, but the role of this parliament should be to ensure that uranium mining in South Australia does not inflict long-term harm on the environment, whether it be the flora, fauna or any other part of the environment of this state.

There are some other relevant pieces of legislation dealing with protection from radioactivity, that is, the Radiation Protection and Control Act. There is also the Mine Works Inspection Act. The Radiation Protection and Control Act makes absolutely no mention at all of the environment. Clearly, it was envisaged as an occupational health and safety measure so that human beings in the uranium industry would have some protection based on the inspections carried out pursuant to that act. Similarly, the Mine Works Inspection Act contains a very general power and is clearly not designed to protect the environment. In any case, that act is administered by the Department of Primary Industries and Resources (PIRSA), and the role of that department is quite clearly to promote mining in South Australia. There is not an intrinsic problem with mining in South Australia in itself, but it must

be subject to stringent safeguards in relation to the environment. We need to bear in mind the future, not just short term economic benefits.

As a result of the culture of PIRSA and its publicly acknowledged brief to promote mining in South Australia, the Mine Works Inspection Act has never been used to scrutinise the kind of potential environmental damage that I seek to forestall by means of the measure I bring in today. The appropriate agency to examine potential environmental damage from waste products of the uranium industry is the Environment Protection Authority of South Australia. I was pleased to see that the Labor government recently increased penalties and powers available to the EPA under the Environment Protection Act. It would be appropriate for the investigative culture and the penalties and powers under the Environment Protection Act to be used to scrutinise more closely the uranium industry, in particular the way in which waste products are disposed of.

I am not acting on a completely uninformed basis in this regard. I am relying heavily on the Senate uranium inquiry which reported only last month. That Senate inquiry came out with a damning account of the regulatory framework in South Australia in respect of our uranium industry. The executive summary at page 16 states:

> The frequency of leaks and spills is evidence that self-regulation by the mining companies has failed to prevent incidents which have the potential to cause significant environmental damage. The committee believes that the evidence overwhelmingly points to the need for a comprehensive system of independent monitoring. The committee was concerned that the day-to-day environmental regulation of the two projects [the Beverley and Honeymoon mines] falls to the South Australian department of Primary Industries and Resources (PIRSA) rather than the state's environment agency, the Environmental Protection Authority. The committee feels that PIRSA is an inappropriate agency to monitor the environmental performance of the two mines as it also actively promotes industry development. There is a clear conflict of interest between those two roles. Likewise, it is the commonwealth Department of Industry, Tourism and Resources rather than Environment Australia that is responsible on the federal front. The committee recommends that oversight responsibility for both the Beverley and Honeymoon mines should be transferred to the South Australian EPA and Environment Australia.

The proposal I bring to the parliament today does exactly that. Recommendation 18 of the Senate uranium inquiry states:

> Owing to the risks posed by the mine to the environment and the level of public concern, the committee recommends that the commonwealth and the South Australian government play a more active and assertive role in assessing and regulating ISL mining at Beverley.

ISL mining is in situ leach mining, which currently allows radioactive materials to be returned to the ground water beneath the Beverley and Honeymoon mines. It is unacceptable for this to continue without adequate scrutiny. I am very pleased to report to the house that our very own South Australian senators—senators Penny Wong and Geoff Buckland—were members of that Senate uranium committee. It is a credit to them that the findings were so clear and strong. In the balance of numbers on the committee, we see that both the left and the right factions of the Australian Labor Party were represented, so there is no excuse for this state government not to adopt the recommendations of the Senate uranium inquiry. I also take heart from the federal Labor shadow minister for the environment, Mr Kelvin Thomson. He made it quite clear in his press release dated 15 October 2003 that he endorsed the recommendations of the inquiry. He said:

> There is a need for strict regulation to ensure significant environmental impacts are avoided.

I am carrying out the instructions of the shadow minister for the environment and following the recommendations of the Senate uranium inquiry by bringing this legislation into the house. This legislation simply operates by removing a couple of the current exemptions in the Environment Protection Act. Those exemptions are there specifically to protect the uranium industry from scrutiny. No other agency in Australia is better suited to examining the environmental impact of uranium mining in South Australia than the Environment Protection Authority. For the sake of our future, and for the sake of the South Australian environment, consistently with the view of federal Labor, and consistently with the view of this state Labor government in respect of the nuclear dump proposed for South Australia, I urge the government to support this measure.

The Hon. D.C. KOTZ secured the adjournment of the debate.

SOCIAL DEVELOPMENT COMMITTEE: INQUIRY INTO SUPPORTED ACCOMMODATION

Mr SNELLING (Playford): I move:

> That the 18th report of the committee, entitled 'Inquiry into Supported Accommodation', be noted.

The committee found that there has been a longstanding lack of community-based supported accommodation for people with disabilities in this state. As a result, many people with disabilities are living in circumstances that would be entirely unacceptable to other members of the community. Also, many families are taking on enormous responsibility for full-time care of people with disabilities. The committee heard oral evidence from 38 people, representing 18 agencies and organisations and five individuals, and received 85 written submissions from 25 individuals and 60 organisations. Many witnesses who provided evidence were parents of people with disabilities, representing community and family groups and organisations. The committee recognises and commends their contribution and the contribution of other carers in this state.

The Social Development Committee seeks to recommend strategies and efficiencies within current resource levels, where possible. We are aware that there is a wide range of successful initiatives aimed at maximising quality services within available funding that have already been implemented. However, this inquiry has clearly shown that the lack of community-based supported accommodation is a direct result of inadequate funding in both the disability and mental health sectors. Funding for accommodation support under the commonwealth-state-territories disability agreement has increased by 23.3 per cent from 1998 to 2002. Also, additional disability services funding of $20.9 million over the next four years announced in the 2003-04 state budget will go some way towards addressing these problems.

However, increases have not matched rising demand in this state. Additional funding for a range of different models of community-based supported accommodation, in both the rural and the metropolitan areas, is urgently required to meet the needs of people with disabilities now and in the future. This is needed for people who are currently living with families and in institutions and those appropriately catered for in other settings such as aged-care facilities, acute sector facilities, supported residential facilities and boarding houses.

Before continuing, I acknowledge the presiding member of the Social Development Committee, the Hon. Gail Gago, and the working cooperation of my colleagues, the members for Hartley and Florey and the Hons Michelle Lensink and Terry Cameron. I would also like to acknowledge the work of the research officer, Ms Susie Dunlop, and the secretaries to the committee, Ms Robyn Schutte and Ms Kristina Willis-Arnold, in preparing the report.

I will now provide an overview of some key findings and recommendations of the inquiry, beginning with the crucial issue of continuing unmet needs. The committee found a continuing and significant level of unmet need for supported accommodation among people with disabilities in the state reflected in several areas: large waiting lists and waiting times (around 383 for Options Coordination clients alone in December 2002); long-term inappropriate placement of people with disabilities in SRFs, aged care facilities, hospitals and rehabilitation centres; unacceptably high levels of long-term burden on unpaid (usually family) carers; and continued admissions of people with disabilities into institutions. The committee also received evidence that disability support services, including supported accommodation for people with a psychiatric disability, are almost nonexistent.

Members interjecting:

The ACTING SPEAKER (Mr Koutsantonis): Order!

Mr SNELLING: Given strong evidence that appropriate disability services can significantly reduce reliance on clinical mental health services, access to such services is extremely important. I will discuss the committee's specific recommendations regarding people with a psychiatric disability later.

There is also a high level of unmet need among people with disabilities in rural areas. While 6.9 per cent of the South Australian population lives outside the Adelaide metropolitan area, only about 8.7 per cent of supported accommodation places are outside the metropolitan area. Inadequate funding for supported accommodation is also having a significant impact on expenditure in other areas of government, such as in the hospital, criminal justice, housing and alternative care sectors. First and foremost, the committee recommends that adequate funding be immediately provided for community-based supported accommodation to meet the needs of those people currently on the Options Coordination's urgent needs list for supported accommodation. Secondly, the committee calls for a strategic planning and funding framework to meet the current demand and future projected need for supported accommodation needs of people with disabilities.

The framework should incorporate a range of models, including addressing the needs of people in the rural areas, indigenous people, children with disabilities and people with disabilities exiting prisons. The committee encourages continued innovation in the development of supported accommodation models that balance quality of life with some necessary economies of scale. The committee also urges the state government to engage with the commonwealth to promote greater flexibility in the allocation of future unmet needs growth funding to ensure that state priority areas are addressed in the future.

I turn to family carers. The inquiry identified that families are taking on enormous responsibility for full-time care of people with disabilities, resulting in serious detriment to physical, psychological, social and financial wellbeing. The vast majority of people on the urgent needs list for supported accommodation currently live with family carers, and about 40 per cent of all adult mental health consumers reside with family. The lack of any planned approach to placement of people with disabilities into supported accommodation exacerbates anxiety, stress and burnout in families. In the past, many of these families refused to place their children into institutions, believing there would be some assistance when they were no longer able to continue caring. The irony is that some are now seeing their son, daughter or sibling ending up in an institution due to a lack of any alternative. Meanwhile, we are trying to move away from institutionalisation and foster inclusion and equality for people with disabilities. Carers emphasised to the committee that greater respite and in-home supports, while urgently needed, are not an alternative where supported accommodation is the real need.

I turn to deinstitutionalisation. There is widespread support for deinstitutionalisation in both the disability and mental health sectors, provided that adequate community-based services are available. However, its progress in South Australia has lagged significantly behind other states. Inadequate provision of community-based supported accommodation during the process of deinstitutionalisation to date has also resulted in an increased burden on public housing, SRFs and the criminal justice system. There have also been some negative impacts in terms of community perceptions and on levels of homelessness. The committee identified that, for deinstitutionalisation to progress significantly in this state, we need a decisive deinstitutionalisation plan to which the government is fully committed and adequate transitional funding to facilitate the process. This is in addition to greater provision of community-based supported accommodation for people leaving institutions. The committee therefore recommends that the government develop a fully funded plan to ensure that deinstitutionalisation is completed in both the disability and mental health sectors within five to 10 years.

It is recognised that some secure care facilities, as well as acute inpatient units in hospitals, must be maintained in the mental health sector. It is crucial that adequate supported accommodation be supplied to people currently living with family carers and people inappropriately placed in other settings, as well as for those leaving institutions.

Next I turn to services for people with a psychiatric disability. Disability support services for people with a psychiatric disability in the state are almost nonexistent. These people cannot access disability sector services and the disability sector cannot incorporate an additional group in view of already very high levels of unmet need. The committee therefore calls for a strategic planning and funding framework for the development of a range of needed disability support services, including supported accommodation, for people with a psychiatric disability, as a matter of urgency.

I turn to supported residential facilities. Supported residential facilities (SRFs) accommodate about 1 300 people in the state, most of whom have a significant disability, often a psychiatric disability. Based on the evidence received and some comprehensive research recently conducted by the Department of Human Services, the committee believes that SRFs are inappropriate for housing people who require more than basic support. Also, for at least the past decade the SRF sector has experienced financial difficulties, and ongoing closures have severely reduced the capacity of the sector. Closures are revealing large numbers of people with disabilities in need of more suitable supported accommodation. The latest information received from the SRF Association indicates that, since March 2001, 14 SRFs have closed.

Members are probably aware that two weeks ago it was announced that the state government has approved a significant funding package ($32.5 million over five years) and a comprehensive strategy to support the needs of vulnerable people in SRFs in response to the crisis occurring within the sector. Also, an SRF Ministerial Advisory Committee was established in 2003 to consider a review of the SRF Act and broader reform of the SRF sector. A ministerial boarding house task force was also established in July 2003 and is due to make recommendations by April 2004. The committee strongly supports these current directions. The committee also recommends that prescriptive strategies be urgently developed to improve access to external services such as HACC and Options Coordination for SRF residents.

I now turn to children with disabilities. The level of input required to provide care for children with disabilities can be difficult for many parents to sustain in the long-term, especially in view of the lack of support. Family breakdown can result in parents having to relinquish the child to the care of the state. Currently, about 10 per cent (approximately 120) children in alternative or foster care have a disability, and the committee commends the contribution of foster carers in caring for children with disabilities in this state. In addition to a lack of available foster carers for children with disabilities, the inquiry identified a lack of strategies to prevent relinquishment. It also identified the frustration that many families feel when resources are made available to foster carers that were unavailable to them as natural parents. Evidence received was very consistent with the findings of the recent Layton Child Protection Review regarding children with disabilities and their families, and the recommendations of that report are strongly endorsed by the committee. The committee also calls for improved strategies to prevent relinquishment, including improved inter-agency collaboration and specific brokerage funding for preventive supports to families.

Next I turn to indigenous people with disabilities. It was widely recognised cross the disability services sector that indigenous people are under-represented as clients in disability services, including supported accommodation. The committee received evidence of a lack of indigenous-specific services and a lack of services in rural and remote areas, and the widespread problem of acquired brain injury resulting from petrol sniffing in some indigenous communities. Some detailed research relating to the needs of indigenous people with disabilities has been undertaken by the Department of Human Services and the Coroner in South Australia. Furthermore, an Aboriginal Lands Standing Committee has recently been established. Also, the disability sector has implemented a range of initiatives, including the establishment of the Options Coordination Indigenous Unit in 2002 and an Interim State Indigenous Disability Network to advise the government. The committee recognises and supports these current initiatives.

Quality and efficiency. I will now talk a little about standards of supported accommodation for people with disabilities in this state. In a situation where people with disabilities are reliant upon high levels of agency and staff involvement in their everyday lives, effective mechanisms to ensure the quality of accommodation and support services are very important. Both the disability and mental health sectors have developed a range of processes to ensure appropriate monitoring standards. The work of the Disability Services Office is particularly well developed in this regard. Central to the quality of services is the ability to recruit enough quality and long-term staff. The committee therefore calls for improved initiatives to promote employment in disability services. The committee also recommends the development of an effective independent complaints mechanism for supported accommodation.

I would like to do justice to all of the extremely important issues that were raised in the inquiry as part of the supported accommodation debate. I believe the report and its recommendations do so. However, in view of the breadth of the topic, I will briefly draw attention to a number of issues in relation to which the committee made significant findings recommendations. These were: people with disabilities aged under 65 living in aged care facilities (including many in rural and remote areas where alternatives to aged care facilities are limited); additional pressure is being placed on disability services funding due to increasing numbers of people with disabilities who are surviving into old age; and a lack of suitable respite and other support for carers. Respite is a highly valuable service that has an impact on supported accommodation needs. However, I wish to reiterate that it is not an alternative to planned supported accommodation, especially for families in or nearing crisis.

In conclusion, I would like to stress the urgent need for government to address the existing unmet need for community-based supported accommodation amongst people with disabilities. The government has a responsibility to provide quality of life and community inclusion for these members of our community who have suffered longstanding disadvantage. Furthermore, we must relieve the unacceptable level of pressure on family carers and ensure that people with disabilities are not being placed in grossly inappropriate forms of accommodation such as aged care facilities. I also stress the need for a strategic planning and funding framework to meet the future need for supported accommodation by people with disabilities. In the mental health sector, this should be at the context of the development of a comprehensive disability support services framework for people with a psychiatric disability.

There is also a need for a definitive resolution regarding deinstitutionalisation in this state. Traditional institutional care solutions are no longer acceptable to either clients and their families or the community at large. Deinstitutionalisation must, however, be supported by the provision of adequate community-based supported accommodation and adequate transitional funding to facilitate the deinstitutionalisation process.

Mr SCALZI secured the adjournment of the debate.

INDUSTRIAL AND EMPLOYEE RELATIONS (PROHIBITION AGAINST BARGAINING SERVICES FEE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 579.)

The Hon. R.B. SUCH (Fisher): This is an interesting proposition brought by the member for Davenport. I have always belonged to the appropriate union wherever I have worked. In fact, at times I have even been a member of the executive of the union representing the workplace where I worked. The first point I make is that I do not like bludgers, people who live off others. I understand what the member for Davenport is trying to do, but I do not agree that this is the way to go about it.

What I think could happen is that the union, upon the presentation of evidence regarding its reasonable costs and so on, could make application to the industrial body to rule on what is an appropriate contribution towards the benefits that employees are receiving (or will receive) as a result of the actions of the union. Some people would say that they will get those benefits whether or not they are represented by a union. I beg to differ: I do not think that it works in that way. The member for Davenport's logic is that it is generally not allowed to have individual contracts and that therefore the system is geared against the individual. However, as I indicated earlier, I think there is a way in which people who receive the benefits can and should make a reasonable contribution towards the costs incurred by the union. In the establishments in which I have worked, the practice used to be that, if people did not want to belong to a union, they could make a donation equivalent to the union membership fee to, say, the Women's and Children's Hospital or a similar charity. I do not believe it is fair and reasonable that you should get the benefits without contributing towards the costs.

In essence, my point is essentially that, if the law does not allow the tribunal to determine an appropriate bargaining services fee, then it should be changed so that, on application, the union can ask for a fair and reasonable bargaining services fee. I think that is the way to approach it. I do not believe it should be an all-or-nothing approach. In my opinion, that would not be fair or reasonable to the people who support the union.

It is not easy to forgo the benefits under our current system either, and I guess that is a point that the member for Davenport would make. However, I think this is the wrong way to go about trying to address this issue. I can see merit on both sides of the case. I am not sitting on the fence and being a goody-goody; I think there is a middle course and that those people who are experienced in industrial law would know more about it than I, but I cannot see why the tribunal (on application) could not address this issue and determine an appropriate fee, and those who receive the benefits of what the union has achieved should be required to pay that fee or make an alternative equivalent donation to an appropriate charity.

Mrs GERAGHTY secured the adjournment of the debate.

CONSTITUTION (OATH OF ALLEGIANCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 November. Page 750.)

The Hon. R.B. SUCH (Fisher): For many years I have been arguing that the oath that we take on the day we are sworn in as members of parliament could be and should be expanded. I do not want to transgress in terms of the select committee looking at the code of practice but, given that I have raised this issue previously, it is not confidential or confined to that committee. I draw the house's attention to what I proposed some time ago in relation to a possible oath to be stated by members at the start of the new parliamentary session following an election. I am not saying that these should be the exact words, but I think something along these lines could be adopted. I understand that the member for Mitchell's proposal would require a change to the Constitution, but what I have proposed in the past is along these lines:

> I acknowledge the honour and privilege of representing the people of South Australia in the House of Assembly [or Legislative Council, as the case may be], and affirm that I will at all times act honourably to advance their best interests, uphold the agreed practices of the house [or council] as expressed in standing orders and will, through my words and deeds, enhance the public standing of the parliament and its members.

As I just indicated, I do not believe that these are necessarily the words, and the concept put forward by the member for Mitchell could involve some marrying of what I am suggesting and what he is suggesting. But I do not think the argument that words are only words has merit at all. Words are very important, because they convey meaning, feeling and commitment. I am not saying that reciting an oath will automatically lead to a change in behaviour or improve the status of members of parliament, but I think it would certainly help. It is not surprising that some of those professions that have high standing in the community also have a very considered oath that the members of those organisations take.

I commend the member for Mitchell for putting this forward. What he is trying to do is not just improve the behaviour of members of parliament but ensure that members of parliament are focused on serving the people of this state rather than being tempted to serve their own interests or those of other bodies, including major political parties. This is a useful issue to be debating. We know that the wheels turn slowly in relation to these sorts of matters, but I think it is important that we do focus on it. The member for Mitchell should be congratulated for bringing this issue before the house.

Mr MEIER (Goyder): The member for Fisher made a very good point when he said that it is useful and valuable to have these items before us to be considered and debated.

Mr Hanna: Tell us what you really think.

Mr MEIER: I think it is very useful to have these items before us to be considered and to be debated: that is what I really think. It is all very well to have the debate: it is another thing to actually agree with the proposal that is before us. I understand what the member for Mitchell is endeavouring to bring about in terms of change. As I understand it at present, we as members of parliament take our allegiance under the present oath, namely:

> I [the person's name] do swear that I will be faithful and bear true allegiance to Queen Elizabeth II, her heirs and successors, according to law, so help me God.

whereas the proposed oath as clearly enunciated in this bill is:

> I [name of the person] swear that I will faithfully serve the people of South Australia and advance their welfare and the peace, order and good government of the state.

In short, the new oath omits reference to the Queen and refers to the people of South Australia. I recognise that under the Australian Citizenship Act the oath of allegiance has had a new form for quite some years, wherein the Queen is no longer specifically referred to. As I said, there is no doubt that healthy debate on this is a good thing, but I guess my main argument is that Australia is a constitutional monarchy with a monarch at its apex today, 2003. I believe that, where there is a monarch, the tradition is that allegiance be sworn to the monarch as personification of the state. That being the case, whilst I believe that the member for Mitchell has indicated that he does not see this move in terms of republicanism, I believe that while we have a constitutional monarchy it is still only right and proper that we maintain the present oath. Other members may have a different view, and it will be interesting

to see how this debate goes. I guess my attitude would be different if the result of the referendum several years ago, as to whether we should have a republic or retain the monarchy, had been different. That is pretty obvious. But, while we have a constitutional monarchy, I believe that the appropriate allegiance should be sworn to the monarch and I am to be convinced otherwise. I am not supporting the bill at this stage.

Mrs GERAGHTY secured the adjournment of the debate.

PREVENTION OF CRUELTY TO ANIMALS (PROHIBITED SURGICAL AND MEDICAL PROCEDURES) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 12 November. Page 752.)

Mrs GERAGHTY (Torrens): I move:

That the debate be further adjourned.

The ACTING SPEAKER (Mr Koutsantonis): Is that seconded?

The Hon. R.B. SUCH: No, sir.

The ACTING SPEAKER: There is a motion before the chair. Is there no seconder? The motion lapses.

The Hon. R.B. SUCH (Fisher): I will just make a brief contribution. I commend the member for Morphett for bringing this matter before the house. We have seen his commitment to the welfare of animals, which is not surprising, given that he is a veterinary surgeon by training and commitment. I know that in the community this issue of tail docking and related procedures is a controversial one but, on balance, I support what the member for Morphett is trying to do and I will vote accordingly. It is often said that a dog is man's best friend, but I think in this case the man, that is, the member for Morphett, is the dog's best friend.

Mr Hanna: That's something for the election pamphlet!

The Hon. R.B. SUCH: Unfortunately, dogs do not vote in my electorate, but I am trying to get the law changed. I understand, sir, that you probably take a different view on this from that of the member for Morphett. I know some people argue that it is justified to treat dogs in a particular way for reasons of hygiene and, I guess, for the integrity of the breed. But, as I indicated earlier, on balance, the member for Morphett, based on his own lengthy experience as a vet, carries the day, as far as I am concerned. When someone with the professional training and extensive experience of the member for Morphett says that it is an unnecessary and cruel procedure, who am I to challenge his view?

I abhor any type of cruelty to animals. I cannot understand the mentality of people who are cruel to animals or the mentality of people who are cruel to humans. Recently, I was talking to a taxi driver who used to work as an RSPCA officer, and he said that he could only stand it for so many years, after observing such things as dogs having been set on fire and the like. Sadly, we have people in the community who have no regard for the welfare of animals. I am certainly not saying that docking tails is in the same category as setting dogs on fire, but I think this is a small step by the member for Morphett. He has taken the initiative on this measure. I understand that the government is also moving to do something along similar lines but I think that, when someone takes the initiative, he or she should be acknowledged for doing just that. I support this measure.

Mrs GERAGHTY secured the adjournment of the debate.

TOBACCO PRODUCTS REGULATION (SMOKING IN THE CASINO AND GAMING VENUES) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 15 October. Page 445.)

Mr SCALZI (Hartley): I would like to make a contribution on this very important issue and commend the member for Mitchell for bringing the bill to the attention of the house. I support the thrust of the bill. During the committee stage, I will be looking at how it will be implemented. No-one can doubt that there is a strong link between tobacco smoking—whether it be active or passive smoking—and deaths and illnesses. There is no question that from 19 000 to 20 000 Australians die each year from tobacco-related illness. I believe that we have a responsibility to do whatever we can to create an environment where the death toll is reduced and, hopefully, one day we will not have any deaths related to tobacco smoking.

There is no longer any doubt about the effects of smoking. I remember that years ago there were various surveys, and reports, that found that there could not be links. The reality is that, these days, no-one is questioning that fact. This state led the way in enacting legislation to deal with the banning of smoking in restaurants. Indeed, one can now go to the football or the soccer and enjoy a match of their favourite sport without having smoke blown in their face. I think that we have come a long way. There is no question that smoking in gambling venues still occurs to a greater degree than is the case elsewhere. I believe that, if we are really interested in the health and welfare not only of the patrons but also the workers in these institutions (because it is an occupational health issue), we should make no distinction between whether someone is in the front bar, the back bar or the gambling venue.

With respect to a worker being affected by passive smoke, there is no question that businesses in the future will adjust because of the legal implications if they do not do so. There is no question that we will have reforms in this area because, at the end of the day, it will be seen to be in the interests of business to do so. It is a question of timing. Some businesses say that they cannot afford to go down this path. I say that we cannot afford to leave an environment that will endanger the health not only of the patrons but also of the workers. I am on the record as supporting these measures in the past, and I am proud to say that my opposition has not changed. As I said, I will look at the clauses carefully, but I support the thrust of the bill.

I was a member of the Social Development Committee when it inquired into gambling. There was a strong association between people smoking and being in gambling venues. Indeed, if people have to leave the poker machines to go outside, it will be beneficial, because it will break up the cycle; it will give the gambler time to think about what they are doing, and that in itself will be of benefit. The poker machines are there to entice, and they do so by playing music and jingles, and their environment. If people are prevented from smoking, I think it would also have a beneficial effect on reducing the incidence of problem gamblers, and I support that.

Whilst I concede the harm caused by gambling, I must commend the AHA for taking some measures to deal with

problem gamblers. It has worked closely with the gamblers rehabilitation funds, and so on. But this is a matter of whether we mean business and, in the long run, we have to follow the reforms until we achieve the outcome of improving the health status of the community and, in this case, the workers as well.

I remember not long ago, when I worked as an orderly at the Royal Adelaide Hospital, that the room was filled with smoke, and I am sure that people were suffering from the effects of passive smoking. I remember the great debates that took place that people should be able to smoke in staff rooms—for example, school staff rooms. Now that does not occur. I was saddened to see, on a study trip to Moscow, that the Marlboro man is still alive and well. I thought he had died, but I saw him on the horse there. I was also really concerned that they had poker machines in the subways.

Obviously, the rules that apply here do not apply overseas, and we know that tobacco companies do not abide by the rules, as they do in the United States, Europe, Australia, Canada and so on. It is a concern, but we have to do what we can. We cannot just say, 'Well, it is going to harm business.' You have to carry out a proper analysis: what does it do to the overall health of the community? I believe that going down that path is essential.

There is criticism that if we introduce these bans it will affect business. Well, from the published results of 21 studies from around the world using objective data such as sales, taxation and employment, the evidence is clear. I quote:

> Smoke-free policies have either no negative impact on hospitality business, or lead to a slight increase. The only exception to this finding is for gambling revenues in Victoria, where turnover has declined 8.9 per cent (source: ABN Amro analysis) since the introduction of smoke-free laws on 1 September 2002.

It is yet to be seen if this decline will be sustained. A strong public education campaign leading up to the introduction of smoke-free laws for all hospitality venues simultaneously may prevent or reduce this effect.

So, in the long run, I do not believe it will affect business. It did not do so in the restaurant area when we introduced it and it will not do so in the gaming areas. There is no question that some venues will be affected, but laws should be made for the overall good, and the exceptions should be dealt with sensitively. I believe that at the end of the day we cannot halt this type of reform. We cannot be serious about reform and say, 'We will just fade it in, because it will not work.'

Mrs GERAGHTY secured the adjournment of the debate.

GENE TESTING SERVICES (PUBLIC AVAILABILITY) BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 577.)

Mrs PENFOLD (Flinders): I rise to very strongly support this bill. I was alarmed when I watched the recent television program that covered the patenting of 95 per cent of DNA and realised that this included human DNA and had implications that would affect many of us and our loved ones personally, now and into the future, both here and across the world. I have had cancer, my brother died of bowel cancer, my mother died of cancer and my husband has had cancer. So, the potential for our family and our extended family to have cancer and possibly die from it would be in the higher than average category. One of the methods that I was aware was being developed was to discover who was most susceptible to many cancers and other diseases—such as Crohn's disease, asthma, cystic fibrosis, multiple sclerosis, Parkinson's, Alzheimer's, obesity, mental illness and even alcoholism—was gene-testing. I personally know people in all these categories, and I know that they and their families should have every opportunity of any advantages that can come from this testing. They and their families have often suffered more than enough, and to be able to test to see whether or not there was a genetic tendency towards a disease could help them to live a life without concern of potential diseases or, at the very least, to take preventive action that would reduce the pain and anguish that these diseases cause to the sufferers and their loved ones.

The potential for my family and many other families around the world to be tested and, if necessary, for preventive action to be taken that may well save their lives will be affected by the fact that these tests will cost even more than they do now. I understand that this could be an additional $5 000 per test, which will put the tests out of the reach of many people whose lives may be saved and expensive treatments averted if they had them. Country women were dying at a much higher rate of breast cancer because of their remoteness from X-rays and from the treatment. They have been very high on their uptake of the mobile breast cancer screening that now goes to every town in the country at least every two years. I believe that country people would also be quick to take advantage of DNA testing for their families as soon as it became an option. However, this is now going to be much less likely.

It is ironic that the person who realised the potential of the 95 per cent of so-called 'junk DNA' and convinced the wealthy business owner that it should be patented is, I understand, himself dying of cancer and will not be benefiting from any money that may flow from this action. Even if he were not dying from cancer, I understand that he no longer has shares in the company holding the patent. Patent enforcement has already occurred or is occurring in many countries, including New Zealand, the United States, Canada and Europe, and we can expect that it will happen soon here in Australia. Anything that can be done to prevent it happening here and help to lift it elsewhere around the world should be done. I support this bill.

Mrs GERAGHTY (Torrens): I move:

That the debate be now adjourned.

The house divided on the motion:

AYES (21)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Foley, K. O.	Geraghty, R. K. (teller)
Hill, J. D.	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
O'Brien, M. F.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Such, R. B.
Thompson, M. G.	Weatherill, J. W.
Wright, M. J.	

NOES (17

Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Chapman, V. A.
Evans, I. F.	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hanna, K.	Kotz, D. C.

NOES (cont.)

McFetridge, D. (teller)	Meier, E. J.
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

PAIR(S)

Rau, J. R.	Kerin, R. G.
McEwen, R. J.	Matthew, W. A.
White, P. L.	Maywald, K. A.

Majority of 4 for the ayes.

Motion thus carried; debate adjourned.

LISTENING AND SURVEILLANCE DEVICES (PRIVATE ACTIVITIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 September. Page 274.)

Mr MEIER (Goyder): I note with interest the bill that has been brought in by the member for Mitchell, and certainly will tackle a problem that is becoming increasingly significant in our high-tech society, that is, one in relation to listening and surveillance devices. Basically, this bill seeks to extend the prohibitions on listening and surveillance devices to include visual surveillance devices.

At first appreciation of the bill, there is little question in my mind that I support its aims. However, perhaps we need to further consider the implications, and I question whether it is quite so simple and straight forward. The member for Mitchell says that it is a 'very modest proposal', designed to catch some sick and desperate men who secretly take photographs of girls playing netball. He may well be right. Often people take photographs of girls playing netball. There has been an incident in this house, Mr Speaker, that you made an example of whereby a member was possibly taking a photograph of activities in the chamber. You made it very clear, Mr Speaker, that that was certainly not on in this chamber. I realise that the rules that apply in this parliament are very different from the rules that apply outside—at least in some cases they are very different.

The bill might have been promoted by recent media reports that cameras in mobile phones are being used in women's change rooms, but it does raise a serious question of policy that might not have previously been addressed, namely, whether the taking of a photograph of a person without that person's consent should be outlawed—in other words, whether there should be a general right to privacy. As I said, I have little difficulty in supporting the aims that the member for Mitchell seeks to address. When I think of what occurs overseas and right here in Australia—and the way the paparazzi hound the royal family—I say without question,'Let's ban all cameras in certain instances.' Of course, I recognise that this bill is not necessarily doing that: it relates simply to visual surveillance devices.

Because of its complexity, members should be aware of the policy implications of this bill before we decide whether or not to support it. If we consider the situation in Australia as a whole, we recognise that there is no civil or criminal penalty for photographing a person without that person's approval. This applies whether that person is at a public or private function or place. Of course, actual physical intrusion onto private property for the taking of photographs, or the placing of concealed cameras, is actionable.

In some instances, publication of an unauthorised photo may amount to defamation. However, as the actor Michael Douglas found recently when he sued *Hello* magazine in respect of unauthorised wedding pictures, English law does not provide much protection. Notwithstanding the non-existence of a general right of privacy, the courts have developed limited remedies under other guises, for example, nuisance, trespass, battery, defamation, fiduciary duties, copyright, breach of confidence, contractual secrecy and the like. Whilst there is no general remedy for invasion of privacy in Australia or in the United Kingdom, such a remedy does exist in the United States of America. There have been numerous calls, especially by legal academics, for the introduction of a right to privacy in Australia. In the early 1980s, the Australian Law Reform Commission proposed a civil remedy based on commercial appropriation and publicity of private facts, but it was not adopted.

[Sitting suspended from 6 to 7.30 p.m.]

Mr MEIER: Before the dinner break I referred to the arguments both for and against supporting this bill. I acknowledge that there is a lot of sympathy for the aims of this bill because of the intrusion into people's privacy with respect to certain visual surveillance devices, and I would hope that the whole of the house acknowledges this. At the same time, I also acknowledge that the bill is somewhat complex, and members should be aware of the policy implications of this bill before deciding whether or not to support it. I highlighted and identified the privacy laws in Australia. I said that, whilst there was no general remedy for invasion of privacy in Australia or the United Kingdom, such a remedy does exist in the United States of America. I also indicated that the most recent leading case is the decision of the High Court in the Australian Broadcasting Commission v Lenah Game Meats, 2001. In this case the owner of a Tasmanian possum abattoir sought an injunction to prevent the televising of a film of its operations. The film had been shot without authority by animal liberationists who gained clandestine entry into the premises. The High Court held that the abattoir owner was not entitled to an injunction because there was no confidentiality in its operations.

I now refer briefly to the privacy law in South Australia. The Listening and Surveillance Devices Act was enacted in South Australia in 1927. A key provision of this act is section 4, which makes it an offence to use any listening device to overhear, record, monitor or listen to any private conversation without the consent of the parties to that conversation. The Listening and Surveillance Devices Act gives the court the power to authorise the use of listening devices, but the Listening Devices Act did not seek to ban visual surveillance. Of course, as we know, the member for Mitchell is seeking to ban visual surveillance. The reason for this is not hard to discern: eavesdropping on private conversations was and is recognised as an offensive invasion of privacy. Private conversations are regarded as, in a word, private. On the other hand, intrusions by camera were seen to be a lesser evil and also avoidable.

Mr Hanna: It is worse.

Mr MEIER: The member for Mitchell interjects that it is worse, and that is something that we have to consider. As I said at the very beginning of my contribution, because of the massive increase in the use of modern technology, those wishing to avoid being photographed can stay out of the public gaze (or so the argument ran). Also, the banning of photographic intrusions would have been opposed by the media. The media often dictates what we do or do not decide

in this house. Personally, I feel that the media has intruded so much into our private lives, whether or not we like it.

In the last few months (and I may or may not be on the side of the media here) we have seen people who have been involved in court cases and who have been photographed express their great abhorrence at being photographed. As members know, time is very limited in private member's time. Whilst I would like to highlight other matters with respect to the privacy law in South Australia, time does not permit me. I believe that, to ensure this bill is considered appropriately, it is only right and proper that it be referred to the Legislative Review Committee for further consideration. Whilst I recognise that time will not permit us to do that tonight, I would hope that the government will consider the option of referring it to the Legislative Review Committee or, at the very least, to a select committee to consider some of the potential problems which I have highlighted in my contribution and which other members may possibly highlight in their contributions. As I said, I have a lot of sympathy for the aims of this bill; but, at the same time, I do believe that it is a fairly complex bill that needs to be considered further by a committee.

Mrs GERAGHTY secured the adjournment of the debate.

GRAFFITI CONTROL (ORDERS ON CONVICTION) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 24 September. Page 265.)

Mr HANNA (Mitchell): I am pleased to support this bill in principle. The member for Fisher is sincerely concerned about the issue of graffiti and the treatment of graffiti offenders if, indeed, they are prosecuted. It is certainly a major problem in my electorate as far as most members of the public are concerned. I make no comment about the artistic quality, or otherwise, or the motivation behind graffiti. This bill is solely concerned with appropriate impositions to be made on prosecuted offenders. The measures which the member for Fisher has proposed are reasonable, at least to the point of being worthy of debate, and that is what this stage of the debate is about: is it worthy of consideration in more detail by this parliament? I say that it is.

Mrs GERAGHTY secured the adjournment of the debate.

ROAD TRAFFIC (COUNCIL SPEED ZONES) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 24 September. Page 267.)

Mr MEIER (Goyder): I think this is a sensible bill in view of the fact that we have so many speed limits today. As a resident of South Australia, I get totally confused as to whether I am in a 40, 50, 60, 70, 80, 90, 100 or 110 km/h speed limit. If we can get rid of one speed limit, namely 40, I would be fully supportive of it. I thank the honourable member for introducing this bill. I shudder to think how visitors to this state are expected to know what our speed limits are. A classic example is when you turn from West Terrace onto North Terrace: you go from a 60 km/h zone to a 50 km/h zone. There are three lanes of traffic. If you are in a half busy period, you will not have even a split second to try to look for a speed sign which indicates whether it is 50 or 60. It happens to be 50, so you go from 60 to 50. I am amazed I have not yet received a speeding fine—maybe there is one in the mail—because I still forget what the speed limit is.

Debate adjourned.

STATUTES AMENDMENT (PARLIAMENT FINANCE AND SERVICES) BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Constitution Act 1934 and the Parliament (Joint Services) Act 1985. Read a first time.

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

That this bill be now read a second time.

The bill amends the Constitution Act 1934 and the Parliament (Joint Services) Act 1985. The bill will enhance the independence of parliament by altering the appropriation process to require a separate Parliamentary Appropriation Bill. It also recognises the need for an executive officer to the Joint Parliamentary Service Committee to take responsibility for the management of the joint parliamentary service.

Currently, the money that the parliament uses to fund its work comes through negotiation with the government. The negotiations are conducted as part of a general budget process and the allocation is made as part of the general appropriation. The bill allows parliament to vote on a separate budget to fund its own activities before the general budget is passed. Obviously, as now, there would still need to be negotiation with the government about the amount to be appropriated for parliamentary purposes.

The bill will amend the Constitution Act 1934 so that no Appropriation Bill for general government purposes can be introduced into parliament unless an Appropriation Bill for the purposes of the parliament for that year has been passed by parliament and assented to by the Governor; or an Appropriation Bill for the general purposes of parliament for that year has passed the House of Assembly and six sitting days of the Legislative Council have elapsed since the bill was received by the council.

New subsections (2) and (3) provide a mechanism to ensure an appropriation is made to parliament even if a Parliamentary Appropriation Bill is not in operation at the beginning of the financial year. In such cases an amount will be appropriated equal to the amount appropriated for the previous financial year less an amount equal to the total of any payments of a capital nature made during the previous year. If an Appropriation Bill is then enacted, it operates in place of the automatic appropriation or default appropriation.

Section 6 of the Parliament (Joint Services) Act currently provides that secretarial services will be provided to the Joint Parliamentary Service Committee on rotation by the Clerk of the House of Assembly and the Clerk of the other place. This arrangement is consistent with the Speaker and the President rotating as chair of the JPSC. The bill replaces section 6 with a new provision that establishes an office of executive officer for the JPSC. The bill provides for the executive officer to be remunerated at a rate of 90 per cent of the rate payable to the clerks of the two houses. The executive officer will be responsible to the JPSC for the efficient management of the joint parliamentary service.

The bill also replaces section 11 of the Parliament (Joint Services) Act. The main difference under the new provision is that the remuneration levels of an officer of the joint

parliamentary service will be fixed by the JPSC rather than the Governor. An amendment is also proposed to section 21 of the act so that grants to officers of more than three days paid special leave in any financial year do not need the Governor's consent. I commend the bill to the house. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Constitution Act 1934*

4—Insertion of section 64AA

New section 64AA relates to the appropriation of money for the general purposes of the Parliament. The intention of the new section is that instead of forming part of the ordinary annual appropriation Bill, the appropriation for those purposes is to be by means of a separate Bill which should be dealt with by the Parliament before it deals with the ordinary annual appropriation Bill.

The general purposes of the Parliament is defined under the new section as all the staff, services, buildings, facilities and operations of the Parliament, including benefits for members of Parliament for which money is not appropriated by some other statutory provision.

Under the new section, no appropriation Bill for general government purposes of the State for a financial year may be introduced into Parliament unless—

(a) an appropriation Bill for the general purposes of the Parliament for the financial year has been passed by the Parliament and assented to by the Governor; or

(b) an appropriation Bill for the general purposes of the Parliament for the financial year has been passed by the House of Assembly and six sitting days of the Legislative Council have elapsed since the Bill was received by the Legislative Council from the House of Assembly.

An automatic appropriation for the Parliament is to occur if an appropriation Act for the general purposes of the Parliament for a financial year has not come into operation at the commencement of the financial year. The amount automatically appropriated will be an amount equal to the amount appropriated for the Parliament for the preceding financial year less the total of all payments of a capital nature made during the preceding financial year from the money appropriated for the Parliament. If an appropriation Act for the Parliament is enacted after the commencement of a financial year, the automatic appropriation will cease and be replaced by the appropriation Act.

Part 3—Amendment of the *Parliament (Joint Services) Act 1985*

5—Amendment of section 4—Interpretation

A new definition is inserted. ***Executive Officer*** for the joint parliamentary service is defined as the person holding or acting in the office of Executive Officer for the joint parliamentary service under Part 2.

6—Substitution of section 6

Section 6 currently provides for the secretary of the Joint Parliamentary Service Committee to be, alternating annually, the Clerks of the Legislative Council and House of Assembly.

New sections 6 and 6A, instead provide for a new Executive Officer for the joint parliamentary service and the functions of that officer.

The Executive Officer is to be appointed by the Committee on terms and conditions determined by the Committee.

The salary for the office of Executive Officer is to be 90 per cent of the salary for the Office of Clerk of the Legislative Council or Clerk of the House of Assembly.

The Executive Officer will be responsible to the Committee for the efficient management of the joint parliamentary service.

7—Amendment of section 7—Divisions of the parliamentary service

The current Divisions of the joint parliamentary service will remain. A consequential amendment is made so that the Executive Officer, rather than the secretary of the Committee, will be the chief officer of the Joint Services Division.

8—Amendment of section 8—Duties of chief officers

The chief officers of the Divisions of the joint parliamentary service will now be responsible to the Executive Officer for the efficient management of their Divisions.

9—Amendment of section 9—Delegation

The delegation provision for the Committee is consequentially amended to take account of the new Executive Officer position.

10—Amendment of section 10—Creation and abolition of offices

This section is amended so that the creation and abolition of offices in the joint parliamentary service will be the sole responsibility of the Committee. At present, the Committee recommends the creation and abolition of offices in the joint parliamentary service to the Governor.

11—Substitution of section 11

Similarly, the fixing of remuneration levels for offices in the joint parliamentary service will be the responsibility of the Committee. The current provision for remuneration level structures generally to match those in the public service and for the automatic flow on of public service salary changes to corresponding positions in the joint parliamentary service is retained.

12—Amendment of section 21—Special leave

This section contains a requirement for the Governor's consent to the granting to a joint parliamentary service officer of more than 3 days remunerated special leave in a financial year. The requirement for the Governor's consent is removed.

13—Amendment of section 24—Application of certain Acts

This clause makes amendments of a statute law revision nature only correcting obsolete references.

14—Amendment of section 26—Certain officers to constitute advisory committee

The advisory committee under this section will no longer include the chief officers of the Divisions of the joint parliamentary service but be comprised only of the Clerks of the Houses and the Executive Officer.

15—Amendment of section 30—Allowances and deductions

This clause corrects an obsolete reference.

16—Repeal of Schedules 1 and 2

This clause removes the Schedules the effect of which is exhausted.

The Hon. I.F. EVANS secured the adjournment of the debate.

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Liquor Licensing Act 1997. Read a first time.

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

That this bill be now read a second time.

The bill amends the Liquor Licensing Act 1997 to achieve two purposes. First, it will permit hotels, clubs, entertainment venues and other licensed premises to apply to the licensing authority for authorisation to trade until 2 a.m. on Good Friday.

An honourable member interjecting:

The Hon. M.J. ATKINSON: And may God forgive me—including serving patrons who are not having a meal. Second, it makes some minor technical amendments to give the licensing authority greater flexibility in dealing with applicants. Owing to my distress at reading this speech, I seek leave to have the balance of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

In deference to the Christian tradition, the *Liquor Licensing Act 1997* presently places stringent limits on the sale of liquor on Good Friday. It is lawful for restaurants, motels and other licensed premises to serve liquor to lodgers on the premises, to diners having a meal on the premises and to patrons attending a reception at which food is served. Liquor cannot, however, be served to other patrons. Further, entertainment venues are forbidden to sell liquor in

conjunction with the provision of live entertainment on the night of Maundy Thursday to Good Friday.

At the same time, wineries and other producers are at liberty to serve and sell their product on Good Friday, whether or not the patron has a meal, and the licensing authority can, if it sees fit, also grant a limited licence for a special occasion that is held on Good Friday.

It is often said that we live in a multi-cultural society. Although Good Friday is observed by many South Australians, there are many others for whom it has no special significance. The Government does not wish to offend Christians but, equally, it considers it fair that those who do not observe Good Friday should be able to enjoy liquor service on the night before what is to them simply another long weekend.

The Government therefore brings before the House a Bill to permit licensees of hotels, clubs, entertainment venues and other licensed premises to apply for an extended trading authorisation to allow them to trade until two a.m. on Good Friday morning. Note that this extension of hours is not automatic and will not necessarily apply to all venues. In each case, a licensee who wishes to trade in this manner would need to apply to the licensing authority for permission. The authority would be required to consider any possible offence or inconvenience to others, including persons attending religious worship nearby. There would be an opportunity for the public, including representatives of churches, to object if they think that the extended trading hours would cause offence or inconvenience. The matter would be in the authority's discretion. If the authority concludes that there would be an unacceptable interference with the conduct of worship, extended trading authorisation would be refused.

I point out that, at present, the law does not allow entertainment venues to sell liquor in conjunction with providing live entertainment after nine p.m. on Maundy Thursday. They are not required to be closed, but it can only serve liquor to diners, or patrons who are seated at tables or attending a function at which food is served. This amendment would permit liquor service in conjunction with the provision of live entertainment and without the provision of a meal. This is to achieve neutrality between entertainment venues and hotels. If a hotel, which may offer live entertainment, can trade until two a.m. on Good Friday, then it is fair that an entertainment venue, such as a nightclub, also be permitted to trade in this manner.

The result of the provision will be that those who wish to do so can enjoy liquor service without a meal at licensed venues such as hotels, clubs and entertainment venues until two a.m. on Good Friday, if those venues can secure extended trading authorisations. At the same time, the concerns of those who will be attending religious worship at this time will be taken into account case by case and they will be protected from undue offence or inconvenience.

This Bill also rectifies some minor technical deficiencies in the Act identified by Crown Law. It will give the licensing authority the ability to impose conditions subsequent on the grant of an application or approval and in connection with disciplinary proceedings and to also receive undertakings given by a party or their legal representative, in connection with proceedings before the licensing authority. This adds further flexibility to the Act by increasing the procedural options available in disciplinary and other matters.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Liquor Licensing Act 1997*

4—Amendment of section 4—Interpretation

The effect of this amendment to the definition of ***extended trade*** in liquor would mean that the definition would be extended to include the sale of liquor between the hours of midnight and 2 am on Good Friday.

5—Amendment of section 35—Entertainment venue licence

6—Amendment of section 44—Extended trading authorisation

The amendments proposed in clauses 5 and 6 are consequential on the proposed amendment to the definition of *extended trade* to include trading up to 2 am on Good Friday.

7—Amendment of section 53—Discretionary powers of licensing authority

The proposed amendments would allow a licensing authority to grant an interim application on condition that the applicant satisfies the authority as to certain matters within a period determined by the authority. If the applicant fails to comply with the condition, the licence, permit or approval may be revoked or suspended until further order.

8—Amendment of section 121—Disciplinary action

This amendment is consequential on the amendment proposed to section 53.

The Hon. I.F. EVANS secured the adjournment of the debate.

STATUTES AMENDMENT (BUSHFIRE SUMMIT RECOMMENDATIONS) BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 709.)

The Hon. G.M. GUNN (Stuart): I am not the lead speaker, but I have some comments to make in relation to this bill. At the outset, let me say that if we are really fair dinkum about giving firefighters the ability to contain and control bushfires, the first step we should be taking is to amend the Native Vegetation Act. I put it to the minister that, in this particular proposal, which act of parliament has the greater force in law: the amendments he is proposing here or the Native Vegetation Act? I draw the minister's attention to the second reading explanation which states:

> Under both section 40 of the Country Fires Act, and s60B of the South Australian Metropolitan Fire Service Act, a council has the power to issue a notice to a landowner, requiring the landowner to reduce fire hazards, such as flammable vegetation. . .

I want to know—

The Hon. M.J. Atkinson: Flammable—it's a short 'a'; not a long 'a'.

The Hon. G.M. GUNN: The Attorney-General can go back and read his English literature—

The DEPUTY SPEAKER: Order! The member for Stuart has the call and should address the topic and ignore interjections from the Attorney that are out of order. The member for Stuart.

The Hon. G.M. GUNN: I would suggest, Mr Deputy Speaker, that you contain the Attorney-General. He knows nothing whatsoever about this subject, like a lot of other matters he involves himself in. He would be wise to listen for once in his life, because this is a subject with which I have had some experience, that is, the maintenance of firebreaks and controlled burning off. One of the things I would not do is have the Attorney-General anywhere near me while I was doing it, because he would be one of those people who would be a panic merchant.

Let me return to the provision to which I drew to the attention of the Minister for Emergency Services, because this house is entitled to an answer. Do the provisions requiring councils to direct landholders to take appropriate action to reduce fire hazards overrule the provisions of the Native Vegetation Act? It is a question that needs to be answered because, as you would know, Mr Deputy Speaker, many landholders want to construct decent firebreaks and reduce vegetation to ensure that they protect themselves and the public from the ravages of bushfires but are unable to do so because of the provisions of the Native Vegetation Act.

I am pleased to see that I still have 20 minutes, because I have plenty to say in relation to this matter, and I know the minister is willing to listen. He likes to see me go on.

The Hon. P.F. Conlon: I've got no choice.

The Hon. G.M. GUNN: Well, I am normally a man of few words. However, those of us who are concerned to see

landholders protect their property want to see action taken and decisions made which are based on commonsense and a practical understanding of the problem and not have a situation where landholders are looking over their shoulder because they have nasty little apparatchiks racing around the country with measuring tapes measuring firebreaks. Because a fellow has put in more than five metre firebreak, they think they have caught Ronald Biggs.

An honourable member interjecting:

The Hon. G.M. GUNN: Yes, they did. The poor long-suffering taxpayer: they sent aeroplanes over to photograph it. They thought they had caught some violent criminal. All they were trying to do was to protect the public. But then, a few weeks later, a fire starts in the Gawler Ranges National Park. With great panic and great gusto, they race out with bulldozers and they put in a 30 metre break. I do not mind if they do that. I went out and stepped it off and took photographs of it, because it was commonsense to do it. I hope they maintain it. However, the point I want to make is that one of my neighbours—a long suffering farmer, a hardworking person who fought for his country in Vietnam and suffered greatly because of it—put a decent firebreak of about 30 metres alongside the national park and the same people wanted to prosecute him. I put it to this house that, if ever there was a contradiction and if ever there was a bunch of fools who ought to be put away in a room and left, it was those people. Then they wonder why landholders have had enough of these people and why they object. So, let us face some reality in relation to these provisions.

No-one would be against any sensible provision that will ensure that people act reasonably and sensibly. I do not believe it is necessary to give these people the power to issue on-the-spot fines without the authority or agreement of the Country Fire Services Board. It should have to be approved; therefore, I will not be voting for them unless it is approved by the Country Fire Service Board. That is a sensible, middle of the road suggestion. When you put a uniform on people and give them a little power, it often goes to their head, and they need someone to look over their shoulder and say, 'Just take a step back and use a little commonsense.' If the government wants to take the rural community and this parliament with it, members opposite should pay some attention to that suggestion.

Let us look at the need to carry some of this equipment. They want people to carry knapsacks and shovels or rakes in the back of utilities. Most people do that, but lots of these people—and it is not covered by the second reading explanation—carry 50 or 100 litre spot sprayers, which run off 12 volts, in the back of their utes. They are more effective and can do a better job, and I think that should be considered as adequate.

Many of the other provisions are basically an update of what is already in the act, and so I do not think that will cause a great deal of difficulty. However, in this legislation, a great deal of emphasis is placed on private landholders. I ask the minister whether the same provisions and requirements apply to government owned land, such as national parks, conservation parks and reserves. Do they apply, because, if they do not, it is a complete nonsense. I say to the minister that places like the Pinkawillinie National Park that have not burnt for a while will go up; there is nothing surer. If they are not required to comply with these conditions, why is the landholder who adjoins the park forced to comply? That is a complete contradiction; it is a complete nonsense. So, I say to the minister: I want to know from him clearly whether it applies to the national parks. I know that the environmentalists and the greenies and the great unwashed probably do not want people even to go in there.

Mrs Redmond interjecting:

The Hon. G.M. GUNN: They don't, but at the end of the day they are going to catch on fire. Therefore, this parliament, when making important decisions in relation to this issue, is entitled to make sure that it covers all bases.

Does the district council of a particular area have the authority to tell the national park or the people who own a conservation park in the Flinders Ranges that they will comply? I want to know from the minister: does the Flinders Ranges council have the power to direct the national parks to take certain action in the Mount Brown Conservation Park? I want to know. It is a very simple question, because that is where the fires are going to be and it will be difficult to contain them. What about Mount Remarkable? Does the District Council of Mount Remarkable have the authority to direct the national parks in relation to that area because, if it does not, you have a double standard. This parliament must have that information if it is expected to make an informed and wise decision. Of course, the shadow minister will have other comments to make in relation to this matter.

The Hon. P.F. Conlon: That doesn't change the law; it doesn't change the penalties.

The Hon. G.M. GUNN: No, but do those provisions—

The Hon. P.F. Conlon interjecting:

The Hon. G.M. GUNN: Yes. But minister—

The Hon. P.F. Conlon interjecting:

The Hon. G.M. GUNN: But are they required to comply?

The Hon. P.F. Conlon interjecting:

The ACTING SPEAKER: Order! Questioning should be done in committee.

The Hon. G.M. GUNN: I'm labouring a bit; I need a bit of help. I'm normally shy when I get on my feet. It's taken me all the dinner adjournment to work myself up to make this speech. I'm easily put off. I thank the minister for his indulgence on this occasion.

The Hon. P.F. Conlon: I'm happy to help you, Graham.

The Hon. G.M. GUNN: Thank you, minister. It's one of those few occasions when I am somewhat stuck for words. In all sincerity and seriously, there are a number of questions that need to be answered. The greatest way the government can help people to comply with the law is to have it clearly explained to them so that they understand it and that there is no confusion and no ambiguity in relation to the provisions. The provisions should be drawn up by people who understand the problems, how they should work in practice, and what is needed to ensure that practical people are not unduly impeded. One of the greatest problems in bushfire control involves fires caused by lightning strikes. When you get lightning strikes at this time of the year—it can happen anywhere—you have to be well organised. That is why it is so necessary to have adequate firebreaks, access tracks and hazard reduction.

So I ask the minister: will he give this house an assurance that he will ensure that landholders who want to put in decent firebreaks and access tracks will not be impeded and that the National Parks and Wildlife Service and other landowners will ensure that there are adequate firebreaks and access tracks so that when people go in to fight fires they can not only get in but, more importantly, get out when there is a problem.

Those matters need to be addressed. I sincerely hope that the minister takes on board my comments, because he will

achieve a great deal more through cooperation. These provisions are aimed at ordinary law-abiding citizens. The people with whom we need to be firm are arsonists who deliberately light fires on days of high bushfire risk, as took place in Horrocks Pass last year when people deliberately lit fires. Unfortunately, they were not observed and they were not caught. I sincerely hope that, in the future, we catch these people who act so irresponsibly, because not only do they endanger property but of course they endanger lives. I will not delay the house any longer. I believe the points I have made are worthy of consideration and need to be responded to.

The Hon. R.B. SUCH (Fisher): I would like to make some brief comments. The measures contained in this bill are very modest and not in any way draconian, and I believe that they have been put forward in a very considered way. The member for Stuart has a longstanding passion and a very strong view on the width of firebreaks, although we know that he does not come into the category of what I would call a conservationist. I do not profess to be an expert on firebreaks but, from the reading and research that I have done, firebreaks can assist. But whether they are five metres, 50 metres or sometimes 500 metres wide, if the wind is driving pieces of material, fires will go right over the top of firebreaks, as was shown to be the case in Canberra.

When we are debating these sorts of measures we have to be careful not to become hysterical or to see them as a mechanism to get rid of national parks or bushland through a back door, destroying what little is left of native vegetation in this country. Our record in terms of conservation is appalling—it is one of the worst in the developed world—and our record in terms of the extinction of species, plants and animals is horrific. We have not even had a chance to study a lot of them, let alone do anything else. So, we need to be careful not to get on this bandwagon which is based on irrational catch cries and populist notions such as: let's get rid of the bush and have firebreaks on which you could land a jumbo jet.

Australia is a country that has experienced fires for thousands of years but, contrary to what a lot of people say, the Aboriginal people did not set the countryside ablaze. That is a myth; it is a nonsense. They used burning in a controlled and an appropriate way, and that is what we should be doing in terms of prescribed burning and cold burning. Unfortunately, in South Australia we have almost no research to back up the strategy in that regard. Aborigines burnt areas of countryside to create green feed and to drive out animals for hunting, but there is no evidence—and I have checked this out in the best sources that I could find—that they had the countryside ablaze, as is often suggested by some commentators.

I make the plea—and I think this is reflected in the bill—that we not put forward—and this might sound like the wrong phrase—a scorched earth policy. We do not want fire endangering life and property, but the reality is that we have to learn to live with fire and to manage it in a sensible and scientific way. I think these measures, such as the use of expiation notices, are reasonable. For a long time councils have had to put up with people failing to clear blocks of land in urban areas and townships.

People leave grass uncut, putting other people at risk. That sort of situation should not be tolerated. We know that councils have had the power to step in and cut the grass and bill the owner, but often this is a complicated, long, drawn-out process. In recent times we have seen some prescribed cool burns, pattern burning or whatever you want to call it, but that in itself is a very complex issue and you have the issue of liability if things go wrong. For one reason or another, the CFS has moved away from the amount of burning that it used to do. When I was involved with the CFS as a youngster many years ago, practically every week when it was feasible we used to do burn-offs. As I say, things are a bit more scientific now.

The Victorians and Western Australians have done quite a bit of research in terms of prescribed burning, but in South Australia we have not done a lot in regard to research, so we do not know the consequences of burning certain areas. But we know that, if you do not take appropriate measures, you can end up with a fire that has so much intensity that you destroy and turn to cinders every single thing in a particular location, including in areas set aside for nature conservation. It is a very complex matter that we are trying to deal with. It is balancing the need to have appropriate, prescribed burning so that you do not get the catastrophic type of fire that we have seen recently on the perimeter of Canberra, but determining when and how that is do be done is, as I have indicated, not easy.

On the question of dealing with people who are arsonists, we know that they often have a serious psychological problem. In many cases it is related to sexual function. I am not a psychiatrist, but I am told that people who light fires, watch them and enjoy them tend to have a problem in terms of their own sexual functioning. I would sooner they be dealt with earlier rather than later but, if people engage in that sort of behaviour, they should be dealt with in a very rigorous manner. The measures in this bill are modest: the question is enforcing them; that is always a challenge. Some of the requirements, in terms of carrying fire extinguishers in caravans and so on, seem commonsense. I have generally had the practice of carrying a fire extinguisher in my car and I have used it in one case, I am not saying to save a family but certainly to save them from losing their vehicle. I think there is merit in people who travel even in the metropolitan area carrying something like a fire extinguisher.

Prohibiting smoking in the open air within two metres of a flammable bush or grass one would think is commonsense but, sadly, the sense is not all that common. We see people throwing cigarette butts out of car windows and doing other stupid things. I guess that no system will ever ensure that people do not act in an irresponsible or reckless manner. In essence, this is part of the package coming from the Bushfire Summit. The community agrees that we need to take all reasonable measures, but I do not hear the community saying, 'Let's go down a path of extreme measures that will destroy the environment so that it is no longer attractive or maintains biodiversity.' In other words, we do not want to throw the baby out with the bath water. We do not want to destroy those things that help constitute the quality of life. That would be ludicrous and irrational behaviour. I make a plea once again that we approach this subject with a cool head and an approach that is based on scientific principles and on experience that has been demonstrated to have practical effect, and not by irrational catchcries by people who may have another agenda.

I have pointed out in this house before that the royal commission into the bushfires of Victoria in 1939 made a lot of recommendations that were not heeded. I guess that we often take a long time to learn from history. Australians need to come to terms with the natural environment, and I would argue that many people are in Australia but not of it, because

they have no understanding or appreciation of the ecology, of the various components that make up this nation. Unless and until people do that, I do not believe they can be really regarded as totally Australian. If you do not have an appreciation and understanding of the complexities of the flora and fauna, the interrelationships that make up the environment, then you are like some ignoramus who is trying to touch up the Mona Lisa with a six-inch paint brush and a can of house paint. You are just a vandal; a philistine. On that note, I endorse this bill, and trust that we can get it operational as soon as possible.

The Hon. I.F. EVANS (Davenport): I will not speak long to the bill other than to say that I support its second reading, at least. There are a few things I think might be fleshed out in the committee stage. I am a bit confused, given the previous contribution, as to whether I am actually debating the right bill, because from my reading of it the bill has nothing at all to do with backburning, fire breaks or burning national parks. It actually has to do with whether we issue some expiation notices for some previously pretty minor court offences. I think that is the debate we might be having during the committee stage. There is one issue I want to raise, which I put on record now as someone who is a fifth generation Hills resident and who has had the pleasure of fighting the occasional fire that has come my way, and that is in regard to the role of the fire authorities over council-owned and government-owned land.

As sure as night follows day there is going to be another Ash Wednesday in South Australia at some time in the future. The history of South Australia is that we have had bad fires in 1939, 1956 and 1983, and we will no doubt have another one some time in the future. After virtually every bad fire, there is usually some form of inquiry. The member for Fisher mentioned that after the 1939 fires there was a royal commission. After the Canberra fires there was a big report to the federal parliament, and after the various fires here there have been inquiries. Without having read all those reports, I am prepared to bet anyone that most of those inquiries would say that the left hand did not know what the right hand was doing.

Through the amendments being moved by the member for Mawson—which I suggested and which he to his credit adopted—I believe it is time that South Australians said to the fire authorities that they are in charge and they are responsible, so that when the next fire comes we do not have local government saying, 'We didn't do everything we were meant to under our act'; we do not have the CFS saying, 'We're not quite sure whether we were responsible for fires in national parks or local government land'; and we do not have someone saying,' The laws relating to private land-holders were not enforced strongly enough.'

The amendments proposed by the member for Mawson in principle include that the CFS should be responsible ultimately for fire measures in this state. Just as local government has the power to issue notices to private land-holders to say, 'Clear your land and tidy it up for firefighting purposes', then the CFS should either enjoy that power or, at least, enjoy the power to go to local government and say, 'You've not done your job and we're actually going to take that from you and do it ourselves.' This is so that the CFS keep a watchful brief on local government, if you like, to make sure that local government are making sure that the private landholder actually tidies up their land as a fire prevention measure. Then there is no excuse for anyone at that level to come back, after the next fire, and have any debate about whether the private landholder was properly informed. Because by then local government and the CFS would both have had the opportunity to issue that notice, and make sure that we have the best possible fire protection available to us.

The amendments go one step further. They also say that, if the CFS is of the view that government-owned land is not being properly prepared for the fire season and fire reduction measures are not being undertaken to their satisfaction, that can be brought to the attention of the parliament, through the appropriate minister. The process is that they can write to the minister, who then has to table it in parliament, and a response has to be given to the parliament within a designated period.

I support the amendments that are being moved by the member for Mawson very strongly because, essentially, for the first time in the state's history it puts one organisation in control, or certainly far more in control, of our preparedness for bushfire, and that is the CFS. So when the next fire occurs—and there will be another bad fire in South Australia, no doubt about that—when the inquiry is held, they can go to the CFS and say, 'Well, did you bring it to the attention of the minister? What was the minister's response?' That will be a parliamentary document. The local government will be held to account by the CFS, and then the private landholder will be held to account with the CFS. And this state will not be subject to yet another inquiry about a bushfire that will say that the left hand did not know what the right hand was doing. That is what happens after every single bad fire in Australia: they have an inquiry and ultimately the inquiry says, 'The left hand didn't know what the right hand was doing.'

The amendments that the member for Mawson has moved basically give the CFS the power to make sure that local government are doing their job in regards to both local government land and private land, and it gives the CFS the power to bring to the attention of the appropriate minister that the land under his or her control is not up to standard. The minister has to table that in parliament and also table a response in parliament so that everyone is aware of what the government is doing with their own land. For instance, if the Belair National Park was in a condition that the CFS had concerns about, then as a local member I would want to know that. And I think the thousands of people living around the Belair National Park would want to know that.

I strongly support the amendments that the member for Mawson will be introducing later because, for the first time, it will give the parliament and the local members the opportunity to be properly informed about the views of the CFS about Crown land and government property. It will give local government and the elected members of local government, most importantly, the opportunity to be informed about the views that the CFS has about the way that local government is looking after local government reserves. Importantly, it will also bring to local government's attention the fact that, in the CFS's view, private landholders in their particular area are not keeping the land up to the standard necessary to put the bushfire risk at a minimum.

Generally, I support the thrust of the bill, but I strongly support the amendments put by the member for Mawson because I think that it will streamline the administration and make crystal clear who is responsible for bushfire management in this state: and that is the CFS.

Mr VENNING (Schubert): I rise to support the bill, on condition. I understand why the minister has brought this in, and it is possible that I was involved in an action that

highlighted the problem. There was a breach by a person—in this instance a prominent person; no names—and he had to go to court, which I think was unfortunate. He incurred a lot of court costs, and he also incurred a very heavy fine. So, I would apologise publicly, as I did then, and I do again now. I do not believe that we need that to happen, because it was not intentional. Yes, it was careless, but it was not intentional. I might have it wrong, but I think that it is one of the reasons that we are discussing this tonight.

I am in favour of an expiation notice rather than a court conviction, because there are costs, hassles and the stigma of being convicted, when often it is just a careless act. The difficulty is that someone must sit in judgement, depending upon who laid the charge, whether it was a police officer or a member of the board. That is why, as members will see when they read the second reading speech in *Hansard*, you do need somebody. You do need an umpire here to be able to assess these situations because, when you read section 46 of the act, which provides:

> A person must not, during the fire danger season, operate an engine, vehicle or appliance of a prescribed kind in the open air, or use any flammable or explosive material of a prescribed kind, or carry out any prescribed activity, except in accordance with the relevant regulations.

For the purpose of section 46, regulations 36 to 45 prescribe stationary engines, internal combustion engines, vehicles, aircraft, welders, bee smoking appliances, rabbit fumigators, bird scarers, fireworks and explosives. So, interpreting that in relation to a brief, particularly when you read down further when it tells you about regulations including the amount of ground you have to have cleared, the equipment and tools you are supposed to have on the site when you are fighting a fire include a rake, a shovel—and I do not even need to read that, because I know that has been a requirement for many years—and a water fighter which works (that is a good question) and which is available at hand. I do not know whether 'at hand' has to be clarified—it has to be within easy reach of an operator.

By the time you have interpreted all this, you will understand that many of the farm machines that farmers use during harvesting have stationary engines on them—augers, even fire fighting equipment that the farmer has in the corner of the paddock has a stationary engine on it. You have only got to move it through the stubble and none of the rules apply in relation to operating in a clear space of 3 metres around. So, this is open to interpretation. This is why I would agree with the member for Stuart that, initially, if the CFS board has not considered it—and it may have, because they may be one of those laying the charge—it should go to the board and have if filed for consideration before the charge is laid, for them to sit in judgment on whether a breach did happen.

We do know that accidents will always happen. If there is a careless accident; if a farmer, or any other person, has just not carried out a reasonable reduction of fire hazards and they have started a fire by a careless act, okay, I am happy to see the book thrown at them. However, when you see a farmer who does all the right things and the farm machine strikes a rock, which it often does, I am not happy. This happened again the other day at Red Hill, when I went to a fire; a machine struck a rock and lit up a beautiful crop of wheat, and it went off like a firecracker. The smoke that went up was unbelievable, a frightening sight. So, that is a genuine accident; no firebreak could do anything about that. Even if the firefighters were in the corner of the paddock they could not have avoided that. Luckily, the very efficient fire brigades arrived within about 10 minutes and got it under control. We are very pleased that they do this.

I am happy that this bill is brought in with every good intention, and I congratulate the minister for that, but you have to understand that fires are a part of Australian life. They have been with us from the very start; a good part and a bad part, because fires can be useful in relation to tidying up the property. I have always believed that the best way to fight fire is with fire—that is a fire under control, of course, at the right time. I have always been a great advocate of first of all cutting the grass before it goes to seed and, secondly, reducing the fire hazard, particularly around the areas where you know you are vulnerable. That is, around the farm sheds and, if anybody is still burning an incinerator, in that area or areas where people congregate.

Reduce it, in fact, reduce it completely by lighting it up, particularly where it is inaccessible—around the wood heap or around the pile, or whatever. You can very effectively spray it early and then burn it off and you will have no problem with that. So many people fail to undertake hazard reductions. There is no member in this house more conscious of fire than I, because as a five year old we were burnt out. We lost everything, except the house we lived in. The fire burnt for two days. As a five year old it shocks you to see what can actually burn. When there is enough heat and wind anything will burn.

Grass two inches high will burn with all the right conditions. Every year I go to a lot of trouble to make sure that we reduce our fuel load. If I have any idle minutes I go home, get on the tractor and cut it all down. You will see, if you visit the country, that that is what happens. But I regret that, in many cases, we have been unable to get the younger generation so keen to do so much. I know that we have very good brigades in our country areas. I am sorry that, in some instances, we rely on them. We sit back and we say, 'We have got a good brigade. I will not be so keen. They will come out if there is a fire.'

If you do the right thing you will have a little fire rather than a big one. It is better to lose a few acres rather than being burnt out or, worse still, lose stock or, worse than that, lose a person's life. I will not go on for too long. I am very much aware of the activities of the CFS. At every opportunity in this parliament we should pay tribute to our volunteers and officers of the CFS, because they have been with us for many generations. These people and the people who employ our volunteers should also be remembered because, when the fire siren goes—or nowadays when the beepers go off; hopefully they work, not on every occasion they do, but I am sure that we will get it sorted—away they go.

The employee and the employer accept that and off they go. They put out the fire, tidy it all up and then go back to work and the employer wears that. If they had an important job going that is just tough. I have so many friends who are volunteers in the local CFS. I will name one particular volunteer, Geoff Smith. I know the officers will know Geoff. I have known Geoff all my life. He is very high up in the local CFS. He has always taken it very seriously. The Crystal Brook community is very proud of him and, in fact, he was recognised this year with a medal. We have a larger than normal farm so, I think, we have more than our share of fires. We also have a large area of highway.

You can do what you like and try as much as you can, you will still have fires. It does not matter what you do, particularly on occasions like the other night when we had lightening. There is nothing more frightening with high stubble than

lightening and no rain. That is what was happening. The boys were out on the roads (without even hearing the fire siren) just watching, waiting for that strike. It did not happen. I agree with this legislation. I know why the minister is introducing the expiation notices, as long as the minister would agree that when you are levelling a charge at someone it must be justified.

Admittedly, this is a lot better than incurring a court conviction, miles better. Honestly, most of the time it is not intentional: it is an accident. I think that the fines here are moderate. I do not think they are overly excessive. I think that they are realistic. It is amazing what you can do when sometimes you do not think. I have been guilty of having an angle grinder in the hand and just having a quick slash and turning around and finding a bag—

Mr Williams: Did you put the fire out?

Mr VENNING: Sorry, having a cut with the angle grinder and turning around and finding a bag some metres behind me burning. For the record, I meant a slash with the angle grinder, not with the other. It can happen. Sometimes you just do not think, particularly when the day temperatures are warm and flammable material is around. It is a practice you do every day, but you may be in a different place and suddenly you have got a fire. Yes, it is careless and, yes, a penalty should apply. We pay the highest tribute to our CFS people. We do appreciate their work. Certainly, we do appreciate our professional officers, a couple of whom are in the house tonight.

Mrs REDMOND (Heysen): I would like to start my comments tonight with an anecdote concerning a well known member of my electorate of Heysen. I am sure that the advisers to the minister will be familiar with this particular person, because he writes to me regularly through every summer about helicopters and planes with which to fight fires, and all that sort of thing. Just as evidence of the fact that accidents do happen, this particular constituent (I will not name him) could not be any more conscientious about clearing firebreaks and cleaning up around his property.

I know that the chief executive of the CFS has been to his property, and I know that this person is meticulous about looking after his property. Well, yesterday, we had a fire in the hills. This gentleman was cleaning up around his property, trying to get it all done in a very short season this year between the break of the winter rains and the onset of our fire ban season which, of course, will commence after this weekend. In his usual habit, he was burning just around the edge of his shed. His wife follows along with a hose to put out the fire after the burn and, somehow, the fire was not completely put out.

The shed burnt down—it was a double shed—and everything that was in it, including a 29-year old Honda Civic in perfect condition. It still had the plastic inside the doors. It was absolutely perfectly kept. It was almost a classic car, which he had insured for $1 500. When he pays his excess he will get $1 200 for his perfect 29-year old Honda Civic. It was an accident. Accidents do happen and, in my view, this bill is there to give recognition to the fact that even the most meticulous people, such as that gentleman, can have an accident.

He had not committed an offence, of course, because we are not in the fire ban season, but if he had done something relatively minor that led to a loss to him like he has now suffered over the last 24 hours and was then hit with a court case to face as well, that would be just an unbearable added insult to the injury he has already suffered. It seems to me, from a reading of the act, that, as matters stand, there are several offences which currently have a maximum penalty inserted, but there is simply no provision anywhere in the legislation for someone to really put in the situation which arises from time to time where it is a very minimal offence, and that is, as I read the bill, what this bill aims to address.

I do have a question or two in relation to a couple of matters in the bill. Perhaps if I raise them now we will not need to take up so much time in committee. My main question relates to the amendment to section 40. At the moment, section 40 deals with the responsible authority being able to exercise power to tell an owner of property to clean up their land. The section goes on to say that the owner of property in the country must take reasonable steps to protect property from fire or to prevent or inhibit the outbreak of fire, and an owner must take into account proper land management principles. Subsection (4) currently provides:

> Where the owner of private land fails to comply with subsection (2), the responsible authority may, by notice in writing, require the owner to take specified action to remedy the default within such time as may be specified in the notice.

Subsection (5) provides:

> A person to whom [that sort of notice is issued] must not, without reasonable excuse, fail to comply with the notice.

The amendment in the bill deletes the words 'without reasonable excuse'. I am curious to know why that is considered necessary, just as it seems reasonable to put in expiation offences rather than having people going to court when all they have done is have an unfortunate mishap. The removal of the words 'without reasonable excuse' seems to leave a landowner with nowhere to go. It makes the offence an absolute one. Perhaps the minister could address that in his comments on the matter. I will remark again, as I did the last time these issues arose, that the word should be 'inflammable' because it comes from the word 'inflame'.

I am fighting a losing battle in terms of grammar and spelling in this country. However, I do ask that it be noted that I maintain still that it is from the word 'inflame' and it should be 'inflammable'. It seems to me, as I said, that it is a good provision.

It is not something about which anyone should feel threatened. Indeed, from a landowner's point of view it makes life that little better. As a result of living in Heysen, I know just what fires can do. I have lived all my life in bushfire prone areas, but I do not intend to speak at length about the nature of bushfires and the need for us to do something about it. I hope these recommendations are only the beginning of bringing in enforced recommendations from the bushfire summit that was held earlier this year. These seem to me to be the most straightforward, reasonable things to introduce. All they do is make provision for recognition of the fact that accidents do happen and that, from time to time, it is only reasonable for an appropriate authority to be able to say, 'Whilst you have committed an offence, this is very much at the low end of the scale. Here is an expiation notice; pay the fee and it is all over and done with.' There is no need for anyone to go to court and have a record of their conviction or have the stress which I know is associated with going to court over a matter where they have not intended to do any wrong: it has been a mishap.

Mr WILLIAMS (MacKillop): I support the measure that the minister has brought before the house. Like the member for Heysen, I query the same matter. I wonder at that and I

may go a little further on that. Let me say, first, as the member for Davenport said, bushfire is a part of our landscape and something we have to learn to live with, but that does not mean we cannot do many things to lessen the occurrence and the impact of bushfires. In my opinion there are many things we can do and there are many things which we have failed to do and failed to address. Sir, I think I heard you correctly when you said that the original inhabitants of this land, the Aboriginal people, did not burn the country.

The Hon. P.F. Conlon interjecting:

Mr WILLIAMS: Minister, I am going to mention this, because we keep tripping up and going around in circles because we fail to recognise and learn the lessons of history. It is my considered opinion that the Aboriginal people certainly did light up the country. They did not have management plans. They did not go out and do controlled mosaic burning, as we do today. They did light up the land. They did it in such a regular fashion that the landscape before white settlement was quite different from what people in Australia today believe it was. In my electorate, particularly in the Upper South-East, it was quite open country. If you read some of the works of the early explorers and people who drove flocks of sheep and herds of cattle into that country in the early days, the country had to have been quite open. If it was as we imagine it was, the country would have been impenetrable to those animals. That in itself indicates to me that we have a rather strange view of what the landscape was a couple of hundred years ago. I believe the Aboriginal people burnt the country on such a regular basis that it was a different landscape from what it is today or would be today without other forms of clearing.

The United States a couple of years ago—I am not sure whether it was 1999 or 2000—had a very bad fire year. I think they had something like 85 000 fires across the USA. One of the things that came out of the inquiries into those fires is exactly what I am saying: they had reduced the amount of fire lighting and taken extraordinary efforts over a long time to put out natural fires. Consequently, the landscape changed. It had changed from an open park-like landscape of several hundred years ago (where if a fire did get going it raced along the ground and burnt out the grass on the ground in amongst the tall, open trees) to a landscape that today has more trees and woody plants but of a lower profile; it provides a lot more flammable material within reach of the grass on the ground. Of course, it creates much more intense and hotter fires. That is the conclusion of the people in the USA, and I think the exact same thing has probably happened in the Australian landscape.

The minister is probably concerned that I am a long way away from his bill, but I am coming back to it. I do think that we need to have a keen eye on history, otherwise we will continue to repeat the same mistakes. I think we have to be a little sensible about the way in which we treat our landscape. I know from first-hand experience that it is a difficult landscape to manage and live in. Being a farmer, I know I cannot go out and rid my farm of the flammable material, which is the food that my livestock has to eat during the summer and autumn periods. We cannot destroy that, because it is the animals' food. But we have to ensure we do not have an ignition source. We have to protect ourselves from an ignition source. I would like to be involved in bringing in a lot of measures over the next few years to prevent fires from starting. Already, in the time I have been in this place I have been involved in measures that in some way will help to prevent and control bushfires.

The bill is the result of the bushfire summit. I must admit that at the time I was very cynical about the summit. I still have that cynicism about having a summit on bushfires. I do not know that we need a summit on this sort of thing. I think it was part of the new government's publicity stunt—

Mr Brokenshire interjecting:

Mr WILLIAMS: —the Premier's publicity stunt that continues on a range of issues. I agree with what has come out of the summit. But this is not anything about bushfire prevention or control: this is about making the administration simpler and, as the member for Heysen said, taking the pressure off those people involved in what otherwise would be an innocent accident. I commend the minister for bringing these measures to the house to allow for the expiation of what are minor offences.

Like the member for Heyson, I do question why we would delete 'without reasonable cause' in new section 40(5). Why all of a sudden do we say that there can be no mitigating circumstances? Yet in the very next breath we delete the penalty provision and substitute as follows:

> Maximum penalty:
> (a) in the case of a person who wilfully fails to comply with a notice—$10 000;
> (b) in any other case—$1 250.

In one breath we are saying that there is no excuse for the event; in the next breath we are saying that there are two different types of offence, one of which is wilfully failing to comply with the notice. So there must be mitigating circumstances somewhere to require new paragraphs (a) and (b). The minister may explain that—

The Hon. P.F. Conlon interjecting:

Mr WILLIAMS: I am sure the minister will address this issue in his summing up of the debate, but it seems strange to me that we would delete 'without reasonable excuse' and then introduce paragraphs (a) and (b).

I refer to the amendments which have been filed by the shadow minister and to which the member for Davenport addressed some of his remarks. I think these are very sensible amendments. One of the things that has happened as a result of the introduction of the emergency services levy is that to some degree we have taken the function of responsibility for fire matters, particularly in country areas, away from local government and shifted it more to the CFS. I guess one way of describing it is as a 'work in progress', and it is something I would like to see sped up, if possible. If we are going to have the CFS, I think they should have total responsibility for all aspects of fire prevention and control. I think the measures that will be introduced by the shadow minister take that next important step, albeit a small step, in that direction, where we give a lot more power to the CFS board to actually get people to clean up the flammable material around their property.

It is not quite as important out in the broader farming area, which comprises most of my electorate but, particularly in places like the hills zone around Adelaide, right throughout the Adelaide Hills and down the Fleurieu Peninsula, this is a very important measure, and it would be progressed by moving the functionality away from local government and to the CFS where it should reside. I will certainly be supporting that very sensible amendment, and I hope that the minister and the government will embrace it.

The other measure takes an additional step by placing the same level of obligation and responsibility on instruments of the Crown as are placed on private citizens and private landowners. I know it will be a long, slow and tortuous process to modernise our ability to force various government

agencies to do the right thing with regard to fires. I hark back ever so briefly to the comments I made about the way in which the Aboriginal people managed the landscape prior to white settlement as opposed to the way in which we manage that part of the landscape which we refer to as national parks and the like. I think we have many wicks, in the sense of setting off a bomb, around our state, and we have to work much more diligently to modify the amount of flammable material that is available in all those places. I believe that the amendments go some way to addressing those issues. I emphasise 'some way', because we can go much further.

The member for Schubert talked about the accidental starting of fires by farm machinery, particularly headers. In most of the grain growing areas of the state, the harvest is well and truly under way, if not finished, before we get into the height of the fire danger season. Certainly, in my area in the South-East, particularly in the Mid and Lower South-East, the harvest does not really get under way until middle to late summer, which is the most fire prone part of the season. We should be introducing measures to force harvester operators, in particular, to abandon their machinery on extreme fire danger days. We have a voluntary system in the Lower South-East at the moment, but a harvest season does not go by in the Lower South-East where a harvester does not start a fire.

Mr Brokenshire interjecting:

Mr WILLIAMS: Yes—and some of them have been reasonably serious. It is difficult to manage because, in the Lower South-East, harvest can be a difficult time. Even though it is at the height of summer, the period in the day that is suitable for harvesting crops can be quite short, because the sea breezes come in and cool down the crops quite early in the day. We also get a lot of cloud cover and mist coming in from the ocean. So, it is a difficult thing to manage. However, I think, in this case, we should give the CFS the power to instruct farmers, harvest operators and contractors not to work on certain days.

I support the bill, and I hope that the minister and the government will support the amendments proposed by the opposition.

Ms CHAPMAN (Bragg): Nothing this government has done in the 20 months of its life has had the effect of reducing the risk of a fire becoming a disaster, and this bill adds nothing to that. The first of its fabulous contributions was to amend the criminal law—

The Hon. P.F. Conlon interjecting:

The DEPUTY SPEAKER: Order! The Minister for Infrastructure will have a chance to respond shortly.

The Hon. P.F. Conlon interjecting:

The DEPUTY SPEAKER: Order! The minister will not tell us anything at the moment; the member for Bragg has the call.

Ms CHAPMAN: The first thing the government did was to amend the criminal law to introduce a penalty for lighting a bushfire, and the penalty imposed was to be a 20 year life sentence. Of course, already on the statutes book is the penalty for arson, which is up to life imprisonment. To date, I do not know of anyone who has been prosecuted or convicted under the new legislation. As the minister would probably know, the capacity to prosecute an arsonist successfully is very difficult. They have to be detected and detained and, of course, there is then the difficult process of establishing that there was a wilful lighting of fire to cause risk. It has not altered the fact that we still have a problem.

Today, we are considering a bill arising out of recommendations of a bushfire summit, which in itself may well have had a worthwhile purpose. It may well have brought minds together to ensure that there is a contemporary assessment of the needs for South Australia's protection. I expect there was worthwhile conversation and debate during that summit and very significant contributions made by the participants. However, what we are considering arising out of that summit is really an amendment to the processing of the prosecution of minor offences in relation to the obligations of landowners, in particular.

I will not traverse in any detail each of those new penalties which are to be imposed and which can be dealt with as an expiable offence to save costs in legal fees and court costs. I am not saying that that in itself is not a good thing: I am simply saying that it does not address in any way the arresting of the risk of a fire becoming a disaster.

I will give an example of where there are real problems and what really needs to be addressed, and I hope the government will take note and ensure addresses the issue. About 30 years ago, like many South Australians, I was involved in a bushfire. Of course, at that time I lived on Kangaroo Island and, as in most rural communities, living and dealing with fire and its management was part of daily life. From time to time, it got out of hand and became a very serious situation, and both human and animal life was seriously at risk—not to mention the vegetation. On that occasion, a fire started on the North Coast at Stokes Bay and spread to a front of about two miles and, over a period of two days, it burned to the south coast—by that stage,a front of about 12 miles. Except for the human beings, it killed everything in its path.

Probably the most disturbing aspect of driving through that fire affected area the following day was to see sheep piled on top of each other, up against the fence, not always burnt to a cinder but charred and smouldering and—most difficult to deal with—sometimes still alive. The process of putting them out of their misery had to start.

Fortunately, in that fire, every home and every shed was saved by the hard work of the inhabitants of the area. As the member for Schubert said, they had all downed tools and come to help. The women in the community, as frequently occurs, apart from worrying about what was happening to their husbands and sons, ensured that they had regular supplies of food and refreshment to keep them going—and I expect there were a lot of prayers and everything else. However, at the end of the day, no-one was killed in the fire except one landowner who was on his way to the fire, with his tank on the back of his truck, going to the rescue. He had a shovel, a rake and a fire extinguisher, and every other thing he was supposed to have. Mr Couchman was highly respected as a farmer, and he probably did all the right things in relation to his own property. His property was not at risk on this occasion, but he drove towards the fire and, when he turned around the corner, the tank fell on the top of the cabin of his truck and killed him. That was the tragedy on that occasion.

I do not often praise former premier Don Dunstan, but I will on this occasion because, after hearing a submission from the then member for Alexandria, who represented this area, he agreed to give the widow an ex gratia payment to pay off the debt on their property. That generous gesture by the premier recognised in some small way the personal and tragic loss suffered by that widow and the Kangaroo Island community. However, there is nothing in this legislation to help us to deal with this sort of a problem, that is, how you

deal with a fire that starts in a paddock, whether by lightning or someone trying to burn off or a cigarette butt dropped by a tourist driving down the road. Fires start all around the state and often they are dealt with quickly and damage arrested, but not on this occasion. What is important to remember is that, apart from the fact that there was a prevailing northerly wind and it was a hot day, the Playford Highway which runs through the middle of the island and which was expected to stop the fire, was unable to do so, probably because there was insufficient time for people to get to the roadway and burn back. I will refer to that in a moment. In this situation the fire became a disaster and, as I say, there is nothing in this bill that will help to address that problem.

I now represent the electorate of Bragg, one side of which is bordered by national parks. One of these parks is the Cleland National Park, a magnificent park which I think is very well run. I am pleased to say that one of their annual operations is to bring in prisoners to eradicate exotic plants, such as olives and the like, and I am sure they do a good job. That is just one part of the program they use to manage their park. Residents of Bragg live right up to the border of these parks. The Burnside CFS, which is the only Country Fire Service in the metropolitan area in South Australia, has an incredibly difficult job to do each year to make sure, as best it can, that it burns back areas that might cause the greatest hazard to residents and native wildlife, and I commend them for the work they do.

However, all of this does not address the massive problem that can be created by a fire in the residential area near the border or by a lightning strike in the park itself. This residential area is covered by a canopy of trees so thick that if you fly across it you can hardly see the houses. Of the 20 million trees in South Australia, I think there are 18 million in my electorate. It is beautiful to live in, but if you add together the combination of native vegetation next to a highly residential area which has the ambience of native and introduced plants, you have a potential disaster if this problem is not addressed.

When driving up the freeway towards the new tunnel, I am concerned to see the massive revegetation with gum trees that has taken place. It might look wonderful, but in another 20 years I wonder whether this will be a hazard. I ask the minister with respect to future legislation—because, sadly, I think this measure has missed the boat—to seriously consider roadside vegetation as being potentially hazardous. The argument for having roadside vegetation is that it creates a corridor of usually natural vegetation to allow for the breeding and movement of wildlife, and that is to be commended, but it also introduces another risk in that it does not allow the roadside to be an effective firebreak between major areas and, therefore, a useful management tool for residents. So, I think we seriously need to rethink this. It is not a question of burning off every now and then; the question is: should we have it at all? If we do, I think it should be on only one side of the road, but I think this matter needs to be seriously addressed.

The second matter to which I refer is the fact that this measure ensures that the registered land owner does certain things but it does not apply to government-owned property. We now know that, for good reason, we have selected and preserved large areas of natural vegetation and undertaken the regeneration of a number of areas to ensure that we preserve that land for all the official reasons, but with that comes high risk. We must ask the question: how are we going to manage this land to protect both the environment and the people who live in it, near it, and around it and who live with this risk every day?

Mr Acting Speaker, in your contribution you indicated your concern about whether firebreaks were really effective. It is true that, on a hot day with a certain wind blowing—it would not matter whether the firebreak was five or 20 metres or even longer, as the member for Stuart has argued for probably the last 30 years—with sparks flying ahead and the wind taking them in a certain direction, there is always the risk of there being more material to catch alight and take the fire on. The advantage of having a firebreak is not just to slow down the fire but also to provide access for those who are managing the fire so that they can burn back. This is a very important tool in the management of a fire and the containment of a large area.

It is important that, when the member for Stuart addresses the house on firebreak widths and the importance of having them, the minister listens and understands more than his own views in this regard, because there are very real reasons for having them.

The Hon. P.F. Conlon interjecting:

Ms CHAPMAN: The minister suggests that I should be listening to some other person who is present in the house tonight, and I note that, but he also needs to listen, because it is the decisions made in this house that will empower those who will willingly risk their lives to protect us. They need to be given the power to do that. If legislation is not passed in this house to give them the benefit of that, they will not have the tools to be able to fight the sort of fires we are talking about tonight.

The third area that I want the minister to consider is what is more commonly called cold burning. We need to make sure that we manage built-up fuel and combustible material that can feed a fire. You cannot just say that you are going to do it, or look at what happened in Canberra, or look at what happened in New South Wales and say that that was terrible, that perhaps they should have done more of that and we need to do that. The government needs to actually do it. We have heard a number of announcements from the minister indicating what he thinks should be done, that we do need to look at this issue and introduce this process, but you need to actually do it.

What we have also heard in this house is 'Look: we would be considering doing it here, but we are in this difficult period. It's a bit too wet, a bit too slippery or a bit too cold and we won't get the full effect of it, so we need to wait a bit longer.' We have five days before it is summer and we are on alert in a serious way here in South Australia. It is important that the minister understand that he must give the people who are capable of undertaking this role the finance and the resources to do the job, coupled with the power to go in and do it. That is really what needs to be done and, if the minister is serious about protecting the people of South Australia, he will understand what has to be done and not just come in here and huff and puff about what he says he might do one day when the conditions are suitable.

Five days we have, and we are on serious alert: we are into major fire banning after that time in major regions around the state. I understand from the list that the minister gave before that some are already under protection in that regard. We are ill prepared at this stage in South Australia, notwithstanding Sydney or Canberra. In our own state last year we had a number of bushfires. Fortunately, they were able to be contained. It is time that the minister seriously looked at this

issue and made sure he came back to this house with some real ways of remedying the problems that we have.

Mr BROKENSHIRE (Mawson): I rise as shadow minister to conclude some remarks on behalf of the opposition in respect of the second reading of the bill. I do not intend to take all night in the house, because there has already been much debate put in *Hansard* about this. However, it is an important bill and one that I need to spend a little time on. Generally, the opposition supports the main thrust of this bill as one prong in an ongoing effort to get the message across to South Australians that we must do everything we possibly can to reduce risk when it comes to life and property in South Australia. Whilst there was some interjection between the minister and my colleague the member for Bragg, I understand some of the finer points that the member for Bragg put on the record. I thank my colleagues who have spoken thus far on the bill. I know that a couple of others will comment during the committee stage.

I went along to the Bushfire Summit and supported it in a bipartisan way, but I put on record that it was politicised, in a similar way to the advertisements we are seeing in the media at the moment, which are untrue when it comes to the claim about the privatisation of ETSA and the Premier's mug shot on television. This was an expensive exercise that I would have particularly attacked had I discovered that the funding was coming from the CFS budget, because, contrary to what the government is saying, the CFS budget is not adequate.

The Hon. P.F. Conlon: It's a lot bigger than it was under you, mate!

Mr BROKENSHIRE: I acknowledge that there is some growth occurring in the budget. Just on that interjection from the minister, let me reinforce some of the factual history rather than the rewrite of history that the Rann government loves to do, where everything was wrong before March 2002.

The Hon. P.F. Conlon: The Auditor-General will write your history, Robbie, and you know it.

Mr BROKENSHIRE: I look forward to that.

The Hon. P.F. Conlon: Not as much as I do!

Mr BROKENSHIRE: Well, I look forward to some other things that he will talk about the history of, with respect to certain aspects that I suggest the minister buttons up on, because I do not mouth off as the minister does on certain things. With respect to the Auditor-General, I look forward to the Auditor-General's Report, because I was committed to the CFS and to other emergency services, and I suggest that the minister focus on things such as cabinet submissions to the bridge saga at Port Adelaide, rather than continually throwing innuendo across this chamber.

The ACTING SPEAKER (Mr Koutsantonis): Order! I understand that the member was provoked.

The Hon. P.F. Conlon: Please, no—let him tell me more!

The ACTING SPEAKER: Order! I understand that the member is responding to interjections but it is disorderly, so I would ask him to come back to the bill.

Mr BROKENSHIRE: I take your guidance and I will come back to the bill. But I am sick and tired of the untruths that occur daily in this parliament since the Rann government has been in office. The fact of the matter is that what the previous Labor government, prior to this one, delivered—and I have to put this on the public record. I do not mind now if we spend more time in this chamber. I was going to be fairly quiet and bipartisan on this, but if I am going to be provoked and put up with this nonsense any longer, I am going to spend a bit of time putting some facts on the table. The fact is that the previous Labor government left the CFS in an extremely difficult position with run-down equipment and a $13 million debt. That is what the previous Bannon and Arnold Labor governments left.

Who opposed and fought, for political benefit only, the emergency services fund? The current minister, on behalf of the current government. And that is a statement of fact. In fact, they thought they would roll me at the last election on that. They did not roll me, because the community of Mawson knows that I am committed to the Country Fire Service and the protection—

The Hon. P.F. Conlon: Come on, Robbie: say that you're getting somewhere near the point.

Mr BROKENSHIRE: I am getting to it, but you interject and I'll put the facts on the table; it's as simple as that. And I'll stay here until 3 o'clock in the morning if that's what the minister want to do. But they are the facts.

To come to this specific bill, there is an effort here to get a message across to the South Australian community that if you are going to be careless, if you are going to make mistakes, then matters will be addressed through the parliament tonight and in the next sitting week to get a message across to people that the government and the parliament will not stand for that. From that point of view, I support this bill. Also, the idea of the expiation notices gives a clear differential between serious and intentional offences and those situations where people innocently make a mistake, like we can all do in life, and cause a fire to start. At the moment, without this bill going through, they end up with a criminal conviction. I will give a quick example of that.

In my own electorate a couple of years ago, when I was still minister, a gentlemen was doing the right thing as best he could when he was simply putting up a shed. It was not on a total fire ban day but it was during the high fire risk time. He put the drill down on the ground, the tip of the drill was hot and it ignited a fire. He had a knapsack there but, unfortunately, what he had not done was check that the knapsack was operational and, when he went to use it, he was not able to get the water through the jet and the fire got away. He was not intentionally doing anything wrong. He did have protection there but, unfortunately for him, he had to go through the courts because that was the decision that was made in that circumstance. Had this legislation been in place then, this would have been a better way of handling it with respect to the expiation notice.

I still think that the bill has a differential between expiation notices for the minor offences while also getting the message through to someone not getting rid of a cigarette butt in the right manner in the ashtray of the car, which was the example in the second reading explanation, that they will be hit straight away with an expiation notice that will reinforce to those people that that is not the way you behave when you are in a high fire risk area. From that point of view, the opposition supports the bill. As many of my colleagues have said tonight, there is a lot more to the prevention of fire than this bill. I am concerned about the complacency around the state. It is not complacency by the CFS, I might add. In fact, the CFS members themselves are doing an excellent job.

For several years now, since we have been able to catch up on the backlog of equipment that was not being replaced, especially thanks to the emergency services fund and the writing-off of the $13 million debt, the CFS, both in training and equipment, has been in a much better position. In fact, I think the CFS are probably as well positioned as any country

firefighting authority in Australia. Having said that, I also say that I am concerned about whether that equipment, the training and the PPE will continue to roll out at a rate that will keep those standards where they have been over the last few years. When you look at what else is happening, particularly in the state government's own back yard, I am very concerned about the fact that it is happy to bring in legislation like this and happy to promote the Premier under the Bushfire Summit.

They are happy to talk the talk, which they do very well. But when it comes to walk the walk, this government fails. Members should drive up any main Transport SA road and have a look at the SA Water land around the reservoirs, or around where their water tanks are. They should have a look at any of the state government owned land and ask the government whether or not it is ready for the high bushfire risk season that begins on Monday. Blind Freddy would know the answer is that it is not. This government is negligent regarding risk when it comes to its own agencies and utilities. Some councils do a very good job on fire prevention and address some of the matters that the member for Bragg raised—they treat undergrowth and carry out a trimming process along their main planned areas within their fire prevention programs. But other councils neglect those things and have overhanging trees and undergrowth on their roads and reserves. That is why I will be pushing for the amendments about which other colleagues have spoken tonight to be approved.

I want to touch on a matter that I think is very important. I would like some clarification from the minister about this matter, and I will foreshadow it to give him a minute to think about it. We have heard the example of the member for Bragg, whose family has lived through fires, fortunately. My father witnessed Black Sunday and those sorts of fires. I have witnessed two Ash Wednesdays and, sadly, I will witness a third one at some time in the future, no matter how well prepared the Country Fire Service is. In the bill it is suggested that the relevant authority—the CFS board—would appoint only suitably trained fire prevention officers employed by councils as persons who may issue expiation notices for most of the expiable offences. It is also stated that they could be issued by a police officer. But, of course, there is no suggestion in there that either CFS or MFS firefighters would be authorised to do so. I do not have a problem with any of that. What I do have a problem with is that the emergency services review (which, from memory, the minister has almost entirely taken on board and which he has said he will act on) is recommending the removal of the Country Fire Service board. On the one hand, we have the government saying that it wants to flick the Country Fire Service board for a commission—

The Hon. P.F. Conlon: Come on Robbie, don't make it up.

Mr BROKENSHIRE: I can tell the minister (having been a volunteer for a great period of time) that one day, when some of the volunteers, who are quite busy at the moment, wake up and realise that they have lost their autonomy and their Country Fire Service board, the minister will be the one with the problem: it will not be the opposition. I find it interesting that the relevant statutory authority in this bill is recognised as the Country Fire Service board, yet its own review by three people (which it has adopted) says to get rid of the Country Fire Service board. What is the government saying to the community about the importance of the Country Fire Service board, and what is the mixed message that it is sending out to the volunteers? The volunteers are concerned about losing their CFS board. At this stage, they do not know what the legislative framework is and what the future is for the CFS. That is of great concern.

I have been quite responsible about this (unlike the way that I could have gone about it, if I wanted to go for political gain only), because I passionately believe (as do the other members of the opposition) in those CFS volunteers, who are the absolute lifeblood in the protection of life and property in the greater part of South Australia. I am worried about the Country Fire Service board. I want to know why the government, in this legislation, is acknowledging that the Country Fire Service board is so important when it becomes the relevant statutory authority, yet next year we will be debating in this house the fact that, unless the minister wants to say—

Mr Caica: Come on, Rob.

Mr BROKENSHIRE: It is fine for the member for Colton to say 'Come on'. This is important, and I just want to put that on the record. In summary, as I said earlier, the opposition will support the general principles of what the minister is trying to do here, through the recommendations of the Bushfire Summit. We should be bipartisan about such an important matter as the protection of life and property, at a time when there is complacency in the community. I attended a meeting the other night which was also attended by members of the CFS, the council bushfire prevention officers and a couple of other people, and that was it. The meeting had been advertised, and it was to talk about community fire safety and getting fire safe ready as an individual. You see it and you hear it on the airwaves: there is complacency.

I ask the minister to seriously consider the amendments that are put forward in a bipartisan way to give the Country Fire Service greater powers and control. When we were in government, some questions were asked about the bill by the then shadow minister for emergency services and the shadow environment minister in opposition. Again, there was bipartisan support in the parliament, and I was able to make an amendment to make it absolutely clear who had control in a bushfire situation in national parks. I think it was a very important initiative. As the member for MacKillop has said, there has been an ongoing development in the parliament to give the Country Fire Service clearer control and powers for the job that it is empowered to do within its area of responsibility for fire prevention. Therefore, I ask the minister to consider these amendments. He has the capacity to strengthen his bill, which we are supporting tonight. Rather than play politics with it, I would be the first one to give an accolade to the government if it was to embrace and support the amendments that we have filed tonight.

The Hon. P.F. CONLON (Minister for Emergency Services): A large number of things have been raised by the opposition, some of which are not particularly pertinent to this bill. I have a great regard for the experience of the member for Stuart, both inside and outside this house, and his ability to make suggestions. He has raised a couple of issues about firebreaks and about conflicts between the Country Fires Act and the Native Vegetation Act that are not particularly relevant to any clause in this bill, but we can give him some answers now. Because I do have regard for the member for Stuart, I will bring back some advice on the matters that he has raised. I agree with the member for Stuart on a lot of things.

Can I say at the outset (before I am aggravated by the member for Bragg's blatant politicising of what is a bill of modest ambit) that the reason why this bill is of such modest ambit (and members of the opposition may want to listen to this, because it is very relevant to the question of their amendments) is that, as hard to believe as it is, the degree of consultation between stakeholders to get this measure together in time for the bushfire season was great. It would have been with the house earlier if it had not taken that period of time. The reason why we have brought a modest bill is because it would have been a very difficult situation—and, as members know, another large series of legislative changes is being contemplated. However, given the time frame, we came up with something modest to be achieved before the bushfire season. Having said that it is modest, we believe that it is important, and I note that the opposition also believes it is worth while (without going into it at great length), for the very same reasons that have been raised on the other side. It does mean that, where previously some people have been taken to court for minor offences, they now will not enjoy that process. I think that is quite right. But, even more importantly, the truth is that many of these things have been done in the past by people of commonsense. When an offence has been detected, very often it has resulted in a lecture and nothing else, because people have had the commonsense to know that dragging people through the courts for minor offences is not always a good idea.

I agree entirely in regard to issues of complacency, and that is one of the reasons for this bill. We believe that a modest expiation fee will stick in a person's memory far longer than a lecture. We believe it is important for that reason too. What I will say—and I have said to the opposition spokesperson because, despite the to-ing and fro-ing here, we take our obligations to protect the state against bushfires extremely seriously—is that I would urge him to consider that we do have a very extensive set of reforms from the Country Fire Service Act to come before parliament next year, including many more far-reaching proposals. At first glance, I am not sure that I have enormous difficulties with any of the amendments proposed, or at least with the intent behind them. However, I can guarantee that if any are accepted at this stage it will be sufficient to delay the passage of this bill before Christmas. Not only has my caucus not considered it but we would be duty-bound—given the consultation that has occurred here—to go back out to all the stakeholders and further consult. I will, however, give an express undertaking that we will treat all these proposals on their merits when we deal with the very substantial set of reforms that I expect we will be introducing next year. We did want to achieve this before the bushfire season principally because it also goes with the proposal that we introduced for the first time last year.

I will deal with some of the member for Bragg's comments about how, in 20 months, we have not done anything to reduce the risk of a fire becoming out-of-control, to paraphrase it. One of the things that we did was to introduce the 'bushfire blitz', I believe it is called, involving very substantial extra funding to go exactly to those issues that the member for Mawson talked about—complacency in the community. The major bushfires in the eastern states were, if you like, a dreadful teaching opportunity in that regard, and we believed that it was worth committing the extra funds, especially going into a dangerous season. Those extra funds have been committed again this year, and we believe that this is a valuable complement to that attempt to reduce complacency.

I just point out some simple facts for the member for Bragg. There are two other things that she might look to that we have achieved, since coming to government, in substantially reducing the risk of fires becoming out-of-control. One is a very substantial increase in resources given to aerial firefighting. I do not have the numbers with me, but it was a very substantial increase, including a new negotiated deal with the commonwealth for an extra half a million dollars this year in addition to the substantial increase in aerial firefighting. And I would like to make this point: in addition to this, regarding the very subject about which we were lectured by the member for Bragg—I think she called it the need for cold burns, the need for greater burns—for the first time in a decade we have actually put resources into it. It has not been done in a resourced fashion for a decade. We have put a substantial amount of money into what I think is called environment and heritage to develop the resources to do burns in national parks. It has not been done in a decade. In fact, it has been so long since it has been done that we have had to be quite modest in the first year of the program, first, because we are still developing the skills base and, secondly, because the fuel loads, as I understand it, from not having done this sort of activity for a decade are such that it is too dangerous to get into an aggressive system of cold burns, or burns in national parks.

The member for Bragg says that I make excuses in this place like, 'Well, it's too cold, it's too hot, it's too hard, it's too soft' or whatever it is. I can assure the member for Bragg that the truth is that I do not make those decisions. I would be terrified if burns in the state's national parks were controlled by my decision. I am the first to admit that I do not have the experience even of the member for Stuart in that regard. I rely entirely on the advice of the Chief Officer of the fire service who is, I think, a first rate chief officer and who has extensive experience in this subject both in Victoria and South Australia. And if the Chief Officer tells me that we cannot be too aggressive in burns until we have established a pattern of burning over the next three years, if he tells me it is too wet, if he tells me it is too dangerous, I very sensibly listen to him, and that is what I have done throughout this year. I can testify to this parliament that there is only one thing that controls the rate of burning this year, and that is the advice of the experts in the Country Fire Service. The resources are there.

In terms of the other questions raised about the bill, I will say that the member for Mawson is a passionate supporter of the Country Fire Service. I do not know if he really does misunderstand the response to the Dawkins report. We accepted it, shall I say, as a skeleton, and we have set up the process where all parties—including the volunteers, the paid firefighters, everyone—is involved in putting the flesh on the skeleton. I have told the people in the Country Fire Service that, if they want a board, then they have got a board. I am not interested in annoying volunteers; they are absolutely the lifeblood of the service. Their very name describes why you cannot push them into an area into which they do not want to go.

I believe this reform is going to be successful precisely because it has been designed by the people who perform the service. I do not know about losing autonomy—I do not believe that there is any of that—but what we will see out of this reform are the operational people—the people who deliver the fire service, the people who are out there saving lives—actually designing the service and, to a far greater

degree, running the service for the first time. The administrators will not be telling the fire services operators what to do: they will be using administrative support, which is the proper structure for a service whose core function is the delivery of emergency services and the protection of lives and property. As far as the Country Fire Service and its board are concerned, that is very much in the hands of the Country Fire Service. I assure the house that, whatever else happens over this next fire season, the Country Fire Service board is going to be there, and I think it is going to be there for a very long time into the future. But I think I have said enough on that.

In regard to the one question particularly pertaining to the bill, the issue of section 40, as I understand it, this section was changed on the best advice out of our legal draftspeople on the basis that it is currently, to a degree, internally contradictory. It includes a very serious maximum penalty for failing to act without reasonable cause—I think they are the words. The new provision, on the best advice we have, breaks that down into, essentially, two offences: one is an offence which requires us to establish a state of mind; and the other is an offence of strict liability.

There are many offences of strict liability known to the law. We believe that this is a very serious issue—and the offence of strict liability is, of course, expiable—and that, if someone who lives in a bushfire area does incur a fine, then they may be far more likely in future years to advert to the need to comply with notices. We believe it is a good provision for that reason, and it really is the only substantial difference in the law being created here. What we essentially have with this bill is merely making existing offences known to the law expiable. As this is the only change, I think, of any substance to the law itself, I am very happy to, in good faith, monitor the operation of this provision over the coming season and consider next year whether it has operated as we would have expected. I think that would be the best way to deal with it.

For the record, I state that I accept the genuineness of the members of the opposition on this subject. I believe all the speakers have had significant personal experience, either in their electorates or in their personal lives, with the tragedy of bushfire. I entirely accept that the amendments that they propose are made with the very best of intentions. It should not be a matter that leads us to engage in politics and, while I understand that the opposition will move these amendments (and we will oppose them), I urge us not to engage in a lengthy fight about that.

If any amendments are accepted, my problem is that that probably prevents us getting this through and back from the upper house this year. That is because we will have to go back to stakeholders and consult. I will give a solemn undertaking that we will examine all those matters raised by the opposition in the amendments when we bring back a substantial set of reforms. So, while very pleased to entertain them today, we will be opposing them and we hope that the opposition will understand why we are opposing them without significant debate. If we are to enter into debate, we may as well adjourn this now and come back next year.

Bill read a second time.

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

That the time for moving the adjournment be extended beyond 10 p.m.

Motion carried.

In committee.

Clauses 1 to 5 passed.

Clause 6.

Mr BROKENSHIRE: I move:

Page 3, after line 1—

Insert:

(a1) Section 40(1), definition of the responsible authority—delete the definition and substitute:

responsible authority means—

(a) in relation to land within the area of a council—the council for the area;

(b) in relation to land outside the area of a council—the Board,

and, in addition, if the Board is acting under section 50(2), or the Minister has vested relevant powers or functions of a council in a C.F.S. officer under section 50(5) or (7)(a), a reference in this section to the responsible authority will be taken to be a reference to the Board (in addition to the relevant council), or to that officer (in substitution for the relevant council), as the case requires.

(a2) Section 40(2), penalty provision—delete the penalty provision and substitute:

Maximum penalty: $10 000

Mrs HALL: I rise to support the amendment moved by my colleague, the member for Mawson. I do so having listened very carefully to the minister's wind-up speech to the second reading. I do accept the commitment that he has given to this chamber on the encompassing bill and amendments that he is going to bring back next year. However, some of the issues that have been raised in this debate by the opposition, particularly those that are outside the specific ambit of this bill, I think are very wide-ranging. I am personally disappointed that a number of the measures that I think are obviously needed in this area have not been able to be brought before the house before Christmas, and I accept that that has been a difficult process.

One of the reasons I support clause 6 concerns a letter from a constituent that I would like to read to the house. I believe that this is the sort of issue that perhaps the acceptance of clause 6, or that type of amendment, may address. I will read in part from that letter from a constituent from the electorate of Morialta living in the area of Teringie. The house will know that on previous occasions I have raised a number of issues about this area, and I know the minister is looking at it. This constituent has written, and there are paragraphs that I think are important to put on the record. She says as follows:

Our property adjoins a block where substantial developments have been undertaken over the last few years. These developments include planting a row of some 50 trees along the boundary line, effectively providing a link from. . . the bottom of the gully to our house. Furthermore, the area adjoining our house has been stocked with combustible material. We are in the process of taking legal action to remove these trees and, having consulted the Council Fire Officer, are currently endeavouring to get a representative of the CFS to make an informed observation/recommendation concerning the trees, to support this action.

She then goes on to say that she has put a great deal of research into the legislation as it affects these particular trees and her property. She says:

[It seems to me to be] a very fuzzy situation in regards to legal responsibility. While there are guidelines relating to 'negligence' and 'nuisance', these guidelines put the responsibility squarely on the offended party. Where plantings have taken place without care or regard for the neighbour's enjoyment of their property, it is likely that discussion and mediation will be at best unpleasant and at worst hostile. While the offended party has 'right of abatement', restrictions regarding access, damage to the tree and requirement for 'reasonable care and skill', would largely dissuade people from taking this course of action. Finally, while the offended neighbour has a right to recover costs for abatement, there is no obligation for

the offending party to pay those costs, often necessitating legal reinforcement of the claim for compensation. Alternatively, for an injunction to remove the trees, the offended party must prove likelihood of reasonably imminent and substantial. . . damage to property.

One of the reasons I have read that into *Hansard* is that there are so many individual issues that I believe have to be addressed. One of the most important issues—and I am sure this type of amendment would address many of them—is the importance of an education and information program. I am personally extremely concerned that there is an element of complacency, not amongst those who are going to have to fight the fires, but amongst home owners. One only has to drive through the Adelaide Hills and you cannot help being absolutely terrified. Whilst we all know and understand the responsibility of the Crown and of local government in particular, the responsibility of private landholders to protect not only their own lives and properties but also those of their neighbours I think it is absolutely terrifying.

Having been a journalist and once reported one of the most terrifying fires, Ash Wednesday, I can just see, when I drive through the hills, that the trouble is coming. There are so many issues on which I do hope the government, when it brings together its next package of reforms, puts into practice some very serious education programs and information. They do not necessarily have to star the minister or the Premier with their faces booming out, because the CFS and the firefighters generally are quite competent to do it. However, I really am concerned and would be interested in the minister's response as to how on earth people are going to learn to understand what happens when ETSA has to turn the power off, and the implications of that; for example, what happens in an area like Teringie that has no fire siren. There are so many issues that I believe that, across the Mount Lofty Ranges, so many people have no comprehension of what is going to happen to them come 1 December. I look forward to the minister's response on a couple of those issues.

The Hon. P.F. CONLON: There is no doubt there is a great deal of validity in what is said. The struggle is not a new one in terms of getting a message across to people about the dangers. Teringie is one area. I was just looking today at some briefings on Kangaroo Island where we have very remote communities who are, quite frankly, a tremendous danger to themselves and to the people who need to protect them. It is very difficult to get people to understand the message that they may well be left to their own devices in the case of a bushfire. I think that is a fair comment. It is not a new challenge.

There is a great deal in what the honourable member says. As the honourable member knows, we instituted Bushfire Blitz last year (and we are funding it again this year), which is an education program that has the fundamental 'stay or go' message. It goes to the issue of whether you have a source of water that is not controlled by mains power. We do those things. We would like them to be more successful. We were rather disturbed, after spending a lot of money last year, to discover that people probably got a better message from watching bushfires on television than they did from the information given to them about how they should protect themselves.

I wish I knew the easy answer. But, in terms of the amendment and the sentiments, I have no great difficulty with what the honourable member said. I think that I saw these amendments for the first time today, and that is the real issue. I will say this once with respect to this amendment so that it will save me from boring everyone: essentially, if this amendment is defeated, it is likely to be considered again next year; if it is successful, it is likely to be further considered next year. That is the nature of the time frame we have now. The only sad part is that, if it is successful and considered next year, we will not be able to achieve the modest reform of expiations for bushfire offences, and I would be very sad if we were not able to do that.

I would ask for the understanding of the opposition and, again, say that I am very happy to have this debate next year in its entirety to try to improve the system. I know that it will not fix the issues we are addressing in this bushfire season. I have passed onto the chief of the Country Fire Service the issues raised with me previously by the honourable member in regard to Teringie. I just say that these issues are not new this year: they have been with us for a long time. We would love to fix them all right now, but they will still be with us next year and still be perfectly valid.

I urge that that is how we deal with them. A very substantial body of reforms in the Country Fire Services Act will be brought to the parliament next year, and I think that we will have time to deal with those in the fullness they deserve.

Mr BROKENSHIRE: This clause talks about expiation notices and states, 'except in the case of a person who wilfully fails to comply with a notice—$160'. The second reading explanation states:

It is proposed that the relevant statutory authority, being the CFS board, would appoint only suitably trained fire prevention officers employed by councils as persons who may issue expiation notices for most of the expiable offences under the Country Fires Act.

I have no problem with that. I think that including that in the bill makes good sense but, given that that is documented, is it now the intent of the minister and the government therefore to keep a Country Fire Service board?

The Hon. P.F. CONLON: I do not think that the honourable member should worry too much about the recommendations. For example, while the honourable member said we adopted—I cannot remember his terms—in toto the recommendations of the review, that is in fact a fairly substantial way from the truth. One of the things we did, for example, was to put the SES on the commission, too.

Mr Brokenshire interjecting:

The Hon. P.F. CONLON: The honourable member might have asked for that, but I have to say that we did it because the SES asked for it; but the honourable member's advocacy was, no doubt, listened to as well. The honourable member can rest easy that, as I said, we created the skeleton, but we had the people themselves put the flesh on the bones. I have no doubt that the Country Fire Service board will be around for a very long time. I say that, if the Country Fire Service and the board itself believes there should be changes to the nature of the board to fit into the new government structure, and if people are comfortable with them, there may be some change to the nature of the board.

To be quite honest, I would imagine it is considering that there are some things over which it has had governance in the past that it would prefer other people had governance of, and I refer to things such as the great difficulties that have been created by the transfer of assets under the Emergency Services Levy Scheme. It is a very substantial set of responsibilities and one which we find not only a burden on the board but a burden on the budget. In short, we have no intention and no time line to abolish the Country Fire Service board. But it may well be that, because of a new fire commission, the

board changes shape and it changes some of its function or, to some degree, even its membership.

However, that will happen through discussion with the CFS and the Country Fire Service board. I stress that the volunteers are volunteers. They do it because they volunteer. We will not be imposing a structure on them they do not like, because they would not volunteer, and that is something about which we are very careful.

Amendment negatived.

The CHAIRMAN: The member for Mawson's amendments Nos 2, 3, 4 and 5 appear to be interconnected. Does he wish to move them together?

Mr BROKENSHIRE: Yes, I do.

Page 3—
Line 17—Delete '$10 000' and substitute:
$20 000
Line 18—Delete '$1 250' and substitute:
$2 500
Line 20—Delete '$160' and substitute:
$210
After line 20—Insert:
(4) Section 40(18), penalty provision—delete the penalty provision and substitute:
Maximum penalty:$20 000 or imprisonment for two years.

Amendments negatived; clause passed.

Clause 7 passed.

Clause 8.

Mr BROKENSHIRE: I do believe that these amendments will only make it better for the Country Fire Service, the councils and, ultimately, those recalcitrants who do not want to try to be proactive with respect to bushfire prevention. I listened to what the minister had to say, and I know that is on the public record. I will be watching that in the future.

Clause passed.

Clause 9 passed.

New clause 9A.

Mr BROKENSHIRE: I move:

After clause 9 insert:
9A—Amendment of section 50—Failure on part of a council to exercise or discharge powers, functions or responsibilities.
(1) Section 50(1)—delete 'powers or functions' and substitute:
powers, functions or responsibilities.
(2) Section 50(2)—delete subsection (2) and substitute:
(2) Without limiting the generality of subsection (1), the Board may—
(a) exercise any power of the council as a responsible authority under section 40;
(b) refer to the minister to whom the administration of the Local Government Act 1999 has been committed any failure on the part of the council to discharge its responsibilities under section 41 (with a view to that minister taking action in relation to the council under that Act);
(c) recommend to the minister that the powers and functions of the council under this Act be withdrawn.
(3) Section 50(4)—delete 'under subsection (2)' and substitute:
subsection (2)(c)

New clause negatived.

New clause 9B.

Mr BROKENSHIRE: I move:

9B—Insertion of section 50A.
After section 50 insert:
50A—Failure on the part of crown instrumentality to discharge responsibilities.
(1) If, in the opinion of the board, a minister, agency or instrumentality of the crown fails to discharge its responsibility under section 42, the board may refer the matter to the minister.
(2) If a matter is referred to the minister under subsection (1), the minister must ensure that a written response, setting out the action that the minister has taken or proposes to take, is provided to the board within 28 days after the referral to the minister.
(3) The minister must—
(a) at the same time as the minister provides a response under subsection (2)—provide a copy of the initial correspondence from the board, and of the minister's response to the board, to any member of the House of Assembly whose electoral district includes any part of the land in question; and
(b) within three sitting days after the minister provides a response under subsection (2)—cause a report on the matter to be provided to both houses of parliament.

New clause negatived.

Clause 10.

The Hon. G.M. GUNN: I move:

Page 3, after line 35—
Insert:
(2) An expiation notice cannot be given in respect of an alleged offence against this act—
(a) in the case of a notice given by or on behalf of a council—unless the notice has been approved in writing by the council; and
(b) in the case of a notice given by or on behalf of the board—unless the notice has been approved in writing by the board.

It is my understanding that this is the same arrangement that applies to on-the-spot expiation notices under the Native Vegetation Act. It appears to me to be a fair and reasonable set of circumstances to ensure that people are not over-enthusiastic and there is oversight of the operation. I believe it will do no harm to the process, but it will give people an assurance that it is being fairly administered. I hope the minister is reasonable in this matter, because I would hate to have to go up the corridor and lobby my colleagues in order to ensure that it is put in up there—because that will the end result of it, but it will take a lot more time.

The Hon. P.F. CONLON: If the member for Stuart had been here earlier, he would have heard me saying nice things about him. The member for Stuart may have a strong argument. The difficulty I have is that the process that has been developed has been the result of negotiations with many interested stakeholders.

Ms Chapman interjecting:

The Hon. P.F. CONLON: It is not just him: it is local councils and all sorts of people. The difficulty is that if we had more time we could do that. We have seen these amendments only recently. The truth is that we would like to get this modest package of reforms—with which everyone agrees—passed by the end of the year. I give the same undertaking to the member for Stuart that I have given to the house; that is, next year we are bringing back a substantial package of reforms to the Country Fires Act. He will have the same opportunity there. I will go a step further and undertake to review the operation of expiation notices in this first summer so that they can be considered again at that time. My difficulty is that, if we were to agree to the amendment or if the amendment was successful, before it came back from the upper house we would have to talk again to interested parties. I know the member for Stuart is a reasonable man, and I know he trusts the undertakings I give. He has trusted me with his property before, so I am sure he will trust me on this occasion.

Amendment negatived; clause passed.

Clause 11 passed.

New clause 12.

Mr BROKENSHIRE: I move:

After clause 11 insert:
12—Insertion of section 82A.
After section 82 insert:
82A—Appropriation of penalties.
(1) Subject to subsection (2), all money recovered as fines for offences against this act will be paid into the Consolidated Account.
(2) If an offence was committed within the area of a council and the complaint was laid by the council for that area (or an officer of that council), any fine recovered from the defendant will be paid into the general revenue of that council.

New clause negatived.
Title passed.
Bill reported without amendment.
Bill read a third time and passed.

STATUTES AMENDMENT (CO-MANAGED PARKS) BILL

Adjourned debate on second reading.
(Continued from 15 October. Page 467.)

The Hon. I.F. EVANS (Davenport): It is my privilege to make a very short contribution to the bill, which deals with a government proposition that the unnamed conservation park in the North West of the state will be handed back to the traditional owners and managed in partnership between the Aboriginal community and the National Parks and Wildlife Service—or whatever the government has renamed it under its fifth or sixth restructure of that area of government.

My understanding is that the bill includes a proposal to set a framework so that other areas of land that the government might wish to hand over in the future to other traditional owners and their representative groups—that is, national parks or conservation reserves, etc.—can be co-managed. So, it is not just about the joint management of one particular park: it is about the joint management of a park (that is, the Unnamed Conservation Park) and setting in place a framework so that other land can be handed back and co-managed, as the government has termed it.

The opposition understands that this matter is to be referred to a five person select committee and, on that basis, we were not going speak very long during the second reading stage. The opposition is happy for this matter to go to a select committee so that the issues can be considered, and we will hold the rest of our second reading contribution until the matter comes before the house by way of a select committee report. We look forward to the minister moving to appoint a select committee.

The DEPUTY SPEAKER: If the minister speaks, he closes the debate.

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek clarification, Mr Deputy Speaker. I think the opposition was saying that it would be happy for a select committee to be formed at this stage. My understanding of what you have just said is that the second reading stage would be completed if we were to do this. Is that what you are saying?

The DEPUTY SPEAKER: My understanding is that, if the minister speaks now, he effectively completes the second reading debate. The bill will be referred to a select committee subsequent to that.

The Hon. J.D. HILL: If the Opposition is happy about that, I am happy to proceed on that basis.

Bill read a second time and referred to a select committee consisting of Messrs Breuer, Evans, Gunn, Hill and Such; the committee to have power to send for persons, papers and records, and to adjourn from place to place; and to report on the first day of the next session.

VICTIMS OF CRIME (CRIMINAL INJURIES COMPENSATION REGULATIONS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 12 November. Page 741.)

Mrs REDMOND (Heysen): I am pleased not only to support this bill but also to inform the house that I am leading the debate for the opposition. This bill comes about in a strange way, because we now have new victims of crime legislation in this state. So, for the most part, anything that is happening now is going to be covered under the new legislation that was the Victims of Crime Act 2001. As I understand it, the reason for this bill is that we need to change the regulations under the old act. However, because the old act (the Criminal Injuries Compensation Act) has been repealed, no regulation making power is left under that act as the act does not exist. So, it is now necessary to pass a bill amending the regulations.

As I understand it, the bill does a couple of things. It addresses two issues: first, the ability of a claimant to get medical reports and have the cost of those reports paid for by the fund; and, secondly, the scale of costs which are payable to practitioners acting for claimants who are bringing a claim for what has always been called criminal injuries compensation, although it is now referred to as victims of crime compensation.

Essentially, what this legislation did (in either form) when it was set up was to establish a fund. Everyone who is convicted in a court in this state pays a levy, which goes into the fund, and that fund is then used to pay for compensation for people who suffer injury or loss as a result of a criminal offence. The act has always been relatively straightforward in its structure, and the amount payable for compensation has always been remarkably low compared with the compensation payable for other types of injury.

In fact, when I was in practice, it always puzzled me that it is the lowest level of compensation. You get one lot of compensation for an injury in, say, a car accident, and a different amount if you sustain the same injury in a work accident, and a different amount again if you happen to fall over in the local supermarket or on the street or something like that, and the lowest level of compensation has always been for the victim of someone who actually perpetrated that injury upon you in the conduct of a criminal offence. It has never seemed very just to me but, nevertheless, I can understand that there is a limited pool of money from which the funds for paying this compensation are specifically taken.

For that reason, it has always been the case that the amount of compensation to be paid has been relatively low. It is based on a scale which is relatively straightforward to calculate for most injuries and, as a consequence therefore, it also has the effect that various governments of different persuasions over a period of years have been unwilling to pay very much by way of legal fees, because it is possible in the normal course of legal matters (if the amount is quite small) that the legal fees can outweigh the amount of compensation that is sought or given under the legislation. So, there are reasons why it has always been the case that we get a relatively small amount of compensation and a relatively

small amount of legal fees.

This bill addresses two different aspects of legal fees. I will address the more straightforward of those in the first instance. The bill seeks to provide that, for most criminal injuries compensation matters, a report of the general practitioner who is treating the person who suffered an injury will be the only report that the fund will pay for. It is what is known as a legal disbursement. I must say that I have been aware during my years of practice of solicitors who abused the system—whether it related to third party claims involving road accidents or whatever—by getting huge amounts of money for reports which were not really necessary. So, again, I understand the background for this. However, I have some difficulty with the way in which this provision has been structured, because the bill purports to provide that, in most circumstances, the applicant will have a choice of either getting a GP's report or the notes from the hospital comprising a report, but that they will only be able to get a specialist report to back up their claim for compensation and to assist in the assessment of their claim if they get the permission of the Crown. These matters are dealt with by a specific section of the Crown Solicitor's Office.

In essence, I have no difficulty with the idea that, in most circumstances, it is perfectly acceptable to say that the GP is in the best position to assess a person's injury. Often they have known the person for many years, they know of their ability to cope and their lifestyle and they know what impact the injury has had on that person, and therefore it is perfectly appropriate for the GP to make the assessment. It is equally appropriate in some circumstances for the hospital notes to be forwarded. I am a little puzzled—and no doubt the Attorney, in due course, will address why there is a limit of 20 pages on the hospital notes, because it would seem to me to be a bit odd if a set of hospital notes comprised 21 or 22 pages, when there appears to be a limit under the bill of only 20 pages of the hospital's notes comprising the report, but I am sure that that matter can be addressed.

The difficulty I have is that there are also certainly circumstances where people who are injured as a result of a criminal act have to have specialist treatment. They do not even necessarily see their GP at any stage of their initial treatment or the ongoing treatment for whatever the injury is. For instance, they might suffer broken bones in some sort of an assault and be taken by ambulance to a hospital and come under the care of a specialist who will need to provide a report indicating why the injury is a problem and why it has led to a particular level of disability for this person. It is specialist knowledge that is required rather than simply that of a GP.

As I read it, the bill actually allows occasions where it recognises that that will be the case: that a specialist report is the appropriate way to go. The difficulty I have with this is that, at the end of the day, that assessment is left entirely to the Crown. I give notice that, although we will not move an amendment in this place, it is intended that in the other place the amendment that we have been thinking about will be moved. The effect of this proposed amendment will be simply this: it will keep in place the essence of what is proposed in the bill, that is, that generally there will be a GP's report or a set of hospital notes, and that occasionally there will be a specialist report, but the difference in what we are proposing is that a court will decide when it is appropriate, rather than the Crown simply making the decision and effectively having the power of veto.

It is interesting to note also that the way in which the bill is drafted means that the Crown retains its entitlement to receive all reports. In fact, it demands being given all reports, notwithstanding that they are not proposing to pay for all reports, only generally the GP's report and, if they decide, the specialist's report. That sounds a bit like having your cake and eating it too: if you want to have your report, you should be prepared to pay for it and, if you are not prepared to pay for it, you should be able to demand that it be handed over. That is the position in relation to the disbursement for specialist reports. As I said, in essence and in principle, we have no difficulty with the thrust of the legislation, but we will propose an amendment in the other place that will remove the power of veto from the Crown and allow the decision to be made by the Magistrates Court instead. The Magistrates Court specifically is the jurisdiction that we think is appropriate.

The Hon. M.J. Atkinson: So, for negotiations, you are saying that they will have to go to the Magistrates Court?

Mrs REDMOND: No, I am not saying that for negotiations: I am simply saying that there should not be a power of veto absolutely with the Crown on this issue and that there should be the power to go to the Magistrates Court so that a magistrate can decide that it is reasonable that there be a specialist's report.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: I acknowledge the interjection of the Attorney in relation to negotiations, and I accept that in most circumstances most members of the Crown are quite reasonable, but I can assure the Attorney that in the last criminal injuries compensation matter with which I dealt I had very difficult solicitors on the other side acting for the Crown who in my view were simply waiting for my very elderly clients to pass away so that they would not have to pay out anything, notwithstanding that the claim was very straightforward.

The other aspect of this legislation is that of the legal costs involved. Again, whilst I support the thrust of the legislation, I indicate that my own view is that the costs (even under this improved scale) are still not sufficient. It will be my intention in the new year to bring in a private member's bill to amend the legislation so that costs will be assessed on the Magistrates Court scale, which is a very limited scale—in fact, the most limited scale of costs. There was a matter with which I dealt about two years ago where I ran the case for many days of preparation taking witness statements and actually running the trial for five days, and on the Magistrates Court scale the costs only came to $3 250, and that was all that I was able to recover by way of party/party costs from the other side. That is just by way of illustration to indicate that the Magistrates Court scale is a very low scale, and I believe it would be appropriate for us to adopt that scale for victims of crime.

As a said earlier in my comments, I appreciate that the fund from which costs must be paid is limited and that the bulk of it must certainly go to victims—that is what it is provided for. In his second reading explanation, the Attorney indicated that it was quite erroneous to suggest that only two or three practitioners practised in this area. Notwithstanding that the Law Society may have lists, I know that my name, for instance, would appear as one of those who did these from time to time, but I did these matters out of a sense of largesse and social justice, because it seemed to me that the people who had suffered an injury at the hands of criminals were entitled to get the compensation they deserved, but there was no way that economically I could get the job done for the fee that I was going to be paid of a whole $600, which I think

went up to $650 and then eventually had GST added on.

The Hon. M.J. Atkinson: They've increased it enormously.

Mrs REDMOND: It is a very limited amount. The Attorney indicates that they have increased it enormously. I would have to say that an increase from $650 to $1 000 is a magnificent increase, but in my view it is not enough. As I said, when I have the opportunity I will happily increase it, but at the moment opposing this legislation would stop practitioners from getting this limited fee of $1 000.

I certainly do not want to stop the practitioners from getting that magnificent increase from $650 to $1 000, so I am happy for that to be going through, even though I think it is still not enough. If you are doing a related claim, for instance, if a husband and wife (as in the last case I dealt with) both suffered consequences from an assault, they would be related claims because they arose out of the same criminal incident, therefore you would get $1 000 for the first one and $800 for the second and any other subsequent related claim. What startled me most was the counsel fees. If, as a barrister and solicitor in this state, you run the case yourself, that might be all right, but to expect to find any barrister practising at the independent bar who is prepared to do all the preparatory work, including advice on evidence, proofing of witnesses, attending conferences and the first five hours of the trial, for $750, it is just not going to happen.

The only realistic sense in which there are counsel fees is where someone acts as a solicitor and gets the thousand dollar fee and then takes on the role of the barrister or counsel for the case and gets the $750 fee. I know some pretty generous barristers in this town, but I cannot see any of them doing this sort of work for $750, given the amount that is involved. Another of the interesting aspects of this legislation was raised by various members of the legal profession. If one is forced to rely on a GP's report, it may be the case that you are being negligent in your duty to your client in not fully assessing the nature of the injury and the entitlement to compensation and the quantum of the compensation that should be paid and, as a result, the bill has a provision in it to protect practitioners, which seems to me a little odd.

We are actually putting through legislation that says that, notwithstanding that it might otherwise be held to be negligence, you as a practitioner cannot be held liable in negligence for relying on the GP's report, and it is really all part of a cost restricting exercise. It is unusual. Nevertheless, I note that the Law Society has now come to the view that it supports this legislation, and I have a copy of its letter of 20 November, just last week, which indicates that it supports the bill. One of the main barristers and solicitors acting in this field is Matthew Mitchell, and I am sure he will not mind my disclosing his name to the parliament because—

Mr Caica: Too late if he does!

Mrs REDMOND: That is right. But I know that he still has some concerns. He acts in a large number of these cases in the criminal injuries compensation jurisdiction and, in my view and experience, is the most experienced practitioner in the field in South Australia. He has written a fairly lengthy letter in which he raises some concerns that he still has in relation to this legislation, and I would have to say that there is some cogency in his argument. I will not take up the time of the house by going through the specifics of his argument, but simply say that it is an indicator to me of the need to further look at the whole issue of the costs payable in this jurisdiction that the person who, in my view, is the most experienced practitioner in the area is expressing these concerns.

Nevertheless, it is my inclination to support the second reading of this bill. As I understand it, it will have relatively limited application in any event, inasmuch as the Criminal Injuries Compensation Act has already been removed from the statute books and the new act has come into play. As I understand it—and perhaps the Attorney can confirm it for me in his response—this bill and the legal costs applicable under it are only going to be recoverable by a solicitor acting for a claimant in respect of claims first notified after 19 December 2002 and also in respect only of offences committed before 1 January 2003, when the new regulations came into play. Therefore, it is of limited application. It seems to me, therefore, that it is best to get on with it and get this amendment through so that, for at least those limited applications, the matters that are already in train can be dealt with and the solicitors can be paid.

I do express disappointment at what I understand is the government's position, that is, that because of the timing of those dates someone who had a claim notified before 19 December 2002, which claim is still progressing and the costs for which will be paid subsequent to that date, will be paid only on the old scale and not the new scale, and I think that speaks a certain meanness on the part of the government for the number of claims and the amount of money that is involved in reality. It would seem to me more sensible simply to pay at the higher rate.

The Hon. M.J. Atkinson: Oppositions are always generous with the people's money.

Mrs REDMOND: The Attorney would know that oppositions are always generous, because the Attorney was in opposition for a long time and was, no doubt, generous with other people's money at the time. There is not really a lot more that I can usefully say in relation to the debate on the bill. I understand that there are some amendments, which look to me to be of a purely technical nature. We will be going into committee to deal with those, so there may be a couple of things I wish to raise in committee. I commend the bill to the house.

Mr HANNA secured the adjournment of the debate.

ADJOURNMENT

At 10.38 p.m. the house adjourned until Thursday 27 November at 10.30 a.m.