HOUSE OF ASSEMBLY

Wednesday 26 May 2004

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

NATIVE VEGETATION, NOARLUNGA

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

Leave granted.

The Hon. J.D. HILL: I rise to inform the house of a report of unauthorised clearance of remnant native vegetation in an area of land located near the Southern Expressway on Beach Road, Noarlunga, which I think is in the electorate of the member for Mawson. This area was home to mature grey box trees which are listed as threatened plants and which have been extensively cleared in the Mount Lofty Ranges. Formerly owned by Transport SA and used as a commercial nursery, the land has since been sold to a private interest.

I am advised that on Saturday 22 May the majority of the grey box trees were cleared without the consent of the Native Vegetation Council. This is despite environmental surveys by Transport SA that confirmed the environmental significance of the remnant native vegetation on the site and that the Native Vegetation Act of 1991 applies to this area. I have been advised that copies of these environmental reports were provided to the owner. The executive summary to one of these documents clearly states:

> . . . any future development of the site would have to take into account that, under the provisions of the Native Vegetation Act 1991, permission would be required to clear vegetation from any part of the eastern and southern sections.

An investigation into this report of clearance has commenced, involving officers of the Departments of Water, Land and Biodiversity Conservation and Environment and Heritage.

The Native Vegetation Council will consider legal action if this investigation finds that a breach of the act has taken place. If the party is found guilty, they could face a maximum fine of $100 000 and court orders to revegetate the site and make good the clearance. I am advised that the owner of the land will be issued with an enforcement notice under section 31E of the Native Vegetation Act to prevent further work occurring on the site until those investigations are completed.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Education and Children's Services (Hon. J.D. Lomax-Smith)—

- Education and Children's Services, Department of—Report 2003
- Senior Secondary Assessment Board of South Australia—Report 2003
- Teachers Registration Board of South Australia—Report 2003.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 21st report of the committee.

Report received.

QUESTION TIME

WORKCOVER

The Hon. R.G. KERIN (Leader of the Opposition): Will the Premier immediately stand down the minister responsible for WorkCover, pending the outcome of the Ombudsman's inquiry into the actions of four of the minister's more senior staff with regard to the possible destruction of state documents? The Hon. Angus Redford MLC has today been advised by the Ombudsman that he has issued a summons pursuant to his powers under the Royal Commissions Act 1917 to question four of the minister's staff regarding the alleged destruction of documents relating to WorkCover.

The Hon. M.D. RANN (Premier): Absolutely not. The Ombudsman is always doing investigations. That is what he is supposed to do. Just remember all of the inquiries into the Liberals which found them to be a dishonest government when they were in power.

Members interjecting:

The SPEAKER: Order, the honourable Leader of the Opposition!

Members interjecting:

The SPEAKER: Order, the Deputy Premier! I am sure he is not feeling under such pressure from disorderly interjections from the Deputy Leader of the Opposition and other raucous members on my left that he needs to respond in such fashion.

The Hon. M.D. RANN: To revise what I just said, the answer is absolutely not. I call on the Leader of the Opposition to reflect on his own team, a front bench which is more like a police line-up in terms of what happened in the last government.

FREDERICK, Mr R.

Mr SNELLING (Playford): My question is to the Minister for Consumer Affairs. Will the government warn the public about doing business with 'Ron the Con' Frederick and, if not, why not?

The Hon. M.J. ATKINSON (Minister for Consumer Affairs): I was disturbed to learn today that Ron Frederick, who has been known by more than 20 other names, is advertising a business venture in Adelaide and in regional newspapers including *The Port Lincoln Times* that is similar to a scheme that previously landed him in gaol overseas. I am advised that Frederick is also advertising carpet cleaning and upholstery franchises in newspapers in regional New South Wales and directing people to contact him at his Little Joe Snax web site.

Mr Scalzi interjecting:

The Hon. M.J. ATKINSON: The member for Hartley is innocent. Investigation by the Office of Consumer and Business Affairs has revealed that Little Joe Snax is a business name registered in Queensland in the name of Bon Levi, one of Frederick's previously used aliases. Frederick's previous franchise scams have involved the supposed distribution of a motorised wheelbarrow, garage tidy, fuel economiser and muffler lock anti-theft device for cars.

Frederick's usual tactic is to promise delivery routes and a weekly income, and it is no exception here. The Little Joe Snax fast food delivery franchise was advertised in the Saturday *Advertiser* on 1 May and again on 22 May offering

the franchise for $40 000 with 10 per cent deposit, with a weekly income of $2 000. Frederick has never delivered on his promises, and people have lost thousands of dollars to his scams over the years.

I am therefore issuing a public warning, under section 91A of the Fair Trading Act 1987, to South Australians not to buy into Little Joe Snax, which Frederick is promoting as a franchising opportunity for fast food distribution. For his latest scam, Frederick has placed advertisements in major newspapers across Australia to advertise the Little Joe Snax franchise. Each franchise costs $40 000, and the advertisements promise a return of $2 000 a week for just delivering chips and other snacks. I understand that one South Australian has been unfortunate enough to have paid the full $40 000 already and another has paid a deposit.

During a long history of 'get rich quick' schemes, Frederick has accrued more than 50 convictions for misleading and deceptive practices and other crimes.

Members interjecting:

The Hon. M.J. ATKINSON: The opposition may think it is a joke that South Australians have lost their money to Ron Frederick, but I do not think it is a matter for levity at all. In the United States, 'Ron the Con' Frederick was sentenced to gaol after an FBI investigation into a scheme where investors had paid up to $100 000 for potato chip and disposable camera delivery franchises. The FBI estimated that Frederick conned more than $2 million from American investors. Different state jurisdictions will seek to have a permanent injunction placed on Frederick doing business. I would like to take the opportunity to warn consumers not to sign a contract or part with their money until they have checked out whether the scheme is legitimate. The Office of Consumer and Business Affairs issues a little black book of scams, and more information about scams for which the public should be on the look out is available at the OCBA web site.

HOSPITALS, WOMEN'S AND CHILDREN'S

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Health. Given yesterday's release of information regarding the presence of serratia in the Women's and Children's Hospital, is the minister aware of any other situations described as unsafe within the South Australian health system of which the public are not aware?

The Hon. L. STEVENS (Minister for Health): I gave an answer yesterday in relation to the Women's and Children's Hospital. However, in relation to the question about safety of our hospitals generally, I believe that, yes, they are safe.

ADELAIDE AIRPORT

Mr KOUTSANTONIS (West Torrens): Can the Minister for Infrastructure update the house on the progress of the Adelaide Airport redevelopment?

Members interjecting:

The Hon. P.F. CONLON (Minister for Infrastructure): Once again, an immediate chorus from the opposition, because they just hate good news and do not want to hear it.

Members interjecting:

The Hon. P.F. CONLON: They started Adelaide Airport! In what fevered dreams did they start it? I have taken the opportunity to visit the new airport terminal construction site with representatives of Adelaide Airport Limited to check the progress. This is a project in which this government—and Mike Rann personally—has invested an enormous amount of time and effort. For so many years, we were always going to get a terminal next year and the year after that. Because I was at the meetings, I know how much time Mike Rann personally put into meetings with the airline companies, the company, the financiers and everyone else involved to make sure that it happened—not just talking, but making sure that it happened. It is amazing to see how far the structure has grown since work began six months ago. Everyone involved should be proud of it. Around 130 contractors are working six days a week and I can guarantee, no matter what they think on that side, that nothing—not a stroke—was done by them; now under a Labor government 130 contractors are working six days a week on the structural framework. That framework—

Members interjecting:

The Hon. P.F. CONLON: They do not want to listen because this mob hates good news. The framework is already giving the indication of the great size of the new terminal. It will stretch 750 metres, which is, for those people challenged on that side, the equivalent of King William Street from Victoria Square to North Terrace. The structural framework is due for completion in August and the structure for what will be an enormous new Qantas lounge has already been completed. It is also clear that the city of Adelaide will be showcased. The city skyline will be visible throughout the new terminal while state-of-the-art glass-sided airbridges will give locals and visitors alike panoramic views of our beautiful city.

They may not like that, they may not care about it, but I am proud of it. I am proud that finally visitors to this state will see an airport that they deserve, that we deserve, and we will see our city showcased. If they do not like it, I am proud of it. More than $86 million worth of contracts for products and services have so far been awarded to South Australian companies, while local firms are set to benefit from another round of tenders for the interior fitout. The airport is continuing full operations and it is having some impact on passengers. The old airbridge servicing international flights has been removed and space inside the international terminal is restricted. Traffic flow in the domestic and international car parks has also been affected, but I am sure that people appreciate that those difficulties are worthwhile in light of what is going to occur. For so long this was a chimera, for so long it was always going to be done, it was just around the corner, but work never started. Now you can visit the site, you can see it being built—Labor delivering again!

Members interjecting:

The SPEAKER: Order!

FAMILY AND YOUTH SERVICES

Mrs REDMOND (Heysen): Does the Minister for Families and Communities find it acceptable that children under the age of 18 and under the care and guardianship of the minister are not allocated to a FAYS caseworker because of a shortage of staff? The foster parents of two children who are currently under the care and guardianship of the minister have been advised that, as of the week of 18 May 2004, the two children in their foster care will be unallocated. The letter states that this arrangement 'has been required in order to manage the excessive workload that is currently occurring.'

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for her

question and I share her concern. It is completely and utterly unacceptable and, in the fullness of time, you will see how we are going to deal with that, but I just remind honourable members of precisely the situation that this institution finds itself in. It was systematically stripped of its resources by the previous government and found its way buried within the Department of Human Services, that great institution that was run by the member for Finniss in such tremendous fashion in relation to the health system.

Of course, buried away in that institution, under some spurious reforms to the juvenile justice system, they managed to make substantial cuts to its resources in the mid-1990's. When we came to government, one of our first acts was to undertake the most comprehensive review of child protection reform for two decades. That was what we chose to do, and we did so, but not in the child protection crisis that had enveloped other states, where they had to make responses without the benefit of a very serious set of policy options. We have undertaken the most extensive review into the child protection system imaginable.

In the previous budget, as a first step, and immediately upon receipt of that report, we allocated funds in the order of $58.6 million over four years. We knew that there was no time for us to make the necessary administrative adjustments, but we acted quickly and we allocated additional resources for the child protection system. Even in the last financial year, we injected further resources, as we knew and understood the workload pressures. We funded 73 additional workers in the FAYS system—the very workers who carry out the tasks about which the honourable member speaks. Resources were directed to precisely the issues that she raises.

We are on the eve of a further response to the system of reforms laid out in the Layton report—and it is the most comprehensive yet. Members opposite will have to wait just one more sleep to hear the full extent of that response. However, I invite the honourable member to supply me with the information about the circumstances of the people of whom she speaks, and I undertake to deal with that as a matter of urgency.

Mrs REDMOND: I have a supplementary question. Does the minister find it acceptable that the same foster parents have been told that FAYS will be able to respond only in an emergency, and then will only endeavour to respond?

The Hon. J.W. WEATHERILL: The first thing I learned, through bitter experience, was to check the information that emanates from those opposite to ensure that it is accurate. However, should the state of affairs raised by the member be the case, it is utterly unacceptable. I acknowledge that and steps will be taken. I say this: this government has already supplied more resources for the child protection system than had been supplied for a decade. We did not wait until our most comprehensive response to the Layton reforms was available, but we acted quickly, because we understood the need.

I contrast this with the behaviour of those opposite. When faced with these facts—facts that were put before the previous government and the previous minister—they asked the advisory bodies to rewrite their reports and to describe this as other than a crisis. They said, 'You should not use language that is inflammatory. You should not be describing this as a crisis.' It is a crisis now, and it was a crisis then. This government is the only one responding.

FIREWORKS

Ms BEDFORD (Florey): My question is to the Minister for Industrial Relations.

Members interjecting:

The SPEAKER: Order! The Deputy Premier is making it difficult for me to hear the member for Florey.

Ms BEDFORD: What are the developments in the government's work to protect the community from illegal fireworks?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I am delighted to report that there has been some progress. We have been arguing (and I understand the previous government did likewise) for a return to the import notification procedures that were in place before being removed by the current federal government. Under those arrangements, customs would notify the relevant state regulatory authority of imports of fireworks so that they could be checked to see whether they were legal varieties of fireworks and tracked to ensure that they were being stored and sold legally. Many states over a long period of time have made it clear to the federal government that enforcing laws designed to protect the community from the unsafe use of fireworks has become ineffective when we did not know what was being brought into our communities and when.

A workplace relations ministerial council has recently been held and, yet again, this issue was discussed. However, it appears that there has finally been some progress with respect to the commonwealth's reaction. Unfortunately, I was unable to attend due to other commitments. However, I have been advised that the commonwealth has acknowledged the merits of the lobbying by the states and has agreed to pursue amendments to the regulations. This is a significant and important achievement, because it should provide the capacity to deal with illegal fireworks as they come into Australia. It also provides the capacity to monitor and track those fireworks brought into the country by legitimate operators to ensure that these products are being safely stored and used. This approach reduces the chance of legitimately imported products finding their way onto the black market.

I assure members that I will continue to pursue the implementation of the agreement reached at the ministerial council to ensure that Australia will once again have effective controls over those dangerous products. This is a welcome development, and I thank the member for Florey for her question and for her ongoing interest in this important issue.

CHILD ABUSE

Mrs REDMOND (Heysen): My question is again directed to the Minister for Families and Communities. Will the minister assure the house that all tier one child abuse cases are now being investigated within 24 hours? The FAYS workload analysis that was reported to the parliament by the minister in March 2002 revealed that 5 per cent of the most serious tier one cases where a child was at risk of immediate physical or sexual abuse were not investigated within 24 hours.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I can assure the house that the resources will be provided to this organisation to achieve the required outcomes under the legislation, which is to investigate those matters within 24 hours. We know that investigations into the most serious of these matters are absolutely vital. It is vital that they occur within the 24-hour period, and it is incumbent

upon us to give those involved the resources to do so. We have done that. We have made two of the most substantial responses that have been given to this agency in the last decade—$58.6 million in the last budget and an additional $14.4 million mid term. Members will find out tomorrow what our level of commitment to the children of this state is.

Mrs REDMOND: My question is again directed to the Minister for Families and Communities. Were any of the three families specifically referred to by the minister in his ministerial statement yesterday the subject of notifications to FAYS officers prior to the babies' deaths?

The Hon. J.W. WEATHERILL: I am more than happy to supply an answer on notice to that question. I am aware that police investigations are being undertaken in relation to those matters. I am also aware that I am bound by an act of parliament about what I can and cannot say about particular cases. I am more than happy to present to this house the information that I am as a matter of law allowed by legislation to provide to it, and I will certainly do so. I am anxious to ensure that this house is fully informed about these matters.

I can make it absolutely clear to members of this place that, certainly, the behaviour of the previous government around these matters, where it refused to allow all relevant information to be put before the house, will not be a policy that I adopt. I will take advice on the material that is proper to be brought before this house, given that there are criminal investigations afoot. If that means that there are some limitations about what should be raised publicly, I would be more than happy to brief people in a private sense so that the material is not on the public record. My concern is to ensure that the proper processes of investigation occur. I know criminal investigations are afoot in relation to at least some of those matters.

Mr BRINDAL (Unley): By way of supplementary question, given the minister's commitment to share information fully and frankly with this house, how many allegations of child abuse have been made in respect of allegations where the perpetrator has been female, and how many of those abuses have ever been prosecuted in the state of South Australia?

The Hon. J.W. WEATHERILL: It is probably a useful opportunity to explain the definition of 'abuse' under the act.

Ms Chapman interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. J.W. WEATHERILL: It is the case that the abuse definition probably somewhat counterintuitively includes matters which are called 'neglect'—things that are not intentional. The scope of abuse is very broad. In the public sense we often conflate the notion of abuse with sexual or physical abuse, but it is an extraordinarily broad definition. That explains the number of notifications, and the process of notification itself is not as some people in the public sphere see it: as proof of guilt. Notification simply triggers a certain level of inquiry and, given the nature of the information supplied in the notification, it triggers an inquiry within a very a short period—within a few days.

It does not mean necessarily that simply because a matter is classified as tier 1 that it is substantiated. That could be said to be one of the central issues driving a number of reform initiatives around the child protection agenda because we have a system driven by the need to seek substantiation and the court process rather than the intervention that families often need to stay together. That is one of the central dilemmas at which the Layton reforms are directed, and our response will be known in due course. Understanding that, it means it is often the case, because of family arrangements, that women tend to have children in their care. So, it is not surprising that the level of notifications in relation to child abuse tend to be roughly equal or slightly more for women than men. In fact, that is documented within the Layton report, and I am sure the honourable member has considered that. I do not know whether his question was about sexual abuse—

Mr Brindal: It was.

The Hon. J.W. WEATHERILL: It was: then that is a subset of abuse and I am unaware of the figures. If such figures are available, I will bring them back to the house. One of the great legacies the member for Finniss left us was a case management system that has a lot of trouble counting how many FAYS workers we have, let alone what are the notifications, but we will address that along with a whole range of other things.

TOURISM, PROMOTION

Mr O'BRIEN (Napier): My question is to the Minister for Tourism. What strategies have been put in place to promote excellence in South Australian tourism for the coming year?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Napier for his question. I know he has a keen interest in economic development and appreciates the significance of the tourism industry to South Australia and Australia as a whole. Yesterday we announced the 2004 South Australian Tourism Awards open for candidature for this year. As before and in previous years, we allow those businesses that wish to be part of the awards to get assistance so that they link in with the TAFE system, particularly with the Adelaide Institute of TAFE, because the applications and material required for nominations are very intense and demanding, and it is of considerable use to those tourism students at the Adelaide Institute that they give assistance to those people putting their businesses into the awards.

The particular advantage of entering your business in the South Australian Tourism Awards is that you naturally then have a chance to go into the Australian Tourism Awards that are held later in the year, with each state having categories comprising bed and breakfast; hosted accommodation; large organisations; small organisations; ecotourism; and Aboriginal tourism. There are 31 categories this year, one more than last year. Last year, South Australia had a phenomenal series of successes, with five wins in the national awards at the end of the year. The particular aims of the awards are to recognise and reward excellence; reinforce the value of the tourism industry; and reinforce confidence in the tourism industry generally, as well as promoting good business planning and development amongst tourism operators.

It also promotes networking opportunities, and the large number of winners we get from South Australia in the national awards are often used as a marketing opportunity so that those businesses can then promote themselves as excellent organisations and businesses and attract more trade and industry to South Australia.

BABY DEATH, VICTOR HARBOR

Mrs REDMOND (Heysen): Will the Minister for Health detail to the house what action was taken by her department

to protect the now deceased baby at Victor Harbor, after a home visit by the Child and Family Health Services nurse? The police have said that they are investigating the death of this baby through possible violence. The opposition has been told that the family was visited by a Child and Family Health Services nurse who then reported the concerns to Family and Youth Services.

The SPEAKER: The honourable Minister for Health.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): Sir, I—

The SPEAKER: The honourable Minister for Families and Communities.

Mrs REDMOND: On a point of order, Mr Speaker, the question that I asked was specifically directed to what information the Minister for Health could supply about what action her department had taken. Whilst I appreciate that I cannot require any particular minister to give an answer, the question related to what action was taken by the Department of Health, not the Families and Community Services Department.

The SPEAKER: I understand the question. Quite obviously, the Department of Health did nothing. The Minister for Families and Communities.

The Hon. J.W. WEATHERILL: It has been the tradition publicly in debates of this sort, certainly in the popular media—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: It is a very important point I am about to make about the way in which people seek to publicise issues of this matter. It has been a popular choice to try to find who the evil person is who allowed this child to die, and the finger is invariably—

Members interjecting:

The Hon. J.W. WEATHERILL: That's right. There is the finger-pointing exercise, trying to find someone who is responsible, usually within a government agency, so that blame can be fixed. I remind members that usually the first step in the non-accidental death of a child is the search for criminal culpability. That search is under way at the moment. We are at a certain point in history where, as I understand it, my agency—and, I presume, all other agencies that have had any contact in relation to children who have been the subject of non-accidental death—is putting its resources into assisting—

The Hon. DEAN BROWN: I rise on a point of order. The question is very specific: what did the department of health do? The minister has chosen to answer this but he still needs to answer the original question: what did the department of health do?

The SPEAKER: If it was not obvious from the outset I think it is—

Members interjecting:

The SPEAKER: Order! The member for Finniss may draw attention to the substance of the question. The Minister for Families and Communities has chosen to answer on behalf of the government. The observation I made earlier quite clearly indicates that it is not something that the department or the minister, in terms of health, wants to respond to. The house can draw its own conclusions from that—it is not up to me to comment.

The Hon. J.W. WEATHERILL: That would be an unwarranted conclusion for the house to draw, and can I explain why that is the case?

Members interjecting:

The Hon. J.W. WEATHERILL: If those opposite are happy to be quiet for a moment they will hear the answer. The burden of the Layton reforms is that the protection of children—

The SPEAKER: Let me help the minister. Such explanations as he chooses to engage in in the course of responding to the inquiry are more appropriate for debate. The information sought by the member, regardless of which party they belong to or whether they belong to any party at all, is the information that the house craves. If the honourable minister chooses to engage in debate on the matter then the answer will conclude and we will move on.

The Hon. J.W. WEATHERILL: I do not seek to engage in debate. I simply draw the house's attention to the fact that the key finding of the Layton report was that the most important—

The SPEAKER: Can I help the minister: that is not what the question was about.

The Hon. J.W. WEATHERILL: I am getting to the question, sir. I am trying to—

The SPEAKER: Then answer the question or sit down.

The Hon. J.W. WEATHERILL: In relation to this matter, first there will be the assistance of the police to carry out their proper investigations. After that has occurred, all of the roles of the various agencies to the extent that—

Members interjecting:

The Hon. J.W. WEATHERILL: Sir, I will call for—as will the Minister for Health—an evaluation of the role of each government agency in relation to this matter, but our first responsibility is to assist the police in their inquiries. They will work out whether there has been criminal culpability—

The SPEAKER: Order!

Mrs REDMOND: Sir, I rise on a point of order, and it is simply this. My question related specifically to what action had been taken by the department before the death occurred in relation to the visitation from the Child and Family Health Services nurse, and what was done about it?

The SPEAKER: I understand that.

Members interjecting:

The SPEAKER: Order! I uphold the point of order.

NURSES, RECOGNITION

Mrs GERAGHTY (Torrens): My question is to the Minister for Health. How are nurses in our public health—

Members interjecting:

The SPEAKER: Order!

Mrs GERAGHTY: How are nurses in our public health system recognised by the annual Nursing Awards for Excellence and the Premier's nursing scholarships?

The Hon. L. STEVENS (Minister for Health): I thank the member for Torrens for her question. On Friday 7 May I had the pleasure of presenting this year's nursing excellence awards at a ceremony at the Entertainment Centre. These awards recognise South Australia's top nurses and acknowledge the hard work and dedication of all South Australian nurses.

More than 200 nurses from around the state were nominated in 14 categories. Awards were presented in the categories of: leadership; future nursing leader; clinical practice enrolled nurse, registered nurse and midwife—(community, metropolitan acute care, residential and aged care, and rural and remote); education; research; indigenous nursing; and Australian Defence Force reservist. The Premier's nursing scholarships—valued at up to $12 000

each—were also presented to six outstanding nursing professionals. These scholarships are a wonderful opportunity to allow South Australian nurses to study contemporary nursing practice overseas and in Australasia.

The scholarship recipients were: Annie Crawford McKew from the Southern Palliative Care Service, Julie Harding from the Repatriation General Hospital, Dr Susan Mann from the Royal Adelaide Hospital, Robyn Parks from the Royal Adelaide Hospital, Josie Owens from the Royal Adelaide Hospital and Tracy Semmler-Booth from the Lyell McEwin Health Service. They will be furthering their studies in a range of fields including rehabilitation day hospitals, clinical leadership discharge planning for indigenous patients from rural areas, and the role of the mental health nurse practitioner. I congratulate the award winners and thank them on behalf of the community for their commitment to the public health system and their wonderful achievements.

EVERY CHANCE FOR EVERY CHILD

Mrs REDMOND (Heysen): Will the Minister for Health advise whether there is a reporting and information-sharing procedure between staff involved with the Every Chance for Every Child Program, which is a health department program, and FAYS? In the Minister for Health's statement to the house regarding Every Chance for Every Child on 1 December 2003, the minister stated that the service was to provide 'a better more accessible and more coordinated approach to existing services' and to ensure that 'all of our efforts across government and community are well-coordinated'.

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for her question. I will get the details of the agreements between agencies, but I would like to say to the house that the Every Chance for Every Child Program is very successfully rolling out across the entire state. The Universal Home Visiting Program is happening to all newborn babies and Child and Youth Health is now moving into providing extra support for those families and those situations where parents perhaps need more help.

It is a very exciting program. It is the first time in this state that we have had a universal roll-out of home visiting to every new mother. Child and Youth Health have reported to me that they have the highest enrolment ever in terms of the data going back into their agency. Upwards of 95 per cent of new parents are actually on the Child and Youth Health database for the government and for that agency to track those families and those parents. While I am talking about this, I acknowledge the work of the member for Wright who has assisted in the establishment of Every Chance for Every Child and the Universal Home Visiting Program. I am very happy to get the details of the information that the honourable member has requested.

Mrs REDMOND: I have a supplementary question. In light of the minister's response, can she confirm whether the baby at Victor Harbor, who is now deceased, was in fact seen by the Every Chance for Every Child Program, and whether the family was identified as a family needing extra assistance under that program?

The Hon. L. STEVENS: I will have to get that information because I cannot provide that detail off the top of my head now.

Members interjecting:

The Hon. L. STEVENS: I would just like to be able to answer the question. I will get the information for the honourable member and the information that she wanted from the last question.

HISTORY WEEK

Ms RANKINE (Wright): My question is to the Minister Assisting the Premier in the Arts. What events are planned this week to celebrate and learn about South Australia's history?

The Hon. J.D. HILL (Minister Assisting the Premier in the Arts): That is an excellent question from the member for Wright. I inform her and the house that I had the pleasure last Friday of launching South Australia's inaugural History Week in the newly refurbished Torrens Parade ground. I was accompanied by the member for Norwood and the member for Hartley, who are both keen historians. SA History Week is a week-long program of events and celebrations held right across South Australia and conducted by the History Trust. I congratulate Margaret Anderson, the head of the History Trust, on her initiative in this regard.

Mr Venning interjecting:

The Hon. J.D. HILL: The member for Schubert obviously considers himself part of history. That is why he is interjecting at this point. Highlights of the week included an open day last Sunday at the Torrens Parade Ground which the Premier attended, and I am sure that everyone was delighted by his attendance. It featured exhibitions by the History Trust, the RSL, the ABC, and displays, including those by Veterans Affairs and the Air Force Association. I had a look at one of those displays, and it was absolutely superb. There was also an illustrated lecture on South Australia's indigenous history, which was held in the Queen's Theatre. There were special tours of the city archives, museums, the Adelaide Oval and the Botanical Gardens, and education programs at the Migration Museum, the Maritime Museum the South Australian Museum and the Art Gallery of South Australia, all of which were well organised.

History Week culminates in the State History Conference, which is to be held in Adelaide over the weekend of 29 and 30 May. The theme of this year's conference is Town Talk, and it concentrates on exploring some of Adelaide's lesser known history. Members will probably be intrigued to know the titles of the seminars, which include On the Streets, which looks at street politics, Anzac Day marches and carnivals; the Elites of Adelaide, from a different viewpoint; Working in the City; On the Margins, which looks at those who are often excluded; and the final session on Sunday called Sex and the City. History walks will be offered on the Sunday morning. It should be a lot of fun, as well as presenting some serious historical research.

Mr Venning interjecting:

The Hon. J.D. HILL: We should all learn from history, unless we are going to disappear into it, as the member for Schubert is perhaps suggesting. I acknowledge the dedication of the 100 or so groups of volunteers who put this program together. This is a great initiative from the History Trust, and I hope it will continue in the years to come. I also congratulate the two media partners—the ABC and Messenger Newspapers—which have provided very strong support for this event.

FAMILY AND YOUTH SERVICES

Mr BRINDAL (Unley): My question is to the Minister for Families and Communities. In the light of the minister's

answers today, will he assure this house that there are now at least 38 extra staff employed by FAYS to fight child abuse and that number more than there were in July 2003? Both the Premier and the former minister have repeatedly said that an extra 38 staff to fight child abuse have been employed by FAYS since July 2003.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I regret to inform the house that there are not 38 additional staff: there are, in fact, in excess of 73 additional staff.

Mr BRINDAL: I have a supplementary question. Will the minister advise how many of those are full-time positions and how many are part-time positions?

The Hon. J.W. WEATHERILL: There are in excess of 73 full-time equivalents, but I do not know how that is matched up. There might be some part-time positions amongst that figure, but there are in excess of 73 full-time equivalent positions.

CHILDREN, ALTERNATIVE CARE

Ms THOMPSON (Reynell): My question is to the Minister for Families and Communities. What has been planned to strengthen and rejuvenate the alternative care sector, including foster care, and how will it benefit the sector?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the member for Reynell for her question, and I note her keen interest in matters concerning child protection. Yesterday, I had the great pleasure of opening a two-day forum on the alternative care sector, which is the first of its kind in South Australia and is about building a new relationship with the alternative care sector. Unfortunately, for a long time they have been treated as second-class citizens in relation to our child protection system. They play an extraordinarily vital role in keeping the system running. In fact, without them, we would not be able to deal with the placement of children who need to be placed in the care and guardianship of the minister. Unfortunately, the alternative care system in this state has, like many other elements of the child protection system, suffered at the hands of the previous government. We are in the process of rebuilding a new relationship with that sector.

Indeed, the guidance that we have received from the simple reforms and the Layton reforms that were recommended will enable a new set of alternative care arrangements to commence from 1 July, and the member for Ashford was instrumental in introducing that set of reforms. A considerable amount of additional money has been introduced into the sector, but we know that we have to change our attitude to foster carers. We have to regard them more as part of the team that cares for the guardianship of children; and we have to respond more positively in our relationship to them.

On the number of occasions that I have had the pleasure of meeting with foster carers, they have raised with me the fact that they feel like outsiders in relation to their relationship with FAYS. That is a culture that we have to turn around. The wonderful thing about this conference is that there were a large number of FAYS workers and a large number of foster carers all working and all seeing a new beginning about to arise. This is a fantastic opportunity for South Australia to reclaim its rightful role as a social policy leader in the child protection area.

MOVING ON PROGRAM

Mrs REDMOND (Heysen): My question is to the Minister for Family and Communities. Given the statement by the Director of the Intellectual Disability Services Council at a recent community meeting that the Moving On program is currently underfunded by $3.2 million, what immediate action will the minister take to address this shortfall? The Moving On program is directed at providing post school options for disabled young adults. The opposition has received numerous letters stating:

> Although the funding has been increased by CPI, the number of families needing to access this program has also increased, with the result that the funds available to each family have reduced.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for her very good question. I have also received the letters that all members of this house would have received about this important program, which transitions young people from school into other arrangements. There is a considerable amount of unmet need, and the government is preparing a comprehensive response. All will be revealed tomorrow.

POLICE, EXCESSIVE FORCE

Mr HANNA (Mitchell): My question is to the Minister for Police. In the light of the minister's advice to me in a letter dated 1 May 2004, concerning the use of excessive force by members of SA Police, how can the Minister of Police and the Commissioner of Police be confident that there is not a problem in a particular branch of the police force? The letter states:

> You asked for information about the number of complaints received by the Police Complaints Authority about Star Force officers using excessive force. I have been advised by the Attorney-General that this information is not available because complaints are registered by reference to the complainant, the allegation and officers complained about. The authority does not index by the unit to which the officer is assigned. To obtain such a number, that authority would have to manually check about 1000 files of allegations of the use of excessive force.

That covered the last three years.

The Hon. K.O. FOLEY (Minister for Police): I thank the honourable member for his question. As police minister (and as I am sure many members observe), when I look at issues relating to the conduct of police forces nationally, and I think initially of what we are seeing coming out of Victoria, and what we have seen in Western Australia, what is well on the public record in terms of behaviour of the force in New South Wales and earlier Queensland, I realise that one of the great strengths of our South Australia Police Force is that, on any comparison with other states' police forces, our force, in terms of integrity, conduct and professionalism, is outstanding. That is not to say that there are not issues, and it would be a foolish minister who at any stage wanted to say that issues did not arise from time to time within our force. It is a very large force and, with the best ability of the commissioner and the authorities, and the supervisory mechanisms which are in place, and with my confidence we manage the conduct and activities of officers if they are deemed to be inappropriate.

As to the specific issues that the member raises, I am happy to come back to the house with a detailed and considered response because, again, operational matters are for the Commissioner of Police and the role of the Police Complaints Authority is understood by statute. I will take that

question on notice, but I take this opportunity to say to members that our police force in South Australia is second to none when compared to those of every state in Australia. That is not to say that there has not been and will not be issues in the future about which all of us need to be vigilant—from the parliament and the commissioner down. However, on the information provided to me, the integrity of our force is outstanding and it is of a very high standard. However, that does not mean that neither the commissioner nor I should reduce our vigilance.

I will request a detailed answer in relation to the specific issues raised by the honourable member from the commissioner and, if necessary the Police Complaints Authority.

WATER CONSERVATION

The Hon. G.M. GUNN (Stuart): My question is to the Minister for Administrative Services. Is the minister aware that the proposed regulations under the Water Resources Act will have a detrimental effect on small sporting clubs, such as golf clubs and other organisations which water their facilities from bores that they operate themselves. On 30 April, the Department of Water, Land and Biodiversity Conservation forwarded a letter to the South Australian Golf Association, which has since circulated a letter to other golf clubs. The letter stated:

> A regulation will be drafted under the Water Resources Act 1997—

The Hon. K.O. Foley interjecting:

The Hon. G.M. GUNN: The Deputy Premier should calm himself. The golf clubs and the volunteers are not very happy about this. For the benefit of the Deputy Premier, I repeat:

> A regulation will be drafted under the Water Resources Act 1997 to bring into effect water conservation measures, which will apply to watercourses, lakes, surface water, underground water and effluent, as designated in the Water Resources Act.

Mr Speaker, as you would have a lot of these clubs in your electorate, you would be aware that volunteers will now have to go back after hours to water their greens, which will affect the clubs and which they will find a great inconvenience.

The Hon. J.D. HILL (Minister for Environment and Conservation): It is unfortunate that the member for Stuart was not present at the public meeting last night in the Town Hall, when Professor Cullen, who is the current thinker in residence—

The Hon. G.M. Gunn interjecting:

The Hon. J.D. HILL: It was dinner time, between 6 and 7.30, actually. The member for Unley was at the debate, doing his duty. Professor Cullen told South Australians that we have to do more to conserve our water and that we have to lead the rest of Australia by example. If we want the eastern states to conserve their water and to make more water available to South Australia, we have to do better in looking after our water.

Currently, a set of water conservation measures are in place for all those who use SA Water, which means that you cannot use a sprinkling system in the middle of the day. It strikes a number of people as peculiar that if you take water from another source—that is, from a bore—you are excluded from that regulation. The proposed regulation to which the member refers seeks to correct that anomaly to ensure that all our water resources are conserved and looked after properly.

Mr WILLIAMS (MacKillop): I have a supplementary question. Will these regulations apply to primary producers irrigating with centre pivot irrigators?

The Hon. J.D. HILL: I thank the member for asking this question, because I advise the house that the water conservation measures that we presently have in place do not apply to commercial irrigators, because they are subject to other measures through the water catchment board processes.

Mr Brokenshire interjecting:

The Hon. J.D. HILL: The inanity of the interjections of the member for Mawson is just staggering. He was part of a government that introduced the Water Resources Act (a very fine piece of legislation) which put in place the water measures about which he now complaints. I find it extraordinary. In fact, I think he was the assistant minister to the Hon. David Wotton when this legislation was passed. Nonetheless, the irrigation industry will not be affected by these measures, as I understand it, because it is already controlled by other systems. If I am not correct in that respect I will obtain advice, but I am pretty certain that I am correct.

NEIGHBOURHOOD TRAVEL

Ms CICCARELLO (Norwood): My question is directed to the Minister for Transport. How is the state government supporting local councils to encourage their residents and businesses to travel more efficiently around their neighbourhoods?

An honourable member interjecting:

The Hon. P.L. WHITE (Minister for Transport): In answering the member's question (and referring to the honourable member's interjections), I should acknowledge that, as a keen cyclist, someone who—

Mr Venning: So is George Bush! She was until she got run over.

The Hon. P.L. WHITE: I am also a cyclist, but the member for Norwood uses a bicycle for transport rather than a car, and she epitomises some of the aims that I am about to mention. There are many ways to promote travelling in smarter ways around your neighbourhood. Indeed, local councils are well placed to assist and encourage businesses, students and families, and I am pleased to advise the house that the state government will grant $600 000 to local government projects under its Travel Smart initiative on top of the $360 000 that has already been allocated this year.

The initiatives to be funded include personalised information to individuals and households on travel patterns; improved public transport services; improved walking and cycling facilities; and education and marketing material. Those measures are designed to encourage people to make smarter choices about their everyday travel habits. The community benefits are many. The promotion of enjoyment of physical activities by walking or cycling, of course, improves health and general wellbeing. Using cars less means saving money on petrol and maintenance costs and, of course, reduces greenhouse emissions. Shopping locally supports local business communities.

The government and local councils are working together with businesses to establish green transport plans. Those plans are workplace specific assessments where cheaper and less polluting modes of transport are identified, benefiting both staff and the organisation. Some examples are catching a train into the city for a meeting or walking a few blocks instead of jumping into a car.

Local councils will also be helping schools. Students and members of the school community are given opportunities to learn about their travel habits with a view to making more sustainable and healthy travel choices. Those choices ultimately can contribute to reduced traffic congestion around the area and encourage more active lifestyles, as well as helping the environment by reducing transport-related greenhouse gas emissions.

Sir, you may or may not know that over 19 per cent of all greenhouse gas emissions generated in South Australia come from private motor vehicles and, of course, the journey to and from school is one of the major reasons why people initiate a car trip. The Travel Smart initiative is a good one, and I am pleased that our government has been able to allocate a significant amount of funds to encourage councils to get on board and help the community in its goal of smarter travel around our neighbourhoods.

MINISTER'S REMARKS

The Hon. L. STEVENS (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. L. STEVENS: Yesterday during question time I said that $1.5 million of extra funding was applied to the Mount Gambier Hospital above its allocation of funds. I should have said that $1.5 million of extra funding was applied to the South-East Regional Health Service above its allocation of funds.

The SPEAKER: I ask the minister to reflect on what she has just told the house.

The Hon. L. STEVENS: I am sorry, sir. I seek leave to make a personal explanation.

Leave granted.

The Hon. L. STEVENS: Thank you, sir. I will get it right this time. Yesterday in question time I said—

The SPEAKER: I give the minister a hint. Yesterday question time was suspended—there was no question time.

The Hon. L. STEVENS: Thank you, sir: hint taken. Yesterday in the debate on a motion in this house I said that $1.5 million of extra funding was applied to the Mount Gambier Hospital above its allocation of funds. That was incorrect, and I wish to correct it for the record: $1.5 million of extra funding was applied to the South-East Regional Health Service.

BUSINESS ENTERPRISE CENTRES

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I lay on the table a ministerial statement made by my colleague in the other place relating to business enterprise centres.

PRIVILEGES COMMITTEE

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I move:

> That the committee have leave to sit during the sitting of the house today.

Motion carried.

GRIEVANCE DEBATE

RECREATION AND SPORTING CLUBS

The Hon. G.M. GUNN (Stuart): I wish to add to the matter I raised during question time in relation to the proposed regulations under the Water Resources Act as it affects small recreation and sporting clubs. Since I asked that question I have had the benefit of discussion with my colleague, the member for Chaffey, who indicates that there is an anomaly and, if people have irrigation licences, as fortunately most of her clubs do, this will not apply to them. However, the Peterborough Golf Club, its President having contacted me, is not in that fortunate position. The question I now raise with the minister is: prior to gazetting these regulations, will he have officers go out and talk to these sporting clubs so as to assist them to prepare necessary documentation to avoid their being caught up in these regulations?

With the example at Peterborough, concerns expressed to me are that the volunteers who look after these clubs will have to go up after hours to do the watering. That will not be an easy task. It is hard enough in small country towns to get volunteers to help, maintain and manage these sporting facilities without putting unreasonable and unnecessary impediments in their way. From my understanding, these people have never used excessive amounts of water, have acted responsibly and maintained a public facility for the enjoyment and benefit of their community—and there is nothing unusual or unreasonable about it. Unless the minister is prepared to come to some reasonable resolution in this matter, we will be forced to move to disallow the regulations and organise a number of people to appear before the Legislative Review Committee to point out the injustices they intend to perpetrate on these people, who have not done anything wrong in the past.

These proposals also raise a number of other interesting matters. Will they restrict private graziers, people who are using water to water their stock and for other domestic purposes?

Mr Scalzi interjecting:

The Hon. G.M. GUNN: Yes, market gardeners or people who have bores in their backyards. Are they all caught up in this umbrella? I put to the minister that he needs to carefully think through these proposals. If you put in place unnecessary, insensitive bureaucratic systems, you catch unsuspecting people who are not the villains and have done nothing wrong but who have become the innocent victims of unnecessary regulation. So, I call on the minister to tread carefully and not proceed until these anomalies are resolved.

The second matter I want to raise this afternoon results from my reading through the *Sunday Times*. Thanks to the work that the Premier and I did, it is now available in the Parliamentary Library and a source of great information that I hope members are reading. In the 16 May 2004 edition, under the heading 'Speeding penalties to be eased', an article reads:

> The government is to reduce penalties for minor speeding offences but increase the punishment for drivers who blatantly disregard the limits. Ministers are to introduce a flexible penalty points system. Drivers caught marginally over the speed limit will incur two points on their licence and those well in excess will receive up to six points. The move is an attempt to defuse growing public anger over the use of speed cameras and ensure that thousands of motorists are not banned from the roads for relatively minor

infringements. At the moment, drivers breaking the speed limit receive three points on their licences, regardless of the gravity of an offence. Anybody who accumulates 12 points—or commits four speeding offences—within three years suffers an automatic ban. Ministers are concerned that motorists who need their driving licences for work are losing their livelihoods. In 2002, 30 000 drivers were disqualified. . . Alistair Darling, the transport secretary, believes that the new points regime will help to restore public confidence in speed cameras.

Time expired.

BRITANNIA ROUNDABOUT

Ms CHAPMAN (Bragg): Today I would like to record my appreciation to the government and, in particular, to commend the Minister for Transport on recognising an important priority for management of traffic in metropolitan Adelaide. The government's early announcement—we call these 'leaks', I think—of the Britannia Roundabout upgrade has been welcome news not just for me but for many constituents in my electorate of Bragg and also particularly within the electorate of my colleague the member for Norwood. Outside that, people who reside in the lower Hills area have benefited particularly from this, as these are the immediate and daily users of this Kensington Road-Fullarton Road intersection.

The issue I particularly wish to recognise here is that in April 2003 the government had under its own transport plan identified that this roundabout was one of Adelaide's most notorious road safety hazards. In addition, Transport SA produced a report that, ultimately, the minister's predecessor provided to me—after two years of writing, I might say. Nevertheless, we have that report. Transport SA had conservatively estimated that 115 crashes a year were occurring here, so clearly safety issues were involved. Fortunately, only about 15 per cent of those accidents represented any significant personal injury, but the house may appreciate the significant property damage that was occurring on average more than twice a week to vehicles. So, a heavy toll was being experienced. It is reported that some 51 000 vehicles go through the intersection daily. In addition to that, for those who might bravely attempt to cross this intersection on foot, the hazards are obvious. So, the upgrade was important, and it was very significant for the purposes of safety requirements.

However, there are a couple of other aspects that I would just like to highlight today. One is that the Britannia roundabout, as it is currently configured, is constructed in a manner that does not enable large transports to go through it without effectively breaching the road rules. The reason for this is that it is engineered in such a way that a vehicle needs to traverse two lanes at any one time for the purposes of actually getting around the intersection. I am told by those in the transport industry that one of the reasons why they have not used the Britannia roundabout to exit Adelaide, or even on the return route, is because of this problem. So, it is very important that there is some reform in that area.

I should also acknowledge the member for Adelaide who is present and whose electorate also borders this area because, of course, the South Australian Jockey Club facility is housed within the parklands, and they are key players in relation to the proposed development. The sum of $9 million is to be spent. I now urge the government to look at—and this is an important aspect in relation to the upgrade of this roundabout—the need to have an upgrade of Glen Osmond Road. The reason for that is that we need to have unimpeded traffic—possibly with 'no parking' provisions and possibly also with right turn lanes—on that major access road in order to ensure that we have the best benefit of the roundabout. Why? Because within a few months the Portrush Road upgrade will be complete. We already have 1 500 vehicles a day travelling through there, including heavy vehicles. I think it is reasonable, given the number of schools and the number of residents along the main road, that we do everything we can to ensure that, at least in the evenings, that major traffic can exit via a different route.

Time expired.

ROYAL SOCIETY FOR THE BLIND

Mrs GERAGHTY (Torrens): I would like to take this opportunity to speak about the initiatives of one of the organisations located in my electorate. Of course, I am talking about the Royal Society for the Blind. The RSB, as it is well known, is an organisation with an excellent profile—a result of its actively engaging the community and raising the awareness of the important work it does for those who are sight disabled.

Odd Socks Day is arguably the RSB's flagship event and it is an integral part of raising funds for the organisation's ongoing efforts. The fact that it receives widespread support from business, print, television and radio media, and the community is a testament to the RSB's efforts in raising community awareness of blindness and vision impairment.

As well known and as well received as Odd Socks Day is, I particularly want to mention some of the work that the RSB has been doing which, although it does not receive the same level of public recognition, is just as important to those who are blind and visually impaired. A fundamental part of the work that the RSB performs is the provision of orientation and mobility services to its clients. In an effort to improve the overall delivery of its O&M services, the RSB has worked in conjunction with TAFE SA to develop an accredited orientation and mobility assistants course. The course is designed to produce qualified orientation and mobility assistants to assist those with sight disabilities to acquire and develop the more commonly used skills to negotiate their surroundings and do the day-to-day things that we all take for granted.

Prior to the development of this course, the bulk of orientation and mobility training was done by highly qualified instructors, of whom there were a relatively low number. The RSB identified that there was a core set of skills utilised by those with sight disabilities and that to teach these would not necessarily require the level of training that an orientation and mobility instructor would undergo. In order to meet the demand for these services, the RSB developed the orientation and mobility assistants course, with the result that assistants qualified to teach O&M fundamentals can be trained far more quickly, and that a greater number of these assistants are available to meet the demand for the service.

In addition to developing a framework under which a greater number of generalist assistants are being trained, the RSB has also recognised the need for a framework which allows for the training of more highly qualified orientation and mobility instructors.

Earlier this year, Ms Colleen Agate was the first RSB staff member to become a qualified orientation and mobility instructor via the RSB-developed and TAFE accredited OMA course. The development of a training framework which offers the flexibility to train both generalist and specialist instructors is a great boon to the clients of the RSB as it has

redressed an imbalance which the RSB had identified in the provision of O&M services.

Another initiative in which the RSB has played an integral role, and is always mentioning, is the one that seeks to provide disability services with a greater degree of efficiency and cross-agency cooperation. In order to provide a better and more comprehensive service to their clients, the RSB has adopted a memorandum of understanding with Can Do For Kids and Deaf SA, for the purpose of creating formal partnerships with a shared goal of improving sensory services in South Australia.

The initiative is aimed at reducing the amount of doubling up in service provision and seeks to capitalise on the particular strength of each organisation, with the benefit to the organisations' mutual clients as the driving impetus behind the approach. The memorandum of understanding addresses a number of key issues including the establishment of a future template for sensory services in South Australia, and, as touched on above, the creation of a seamless service for the mutual clients of these organisations. In addition, the MOU includes agreement on matters such as service specialisation, minimum service standards, information sharing and the development of future services.

The RSB continually demonstrates that it is not only an organisation dedicated to providing its clients with the best possible service, but also as highly innovative in its developing methods which allow it to perform this role with greater efficiency and ability. The services that the RSB provides are fundamental in allowing those who are blind and vision impaired to lead a life which is fulfilling and self-sufficient.

Time expired.

ROAD RESERVES

Mr SNELLING (Playford): On Monday, I presented a petition to the parliament about the preservation of road reserves for common use. Up until a couple of weeks ago, I did not in fact know what an undeveloped road reserve was. It is public road access which cuts through private property and acts, I guess, in much the same way as an easement, although unlike an easement the actual ownership of the trail belongs to the crown as opposed to the land-holder. These undeveloped road reserves are used by walking groups and individual walkers in order to pursue their hobby of walking through the countryside.

Road reserves are shown quite clearly on a property title. So, if you purchase a property that has undeveloped road reserves on it, you know about it because it is there on the title for you to see. Approximately 60 per cent of the Heysen Trail, which runs from Parachilna to Cape Jervis, is composed of road reserves going through private property. So they are quite an important part of the walking trails of our state.

They are also important wildlife corridors, because they connect up reserves and wildlife parks and they have trees on them, so they provide a good wildlife corridor. For those walking groups and individual walkers who want to use them, they provide a safe trail away from busy roads. I do not like saying it, but the network which we have in this state and which we inherited from previous generations is being flogged off by local government, which likes to divest itself of these roads. It is obviously popular with the landholder where these roads are located; and it also provides a revenue stream to local government, although that is a once-off because, once you have sold one of these undeveloped road reserves, you cannot get it back.

The road reserve systems in Europe and the United Kingdom are protected under law. They take these undeveloped road reserves very seriously and go to lengths to ensure that they are protected and not just sold off. It concerns me that it is so easy for local government to sell off these road reserves with very little consultation taking place. I suggest to the minister that the Local Government Act be amended to make it more difficult to sell off these road reserves. I am not convinced that absolute protection is necessary. There are probably circumstances where it might make sense to sell off a road reserve, particularly if it is not being used now or will be used in the foreseeable future. However, it seems to me that it should not be quite so easy for local government to sell off these road reserves. I therefore call on the minister to amend the Local Government Act in order to provide some protection and create a few more hurdles before these road reserves can be sold off, because they are an important part of the state.

I see that the Minister for Tourism is in the chamber. No doubt, she is intimately familiar with this issue, as she is with all parts of her portfolio. This is something that we owe to future generations; this is an important asset of the state that needs to be protected.

MURRAY PARK KINDERGARTEN

Mr SCALZI (Hartley): Today, I wish once again to bring to the attention of the house the issue of shade cloth for the Murray Park Kindergarten. This issue can best be described as: no shade provided and parents kept in the dark whilst children are exposed to the sun. The parent community is not satisfied with the response from the former minister for education and children's services. I am pleased to see that the present minister is in the house. In answer to my question of 11 November last year, the former minister said that she would like to know the name of the kindy, because it was the only one of 308 or so kindergartens which had received a computer and which wanted to return it, and that at least 307 South Australian kindergartens had said, 'Thank you very much' to the Labor government. Clearly, this does not answer the question whether kindergartens have been individually consulted about their needs and spending priorities and whether the funds could have been used by individual kindergartens, such as that at Murray Park, where there was clearly a more pressing need for a shade structure.

Following the initial representation by Miss Elizabeth Hoon, Chair of the Murray Park Kindergarten committee, a group of parents from the Murray Park committee, including Susanne Glover and Mr Andrew Phillips, discussed the matter with me at my electorate office. They outlined the fundraising activities of the parents and local businesses and their frustration that, despite their efforts, the government did not appear willing to assist the kindergarten in relation to the urgently required shade structure. Subsequently, I received a letter from Mr Phillips on behalf of the committee, voicing the committee's disappointment with the then minister's response.

The Murray Park Kindergarten community has raised some $1 000 from wine and chocolate sales, and donations from parents, and a further $1 200 in donations from a mail-out to local businesses. They feel they have now exhausted all avenues of fundraising and wish again to put their request for assistance to the new minister. The offer to forgo new

computers was represented by the then minister as ingratitude when, in fact, it was an offer aimed at minimising waste of precious funding. The letter states:

> We appreciate the offer of new computers, however we already have computers for instructing our children and believe by asking for help with our shadecloth funding we would save the department money and also help the government to target funding to where it is required. Furthermore, the committee does not appreciate the minister's dismissive attitude towards both our efforts and our very reasonable request for help.

Given the findings of the recently tabled report of the Social Development Committee's inquiry into obesity, which showed childhood obesity reaching epidemic proportions and the associated long-term health problems, a lack of support for promotion of healthy outdoor activities is illogical.

In Australia, the country with the highest rates of skin cancer in the world, children must be provided with protection from the sun, particularly in the summer months. This is especially important as it is known that exposure to excessive UV radiation during childhood is a major cause of skin cancer in later life. Such protection during childhood and adolescence means lifelong reduced risk. That is the advice from the Cancer Council. Since I first raised the issue in November, the children have been denied this basic requirement for another South Australian summer. I hope that the minister, who is in the chamber listening, will provide the much-needed shadecloth when the community has raised thousands of dollars. This is about a government being responsive. They had computers, they wanted shadecloth. Why is it not provided?

The ACTING SPEAKER (Hon. G.M. Gunn): The honourable member for Enfield.

RACKETEERS

Mr RAU (Enfield): Thank you very much, Mr Acting Speaker, and can I say what a privilege it is to be called to speak by the father of the house. It is a marvellous thing.

The ACTING SPEAKER: Flattery is an honourable intention but is contrary to standing orders.

Mr RAU: Thank you. That is the sort of integrity I have come to expect. I would like to say that, having listened very intently to the Attorney-General today, I was very impressed by his remarks about Mr Frederick because it is very important for the people of South Australia to be aware of spivs and racketeers out there in the community trying to rip people off. All of us as members of this chamber, whatever side we sit on, are aware from time to time of constituents who have been victims of these sorts of ratbags. I congratulate the Attorney for drawing attention to that particular problem.

I have two other cases to raise which I think might be of concern, and I do not know what can be done about them because I do not know whether or not the state has the legislative competence to prevent this sort of activity. I would like to recount two brief stories. The first concerns a woman who complained to me recently that she had received in the post a chain letter which implored her to send copies on to umpteen different people and said that, if she did not do it, something tragic would happen to her and, if she did, she would win the lottery or words to that effect. As things turned out, this had a very unfortunate coincidence in time with a death in her family, and this woman was very upset indeed.

I realise that it cannot be suggested that the receipt of this letter and her failure to send copies on will be sufficient evidence for the author of the letter to be charged with murder, but the fact remains that this woman was very upset by receiving this nonsense mail in circumstances where she lost a close relative, and I think it is important for all of us to recognise that these letters are not just frivolous nonsense that go around. They upset people and I do not know what can be done about it other than the Office of Consumer and Business Affairs perhaps issuing bulletins to people saying, 'Look, for God's sake, do not cooperate with these fools. Do not even respond to these letters, just ignore them.'

Now the other one, which was sent to a 91-year old person who sent me a copy, comes from somebody who calls herself Christine from Kampala, which as we know is in Uganda. Christine has a very tragic tale to tell. Her letter states:

> I greet you in the name of our Saviour. I have been given your address to contact you for assistance.

How she came upon this gentleman's address I do not know.

An honourable member interjecting:

Mr RAU: The honourable member for Torrens has received a similar letter. It continues:

> I am an orphan girl aged 20 years with a brother and sister. It is so sad that both our parents died of AIDS two years ago. Ever since their death, we have been under the care of our uncle, who has been paying our school fees. Unfortunately, he passed away recently in a fatal road accident.

Apparently, a lot of road accidents happen in Uganda. The letter continues:

> Life has become so difficult here in Uganda for us because we even sometimes do not get anything to eat. I have been studying a two year diploma course at the Mackay College School majoring in nursing. I have completed the first year and now looking forward to joining the college for a second year.
>
> Unfortunately, I do not have anyone to help me with school fees. I am required to pay a sum of US$896 for my final year. A copy of my academic transcript enclosed.

The transcript appears to be something I could have prepared with a few rubber stamps and a photocopier. It continues:

> Please, I am kindly requesting you to sponsor me with school fees to enable me to complete my course so that on completion I will be able to get a good job and look after my young ones in the future.
>
> I pray that God puts you in a position of assisting me. Hope to hear from you.
>
> God bless you.
>
> Yours in hope, Christine.

That is a touching letter but, unfortunately, history tells us that a number of these letters are flying hither and thither around the place that have absolutely nothing to do with deserving cases. Again, this should be the subject of information from the Office of Consumer and Business Affairs, and I know that it is from time to time.

It disturbs me that elderly people in particular, who might be influenced by these very sad tales, are receiving this sort of correspondence and perhaps sending money to these poor devils overseas who turn out to be racketeers. This needs to be drawn to the attention of the public.

Mr MEIER: Mr Acting Speaker, I draw your attention to the state of the house.

A quorum having been formed:

PLUMBERS, GAS FITTERS AND ELECTRICIANS ACT REGULATIONS

Mr HANNA (Mitchell): I move:

> That the regulations made under the Plumbers, Gas Fitters and Electricians Act 1995, entitled Exemptions, made on 18 December

2003 and laid on the table of this house on 17 February 2004, be disallowed.

I will briefly outline the reasons for the majority, if not the unanimous, view of the Legislative Review Committee. These regulations exempt apprentice electricians from registration under the Plumbers, Gas Fitters and Electricians Act. Consequently, they are not given a registration card and cannot sign a certificate of compliance for work completed.

The National Electrical and Communications Association advised the Legislative Review Committee that, if an apprentice cannot sign a certificate of compliance, he or she would be given less responsibility and work, which would therefore compromise the level of training provided to them. Indeed, NECA (as it is known) summarised the position as follows:

> The proposed variation to the regulations will (1) seriously affect the provision of adequate training for electrical apprentices; (2) jeopardise the successful completion of apprentices' contracts of training; (3) seriously affect electrical contractors' business activities; (4) substantially increase costs to both the electrical contractor and their clients.

But there is perhaps an even more important consideration. The Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (which I prefer to call the CEPU) advised the committee that it was important that workers entering people's dwellings or businesses to carry out work should be licensed and carry identification, otherwise the consumer will not be protected.

The reason for that is quite clear. If an apprentice is going into a house, the consumer has every right to know the status of that person. The Acting Minister for Consumer Affairs, in a report to the Legislative Review Committee, advised that the union was concerned that exempting apprentices from the registration requirement would be inconsistent with the campaign conducted by the Office of Consumer and Business Affairs to ensure that consumers ask to see a tradesperson's licence card. The Office of Consumer and Business Affairs is concerned that the fact that an apprentice carries a registration card allows apprentices to get away with working on their own without supervision after hours or on weekends because they are able to produce a card when asked. In other words, apprentices can go along and virtually hold themselves out to be fully qualified and trained, and consumers are entitled to know that that person is an apprentice.

A consumer could be fooled by the fact that an apprentice, under these regulations, could come along and produce a registration card. Most consumers would say, 'Okay, you've got a registration card. We've been told by the Office of Consumer and Business Affairs that if you produce a card we know you are legitimate and you can do the work.' But, in fact, that would not be the case because they may be dealing with an apprentice who is barely trained. We do not want to deny young apprentices the ability to get out and do the work: we want to encourage them. However, we are saying that you do not get to hold yourself out to do work on your own unless you are the full quid; unless you have undertaken proper training. I strongly endorse the union's view in relation to this matter and, in fact, that was the majority, if not the unanimous, view of the Legislative Review Committee. Therefore, I have moved that these regulations be disallowed.

Motion carried.

PUBLIC WORKS COMMITTEE: MODIFICATIONS TO THE RIVER MURRAY LOCK AND WEIR 9

Mr CAICA (Colton): I move:

> That the 204th report of the Public Works Committee, on modifications to the River Murray Lock and Weir 9, be noted.

The Public Works Committee has examined the proposal for modifications to River Murray Lock and Weir 9. The committee was told that there are 13 lock and weir structures along the length of the River Murray. The first is at Blanchetown and the last at Torrumbarry, near Echuca. Most of the structures are 75 to 80 years told, all owned by the Murray-Darling Basin Commission and managed in trust by South Australia, Victoria and New South Wales.

South Australia is responsible for lock and weir Nos 1 to 9. Nos 7 to 9 are in New South Wales, but are operated by South Australia, as they control the flow of water entering South Australia. The Department of Water, Land and Biodiversity Conservation is the constructing authority for South Australia and undertakes building and maintenance works on the structures.

The lock and weirs were originally built to allow steamers to navigate the Murray, but their functionality has since changed. Although navigation still plays an important role, particularly for recreational and commercial boating, the stable weir pools have allowed the development of a large irrigated horticultural industry and a significant tourism and recreation industry.

In periods of flood the weir structure is altered to enable boats to pass through the lock and weirs, regardless of the river level. As the river falls, the section of the weir, known as the navigational pass, must be reinstated. This requires large steel beams (referred to as needle beams) to be replaced in cradles on the river bed. This task can only be completed by divers working in high velocity water with zero visibility. Lock staff are further required to work above fast flowing water, often out of boats, to replace other components of the weir. The use of cranes and improved procedures have mitigated risks in recent years, but the activities retain unacceptably high levels of risk.

Because of the increased reliance on consistent pool levels at weirs for irrigation for horticultural industries adjacent to the river, there is an increased pressure on lock crews to reinstate weirs when water levels recede after high rivers or floods. This in turn increases the inherent dangers in the processes for these crews. In addition, the weir structures prevent the movement of native fish species along the river to spawning grounds and preferred habitat, which has a detrimental effect on species distribution and abundance.

The proposal recommended to the committee is for the lock and weir to be modified so that the current ageing trestles are replaced by reduced height piers with removable deck and stock locks. This method eliminates the need for trestles, needle beams and Boule panels and replaces them with reduced height piers in the navigable pass, modified deck units and stock locks, as exist in the rest of the weir structure. As a result, the bulk of future reinstatement work can be completed with a crane. No heavy lifting, working out of boats or diving will be required. In addition, reinstatement will be quicker, reducing the likelihood of dropping pool levels.

The project will further remove the narrow width pass piers installed in the 1960s because of concerns about their structural integrity. They will be replaced with new reinforced concrete piers. The vertical slot fish passage design was recommended by the fish passage reference group, and a similar structure at Lock 8 has produced excellent results. In future, a proposed modification that separates European carp from native species may also be retrofitted.

Building the fish way with the lock and weir modifications will provide savings. The committee is told that the project to upgrade the navigable passage of the locks and weirs of the River Murray and install fish ways for fish passage is one that offers a significant environmental benefit for the sites concerned, particularly with respect to fish species. It is consistent with the Murray-Darling Basin Committee's native fish strategy, as it will provide fish passage for native fish in the River Murray. The design of the project works also accounts for the ability to better manipulate weir pool levels and water volume discharge, which will aid in the provision of environmental flows in the River Murray—very significant, as I know you would agree, Mr Acting Speaker. The committee is also told that the specific objectives of the project are:

- to upgrade Lock 9 navigable pass removal and reinstatement, so it is quicker, safer, mitigates the extreme risk rating and retains the same functionality;
- to improve the structural integrity of the reduced pass piers; and
- to install a fish way to provide passage for migratory native fish bigger than 60mm long past the lock and weir structure.

The 1999 Murray Darling Basin Agreement provides for cost sharing on the weir modifications, with South Australia contributing 18 per cent. The Murray Darling Basin Ministerial Council agreed on a $25 million sea to Hume Dam fish passage program, which itself comes from the $150 million Living Murray Structural Implementation Program, with South Australia contributing 25 per cent. The total cost of the project is estimated at $5.7 million, with $2.65 million for the weir modifications and $3.05 million for the fish way. South Australia's contribution is $1.3 million. The combined works have a net present value saving of approximately $400 000 over the next 30 years on operations, maintenance and replacement costs. The project will be commissioned in April 2005. The committee supports the objectives of the project, particularly with regard to reducing the risk to workers in weir reinstatement and the facilitation of native fish movement along the River Murray.

The committee further supports the development and implementation of features on the fish ways that will remove European carp from the River Murray. The committee is concerned that the existing work force operating the locks and weirs will require replacement in the near future and that their corporate memory will be lost to SA Water. The committee supports initiatives by SA Water to ensure that the accumulated experience of its field workers along the River Murray is retained as personnel turn over. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public work.

Mr HANNA (Mitchell): I commend the member for Colton and his committee for so carefully looking into fish passages!

Motion carried.

OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION COMMITTEE: WORKCOVER LEGISLATION

Mr CAICA (Colton): I move:

That the sixth report of the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation, entitled the Statutes Amendment (WorkCover Governance Reform) Bill, be noted.

In moving the sixth report of the Occupational Safety, Rehabilitation and Compensation Committee on the Statutes Amendment (WorkCover Governance Reform) Bill, I inform the house that initially the committee referred the bill on its own motion. Then, on 7 August 2003, pursuant to a notice in the South Australian government *Gazette*, the Governor referred examination of the Statutes Amendment (WorkCover Governance Reform) Bill 2003 to the committee.

The bill is based on a report prepared by the Department of Treasury and Finance at the request of the minister. The Department of Treasury and Finance argued that there were a number of anomalies and accountability gaps in WorkCover's governance structure, and the legislation introduced by the minister reflects recommendations to ameliorate the identified anomalies.

Clause 5 of the bill proposes to align WorkCover with other major government business enterprises by applying the Public Corporations Act to WorkCover's governance requirements. It has been argued that this will clarify the relationship between the WorkCover Corporation and the Crown. There is substantial public interest in the successful independent operation of WorkCover, and some stakeholders are opposed to unnecessary ministerial intervention in decision making processes. However, the government has a responsibility to ensure the continued viability of the scheme.

Three main issues were identified by stakeholders in relation to the application of the Public Corporations Act. These were:

- the degree of ministerial control in regard to the development of a charter and performance statement;
- delegations—those that particularly relate to claims agents' contracts; and
- the potential for WorkCover to pay a levy to the government. This relates to circumstances where the Treasurer explicitly guarantees the liabilities of WorkCover, and is described in section 29 of the Public Corporations Act.

The Committee Supports the Public Corporations Act being applied to the WorkCover Corporation Act. However, the committee recommends that a performance agreement and charter, as required under the Public Corporations Act, be developed in consultation with WorkCover's key stakeholders. The committee notes that delegations to claims agents may be terminated by a minister under the current legislation. The minister gave assurances to the committee that it is not his intention to terminate claims agents' contracts through the application of the Public Corporations Act and the committee accepts these assurances.

The minister informed the committee that WorkCover would be protected from imposition of a levy pursuant to section 29 of the Public Corporations Act because of the government's competitive neutrality policy. The committee recommends amendments to legislation to reflect the minister's intent to ensure that the statutory obligation to pay a levy is not imposed on WorkCover.

The committee considered the merit of the proposal to remove the occupational health and safety and rehabilitation specialists from the WorkCover board (as described in clause 6) and the potential effectiveness of the proposal to create specialist adviser roles (as described in clause 10). The majority of stakeholders were opposed to the proposal to remove the occupational health and safety adviser and rehabilitation adviser positions from the WorkCover board.

Other stakeholders argued that the constitution of the board should focus on engaging the right skills and expertise for the business environment.

Concerns were raised that the creation of independent adviser positions could result in a loss of critical information being provided to the board in a timely and effective manner. The committee supports the abolition of specialist advisers from the WorkCover board. However, the committee recommends that the legislation be amended to provide a specific requirement for specialist advisers to regularly report to the WorkCover board.

Clause 7 of the bill proposes to provide the Governor with the power to remove board members on the recommendation of the minister at his or her discretion. The Department of Treasury and Finance argued that monitoring ongoing performance is not sufficient if the minister does not have the power to remove boards that perform poorly. The minister argued that there may be situations in which an individual or board has poor decision making capacity which falls short of negligence and, therefore, this power is important.

The power is provided to the minister in regard to other large public corporations such as SA Water, Forestry SA, TransAdelaide and Adelaide Cemeteries. The committee opposes the proposal and believes that the existing conditions under section 6(2) are an adequate basis for removing board members. The conditions for removing board members under section 6(2) are breach or non-compliance with conditions of appointment; for mental or physical incapacity; for neglect of duty; or for dishonourable conduct.

Clause 13 of the bill proposes that the CEO will be appointed by the Governor. According to the Department of Treasury and Finance, the board and chief executive officer relationship should be such that the CEO should not be a member of the board. Some stakeholders were opposed to the proposal because of concern that the CEO would have a conflicting responsibility and it could be interpreted as ministerial interference. The majority of the committee opposes the proposal for the government to appoint the CEO.

Clause 18 of the bill proposes the establishment of an average levy rate committee with the powers of a royal commission and to operate in accordance with ministerial guidelines. According to the Department of Treasury and Finance, the WorkCover Board sets levies in a non-transparent manner with little accountability. The average levy rate committee is modelled on the Motor Accident Commission's Third Party Premium Committee. The Occupational Safety, Rehabilitation and Compensation Committee considered the merit of establishing a proposed average levy rate committee and the likely influence it might have on the WorkCover board's performance. The committee noted that there are several differences between the Motor Accident Commission and WorkCover, the most notable being the duration of claims and the consequent potential costs that are incurred by WorkCover in managing its long tail claims.

Another factor is WorkCover's unique responsibility for rehabilitation of injured workers. Whilst several stakeholders voiced opposition to the creation of an average levy rate committee, others were opposed to the application of the Royal Commissions Act. However, the committee did note that in other Australian WorkCover jurisdictions the levy or premium setting process is subject to much more scrutiny than is the case in South Australia. The majority, on the casting vote of the chair of the committee, supported the proposal to create an average levy rate committee but recommends that ministerial guidelines be replaced with regulations to provide for improved transparency and accountability.

The majority of the committee considers that the application of royal commission powers is excessive and therefore does not support this proposal. However, the committee does recommend the application of specific powers to compel attendance and provide information.

The committee also recommended that the transparency of the average levy rate calculation process be improved by the development of regulations that include the requirement to make the formula publicly available. The committee considered the effectiveness or adequacy of some key terms defined in clause 17 of the bill and, in particular, the definition of the terms 'solvency' and 'average levy rate'. The committee was concerned that the proposed definition for solvency appears to depart from the common law definition. The committee is not able to make a recommendation on the appropriateness of the definition of solvency. However, the committee recommends that if there is to be a departure from the common law definition it be set by regulation.

The former chair of the WorkCover board questioned the definition of the term 'average levy rate'. Despite its efforts, the committee was not able to receive evidence from the current WorkCover board regarding the appropriateness of the proposed definition. The committee therefore recommends that the opinion of the current WorkCover board be sought prior to the approval of the proposed definition of average levy rate to ensure that it is workable.

The committee heard from 18 witnesses during the inquiry and received 26 submissions. However, at the time of producing this report the committee had not received a submission from the current WorkCover board. As a result of this inquiry, the committee identified six main issues, has made 11 key recommendations, and looks forward to a positive response to them.

I take this opportunity to thank all those people who have contributed to this inquiry. I thank all those who took the time and made the effort to prepare submissions for the committee and to speak to the committee. I also wish to thank the minister for his willingness to assist the committee in all aspects of its deliberations and, indeed, to appear before the committee, as well as thanking, on behalf of the committee, the efforts of our secretary, Mr Rick Crump, and our research officer, Ms Sue Sedivy. I extend my sincere thanks to the members of the committee: the honourable members for Mitchell and Heysen, the Hon. John Gazzola, the Hon. Ian Gilfillan, and the Hon. Angus Redford from the other place. I commend the report to the house.

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

CRIMINAL CASES REVIEW COMMISSION

The Hon. D.C. KOTZ (Newland): I move:

That this house calls on the Legislative Review Committee to examine and report upon the establishment in South Australia of a Criminal Cases Review Commission to examine suspected wrongful convictions, miscarriages of justice and other issues in the criminal justice system and, in particular, make recommendations on the following—

(a) the commission's terms of reference;
(b) the relationship of the commission to the Supreme Court and executive government;
(c) the powers of the commission and its membership;
(d) the criteria for cases to be examined by the commission;

(e) whether the commission should be empowered to examine and make recommendations in relation to crimes in respect of which there was no prosecution or conviction;
(f) resourcing issues; and
(g) any other relevant matter.

Members would be well aware of the expressions of concern about the South Australian criminal justice system that has emanated from many quarters and many sections of our community, and indeed in other areas across the board. If this motion to direct the Legislative Review Committee to investigate the potential feasibility of such a commission were shown to be a positive measure, it could well alleviate many of the concerns that have been expressed by members of the public and members of this house.

At the present time, I believe that there is no formal mechanism for examining alleged miscarriages of justice outside of the current formal criminal appeal process. Most members would be aware that the only formal way for cases to be reviewed under our current system would be through a royal commission. Of course, there are many aspects as to why a royal commission would not necessarily be a good alternative with respect to the expressed terms of reference for this commission to be set up. Royal commissions are extremely expensive, but very often royal commissions are very difficult things to put in place. It usually takes a very high profile case and a combination of public outcry and the media putting pressure on a specific case before we could expect that the case would be picked up and perhaps charged with the force of a royal commission. It means, generally, that cases that are not captured by the public imagination do not receive the attention that they perhaps warrant.

Throughout Australia, no similar bodies have yet been established at a government level, although we know of projects called innocence projects. Some years ago in America these types of projects were set up through different universities, and they emanated from the fact that certain pro bono lawyers at the time took up very specific cases for people who had been gaoled for long periods of time but protested their innocence. In some instances, the pro bono lawyers actually proved that their innocence was in fact the correct outcome, and they were released from their gaol sentences. Innocence projects have been set up at different universities in Australia but, once again, they are not the type of process that could deal with the matters that emanate from any of our circumstances or court situations as they stand today.

It is important to understand that this motion seeks to examine the feasibility of a commission in this state. It is not that by moving this motion today members of the opposition have already declared a point of view. It is a matter of putting all the terms of reference that deal with the feasibility of a project such as the commission up for investigation so they can be reported upon before those decisions are taken. I believe that the Legislative Review Committee is the committee that can do a complete investigation under the circumstances of its own terms of reference and can provide this house with the information that it needs to be able to make a decision on whether a review of cases commission is necessary.

Other countries have already established commissions. One of the first was the UK, which established a commission to look at miscarriages of justice since the 1990s. The home secretary of the UK at the time of the establishment of the Criminal Cases Review Commission in that country made the statement that the establishment of independent machinery to deal with alleged miscarriages of justice was a major step forward for accountability in the criminal justice system. That goes back as far as 1991, when the home secretary announced the establishment of a royal commission on criminal justice under the chairmanship of Viscount Runciman. Many significant reforms have followed from that royal commission's wide-ranging July 1993 report, and one of the most important reforms was the establishment of an independent body to review and investigate suspected miscarriages of justice, and to refer any cases where there was a real possibility that the conviction, finding, verdict or sentence would not be upheld to an appropriate appeal court.

The Criminal Cases Review Commission in the UK was established in January 1997 by authority of the Criminal Appeal Act 1995 and took over responsibility for reviewing applications in March 1997. Initially, that particular discretion was exclusively for the home secretary and the secretary of state for Northern Ireland, but it has now been regulated by a set of statutory criteria. That particular discretion has now been removed from those closest to government and entrusted to members and staff of an independent body which, of course, removes it from political or judicial influence.

The Criminal Cases Review Commission in the UK reported in 2002 that it had at that time made its 100th case referral to the Court of Appeal. At that time, 45 of the cases referred had been heard by the relevant appellate court. In 36 cases, the conviction was quashed or sentence reduced. In nine cases, the conviction or sentence was upheld. That commission has the power to review any criminal conviction or sentence imposed by a crown or magistrates court in England, Wales or Northern Ireland. Scotland has its own commission. Since 31 March 1997, the commission has received over 3 600 applications, which includes 279 that were transferred from the home office in Northern Ireland, and it reports that 2 300 cases have been completed. The latest figures to 30 April 2004 show that, since the commission was set up, total applications are at 6 724. There are 223 open cases, 406 are still actively being worked upon, and 6 095 cases, including ineligible cases and 228 referrals, have actually been completed. Those that have been heard by the Court of Appeal and have had a decision taken number 177. Out of those 177 cases, 121 were quashed, 55 were upheld and one was reserved.

There is an immense amount of information available from the different countries that have now established a criminal cases review commission. I am sure that the Legislative Review Committee will be able to pick up on all the different references, but the fact that several countries have had those processes in place for some years means that evaluations of those systems can be far more easily identified than would be the case should the commission not have been established at all. It is an exciting role that the Legislative Review Committee will take up with great consideration and will look forward to reporting to this house on the outcome.

I would hope that all members of this house will consider seriously this proposal, because it is seriously meant. If the project is at all feasible, it could very well have a very good outcome for the judicial system and for the many members of the public who come into contact with our court system and feel that they may have been treated harshly by that system. I urge members of the house to consider accepting and supporting the proposal moved by me today.

Mr SNELLING secured the adjournment of the debate.

SOCIAL DEVELOPMENT COMMITTEE: OBESITY

Mr SNELLING (Playford): I move:

That the 19th report of the Social Development Committee, entitled Inquiry into Obesity, be noted.

Obesity is a rapidly escalating problem—some might say a growing problem—in most developed countries worldwide. Since 1990, obesity amongst Australian adults has increased by over 7 per cent. Currently, more than 60 per cent of Australian men and over half of Australian women are either overweight or obese. Even more alarming is that from 1985 to 1995, the proportion of overweight Australian children doubled and the proportion who were obese tripled.

Latest data indicates that around 24 per cent of Australian boys and 26 per cent of Australian girls are overweight or obese. Rates are higher still among indigenous people. Almost one-third of indigenous people in non-remote areas are considered obese compared with 16 per cent of other Australians. The report of the National Obesity Task Force released last year has described obesity as a major epidemic in this country, and trends have been similar for all states. If these trends continue, Australia is expected to be second only to the United States in its rate of obesity by 2025. Research shows clearly that overall energy consumption has increased and physical activity has decreased across the Australian population. This is more than sufficient to explain the rising levels of overweight and obesity.

Underlying this, a range of social and environmental trends have evolved over several decades which are intrinsically linked to our contemporary lifestyle. These include sedentary employment, greater demand for and availability of convenience foods and technological entertainment. Obesity, therefore, poses a major challenge for the community and government. Government concern and intervention is fitting, given the enormous health and economic cost of obesity to individuals and the community. Latest estimates put the economic cost of obesity in Australia at around $1.3 billion per year and rising fast, made up of treatment costs and lost productivity. Being overweight or obese increases the risk for a number of conditions, including heart disease, type 2 diabetes, respiratory problems and some cancers.

Before continuing, I acknowledge the presiding member of the committee, the Hon. Gail Gago, and the work and cooperation of my colleagues, the members for Hartley and Florey, the Hon. Michelle Lensink and the Hon. Terry Cameron. I also acknowledge the work of the research officer, Ms Susie Dunlop, and the secretaries of the committee, Ms Robyn Schutte and Ms Kristina Willis-Arnold, in writing and preparing the report. The committee heard evidence from 31 people representing 10 organisations and six individuals and received 28 written submissions from 13 individuals and 15 organisations, including six schools.

Key findings and recommendations. In response to the rising rates and cost of obesity, numerous initiatives have commenced on international, national and state levels. These include the Australian National Task Force on Obesity, the South Australian Health and Weight Statewide Task Force, and the South Australian Ministerial Physical Activity Council. There also numerous departmental initiatives in the state, such as the Department of Education and Children's Services' Eat Well SA Schools and Preschools and Active for Life initiatives. The committee supports a national obesity task force four-year plan to address obesity among Australian children and young people released in 2003.

A preventive focus is important, given that overweight young people have a 50 per cent chance of remaining overweight as adults. In addition, the committee endorses a focus on those groups with high rates of overweight and obesity and associated complications. These include people in the middle age group (45 to 64-year olds), socioeconomically disadvantaged people and indigenous people, and people living in rural areas. The committee also supports a strong overall public policy for all South Australians via the Healthy Weight Statewide Strategy.

In making our 51 recommendations, we have focused on those we believe add to existing initiatives. I will now outline some of our key findings and recommendations. In response to the remaining lack of awareness in the community about the need for good nutrition and physical activity, the committee has recommended the development of a statewide community education strategy to promote 'healthy weight' and increased fruit and vegetable consumption. Having said this, it was clear in evidence that public education alone will not solve the obesity problem. We are all aware of how difficult it can be to cook healthy meals and exercise regularly with a busy schedule, be it parenthood, work or both. For many people, other issues simply take precedence. The committee resolved that the government must accept the community's demand for convenience but seek to make healthy options more accessible.

The committee supports moves within the fast food industry to provide healthier choices, but cautions that this is only one of a range of strategies that must be employed. The committee also recommends a review of point-of-sale information in and labelling by fast food franchises to assist consumers to make healthy choices. There is also a need to make organised physical activities more accessible. The committee has made a number of recommendations aimed at increasing the provision of low-cost community exercise facilities, with a particular focus on socioeconomically disadvantaged and rural communities.

Competitive sporting culture in Australian society can be a significant deterrent for children and adults who are not talented in traditional sports or who are already overweight. As a community, we need to be more innovative and inclusive in providing physical activity opportunities. The committee has recommended a more flexible and inclusive system for school-based physical education entailing a credit system whereby students can substitute endorsed out-of-school physical activities for time in traditional PE and sports, an added benefit being improved links between schools and community-based organisations, helping school leavers with the transition to school-based activities and clubs.

There is also a need to improve factors in our environment that lead to unintentional over-consumption and under-activity. One way is to ensure that our physical infrastructure encourages people to walk, cycle or use public transport rather than drive—although that does not include ministerial cars. Transport systems and urban design both have a significant influence over levels of incidental physical activity. The extent of urban sprawl, street networks and perceived safety are all central, whether people use public places for physical activity and active transport, such as walking to shops, schools or bus stops. The committee acknowledges that there are a number of state government plans in train to address these issues and that existing

physical infrastructure is difficult to alter. Therefore, our recommendations focus on future developments and recommend that planning guidelines for all new non-industrial developments have specific clauses to promote active living.

Junk food advertising on television. A highly contentious issue in evidence was the advertising of junk food, especially on television. This is of particular concern in relation to children, given their vulnerability to persuasive advertising messages. Australian children watch an average 75 advertisements per day, or over 25 000 per year. While research to date does not provide unequivocal evidence of a causal link between food advertising and increased consumption of advertised food by children, the committee received strong evidence that it is a significant contributing factor in an overall environment that promotes obesity. This is a position that is supported by the World Health Organisation and the International Obesity Task Force.

Despite claims from some industry organisations that advertising leads to brand awareness rather than increased consumption, it seems unlikely that companies like McDonalds would have increased expenditure on media advertising in Australia more than eightfold since 1983 to $52 million in 2000-01 if it had not increased consumption. The committee therefore calls for the state government to lobby the commonwealth to implement a mandatory limitation on food advertising during programs aired within peak viewing times for children, regardless of the classification of the program.

On a more positive note, both the Australian Association of National Advertisers and the Australian Food and Grocery Council gave evidence to the inquiry and expressed a commitment to assist with public education relating to healthy eating and lifestyle. The committee supports consultation and partnership with industry organisations to develop public education and other strategies. The Heart Foundation's 'Tick' program is a good example of a successful partnership between the commercial and health sectors. This program enables the Heart Foundation to promote their health message, assists consumers to make healthy choices, and enhances marketing for food companies.

Regarding the education sector, there was overwhelming support and evidence for strengthening the role of schools in promoting regular exercise and physical education. Since 1998-1999 the Department of Education and Children's Services physical activity funding per student has doubled. This includes *Active for Life* funding since 2002. However, there is currently no minimum requirement for physical activity in schools. Based on a range of evidence, including mandated requirements interstate, the committee calls for implementation of physical activity guidelines for schools that include a recommended minimum of 30 minutes of organised physical activity per day for primary students, and 100 minutes per week for secondary students. Given the general move towards greater local management of schools in the state, the committee does not consider a mandatory approach to be appropriate.

There was also strong support for reducing the sale of junk foods at school canteens and events. DECS has developed comprehensive guidelines relating to food and nutrition in schools, including food supply and the foods that should be limited or not provided in schools. The document is called 'Eat Well SA Schools and Preschools' and is due to begin implementation in August. The committee calls for close monitoring of schools and adherence to the Eat Well guidelines and the establishment of a system for publicly awarding successful schools. A number of schools throughout the state have already implemented initiatives such as restrictions on availability of junk foods and daily fitness programs.

Time does not permit me to discuss in detail further recommendations relating to other important sectors that must be involved in addressing the obesity problem. These relate to important roles of maternal and infant health, primary care services and workplaces.

In conclusion, I would like to stress that obesity is a serious problem with significant rising health and economic cost to individuals and the community, both nationally and in South Australia. The challenge for government and the community lies in altering the ingrained social and environmental trends that have led to over-consumption and under-activity becoming part of our everyday modern lifestyle. This will take time and require action in a range of sectors. It will require strong action but we must also be conscious of balancing regulatory with encouragement based interventions in order to preserve lifestyle choice and freedom. Significant inroads have already been made on a national and state level including through the establishment of the Statewide Healthy Weight Taskforce which is due to finalise a statewide strategy later this year. The Social Development Committee's recommendations reflect the breadth of topics and sectors that relate to the obesity problem and will strengthen and add to those strategies that are underway.

Mr MEIER secured the adjournment of the debate.

REPRODUCTIVE TECHNOLOGY (CLINICAL PRACTICES) (PROHIBITION OF PUBLICATION OF CERTAIN MATERIAL) AMENDMENT BILL

Mr BROKENSHIRE (Mawson) obtained leave and introduced a bill for an Act to amend the Reproductive Technology (Clinical Practices) Act 1988. Read a first time.

Mr BROKENSHIRE: I move:

That this bill be now read a second time.

I have put a great deal of thought into this matter before preparing this bill for the parliament and I have spoken to a number of people, not only in my only electorate but in the broader South Australian community. I have also spoken to people who are well known to me, particularly someone who has had experience with the issues surrounding homosexual relationships and the rearing of a child, and I have spent considerable time with that person discussing this matter. At the outset, I do not apologise for the fact that I, as a member of parliament, want to do what I can to promote what we are, traditionally, used to in Australia and in the world—that is, heterosexual couples rearing children. That is my personal, fundamental belief and, over my years in this parliament, I have supported and will continue to support that position.

So that I am not misreported, I say that I strongly support and am very proud of the number of single parents who raise children. I want to clarify that, because someone once asked me whether I was also against single parents who raise children. Of course I am not, and I am very proud of their very extraordinary efforts and the great work that they do in looking after their children and providing them with a home, food and education. The point is that, at one stage, those couples had a heterosexual relationship—mostly in the form of a recognised marriage—and it was in that marriage that they brought up their children. Sadly, the marriage went wrong, so they were left to raise their children alone. I

congratulate them for their great efforts on behalf of their family.

I raise this debate because, over many years of moving around my electorate, people have told me that they have concerns about what they see as a shift in our social fabric. Yet, while these people are not very vocal, they tell me that they are part of the majority thinking in South Australia and that the least that they would like is the opportunity to debate the fundamental shift in direction by the government, parliament and society in the traditional values that have stood South Australia, Australia and, indeed, the world in good stead over thousands of years.

I asked them how they thought that parliaments, governments and individual members should go about this, and they told me that we should bring out into the open issues that some of us may or may not agree with so that at least there can be some public debate, media comment and an opportunity for our elected representatives to debate whether or not they feel that, as the majority, we should be moving in a different direction on the issues surrounding community values and our social fabric.

That is the fundamental reason for my introducing this bill. If the majority of the house is not in agreement with this measure, obviously I will be in the minority. However, the parliament will have to make some decisions on this issue. The government had an equal opportunity policy to address a range of matters relating to non-heterosexual couples—in other words, homosexual couples. It is interesting that, whilst homosexuals in South Australia are aware of that policy and expect the government to deliver on it, the majority of people to whom I speak have no idea that the Labor government, since it came into office, has gone down the path of getting ready to implement this policy for homosexuals, primarily by way of amendments to the Equal Opportunity Act, and many people I talk to are surprised by that.

On 27 November 2003, the Attorney-General (and the Premier more recently in the media) said that, notwithstanding that the Labor government will continue with its equal opportunity amendments (and that is its prerogative as a government), it will not, first, allow the adoption of children to homosexual couples (the government is absolutely adamant on that issue); and, secondly, it will not allow homosexual couples to access the IVF program, and the Premier stated that in the media in response to my press release relating to this bill. I agree with both those positions.

I remind the parliament, and put on the public record, that that is no different to the situation when the Liberal government was in power. In fact, the law currently provides that homosexual couples cannot adopt, and I am advised that they should not be able to access the IVF program. That is a very expensive program, in which $50 000 or more can easily be spent without achieving a positive outcome.

The message that the parliament is currently sending to the community is that it does not support same sex couples having adoption rights. Therefore, the parliament states, and has stated for a long time, that it has serious concerns about children being raised in a homosexual relationship. That is the bottom-line message, and this Labor government, which I support on this issue, still says that it wants that to continue. If that is the position of the parliament, clearly it is the same situation of same sex couples accessing sperm or eggs. If the parliament and the government of the day says that they do not believe that homosexual couples should have adoption rights, clearly they should not have the right to access sperm banks and, therefore, bring a child into the world.

Of course, if the parliament does not agree with this bill, there is a clear option: it can give homosexual couples adoption rights and access to the IVF program. Whilst I would oppose that for the reasons I have already stated, you cannot have it both ways: you have to make a decision. If that is the way the parliament wants to go, at least it has set the parameters for the future with the very strong turnaround in traditional community values and in issues relating to our social fabric. It would also address some of the health concerns surrounding the accessing of sperm by donors. Parliament needs to make a decision, and I encourage strong debate on this issue.

In my opinion, homosexuals have every right to expect the rest of society to treat them decently and respectfully as human beings and citizens. However, they have no right to insist that we surrender our fundamental moral beliefs in order that they might feel comfortable with their sexual behaviour. That position was put to me by somebody who has written quite a significant document. I do not have time to go through it, but if any member wishes to access this 24-page document I am very happy to give it to them. It is a scientific document written by two qualified people—

Ms Bedford interjecting:

Mr BROKENSHIRE: Yes; let me know, and I will give you a copy—with a diploma in education, a bachelor of science degree, a master of science degree and a bachelor of applied science degree with honours. The document contains a lot of research that has not been released before.

Primarily, we have heard the emotional debate from homosexual couples. It is interesting, and it is tragic, but I am going to put it on the public record: I received the following letter from a person in Victoria who heard about what I was doing and who has written to support me with respect to this bill. I refer to an article from *The Age* newspaper of Saturday 22 May 2004 (and I will not read the whole article; members can access it themselves). The article is entitled 'Coroner's finding on lesbian who killed self, son in access row'. The opening paragraph states:

> A lesbian mother killed her son and herself after the gay sperm donor who fathered the child sought closer ties with him, a Melbourne Coroner was told yesterday.

In January and February 2002 the patient was admitted as a voluntary patient to a psychiatric unit, and then on 6 April the patient advised her partner that she felt suicidal and wanted to kill Finley (who was the child). This happened because this area is such a mess at the moment. As the father, the person who had donated the sperm wanted access rights, and one could argue that one understands why that is the case. About three months into the pregnancy, the woman and her partner started to disagree with the sperm donor about certain issues, which included the role that he would play in rearing the child. We have to get this matter sorted out once and for all, because this is just one example of the damage that is being done at the moment, and there is a lot of other potential damage that needs to be debated and sorted out.

I have made my position clear, but there is an opportunity, for those who feel that they want to support same sex couples being able to access sperm, to give couples a better chance to do it safely and legally so that they do not have these sorts of problems because legislation has been changed. I will not be going that way but, clearly, there is an opportunity there if that is the way some members choose to go.

One of the topics that is never debated in all this, of course, is the safety and security of children. In the summary of the report that was sent to me the two researchers said:

> The safety and security of our children are at stake, and their health, happiness and wellbeing must override any arguably genuine desire that homosexual couples may have to be parents. Indeed, in many cases, children are being used by homosexual activists as pawns in a political and social game where the object is to convince the rest of society that homosexuality is a normal, healthy lifestyle.

I thank members who have already asked for a copy of the paper from these two researchers. I believe, as do many other people, that we need to debate these matters and at least give to the public an opportunity to have an input in this area. We need to give the parliament an opportunity not to send the mixed messages that are clearly out there at the moment: on the one hand, we will not allow same sex couples to adopt children or to access the IVF program, but we allow sperm banks and other opportunities for promotion of sperm material to occur. It is a mixed message, and it needs to be debated once and for all so that the parliament can provide a clear direction for the future.

The final point I make is that there is one fundamental difference between homosexual and heterosexual couples. I have indicated to members that I have no problem with what homosexual couples do generally. Someone asked, 'Do you want to get in their bedroom?' The answer is, 'No, I do not.' But the debate has to happen. People should also remember that the homosexual couples involved chose the same biological partner and, by that very fact, they are not able to conceive in the heterosexual way. That is a simple statement of fact. That was their choice, and I believe we need to be encouraging and supporting the heterosexual community and have this debate now so that we have a clear direction for the future. I commend the bill to the house.

Mr SNELLING secured the adjournment of the debate.

STATUTES AMENDMENT (MISUSE OF MOTOR VEHICLES) BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961 and the Summary Offences Act 1953. Read a first time.

The Hon. R.B. SUCH: I move:

> That this bill be now read a second time.

This is a measure that I believe is long overdue. It is sometimes referred to as an anti-hoon law, but its correct title is 'A bill for an act to amend the Road Traffic Act 1961 and the Summary Offences Act 1953'. It is interesting when one looks at the term 'hoon' because, whatever the act is called, the public will call it the anti-hoon act. *The Macquarie Dictionary* defines a hoon as someone who is engaging in loutish, aggressive or surly behaviour. It is often linked to youth, and I will come back to that point in a moment because I do not think it is fair to link this purely to youth.

The second definition is that it relates to a fast, reckless driver of a car or a boat. The third definition is that it refers to a foolish or silly person, especially one who is a show-off. A fourth definition, which was a surprise to me, was 'one who lives off the proceeds of prostitution'. I must confess that I was not aware that the term was used in that way. In terms of the first three definitions from *The Macquarie Dictionary*, I think it sums up the issue quite well: reckless behaviour, reckless driving, driving fast and so on.

My bill (and I make no apology for this) is based on the Queensland law, entitled the Police Powers and Responsibilities and Another Act Amendment Act 2002, and it forms part of the Queensland Police Powers and Responsibilities Act 2000 (in particular, chapter 2, part 6, division 2). It came into effect in Queensland in November 2002. In referring to the Queensland model (because mine is based on that), there is obviously, as one would expect, great similarity.

The purpose of the act is to allow for the seizure and impounding or forfeiture of vehicles driven in contravention of prescribed offences in the Queensland model, which applies to careless driving of motor vehicles and racing, speed trials and burnouts on roads and, in relation to the criminal code, the dangerous operation of a vehicle. It is designed to complement existing offences relating to dangerous and irresponsible driving activities that cause unacceptable annoyance to the public. As a result, impounding, forfeiture or the imposition of community service under the act can be imposed in addition to any other penalty for the prescribed offence—for example, a fine, demerit points and the like.

The bill targets, as in the Queensland act, careless driving of motor vehicles, racing, speed trials, burnouts on roads, and the dangerous operation of a motor vehicle, with the penalties that can apply. The Queensland legislation also gives power to confiscate sound equipment in vehicles and the police can direct, under its provision, the person to cease using the equipment for 12 hours and, if they do not comply, the equipment can be confiscated for 24 hours. The police powers in its act obviously will be similar to those contained in my bill.

For the first offence (and this applies in my bill), the vehicle can be impounded for 48 hours. For a second offence, if occurring within three years, the police can have the vehicle impounded for up to three months, and for the third offence within three years the vehicle may be forfeited to the state: in effect, three strikes and the vehicle is out. There are provisions in law for where a vehicle has been stolen or unlawfully used, as you do not want to penalise a law-abiding citizen because someone has stolen or unlawfully used their vehicle. There are provisions to safeguard against that. There are safeguards in the Queensland model and in my bill so that if someone uses a car without the knowledge or consent of the owner (it may not necessarily be stolen—it could be your parents' car) then the owner is protected in that case and the test is on the balance of probabilities rather than the usual criminal test of reasonable doubt.

The cost of moving and keeping the vehicle initially rests with the state, but those costs are then recouped from the offender who has used a vehicle in an inappropriate way. Before I outline how effective it has been in Queensland, I point out that New South Wales also has a provision, introduced in 1999—the New South Wales Road Transport (General) Act 1999—which provides for removal or impounding of vehicles where offences are committed, and the behaviour outlined is similar to the Queensland model. The targeted behaviour in the New South Wales model includes racing between vehicles on a road or a road-related area, attempts to break vehicle speed records on a road or a road-related area, speed trials, any competitive trial to test the skill of the driver or vehicle on a road or road-related area, wheelies (defined) as any activity causing the vehicle to undergo a sustained loss of traction by one or more of the driving wheels, and operating a vehicle knowing that petrol, oil or diesel or similar material has been placed on the road beneath the vehicle.

In New South Wales, if you are found guilty your vehicle can be impounded for three months, unless a court decides that there is undue hardship or other injustice. For a second or subsequent offence in New South Wales the vehicle can

be forfeited to the crown, unless the court finds that it would cause undue hardship or injustice. Impounding or forfeiture in New South Wales, as in Queensland, is in addition to any other penalty. New South Wales also has a provision relating to noisy speakers and so on within a motor vehicle.

The member for Mawson introduced a bill back in 2002. That bill has lapsed. His bill had a similar focus, but in his penalties he allowed for payment of a fine or an expiation fee. Whilst I commend him for raising the issue, I believe the key element of what I am proposing is that, if you undertake this sort of behaviour, you run the risk of losing your vehicle initially for 48 hours, then for up to three months before being taken away permanently for the third offence. The question is whether it works.

I have figures current this week from Queensland, remembering that in Queensland it was introduced less than two years ago—November 2002. As at 31 March 2004 in Queensland, 1 199 vehicles have been confiscated for first time offences, 14 offenders have been detected committing offences on a second occasion and two people have committed an offence a third time. Those figures are from the Office of the Queensland Minister for Police and Corrective Services and were obtained on 24 May this year. Anyone who suggests that this measure does not work (and what I am proposing is a replication of the Queensland model) will find that those statistics speak for themselves. If they have any doubt, they should talk to the police and police minister in Queensland and they will get the same answer that was given to me.

The amendments made to the act in Queensland have received widespread public and media support, and the assessment by the former minister (Hon. Tony O'Grady) as reported in *Hansard* of 10 September last year was that they have been very effective in deterring dangerous driving activities. The New South Wales figures under its provision, bearing in mind that its law was introduced in 1999, were as follows: in 1999, 410 vehicles were impounded; in 2000, 327; in 2001, 262; in 2002, 319; and, for the 10 months of last year up until October there were 120. If we think of the number of vehicles in New South Wales, with a population of nearly 6 million, those figures might seem small, but they also show that it acts as a deterrent as well.

It is very important that a measure like this comes in. The community is sick and tired of people engaging in this sort of behaviour, want it stopped and something done about it. I am the first to argue that there should be facilities for young and other people who love cars and want to drive them at speed and with a bit of excitement. There should be special facilities where they can get it out of their system if they are petrol heads. Let them do it in a safe and exciting way, without harming and annoying others. I can say quite honestly that every week I have several complaints about people hooning in cars. As I indicated at the start, it is not fair to say that it is always young people, who tend to be blamed for everything. I had a case of someone 49 years of age who did this sort of stuff. Often it is associated with the consumption of alcohol, showing off or trying to make a statement but, whether you are 50 or 18 years, it does not matter—it is irresponsible and unacceptable behaviour.

I know the Attorney and some of his officers question how you police it. They can police it all right in Queensland. I am sure the police here are just as capable as those in Queensland. I have been arguing for a long time that we also adopt the community road watch program that works brilliantly in New Zealand, where people can report those who break traffic laws. The police will tell you that they have a system working at the moment, but I would like to see it systematised more in line with what happens in New Zealand. The New Zealand police are willing to come over here to explain it in detail. Their scheme works brilliantly and it has safeguards so that you do not get false reporting. Whilst people can report at the moment, sometimes reports are lost in the system and people lose faith in it. If you combine this with the road watch program, as per New Zealand, you would have a very significant range of measures to deal with hooning and other inappropriate behaviour on the road.

I understand that the Attorney favours a combination of the Queensland and New South Wales models and that the government itself is working on a proposal. I would be delighted if the government did something. I am not seeking to get any credit for this, but if the government does it, fantastic. I am putting up something, it has been drafted, it works and the community wants it, so let us have it.

One could elaborate on other aspects and give other examples of the misuse of vehicles. We have had some recently in one of the suburbs in my electorate where people, not just once and not the same person, during the night drove through playgrounds churning up the ground, doing a lot of damage to council property. In that case, unfortunately for one of the offenders, the neighbours were able to track that vehicle and that person has been reported to the police and also to the local council, which may take civil action. So, it does work. People can get registration numbers and, as I say, if you bring in a community road watch you would have a systemised way of linking things together. I ask members to support this. If the government is going to do it, let us get on and get an outcome and see if we can make life better for the community as a result. In commending the bill to the house, I seek leave to have inserted in *Hansard* the explanation of the clauses as drafted by parliamentary counsel.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that the measure will come into operation 2 months after assent.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Road Traffic Act 1961*

4—Insertion of section 46A

This clause inserts a new offence in the *Road Traffic Act 1961* of misusing a motor vehicle. Misuse includes—

- driving in a public place in a race, speed trial, pursuit or any other competitive trial to test drivers' skills or vehicles;
- operating a motor vehicle in a public place so as to produce sustained wheel spin;
- driving a motor vehicle in a public place so as to cause engine or tyre noise, or both, that disturbs persons residing or working in the vicinity;
- driving a motor vehicle onto an area of park or garden so as to break up the ground surface or cause other damage.

The penalty for misuse of a motor vehicle is $2 500 or 3 months imprisonment. In addition, on conviction the court must order a licence disqualification (being a minimum of 6 months for a first offence or 3 years for a subsequent offence). For the purposes of the licence disqualification, other types of offences involving misuse of a motor vehicle (defined in the provision as ***misuse of motor vehicle offences***) would also be counted if they occurred within 5 years of the offence in question.

Part 3—Amendment of *Summary Offences Act 1953*

5—Insertion of Part 14A

This clause inserts a new Part 14A dealing with impounding and forfeiture of motor vehicles as follows:

- Proposed section 66 is an interpretation provision. The term a "misuse of motor vehicle offence" is defined as having

the same meaning as in proposed section 46A of the *Road Traffic Act 1961*;

· Proposed section 66A empowers police to seize and impound a motor vehicle that a police officer reasonably believes has been the subject of a misuse of motor vehicle offence. This power may, however, only be exercised once a person has been arrested in relation to, or charged with the relevant offence. Impounding under this section would be for 48 hours (unless an order is made under proposed section 66E). The regulations can prescribe towing and storage fees in relation to impounding under the proposed section;

· Proposed section 66B deals with the manner in which the police can exercise the power to seize and impound;

· Proposed section 66C provides for applications to a magistrate for a warrant to seize a motor vehicle from private property;

· Proposed section 66D requires the Commissioner of Police to give notice to the current registered owners of impounding of a motor vehicle (or, if there are no current registered owners, to the last registered owners of the motor vehicle);

· Proposed section 66E applies where a motor vehicle is impounded under the measure and the person arrested or charged with a misuse of motor vehicle offence relating to the vehicle has a previous conviction (occurring in the period of 3 years before impoundment) for a misuse of motor vehicle offence. If this is the case, a police officer must apply to the court that is to hear the latest charge for an order for up to 3 months impoundment (if the person has one previous conviction) or for forfeiture of the motor vehicle (if the person has more than one conviction). The court cannot make such an order unless the person is convicted of the latest offence and may decline to make the order if it would cause severe financial or physical hardship to a person or if the court is satisfied that the offence occurred without the knowledge or consent of the owner of the motor vehicle;

· Proposed section 66F imposes a duty on the Commissioner of Police to take reasonable steps to secure impounded vehicles;

· Proposed section 66G deals with the disposal of motor vehicles, allowing the Commissioner to sell impounded motor vehicles that remain uncollected 3 months after the end of the impoundment period and forfeited motor vehicles. The proceeds of sale of an uncollected impounded vehicle are dealt with as unclaimed money and the proceeds of sale of a forfeited vehicle are paid into the Victims of Crime Fund;

· Proposed section 66H is an evidentiary provision relating to proof of ownership of a motor vehicle and also to proof of the amount of a fee payable in respect of impounding of a motor vehicle under the measure.

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

PUBLIC WORKS COMMITTEE: PUBLIC CAPITAL WORKS CONSULTANCIES

Mr CAICA (Colton): I move:

That the 205th report of the Public Works Committee, on public capital works consultancies, be noted.

I know that you, Mr Acting Speaker, have a full understanding of the significant workload being undertaken by the Public Works Committee, so it may come as some surprise to you to know that in June 2003 the committee resolved to conduct an inquiry into the application and effectiveness of consultancies in the South Australian public capital works process.

The inquiry was initiated to provide information to assist the committee to better understand the relationship between agencies and the building professionals with whom they contract. The committee explored the relationship between government agencies and professional consultants in the building/construction industry with regard to the role and definition of consultants, the process of engaging consultants, benchmarking/cost-management processes imposed by government, and the identification, from all parties, of inefficiencies or inconsistencies.

The major infrastructure agencies—the Department of Administrative and Information Services, the Department of Transport and Urban Planning and SA Water—occupied the majority of the committee's focus, in addition to several submissions from private sector representatives. Of these, DAIS occupied the central role in the inquiry because of its extensive project management role and interrelationship with the majority of other agencies during capital works projects.

The committee identified two primary areas for comment: the relationship between government and industry and the relationship between DAIS and client agencies. The committee found that there is support for a central government resource for capital works project management, but there remains room for improvement in the management and planning of capital works projects.

The committee supports DAIS's role but found inconsistencies in the application of project management policies from both DAIS and client agencies and differences of opinion over the way in which DAIS should claim fees for its services. The committee recognises that the agencies and industry bodies involved have a working relationship that, on the whole, operates effectively, and also recognises the efforts made by all parties to provide the capital infrastructure on which the South Australian community relies.

The restructuring of public asset procurement in the past decade has seen government relinquish total control of its own building programs but maintain a distinct procurement system defined by the priorities and imperatives implicit in public service delivery. The committee believes that public capital works processes demand different standards of accountability, transparency and community utility from those required in the private sector. While they may appear obstructive or obscure from a market perspective, they have the preservation of the public interest as their objective and are, in this sense, appropriate and necessary. This does not mean, however, that the processes used by the agencies should be so onerous or complex that they act as an impediment to cost-effective and high quality products.

As a result of the hearings conducted as part of this inquiry, the committee has determined a series of recommendations regarding the use of professional service contractors in the public capital works system in South Australia. The committee recommends to the minister that:

1. Life-cycle costing (including the compulsory investigation of ESD elements) be applied to all public capital works.

2. The project initiation process be reviewed, particularly in the developmental phases (stages 4 to 6) with a view to:

(a) improving the documentation on which financial, contractual and design-related decisions are based; and

(b) evaluating the potential benefits of increased funding to agencies to improve early-stage planning processes.

3. The quality of project briefs provided by client agencies be reviewed and any deficiencies in resources or skill levels addressed with a view to improving clarity and minimising final costs.

4. DAIS and the client agencies should review the existing post-completion processes to assess the validity concerns regarding the allocation of responsibility for cost increases arising from the project delivery process.

5. PPP projects be subject to the same levels of legislative and executive review and scrutiny as all other public capital projects.

6. DAIS's project management processes be independently reviewed in order to assess the validity of perceptions that they adversely affect project outcomes through undue pressure to reduce professional services fees.

7. That professional service contractor performance be assessed continuously by agencies, and this should include the use of collaborative review processes involving industry representatives.

8. Agencies and industry should develop and adopt an agreed system of feedback for all submissions as a way of encouraging the continued improvement of submissions and as a professional courtesy.

9. There should be mandated timelines for tender processes (including response times within which submissions must be answered).

10. DAIS's building management budget and project management personnel (including the succession planning for the replacement of these staff) be reviewed with the aim of supplementing both if they are found to be insufficient to ensure ongoing high quality capital works outcomes.

11. DAIS should be involved as a project management resource in any future PPP process.

12. The threshold limit of $150 000 for client agency self-management of capital works be reviewed by DAIS, the Department of Treasury and Finance and the client agencies with a view to establishing whether there is a need to increase it. The review should further determine the merit of a two-tiered system contingent on individual agencies' in-house project management capabilities.

13. DAIS should examine the feasibility of implementing risk-allocation processes that reflect the actual burden taken on by various parties in the project delivery process.

14. Agencies should implement a consistent naming policy for 'contractors' and 'consultants' across government and adopt Treasury definitions on all documentation. The committee understands that this process would lead to a renaming of many participants in the public capital works process as 'professional service contractors' instead of 'consultants' but is of the opinion that it would ultimately enhance clarity.

15. The major infrastructure agencies promote consistent terminology and processes in their prequalification regimes.

16. A central information service for infrastructure projects be established so that government and industry can share access to all relevant information.

17. A freely available database of benchmarking information be provided, subject to appropriate commercial confidentiality, to assist industry in better preparing future tender submissions.

Finally, the committee wishes to thank the agency and industry witnesses who appeared before it and provided excellent and considered submissions over the course of the inquiry. In particular, I wish to pay tribute to the outstanding work of our research officer Dr Paul Lobban in assisting the committee in its deliberations, and equally so our committee Secretary, Mr Keith Barrie. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends to parliament that it note this report.

Mr VENNING (Schubert): I will make a very brief speech on this matter because of time constraints. This is a very professional report and I urge all members of parliament to read it. It is about the age-old problem of consultancies. We know of what we all accuse each other with consultancies; that is, of hiring them and their coming up with the decisions we want them to come up with, and they come at a pretty high price. This is a very good report.

I commend particularly Dr Paul Lobban, as the Chairman just said. The report is very detailed and comprises 50 or 60 pages, and it is all very good value. I hope that this has been sent to the government. I hope, too, that the government picks this up and takes note and then, within the period, responds to the committee, particularly when you see the scope of this report, which I just quote. Under 'Agency performance benchmarking and cost management processes with regard to consultancies' two lines in the executive summary pick it up very clearly. I quote:

> The committee found that there is support for a central government resource for capital works project management but that there remains room for improvement in the management and planning of capital works projects.

Also, in 2.1 under 'Definition and role of consultants in the capital works processes', I quote:

> The committee's ability to develop an indicative image of the extent of consultant use is at present hindered by inconsistency of format, detail and presentation. It further undermines the best efforts of agencies to provide such data.

Again, I congratulate the committee on a very fine report. The chairman has said it all, and I do not need to say it again. I would particularly like to congratulate Dr Paul Lobban on a fantastic report. I am extremely sad that we are losing him—today was his last meeting—and I feel as if we have been hijacked. He has been a very valuable member. I know that he is going to the Economic and Finance Committee and I hope that they realise the skill that this man has, particularly in research. We are certainly going to miss him. This report will be held in very high regard and I urge all members to read it.

Motion carried.

PUBLIC WORKS COMMITTEE: MOBILONG PRISON INDEPENDENT LIVING UNIT

Mr CAICA (Colton): I move:

> That the 206th report of the Public Works Committee, on Mobilong Prison—Independent Living Unit, be noted.

The Public Works Committee has examined the proposal to apply $4.3 million of taxpayer funds to the Mobilong Prison—Independent Living Unit. The Public Works Committee has undertaken an inspection of the site and examined written and oral evidence. Pursuant to section 16(1) of the Parliamentary Committees Act, the committee has referred this project on its own motion. The committee was informed by the Department for Correctional Services that the Mobilong Prison independent living unit project would not be referred to the committee, despite the total project cost exceeding $4 million, as the department had received Crown Solicitor's advice that GST costs should be excluded from the project costs for the purpose of the automatic referral threshold. The committee does not accept this advice and consequently resolved on 26 November 2003 to refer the project on its own motion.

Mobilong Prison was completed in 1987 as Australia's first 'open plan' village concept prison and is on 50 hectares of land near Murray Bridge. The prison has four L-shaped living units separated by 'village space' from operational

support buildings, and was designed as an educational and vocational training prison. The prison was constructed with a capacity for 160 male prisoners in single cell accommodation. In 1995-96, 20 additional cells were constructed within the four living units and double bunks installed into 60 cells. This increased the prison to its current capacity of 240 male prisoners. The committee is told that the current proposal is to build a new 50-bed accommodation unit at Mobilong Prison to provide additional accommodation for male prisoners and to reduce pressure on the state's prison system due to increases in prison populations.

The project involves construction of five accommodation buildings, each comprising two duplex-style units. Each unit provides accommodation for five prisoners in single bedrooms with a shared bathroom, kitchen/meals and lounge area. One of the five-bedroom duplex units is designed to disabled facility standards. Outer walls on the units are designed to medium security standard using Colorbond sheeting and steel-reinforced concrete block work. This provides a secure building envelope for the containment of prisoners after evening lock-in. A separate amenities building will house a laundromat-style laundry, and an office for use by case management staff and professional visitors to interview prisoners.

The selection of Mobilong Prison as the preferred site for the new 50-bed unit was arrived at after consideration of all other prisons and:

- the type of prisoners requiring accommodation;
- the need for the new unit to be within a secure perimeter;
- the availability of a suitable area of land within an existing prison perimeter; and
- the desire to increase the available accommodation near the metropolitan area.

The site for the new 50-bed independent living unit is within the existing secure perimeter of Mobilong Prison. A separate internal security fence incorporating an energised fence detection and deterrence system has been installed to ensure prisoners within Mobilong Prison are excluded from the construction site during construction. This internal fence will be removed when the new unit is commissioned.

The committee is told that environmentally sustainable development (ESD) features have been incorporated in the solution, including passive thermal design features, solar hot water services and centrally controlled inverter-type air heating and cooling systems. The committee is told that, while there are no rainwater harvesting features on the proposed unit, rainwater is harvested from the roof of the considerably larger industry and vocational training building and stored in an underground tank for use as drinking water in the independent living unit. The committee is further told that feasibility studies are being conducted into the installation of water treatment facilities to reuse grey water for landscape irrigation purposes across the prison.

The committee is told that the project maintains flexibility in the correctional services system and meets current and future demand. Further, there has been a longstanding imbalance in the system between prisoner security ratings and high, medium and low security accommodation options, with a shortage of appropriate accommodation for medium and low security prisoners, who form a majority of the prison population. There is also an imbalance between the number of prison beds in or near metropolitan Adelaide and those in regional areas. The independent living unit at Mobilong Prison, approximately 50 minutes from Adelaide, begins to address both these imbalances.

The estimated total cost of the project is $4.32 million (GST inclusive). Estimated additional operating costs are $850 000 per annum at 2003-04 values. This includes the cost of employing an additional 10-full-time equivalent staff, utility costs, and prisoner and related staff costs. Mobilong Prison employs 109 full-time equivalent staff including custodial officers, prison industry officers, program staff, management and initiative support staff. The prison has a budgeted net operating cost of $8.1 million per annum at 2003-04. The committee is told that the project commenced on 19 January 2004 and is expected to be completed in December 2004.

The committee accepts the need for the project given the current accommodation pressures within the prison system. The committee further accepts that Mobilong Prison is the most appropriate location for such a facility at present but remains concerned that its location remains significantly removed from the metropolitan area for those visitors and relatives of prisoners who do not have ready access to private transport. The committee notes the ecologically sensitive design principles included in the project and further supports and congratulates the agency for the complementary work being conducted into stormwater and waste water reuse at the prison.

The committee further reiterates that it does not accept the advice provided to the Department for Correctional Services suggesting that GST costs do not form part of the total cost of a project for the purposes of referral to the Public Works Committee. The committee notes, however, the agency's good faith compliance with the advice provided. Given the above, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends to parliament that the report be noted.

Mr VENNING (Schubert): Very briefly—and I will not repeat anything that the Chairman has said—I fully support the Chairman, the member for Colton, on that report. I want to thank the officers of the prison very much for making us so welcome that day, and for showing us around and giving us all the details. I also note that we visited the Port Augusta gaol last week, and I found my visit to Mobilong very useful when discussing issues that are pertinent to Port Augusta. Port Augusta Prison is also very well run and it is an institution that we can be quite proud of. I believe that in both cases we saw that the prisoners were very active, they were doing worthwhile things inside and being productive, and I think that should be fostered. One point I do want to make is that in Port Augusta we must allow these people to have access to the internet, because a lot of them are re-educating themselves. I believe that when they do not have access to the internet they are being denied access to further education, particularly year 12 and tertiary education. I have much pleasure in supporting this motion.

Mr HANNA (Mitchell): We are seeing the most obvious fruits of the government's law and order policy—that is, building new prisons, and I hope that the public appreciate the $4 million they are spending for this one.

Motion carried.

PUBLIC WORKS COMMITTEE: SOHO JOINT VENTURE DEVELOPMENT-TECHNOLOGY PARK

Mr CAICA (Colton): I move:

That the 207th report of the Public Works Committee, on the SOHO Joint Venture Development—Technology Park, be noted.

The Public Works Committee has examined the proposal for the SOHO Joint Venture Development-Technology Park project. The committee was told that Technology Park is being developed by LMC as a vibrant leading-edge precinct in technology commercialisation. Technology Park consists of multi-tenanted buildings, several owner occupied buildings and further vacant land.

Technology Park has developed slowly since its establishment in 1982. During the past 18 months, LMC has invested significantly in the redevelopment of Technology Park. The Small Office/Home Office (SOHO) site, as the next stage in this redevelopment program, offers a range of market opportunities for the developers/consortia seeking to capitalise on a lakefront site to showcase an innovative 'work from home' development.

The committee is told the SOHO project is a proposal to enter into a joint venture with a private sector developer to construct medium density Small Office Home Office buildings on 3 327 square metres of government-owned land situated at E-road, Technology Park. Key elements of the proposal include:

- High-quality design and finish, mixed-use residential and linked commercial development.
- Targeting medium-sized growing technology-based businesses.
- Construction in three stages, dependent upon market demand but expected to span 24 months.
- The integration of high-quality ecologically sustainable design features, including connecting to existing water reuse schemes at Mawson Lakes.

Mr Deputy Speaker, you would recall a previous report by the Public Works Committee on the Mawson Lakes water use reclaiming system, and this will hook into that particular system. Indeed, it is setting a new standard with respect to water reuse in South Australia, and so not only the government needs to be congratulated but also other partners in the project, which include the Salisbury council. It is at the leading edge of what ought to happen in the future and we are setting a particularly good standard here. Another key element of the proposal is:

- Direct financial returns to the government, including proceeds from the land and a 50 per cent share in anticipated profits from development and construction.

I also congratulate those who have negotiated with the private investors in this, because I think the government is getting an outstanding good deal with respect to the land and the money and the contribution that is made into the project, far better than what we saw during the time of the previous government with respect to return on the government money that was provided.

The project will be in three groups of four SOHOs, with a choice of a small or a large SOHO. Upper levels will be residences, from 120 to 200 square metres, and 60 or 100 square metre office spaces at road level. The office levels may contain residential components and will be designed for easy public access with amenities such as courtyards and decks. Lower levels will be excavated primarily for car parking, but may be used for storage or office extensions. The structures will be flexible in design and utility.

Ecologically sustainable features are a key component of the project, and include:

- Extensive oil testing and degradation prevention.
- Stormwater and waste water reuse—which is a highlight of that particular area, and the conservation of water.
- Energy-efficient design, appliances, power supply (including solar), heating and air-conditioning.
- Waste management.

The committee is told the key aims of this project are: ·

- To achieve a sound financial return for government which balances risk and return on an open and transparent manner.
- To achieve innovative contemporary design and construction which provides a benchmark development in this locality, within the Technology Park design guidelines.
- To achieve a leading-edge 'green building' development, which promotes best practice in energy and environmental efficiency.
- To provide mixed-use commercial and residential development which facilitates ongoing economic development at Technology Park. This will create what, hopefully, will be the first of a cluster that will attract further technological industries to that particular area—in terms of build it and they will come.

The government will collect income from the project through the sale of the land and a profit share in the sale of the built form. Gross income from the sale of land and buildings is estimated at $11.97 million.

The government is contributing land to the value of $990 000 to the project. The preferred development offer values the land contribution at $1.2 million (including GST) on an as is basis, with land title to be retained by the LMC until transfer to the end purchaser, which serves to protect the government's investment in the land. In essence, that means that the government will retain ownership of the project until such time as it is sold to private industry. So, again, it is another built in protection with respect to this project. I do recall at the committee meeting the member for Schubert saying that this does sound too good to be true. But it is an outstanding initiative and the committee was very impressed with what it heard.

The development process will occur via the LMC providing a licence to the joint-venture to occupy the land for purposes of the development. The proposed joint venture partner will match the government's contribution with cash; that is, for each stage a third of the land is licensed, matched by the joint venture partner's cash. For example, stage 1 land value is a third of $1.2 million, which equals, of course, $400 000, therefore cash matched by JV Partner is $400 000.

As an unincorporated joint venture, the government, via the LMC, is jointly responsible for the costs of land development and construction. The funding source, however, with be external finance and the matching working capital provided by the proposed joint venture partner—another added bonus. A sensitivity analysis covering cost, revenue and timing exigencies, the most likely land development and construction costs (including GST) based on January 2004 assessment of values put these combined costs at $8.42 million. Financial analysis indicates that the proposal has a benefit cost ratio of 2.95:1, and a net present value of around $1.631 million. The project will begin construction of stage one in September 2004, with stage three expected to be completed in December 2005.

Ms Thompson: Are they doing one down south after this?

Mr CAICA: Well, I would like to think that this will set a standard by which the government will in future look at the way by which it can attract certain technologies. So I think that the initiatives undertaken here will have application across all areas, and I can only hope that the south will one day be a beneficiary of a similar initiative.

The committee notes the innovative character of the project, particularly the fact that the properties will be community titled and flexible as to their use with regards to residential and/or commercial occupation.

The committee notes and supports the extensive integration of ESD features and philosophy in the design of the proposed project, including the focus on water reuse and energy efficiency. Last year the Public Works Committee hosted the national conference of Public Works and Environment, Resources and Development Committees and, indeed, took both those committees out to the Salisbury area to show specifically the work being undertaken out there in relation to water harvesting and reuse, and it is a credit to all concerned, as I said.

The committee further notes the time lines for construction of the project stages and has received assurances from the agency that the current market conditions in the building industry have been considered in settling these schedules.

Before concluding my report, I want to highlight one of the points made by the member for Schubert, namely, that our Research Officer, Dr Paul Lobban, ceased his employment with the committee today. Because of his obvious skills, he was fortunate enough to secure a permanent position as Secretary of the Economic and Finance Committee. So, our loss is obviously their gain. He was able to achieve that position despite the fact that, within this structure that is Parliament House, there is no career pathing for such people.

That is something that we as a parliament need to look at: that people coming into the establishment have set and defined career paths they can pursue so that, as in the case of Dr Lobban, they do not have to rely on a fortunate situation to secure a permanent position in this place. It is something about which I am very passionate—and I know the member for Mitchell shares those views—and it is something on which I intend to work into the future. I wish Dr Lobban all the best. I know that he will give outstanding service in his role as Secretary of the committee, and I thank him very much for his outstanding contribution to the Public Works Committee since I have been in parliament. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public work.

Mr VENNING (Schubert): I commend the report to the house. This is yet another offspring of the departed multi function polis.

An honourable member interjecting:

Mr VENNING: Dead it might be, but the principles it espoused live on and are very obvious here. You would expect this building, which is located at Technology Park, Mawson Lakes, to be state of the art technically and environmentally, and it is. It is a good project and, as I have said, the government cannot lose (the chairman of the committee quoted me correctly in that respect). I endorse the chairman's comments about Dr Paul Lobban: that our loss will be their gain. However, if Dr Lobban ever wants to come back, I am sure we will welcome him. I support the motion.

Motion carried.

CONSTITUTION (OATH OF ALLEGIANCE) AMENDMENT BILL

In committee.

(Continued from 31 March. Page 1835.)

Clause 4.

The Hon. M.J. ATKINSON: I support the amendment moved by the member for Adelaide, although I am also attracted to the amendment moved by the member for Bragg. Indeed, the parliamentary Labor Party will have to deal with that in due course. I have misgivings about the member for Mitchell's bill. Firstly, it fundamentally misstates the true legal function of the oath and of the concept of allegiance more generally; secondly, as a consequence, it corrupts a proper understanding of our system of government and of our obligations as parliamentarians within that system; and, thirdly, it drains the oath of any real meaning.

In our system of government, the Queen is our sovereign and, as much as the honourable member may wish it otherwise, it is in the Crown, not in the people, that sovereign authority is vested, and it is by the Crown in parliament, not by some other assembly, that sovereign authority in its highest form is exercised. Of course, in our system, the exercise of power by the Crown is always ultimately a product of a democratic process. However, by law, the Crown is the repository of that power, not the people. Allegiance is the tie of loyalty and obedience. I seek leave to continue my remarks.

Progress reported; committee to sit again.

The Hon. J.D. HILL: Sir, I draw your attention to the state of the house.

A quorum having been formed:

FIRE AND EMERGENCY SERVICES BILL

The Hon. P.F. CONLON (Minister for Emergency Services) obtained leave and introduced a bill for an act to establish the South Australian Fire and Emergency Services Commission; to provide for the continuation of a metropolitan fire and emergency service, a country fire and emergency service, and a state emergency service; to provide for the prevention, control and suppression of fires and for the handling of certain emergency situations; to make related amendments to other acts; to repeal the Country Fires Act, the South Australian Metropolitan Fire Service Act and the State Emergency Service Act; and for other purposes. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

On 14 May 2003, the Government tabled in the Parliament the report on the review of the emergency service undertaken by the Hon John Dawkins AO, the Hon Stephen Baker and Mr Richard McKay. In broad terms, the review examined the extent to which the Country Fire Service, the South Australian Metropolitan Fire Service, the State Emergency Service and the Emergency Services Administrative Unit are effectively meeting Government policy and community expectations in relation to emergency services; the suitability of the current governance arrangements; and whether the administration and support provided to the emergency service organisations is consistent with best practice, avoids unnecessary duplication and is cost efficient and effective.

Members will recall that the review team made a number of recommendations relating to the restructuring of the emergency services sector. In particular, the review team recommended the establishment of a Fire and Emergency Services Commission.

On 17 July 2003, the Government tabled its response to the Emergency Services Review. The Government supported most of the recommendations as presented by the review team. Some of the recommendations were adopted in part or with minor amendment.

Some of the recommendations are being further developed during the implementation process.

The purpose of this Bill is to establish the legislative framework to implement those recommendations of the review team that were supported by the Government.

The contributions of the emergency service organisations, and the volunteer associations and unions that represent the volunteers and staff in the emergency services sector, have been invaluable in developing a structure that will serve to improve the governance and accountability of the emergency services sector and facilitate the achievement of efficiencies and savings through the closer coordination and collaboration of the organisations in the delivery of services to the community.

The Bill establishes the South Australian Fire and Emergency Services Commission, and articulates its functions and powers. Broadly speaking, the Commission will have a governance role in the sector and will be responsible for overseeing the management of the emergency service organisations, and providing strategic direction, organisational and administrative support to the emergency service organisations.

A Board will manage and administer the Commission. The Board will consist of the Chief Officer of each of the emergency service organisations and a Chair, preferably a person with operational experience. These members of the Board will have the ability to vote on any matter arising for decision by the Board. The Board will also consist of two people with knowledge or experience in fields such as commerce, finance, economics, accounting, law or public administration. One will be a public service employee from a relevant Government department. At present, this person will be an employee in the Justice Portfolio. Neither of these two members will have voting rights.

The Chair of the Board will be the Chief Executive of the Commission. The Commission will be staffed to carry out the service functions of the Commission.

The Bill will repeal the *South Australian Metropolitan Fire Service Act 1936*, the *Country Fires Act 1989*, and the *State Emergency Service Act 1987.* The South Australian Metropolitan Fire Service, the South Australian Country Fire Service and the South Australian State Emergency Service will continue in existence under the new legislation. Each of the emergency service organisations will be headed by a Chief Officer who will be responsible for the management and administration of the organisation in accordance with the strategic framework developed by the Commission for the emergency services sector.

The emergency service organisations retain their operational functions and the operational provisions necessary to carry out their functions. The operational provisions are transferred from the legislation being repealed, with modification to achieve consistency between the organisations to the extent practicable.

The Bill also contains miscellaneous provisions that provide consistency across the sector for issues such as offences for obstructing emergency service officers in the performance of their functions to protection from liability for honest acts or omissions in the performance of functions under the Act. The majority of the miscellaneous provisions can be found in similar form in the legislation being repealed.

The Bill also amends the *Emergency Services Funding Act 1998,* so that the Community Emergency Services Fund can be applied to fund the costs of the Commission.

Finally, the Bill contains transitional provisions to enable the transition from the existing structures to the new structures.

This legislation is a significant step in reforming the emergency services sector. The time and effort that has gone into its development represents the commitment of the Government and the people in the emergency services sector to a reform process aimed at improving the delivery of emergency services to the South Australian community.

I commend the Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Interpretation

This clause sets out the definitions required for the purposes of the measure.

An ***emergency services organisation*** will be—

(a) the South Australian Metropolitan Fire Service (SAMFS); or

(b) the South Australian Country Fire Service (SACFS); or

(c) the South Australian State Emergency Service (SASES).

The ***emergency services sector*** will comprise—

(a) the South Australian Fire and Emergency Services Commission; and

(b) SAMFS; and

(c) SACFS; and

(d) SASES.

An ***emergency*** will be an event that causes, or threatens to cause—

(a) the death of, or injury or other damage to the health of, any person; or

(b) the destruction of, or damage to, any property; or

(c) a disruption to essential services or to services usually enjoyed by the community; or

(d) harm to the environment, or to flora or fauna.

However, in conjunction with this definition of ***emergency***, the measure will not apply to any action to bring an industrial dispute to an end or to control civil disorders (but may apply in relation to any fire or other emergency arising during the course of an industrial dispute or any civil disorder)—see clause 5.

In exercising a power or function under Part 4, a relevant authority will be required—

(a) to have due regard to the impact of any action on the environment; and

(b) to seek to achieve a proper balance between bushfire prevention and proper land management in the country.

4—Establishment of areas for fire and emergency services

The Commission will establish a fire district or fire districts for the purposes of the operations of SAMFS. Any part of the State outside a fire district will constitute the area or areas for the purposes of the operations of SACFS. SASES will act in relation to any part of the State.

5—Application of Act

This measure will not limit or derogate from the provisions of any other Act.

Part 2—South Australian Fire and Emergency Services Commission

Division 1—Establishment of Commission

6—Establishment of Commission

The South Australian Fire and Emergency Services Commission is to be established. The Commission will be a body corporate. The Commission will be an agency of the Crown.

7—Ministerial control

The Commission will be subject to the control and direction of the Minister. However, any Ministerial direction under this provision will need to be in writing and a statement of the fact of the giving of any Ministerial direction will be published in the Commission's annual report.

Division 2—Functions and powers of Commission

8—Functions and powers

This clause sets out the functions of the Commission. The Commission will have the powers necessary or expedient for the performance of its functions. The Commission will prepare a charter relating to its functions and operations. The charter will be publicly available.

9—Directions

The Commission will be able to give directions to SAMFS, SACFS or SASES. However, the Commission will not be able to give a direction relating to the procedures to be followed in response to an emergency, or relating to dealing with any matter that may arise at the scene of an emergency.

Division 3—Constitution of board

10—Commission to be managed by a board

The Commission is to be managed by a board. The board will be the governing body of the Commission and any act or decision of the board in the management or administration of the affairs of the Commission will be an act or decision of the Commission.

11—Constitution of the Board

The Board will be constituted by a presiding member (being the Chief Executive of the Commission), each Chief Officer of each emergency services organisation, and 2 other persons

appointed by the Governor on the recommendation of the Minister. 1 of the appointed members will be a member of the Public Service. An appointed member will be known as an ***associate member***.

12—Terms and conditions of membership

This clause sets out the terms and conditions of membership of the board. An associate member will hold office for a term not exceeding 5 years and is eligible for reappointment.

13—Vacancies or defects in appointment of members

An act or proceeding of the Board will not be invalid by reason only of a vacancy in its membership or a defect in an appointment.

14—Proceedings

This clause sets out the procedures that are to apply in relation to the proceedings of the Board.

15—Conflict of interest

This clause deals with the issue of conflicts of interest for members of the Board.

Division 4—Chief Executive and staff

16—Chief Executive

This clause provides for the office of Chief Executive of the Commission. A person will be able to be appointed to this position for a term not exceeding 5 years and will be eligible for reappointment. The Chief Officer will be responsible for managing the staff and resources of the Commission and giving effect to the policies and decisions of the Board insofar as they relate to the management of the Commission.

17—Staff

The staff of the Commission will comprise persons appointed by the Commission and persons employed in any public sector agency who are made available to assist the Commission.

Division 5—Advisory Board and committees

18—Advisory Board

The Minister will appoint an Advisory Board for the purposes of this measure. The Advisory Board will be able to provide that a copy of any written advice furnished to the Minister be tabled in Parliament.

19—Committees

The Commission will be able to appoint committees to assist the Commission as the Commission thinks fit.

Division 6—Delegation

20—Delegation

The Commission will be able to delegate powers and functions.

Division 7—Accounts, audits and reports

21—Accounts and audit

The Commission will be required to keep proper accounting records and to prepare annual statements of account. These accounts will include consolidated statements of account for the emergency services sector.

22—Annual reports

The Commission will prepare an annual report. The annual report will incorporate the information contained in the annual reports of the emergency services organisations. The Minister will be required to have copies of the annual report laid before both Houses.

Division 8—Common seal and execution of documents

23—Common seal and execution of documents

This clause relates to the use of the common seal of the Commission and the execution of documents.

Part 3—The South Australian Metropolitan Fire Service

Division 1—Continuation of service

24—Continuation of service

The South Australian Metropolitan Fire Service (SAMFS) will continue in existence. (SAMFS is an agency of the Crown and holds its property on behalf of the Crown.)

25—Constitution of SAMFS

SAMFS will consist of the Chief Officer, all officers and firefighters, and all employees of SAMFS. The Chief Officer will be responsible for the management and administration of SAMFS and an act or decision of the Chief Officer in the management or administration of the affairs of SAMFS will be an act or decision of SAMFS.

Division 2—Functions and powers

26—Functions and powers

This clause sets out the functions of SAMFS. SAMFS will be able to exercise any powers that are necessary or expedient for the performance of its functions.

Division 3—Chief Officer and staff

27—Chief Officer

This clause makes specific provision with respect to the office of Chief Officer of SAMFS. The Chief Officer will be appointed by the Minister after taking into account the recommendation of the Chief Executive of the Commission. The Chief Officer is to assume ultimate responsibility for the operations of SAMFS and may therefore—

(a) control all resources of SAMFS; and

(b) manage the staff of SAMFS and give directions to its members; and

(c) assume control of any SAMFS operations; and

(d) perform any other function or exercise any other power that may be conferred by or under this or any other Act, or that may be necessary or expedient for, or incidental to, maintaining, improving or supporting the operation of SAMFS.

28—Deputy Chief Officer and Assistant Chief Officers

The Chief Officer will be able to appoint a Deputy Chief Officer and 1 or more Assistant Chief Officers.

29—Other officers and firefighters

The Chief Officer will appoint other officers and firefighters. An appointment under this clause will be made following procedures set out in subclause (2) (other than where the appointment is to the lowest rank in SAMFS). These procedures are currently found in section 40A, 40B and 40C of the existing Act.

30—Employees

The Chief Officer will be able to engage other persons as employees of SAMFS.

31—Staff

The staff of SAMFS will comprise all officers, firefighters and other employees of SAMFS. SAMFS will also be able to make use of the services of persons employed in a public sector agency.

32—Workforce plans

The Chief Officer will prepare a workforce plan. The plan will be submitted to the Commission for its approval. An appointment to the staff of SAMFS must accord with the plan.

33—Delegation

The Chief Officer will be able to delegate powers and functions.

Division 4—Fire brigades

34—Fire brigades

The Chief Officer will establish fire brigades within fire districts.

Division 5—Fire and emergency safeguards

35—Interpretation and application

This clause sets out terms that are to be defined for the purposes of the Division relating to fire and emergency safeguards. The scheme established by this Division is the same as the scheme in Part 5 Division 3 of the current Act.

36—Power to enter and inspect a public building

The Chief Officer or any authorised officer will be able to inspect any public building to ensure that there are adequate measures in place to protect against fire or another emergency.

37—Rectification where safeguards inadequate

If adequate measures are found not to be in place in a public building, the Chief Officer or the authorised officer will be able to take action, or require action to be taken, to remedy the situation.

38—Closure orders

This clause sets out the powers of the Chief Officer or an authorised officer to issue a closure order in relation to a public building in a case where the safety of persons cannot be reasonably ensured by other means. A closure order will initially operate for a period not exceeding 48 hours. The Magistrates Court will be able to extend the period of operation of a closure order (and will be able, on application, to rescind a closure order).

39—Powers in relation to places at which danger of fire may exist

This clause allows the Chief Officer to enter any building, vehicle or place where he or she has reason to believe that there may be a source of danger to life or property through the outbreak of fire.

40—Related matters

A person exercising a power under this Division may be accompanied by 1 or more members of SAMFS or police officers. It will be an offence to fail to comply with an order under this Division.

Division 6—Powers and duties relating to fires and emergencies

Subdivision 1—Exercise of control at scene of fire or other emergency

41—Exercise of control at scene of fire or other emergency

This clause sets out the circumstances where SAMFS may assume control of a situation that may involve an emergency. This provision will operate subject to the provisions of the new *Emergency Management Act 2004*.

Subdivision 2—Exercise of powers at scene of fire or other emergency

42—Powers

This clause sets out the powers that may be exercised by an officer of SAMFS, and any person acting under the command of an officer, at the scene of a fire or other emergency. This provision will operate subject to the provisions of the new *Emergency Management Act 2004*.

Subdivision 3—Related matters

43—Provision of water

A water authority may be directed to send a competent person to the scene of a fire or other emergency to assist in the provision of water.

44—Disconnection of gas or electricity

A body supplying gas or electricity to any place where a fire or other emergency is occurring must, if directed to do so, send a competent person to shut off or disconnect the supply of gas or electricity.

Division 7—Discipline

Subdivision 1—The Disciplinary Committee

45—The South Australian Metropolitan Fire Service Disciplinary Committee

This clause provides for the continuation of the South Australian Metropolitan Fire Service Disciplinary Committee.

Subdivision 2—Disciplinary proceedings

46—Chief Officer may reprimand

The Chief Officer may reprimand an officer or firefighter who the Chief Officer finds to have been guilty of misconduct.

47—Proceedings before Disciplinary Committee

The Chief Officer may lay a complaint against an officer or firefighter for alleged misconduct. The Disciplinary Committee may exercise various powers if it finds that an officer or firefighter has been guilty of misconduct.

48—Suspension pending hearing of complaint

The Chief Officer may suspend an officer or firefighter, on full pay, pending the determination of a complaint.

Subdivision 3—Appeals

49—Appeals

An appeal will be to the District Court against a decision of the Disciplinary Committee or Chief Officer in the exercise of disciplinary functions.

50—Representation of parties and costs

An appellant may be represented by a member of an industrial association to which the appellant belongs or by a legal practitioner.

51—Participation of assessors in appeals

The District Court will sit with assessors in any proceedings under these provisions.

Division 8—Related matters

52—Accounts and audit

SAMFS will be required to keep proper accounting records and to prepare annual statements of account. These will be audited by the Auditor-General.

53—Annual reports

SAMFS will prepare an annual report and provide it to the Commission.

54—Common seal and execution of documents

This clause relates to the use of the common seal of SAMFS and the execution of documents.

55—UFU

The associations that comprise UFU are to be recognised as associations that represent the interests of firefighters.

56—Fire prevention on private land

This clause makes special provision to ensure that conditions on private land in a fire district do not cause an undue risk in relation to the outbreak or spread of fire. It is similar to section 60B of the current Act.

Part 4—The South Australian Country Fire Service

Division 1—Continuation of service

57—Continuation of service

The South Australian Country Fire Service (SACFS) will continue in existence. (SACFS is an agency of the Crown and holds its property on behalf of the Crown.)

58—Constitution of SACFS

SACFS will consist of the Chief Officer, all other officers, all SACFS organisations and members, and all employees of SACFS. The Chief Officer will be responsible for the management and administration of SACFS and an act or decision of the Chief Officer in the management or administration of the affairs of SACFS will be an act or decision of SACFS.

Division 2—Functions and powers

59—Functions and powers

This clause sets out the functions of SACFS. SACFS will be able to exercise any powers that are necessary or expedient for the performance of its functions.

Division 3—Chief Officer and staff

60—Chief Officer

This clause makes specific provision with respect to the office of Chief Officer of SACFS. The Chief Officer will be appointed by the Minister after taking into account the recommendation of the Chief Executive of the Commission. The Chief Officer is to assume ultimate responsibility for the operations of SACFS and may therefore—

(a) control all resources of SACFS; and

(b) manage the staff of SACFS and give directions to its members; and

(c) assume control of any SACFS operations; and

(d) perform any other function or exercise any other power that may be conferred by or under this or any other Act, or that may be necessary or expedient for, or incidental to, maintaining, improving or supporting the operation of SACFS.

61—Deputy Chief Officer and Assistant Chief Officers

The Chief Officer will be able to appoint a Deputy Chief Officer and 1 or more Assistant Chief Officers.

62—Other officers

The Chief Officer will be able to appoint other officers to the staff of SACFS.

63—Employees

The Chief Officer will be able to engage other persons as employees of SACFS.

64—Staff

The staff of SACFS will comprise all officers and other employees of SACFS. SACFS will also be able to make use of the services of persons employed in a public sector agency.

65—Workforce plans

The Chief Officer will prepare a workforce plan. The plan will be submitted to the Commission for its approval. An appointment to the staff of SACFS must accord with the plan.

66—Delegation

The Chief Officer will be able to delegate powers and functions.

Division 4—SACFS regions

67—SACFS regions

The Chief Officer will be able to establish SACFS regions within the country.

Division 5—Organisational structure

68—Establishment of SACFS organisations

The Chief Officer will be able to establish SACFS brigades. The Chief Officer will also be able to establish an SACFS group in relation to 2 or more SACFS brigades within a region.

69—South Australian Volunteer Fire-Brigades Association

This clause provides for the continuation of the South Australian Volunteer Fire-Brigades Association.

Division 6—Command structure

70—Command structure

This clause sets out the SACFS command structure. The relative authority of each officer and member of SACFS will

be in accordance with a command structure determined by the Chief Officer.

Division 7—Fire prevention authorities

Subdivision 1—The South Australian Bushfire Prevention Advisory Committee

71—The South Australian Bushfire Prevention Advisory Committee

72—The Advisory Committee's functions

The South Australian Bushfire Prevention Advisory Committee will continue in existence.

Subdivision 2

73—Regional bushfire prevention committees

74—Functions of regional committees

75—District bushfire prevention committees

76—Functions of district committees

The scheme for regional bushfire prevention committees and district bushfire prevention committees will continue.

Subdivision 3—Fire prevention officers

77—Fire prevention officers

This clause provides for the appointment of a fire prevention officer by each rural council.

Division 8—Fire prevention

Subdivision 1—Fire danger season

78—Fire danger season

The Chief Officer will fix the fire danger seasons for the State. A fire danger season will continue to be fixed after consultation with any regional bushfire prevention committee.

79—Fires during fire danger season

This clause sets out controls during a fire danger season.

Subdivision 2—Total fire ban

80—Total fire ban

The Chief Officer will be able to impose total fire bans. It will be an offence to fail to comply with a ban under this clause.

Subdivision 3—Permits

81—Permit to light and maintain fire

This clause continues the permit system relating to lighting and maintaining fires.

Subdivision 4—Power of direction

82—Power to direct

This clause sets out a specific power of direction where a fire has been lit contrary to the Act, or where a fire may get out of control.

Subdivision 5—Duties to prevent fires

83—Private land

This clause makes special provision to ensure that owners of private land in the country take reasonable steps to protect property on the land from fire and to prevent or inhibit the spread of fire.

84—Council land

A rural council must take reasonable steps to protect property on land under the care, control or management of the council from fire and to prevent or inhibit the spread of fire.

85—Crown land

Government bodies must take reasonable steps to protect property on land under the care, control or management of the relevant bodies from fire and to prevent or inhibit the spread of fire.

Subdivision 6—Miscellaneous precautions against fire

86—Fire safety at premises

An authorised officer may require the owner of premises of a prescribed kind in the country to take specified steps to prevent the outbreak of fire at the premises, or the spread of fire from the premises.

87—Removal of debris from roads

88—Fire extinguishers to be carried on caravans

89—Restriction on the use of certain appliances etc

90—Burning objects and material

91—Duty to report unattended fires

These clauses provide for various matters with respect to fire safety within the country. These provisions are based on provisions in the current Act.

Subdivision 7—Supplementary provisions

92—Power of inspection

This is a specific power of inspection to ensure that appropriate measures have been taken on any land with respect to the prevention, control or suppression of fires.

93—Delegation by councils

This is a specific power of delegation by councils to fire prevention officers under this scheme.

94—Failure by a council to exercise statutory powers

This clause addresses the action to be taken if a council fails to exercise or discharge a power or function under this scheme.

95—Endangering life or property

This clause creates a specific offence relating to endangering life or property through the lighting of fires in a fire danger season.

Division 9—Powers and duties relating to fires and emergencies

Subdivision 1—Exercise of control at scene of fire or other emergency

96—Exercise of control at scene of fire or other emergency

This clause sets out the circumstances where SACFS may assume control of a situation that may involve an emergency. This provision will operate subject to the provisions of the *Emergency Management Act 2004*.

Subdivision 2—Exercise of powers at scene of fire or other emergency

97—Powers

This clause sets out the powers that may be exercised by SACFS at the scene of a fire or other emergency. This provision will operate subject to the provisions of the *Emergency Management Act 2004*.

Subdivision 3—Related matters

98—Provision of water

A water authority may be directed to send a competent person to the scene of a fire or other emergency to assist in the provision of water.

99—Disconnection of gas or electricity

A body supplying gas or electricity to any place where a fire or other emergency is occurring must, if directed to do so, send a competent person to shut off or disconnect the supply of gas or electricity.

Division 10—Related matters

100—Accounts and audit

SACFS will be required to keep proper accounting records and to prepare annual statements of account. The accounts of SACFS will be audited by the Auditor-General. The accounts of an SACFS organisation will be audited in accordance with the regulations.

101—Annual reports

SACFS will prepare an annual report and provide it to the Commission.

102—Common seal and execution of documents

This clause relates to the use of the common seal of SACFS and the execution of documents.

103—Fire control officers

The Chief Officer will be able to appoint fire control officers for designated areas of the State.

104—Giving of expiation notices

An authority from a council to issue expiation notices under this Part may only be given to a fire prevention officer.

105—Appropriation of penalties

If a council lays a complaint for a summary offence against this Part, any fine recoverable from the defendant must be paid to the council.

Part 5—The South Australian State Emergency Service

Division 1—Continuation of service

106—Continuation of service

The State Emergency Service will continue as the South Australian State Emergency Service (SASES). (SASES is an agency of the Crown and holds its property on behalf of the Crown.)

107—Constitution of SASES

SASES will consist of the Chief Officer, all other officers, all SASES units and members, and all employees of SASES. The Chief Officer will be responsible for the management and administration of SASES and an act or decision of the Chief Officer in the management or administration of the affairs of SASES will be an act or decision of SASES.

Division 2—Functions and powers

108—Functions and powers

This clause sets out the functions of SASES. SASES will be able to exercise any powers that are necessary or expedient for the performance of its functions.

Division 3—Chief Officer and staff
109—Chief Officer
This clause makes specific provision with respect to the office of Chief Officer of SASES. The Chief Officer of SASES. The Chief Officer will be appointed by the Minister after taking into account the recommendation of the Chief Executive of the Commission. The Chief Officer is to assume ultimate responsibility for the operations of SASES and may therefore—

(a) control all resources of SASES; and
(b) manage the staff of SASES and give directions to its members; and
(c) assume control of any SASES operations; and
(d) perform any other function or exercise any other power that may be conferred by or under this or any other Act, or that may be necessary or expedient for, or incidental to, maintaining, improving or supporting the operation of SASES.

110—Deputy Chief Officer and Assistant Chief Officers
The Chief Officer will be able to appoint a Deputy Chief Officer and 1 or more Assistant Chief Officers.
111—Other officers
The Chief Officer will be able to appoint other officers to the staff of SASES.
112—Employees
The Chief Officer will be able to engage other persons as employees of SASES.
113—Staff
The staff of SASES will comprise all officers and other employees of SASES. SASES will be able to make use of the services of persons employed in a public sector agency.
114—Workforce plans
The Chief Officer will prepare a workforce plan. The plan will be submitted to the Commission for its approval. An appointment to the staff of SASES must accord with the plan.
115—Delegation
The Chief Officer will be able to delegate powers and functions.
Division 4—SASES units
116—SASES units
The Chief Officer will be able to establish SASES brigades.
Division 5—Powers and duties relating to emergencies
Subdivision 1—Exercise of control at scene of emergency
117—Exercise of control at scene of emergency
This clause sets out the circumstances where SASES may assume control of a situation that may involve an emergency. This provision will operate subject to the provisions of the *Emergency Management Act 2004*.
Subdivision 2—Exercise of powers at scene of emergency
118—Powers
This clause sets out the powers that may be exercised by SASES at the scene of an emergency. This provision will operate subject to the provisions of the *Emergency Management Act 2004*.
Subdivision 3—Related matter
119—Disconnection of gas or electricity
A body supplying gas or electricity to any place where an emergency is occurring must, if directed to do so, send a competent person to shut off or disconnect the supply of gas or electricity.
Division 6—Related matters
120—Accounts and audit
SASES will be required to keep proper accounting records and to prepare annual statements of account. The accounts of SASES will be audited by the Auditor-General. The accounts of an SASES unit will be audited in accordance with the regulations.
121—Annual reports
SASES will prepare an annual report and provide it to the Commission.
122—Common seal and execution of documents
This clause relates to the use of the common seal of SASES and the execution of documents.
123—S.A.S.E.S. Volunteers' Association Incorporated
S.A.S.E.S. Volunteers' Association Incorporated is recognised as an association that represents the interests of members of SASES units.
Part 6—Miscellaneous
124—Investigations
An authorised officer will be able to investigate the cause of a fire or other emergency.
125—Obstruction etc
126—Impersonating an emergency services officer etc
These are offence provisions.
127—Protection from liability
This clause provides protection from personal liability in relation to persons acting under the Act.
128—Exemption from certain rates and taxes
Emergency service organisations are to be exempt from water and sewerage rates, land tax and the emergency services levy (and see Schedule 6 in relation to council rates).
129—Power to provide sirens
An emergency services organisation or a council will be able to erect, test and use sirens to warn of the threat or outbreak of fire or the threat or occurrence of an emergency.
130—Provision of uniforms
A body within the emergency services sector may issue uniforms and insignia.
131—Protection of names and logos
The Commission will be able to protect and control the use of certain logos and titles.
132—Attendance by police
This clause makes specific provision with respect to the attendance of police officers at the scene of a fire or other emergency.
133—Disclosure of information
A person suspected of committing, or being about to commit, an offence may be required to provide his or her full name and address and to provide evidence of his or her identity.
134—Unauthorised fire brigades
This clause controls the establishment of other fire brigades in the country.
135—Interference with fire plugs, fire alarms etc
136—False or misleading statements
137—Continuing offences
138—Offences by bodies corporate
These clauses relate to offences.
139—Onus of proof
This clause will require a person who lights or maintains a fire during the fire danger season or on a day on which a total fire ban was imposed to prove some lawful authority to light or maintain the fire.
140—Evidentiary
This is an evidentiary provision.
141—Insurance policies to cover damage
A policy of insurance against damage or loss due to fire or another emergency will be taken to extend to damage or loss arising from measures taken under this Act.
142—Payment of costs and expenses for certain vessels and property
This clause provides for the recovery of costs and expenses involving a fire on a vessel for which an emergency services levy has not been paid.
143—Fees
The regulations may set out fees and charges for the provision of prescribed services.
144—Services
It will be possible for an entity to be engaged to provide a special service for a fee set by the relevant organisation.
145—Acting outside the State
146—Recognised interstate organisations
These clauses relate to interstate situations.
147—Inquests
The Commission or any emergency services organisation is entitled to be heard at any inquest into the causes of a fire or other emergency and may be represented at the inquest by counsel or by one of its officers.
148—Regulations
This clause relates to regulations under the Act. A regulation may be made with respect to a matter specified in Schedule 5.
149—Review of Act
A review of the operation of the Act is to be undertaken after the second anniversary of the commencement of the Act.
Schedule 1—Appointment and selection of assessors for District Court proceedings under Part 3
Schedule 2—Code of conduct to be observed by officers and firefighters for the purposes of Part 3

Schedule 3—Supplementary provisions relating to the South Australian Bushfire Prevention Advisory Committee

Schedule 4—Supplementary provisions relating to regional and district bushfire prevention committees

Schedule 5—Regulations

Schedule 6—Related amendments, repeals and transitional provisions

These schedules provide for related matters.

Ms CHAPMAN secured the adjournment of the debate.

EMERGENCY MANAGEMENT BILL

The Hon. P.F. CONLON (Minister for Emergency Services) obtained leave and introduced a bill for an act to establish strategies and systems for the management of emergencies in the state; to make related amendments to other acts; to repeal the State Disaster Act 1980; and for other purposes. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

The terrorist attacks in New York on September 11, the devastating attacks in Bali, the bombings in Jakarta and on the transport system in Madrid and the murder of one of our most senior public officials, have highlighted the fact that these types of events have no geographic or state loyalty, and do not recognise state or international boundaries. In addition, major floods and bushfires interstate have also demonstrated the significant human and financial costs of such events.

This Government is committed to ensuring that South Australia has in place the best possible emergency management and protective security measures to prevent, respond and recover to a full range of potential emergencies, from natural events to human initiated or terrorist activities and to ensure the safety of our community and the infrastructure.

At the present time the principal statute for managing emergencies, including disasters, in South Australia is the State Disaster Act. Whilst this Act has served the State well since its inception in 1980, the Government realised that, planning must be more sophisticated and required a shift in focus from 'disaster management' towards an 'all hazards' framework that encompasses prevention, preparedness, response and recovery.

As I advised the House on 16 October 2002, the Government commissioned a review of every aspect of our State's disaster legislation and associated disaster management arrangements to look at issues including:

· the role of government agencies in all aspects of emergency management and protective security;
· the governance arrangements for emergency management;
· recommendations to ensure South Australia is best positioned to manage a full range of potential emergencies.

The review identified a number of inadequacies in the existing arrangements including:

· insufficient clarity of governance arrangements between the Emergency Management Council, the Emergency Management Council Standing Committee and the State Disaster Committee;
· a lack of focus towards issues surrounding terrorism and protective security;
· a need to increase the involvement by local government and the owners and operators of key infrastructure services such as electricity, gas and oil;
· a lack of accountability on government chief executives for emergency management and protective security planning.

As a result of the Review, the Government has introduced an Emergency Management Bill to replace the State Disaster Act.

The Emergency Management Bill will facilitate the required shift in culture from "disaster management" towards an "all hazards" framework and ensure appropriate strategies and systems are in place to enable a seamless emergency management transition from minor emergencies through to a disaster.

The Emergency Management Bill includes an additional level of emergency to be known as an "Identified Major Incident". This level will provide a new transitional step between a day to day emergency and a declared Major Emergency. It may be used for emergencies where, because of the complexity of co-ordination or the magnitude of the event, a higher degree of management and co-ordination is appropriate.

Whilst this Bill will be the peak legislation for any emergency that is declared as an Identified Major Incident, Major Emergency or Disaster, it will complement the Fire and Emergency Services Bill, currently before the House. The Bill will in no way curtail the specific roles and responsibilities of control authorities that are identified in current legislation.

To improve the governance arrangements for emergency management and protective security, the Government will replace the Emergency Management Council Standing Committee and the State Disaster Committee with a State Emergency Management Committee which will report directly to the Emergency Management Council.

Because of the importance this Government places on the role of the State Emergency Management Committee, it will be chaired by the Chief Executive of the Department of the Premier and Cabinet and include membership at Chief Executive level from other Government Departments. Also included will be Senior Executives from the Police, Ambulance and other Emergency Service agencies and a senior representative from the Local Government Association.

The State Emergency Management Committee will be accountable for the development and continual improvement of the State Emergency Management Plan. This Plan will incorporate the South Australian State Counter-Terrorism Plan and the South Australian Government Protective Security Manual.

In addition, the Committee will provide strategic policy advice and leadership across the whole of government in relation to emergency management, protective security and counter-terrorism issues.

To assist the State Emergency Management Committee, a series of "Hazard Leaders" will be identified to develop State level hazard plans in areas that pose risks to the community of South Australia and may have a major impact on the emergency management needs of the State. Specific hazards include such issues as bushfires, flood, failure of an essential service, animal or plant disease, transportation and storage of hazardous or dangerous goods, human disease including pandemic or epidemic, transport infrastructure failure, information technology failure or natural disasters such as earthquake.

To further enhance the Government's commitment to emergency management and protective security, Emergency Management Zones will be established across the State, including the metropolitan area. The Zone Emergency Management Committees will, through their membership, enhance the close working relationship that already exists between the Local Government, Police and Emergency Services and the community.

The Commissioner of Police will continue to be the State Co-ordinator and have the ability to exercise a wide range of powers once an emergency is declared at Identified Major Incident or greater.

It is essential to the future well-being of South Australia to ensure that there is a robust capability to recover from emergency incidents, not only in terms of personal issues, but also economically and environmentally.

The Emergency Management Bill emphasises this capability and fixes accountability to the State Emergency Management Committee and Zone Emergency Management Committees to ensure that all plans include recovery strategies.

This Government is committed to ensuring that South Australia is best positioned and has the best possible plans in place to manage a full range of potential emergencies that may confront our State in the 21st century.

The Emergency Management Bill will provide the basis from which the State's emergency management and protective security strategies and plans can be developed. In addition, it will provide an improved holistic framework to enable the State to mitigate against, plan for, respond to and recover from any emergency, whether minor in nature or catastrophic.

I commend the Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines certain terms used in the measure. In particular, ***emergency*** is defined broadly as an event that causes, or threatens to cause—

· the death of, or injury or other damage to the health of, any person; or

· the destruction of, or damage to, any property; or

· a disruption to essential services or to services usually enjoyed by the community; or

· harm to the environment, or to flora or fauna.

It should be noted that this is not limited to naturally occurring events (such as earthquakes, floods or storms) but would, for example, include things like epidemics, hi-jacks, sieges and acts of terrorism. A note to this effect is included in the measure. The measure provides a framework for emergency planning and management in the State, so the breadth of this definition would allow those planning and management functions to be exercised in relation to a broad range of incidents or types of hazards. The measure then provides for more serious emergencies (described in the measure as ***identified major incidents***, ***major emergencies***, and ***disasters***) to be declared under the measure and for special powers to be exercisable in relation to such declared events.

4—Application of Act

This clause ensures that the Act would not apply to industrial disputes or the control of civil disorder.

5—Interaction with other Acts

The measure does not derogate from other Acts but would prevail in the event of inconsistency with another Act.

Part 2—State Emergency Management Committee

6—Establishment of State Emergency Management Committee

This clause establishes the State Emergency Management Committee (***SEMC***) and outlines its membership.

7—Terms and conditions of membership

This clause provides the terms and conditions of membership of SEMC.

8—Vacancies or defects in appointment of members

This clause provides for vacancies to be filled and ensures that an act or proceeding is not invalid by reason only of a vacancy or a defect in appointment.

9—Functions and powers of SEMC

Under this clause, the main functions of SEMC are—

· providing leadership and maintaining the oversight of emergency management planning in the State;

· preparation of the State Emergency Management Plan;

· providing advice to the Minister relating to the management of emergencies in the State;

· undertaking risk assessments relating to emergencies or potential emergencies;

· liaising with those agencies who are given functions under the State Emergency Management Plan;

· co-ordinating the development and implementation of strategies and policies relating to emergency management (including strategies and policies developed at a national level and agreed to by the State);

· monitoring and evaluating the implementation of the State Emergency Management Plan during any identified major incident, major emergency or disaster and the response and recovery operations taken during or following the emergency.

For the purposes of preparing and implementing the State Emergency Management Plan, SEMC can create offices and appoint persons to those offices and can assign functions to the State Co-ordinator (appointed under Part 3 of the measure) or, with the approval of the State Co-ordinator, to any Assistant State Co-ordinator.

10—Proceedings of SEMC

This clause includes various provisions relating to the manner in which the proceedings of SEMC are to be conducted (eg. in relation to who is to preside at meetings, the quorum, manner of making a decision, telephone conferences etc.)

11—Establishment of advisory groups by SEMC

Under this clause SEMC can establish advisory groups, and is compelled to establish an advisory group in relation to recovery operations.

12—Delegation

This clause provides for delegations by SEMC.

13—Annual report by SEMC

This clause provides for an annual report by SEMC.

Part 3—The State Co-ordinator

14—Appointment of State Co-ordinator

This clause provides that the Commissioner of Police is to be the State Co-ordinator. Note that the *Police Act 1998* provides that when the Commissioner is absent from duty, or during a vacancy in the position of the Commissioner, the Deputy Commissioner may exercise and perform all the powers, authorities, duties, and functions conferred or imposed on the Commissioner by or under that Act or another Act or any law.

15—Functions and powers of State Co-ordinator

The functions of the State Co-ordinator are—

· to manage and co-ordinate response and recovery operations;

· to ensure SEMC is, in the case of a declared emergency, provided with adequate information in order to fulfil its monitoring functions under the measure;

· to carry out other functions assigned to the State Co-ordinator.

16—Assistant State Co-ordinators

The State Co-ordinator may appoint Assistant State Co-ordinators at any time and must, as soon as practicable after the declaration of an emergency under the measure, appoint an Assistant State Co-ordinator to deal with issues relating to recovery operations for that emergency.

17—Authorised officers

Police officers are (by virtue of the definition in section 3 of the measure) authorised officer for the purposes of the measure and the State Co-ordinator may appoint other authorised officers under this clause. The clause also provides a requirement for identity cards to be issued to, and produced by, such authorised officers.

18—Delegation

This clause provides a power of delegation for the State Co-ordinator.

Part 4—The management of emergencies

Division 1—Co-ordinating agency

19—Co-ordinating agency

The co-ordinating agency in an emergency is responsible for—

· consulting with the relevant control agency and taking action to facilitate the exercise by the control agency of its functions or powers in relation to the emergency;

· determining whether other agencies should be notified of the emergency or called to the scene of the emergency or otherwise asked to take action in relation to the emergency;

· advising the State Co-ordinator in relation to the emergency;

· exercising any other functions assigned to the co-ordinating agency under the measure or the State Emergency Management Plan.

This clause identifies South Australia Police as the co-ordinating agency for all emergencies (not just those declared under Division 3) unless the State Emergency Management Plan designates a different body as the co-ordinating agency in relation to a particular kind of emergency.

Division 2—Control agency

20—Control agency

The control agency, in relation to an emergency, is the agency given that function in relation to such an emergency under an Act or law or under the State Emergency Management Plan (or, where no agency is given that function or multiple agencies are given that function or where it is unclear who is given that function, it will be the agency determined by the co-ordinating agency). This general position is, however, subject to an exception in the case of emergencies where terrorism is suspected, in which case, South Australia Police will be the control agency.

Division 3—Declaration of emergencies

21—Publication of guidelines

This clause allows the publication (by SEMC) of guidelines in relation to when it will be appropriate for an emergency to be declared as an identified major incident, a major emergency or a disaster under the measure.

22—Identified major incidents

This clause allows for the declaration by the State Co-ordinator of identified major incidents. Such a declaration

remains in force for a maximum period of 12 hours and cannot be renewed.

23—Major emergencies

This clause allows for the declaration of major emergencies by the State Co-ordinator. Such a declaration remains in force for a maximum period of 48 hours and can be renewed or extended with the approval of the Governor.

24—Disasters

This clause allows for the declaration of disasters by the Governor. Such a declaration remains in force for a maximum period of 96 hours and can be renewed or extended only with the approval of Parliament.

Division 4—Powers that may be exercised in relation to declared emergencies

25—Powers of State Co-ordinator and authorised officers

This clause sets out the powers that can be exercised by authorised officers during a declared identified major incident, major emergency or disaster. These include various powers to enter land, use property and issue directions. Only in the case of a major emergency or disaster is there a power to issue directions to a control agency.

26—Disconnection of gas or electricity

This clause requires a person or company supplying gas or electricity to a place to send a competent person to shut of the supply of gas or electricity when directed to do so under the Division.

Division 5—Recovery operations

27—Recovery operations

This clause deals with recovery operations (which must be carried out in accordance with the State Emergency Management Plan. Operations can only be carried out on private land with the consent of the owner of the land or if the State Co-ordinator is satisfied that it is not practicable to seek the consent of the owner (because the owner cannot be located or for some other reason) or that the consent of the owner is being unreasonably withheld.

The provision would also allow recovery of costs where work is carried out and some other person has a duty to carry out the work (eg. a body that has a statutory or contractual obligation to provide an essential service) or has a legal liability in respect of the work (eg. an insurance company).

Part 5—Offences

28—Failure to comply with directions

Under Part 4 there are various powers to issue directions in the course of response and recovery operations following a declared emergency. This clause makes it an offence to fail to comply with a direction, punishable by a fine of $20 000 for a natural person or $75 000 for a body corporate.

29—Obstruction

This clause makes it an offence to hinder or obstruct operations carried out in accordance with the measure. The penalty is a fine of $10 000.

30—Impersonating an authorised officer etc

This clause makes it an offence to impersonate an authorised officer. The penalty is a fine of $10 000.

31—Disclosure of information

This clause allows an authorised officer to require a person to state the person's name and address, and to produce evidence of identity where the authorised officer reasonably suspects the person has committed, is committing or is about to commit and offence against the measure. Failure to comply with such a direction is punishable by a fine of $5 000.

Part 6—Miscellaneous

32—Protection from liability

This clause provides protection from liability for the State Co-ordinator and other persons exercising powers and functions under the measure.

33—Employment

This clause provides employment protection for persons exercising official duties under the measure.

34—Evidentiary

This clause provides various evidentiary presumptions to aid proof of certain matters under the measure.

35—Offences by bodies corporate

This clause provides for criminal liability for directors and managers where an offence is committed by a body corporate (unless it is established that the director or manager could not, by the exercise of reasonable diligence, have prevented the commission of the principal offence by the body corporate).

36—Insurance policies to cover damage

This provision mirrors a provision in the Fire and Emergency Services Bill 2004 and ensures that insurance policies covering the damage caused by an emergency would also cover any damage caused by the exercise of powers under the measure in dealing with the emergency.

37—State Emergency Relief Fund

This clause continues the current State Disaster Relief Fund as the State Emergency Relief Fund and is otherwise in the same terms as the existing fund provision in the *State Disaster Act 1980.*

38—Regulations

This clause is a regulation making power which, apart from the usual power to make regulations contemplated by or necessary or expedient for the purposes of the measure, also includes power to make regulations necessary in consequence of conditions directly or indirectly caused by a declared emergency. This is the same as the current regulation making power under the *State Disaster Act 1980*.

Schedule 1—Related amendments, repeal and transitional provisions

The Schedule makes some minor consequential amendments to other legislation (to change references to the *State Disaster Act 1980* to references to the Emergency Management Act 2004, repeals the *State Disaster Act 1980* and includes a transitional provision allowing the State Disaster Plan to continue as the State Emergency Management Plan until such time as it is replaced in accordance with the measure.

Ms CHAPMAN secured the adjournment of the debate.

DOG AND CAT MANAGEMENT (MISCELLANEOUS) AMENDMENT BILL

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

No. 1. Clause 13, (new section 21A(4)), page 7, lines 32 to 34—Delete subsection (4) and substitute:

(4) Accreditation of a dog remains in force for the life of the dog unless it is earlier revoked by the Board or surrendered by the owner of the dog.

No. 2. Clause 13, (new section 21A), page 7, after line 38—Insert:

(6) The Board may only revoke the accreditation of a dog if the Board is satisfied that—

(a) the dog's ill-health, injury or advanced age prevents the dog from carrying out its functions as a disability dog, guide dog or hearing dog (as the case may be); or

(b) the dog is temperamentally unsuitable to continue to be accredited as a disability dog, guide dog or hearing dog (as the case may be); or

(c) the owner of the dog is unable to maintain effective control of the dog (whether by command or by means of physical restraint).

No. 3. Clause 16, page 8, line 17—Delete "Board" and substitute: Minister

No. 4. Clause 19, (new section 31A), page 9, lines 30 to 39 and page 10, lines 1 to 6—Delete new section 31A and substitute:

31A—Medical practitioner must notify Board of certain injuries resulting from dog attacks

(1) A registered medical practitioner who treats a victim of a dog attack for physical injury must, if of the opinion that the injury is one that should, because of the nature of the injury, be brought to the attention of the Board, notify the Board of the injury and the circumstances surrounding the injury.

(2) The Board must include a report of information received under this section in its annual report.

No. 5. Clause 23, page 11, lines 15 and 16—Delete these lines.

No. 6. Clause 28 (new section 44(3)(b)), page 13, lines 30 and 31—Delete paragraph (b).

No. 7. Clause 28, (new section 45(1)), lines 2 and 3—Delete ", while being transported in a vehicle, is not restrained in accordance with the regulations," and substitute:

is not physically restrained while being transported in the open tray of a utility, truck or other similar vehicle,

No. 8. Clause 28, (new section 45), lines 11 to 14—Delete subclause (3) and substitute:

(3) For the purposes of this section, a dog is *physically restrained* while being transported in the open tray of a utility, truck or other similar vehicle if—

(a) the dog is being transported within a cage or other like enclosure; or

(b) the dog is securely tethered to the vehicle so that the dog cannot fall or escape from the vehicle.

(4) This section does not apply to the transport of—

(a) an accredited guide dog; or

(b) a dog that is being used in the droving or tending of stock or is going to or returning from a place where it will be, or has been, so used.

No. 9. Clause 41, page 24—Delete clause 41.

No. 10. Clause 45, page 27, after line 4—Insert:

3A—Renewal of registration

Despite section 36(2), if an application for renewal of registration that expires on 30 June 2004 is made after the commencement of this clause but before 30 November 2004, the renewal operates retrospectively from 30 June 2004.

Consideration in committee.

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

That the Legislative Council's amendments be agreed to.

I indicate to the committee that the government accepts the minor amendments moved in the other place. It is fair to say that the government did not support all of them, but we reached a reasonable compromise. It is a good package, and I think both houses now support it, which is a good thing. The measure will produce a much stronger dog management regime which properly balances the needs of dog owners with the needs of the general community to be protected from dogs. I commend the bill to the committee.

The Hon. I.F. EVANS: As a courtesy to the committee, will the minister explain which amendments were accepted by the other place and what we are voting on?

The Hon. J.D. HILL: The amendments have been circulated. I will table the schedule and invite the member for Davenport to read through it. The essential issues related to the reporting processes. Originally, we intended that every dog attack be reported to the police, but that was changed. We intended that the Dog and Cat Management Council would set fees. The council will certainly play a role, but the local government authorities will set the fees and refer them to the minister for final approval.

We accepted amendments which put into effect what we planned to do anyway, that is, to restrain dogs only on the backs of vehicles, utilities and so on and not to restrain them within a vehicle. We extended the process by which registration can expire from 30 June to 30 November this year to allow easy transition. Those were the main amendments accepted. I thank all members for their contribution to the debate in both houses.

The ACTING CHAIRMAN (Ms Thompson): There is no need to table the amendments, minister; they have been circulated.

Motion carried.

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

The DEPUTY SPEAKER: There not being a quorum present, ring the bells.

A quorum having been formed:

STATUTES AMENDMENT (CO-MANAGED PARKS) BILL

In committee.

(Continued from 23 March. Page 1568.)

Clause 2.

The Hon. I.F. EVANS: How soon after its passage through the upper house does the minister envisage this bill being proclaimed and, therefore, the act commencing?

The Hon. J.D. HILL: The simple answer is as soon as possible.

Clause passed.

Clause 3 passed.

Clause 4.

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

Page 3, line 19—
Delete 'Unnamed' and substitute:
traditional owner

The Hon. I.F. EVANS: For the benefit of those who read it, what is the purpose of the amendment?

The Hon. J.D. HILL: I understand that it is a consequential amendment. The purpose of the legislation, of course, is to transfer title of this park to the traditional owners, the Maralinga people. As I understand it, this is a consequential amendment to that end, but I will obtain advice why this amendment is required. The member probably understands that two pieces of legislation are being amended. The first is the Maralinga legislation, which transfers title of the park to the traditional owners, and that is really what that part of the amendment is about.

The second piece of legislation is the National Parks Act, and that is to establish a system of co-management to involve traditional owners of particular parcels of land. A series of types of co-management is envisaged under the amendments to the National Parks Act, one of which is particularly pertinent to this bill, and that is to establish a capacity for co-management of lands that are owned by traditional people. It applies, through this legislation, to only one parcel of land and that is the Unnamed Conservation Park. I am advised that this is a technical matter: it was a drafting error. 'Unnamed' should have been changed in the original set of amendments to 'traditional owner'.

Amendment carried; clause as amended passed.

Clause 5.

The Hon. I.F. EVANS: This clause as I understand it allows the land to be invested in the Maralinga people—the entity, in effect—and essentially they get freehold title. I do not understand the system, but I assume it is the same freehold title that exists on any other block of land.

The Hon. J.D. HILL: It is a freehold title, but it is an inalienable freehold title, in other words, they cannot sell it or divest ownership of that land—they cannot sell it to another corporation or body. It is a similar title to that under which the Maralinga and AP lands are held.

The Hon. I.F. EVANS: So one assumes that somewhere in some legislation there is an exemption for this land not to be charged rates and levies based on the property value, given that it is freehold title. On my freehold title I get charged rates and levies, the emergency services levy, and so on.

The Hon. J.D. HILL: I am not certain of the exact answer, but I can follow it up. It is in an unincorporated part of the state, so there is no council collecting levies and taxes in that area. The rules that would apply to the AP lands or the Maralinga-Tjarutja lands would apply to this parcel of land. If they are exempt, so would be this parcel of land. They are in an unincorporated part of the state where levies are not charged.

The Hon. I.F. EVANS: Under the natural resource management legislation, is the minister not proposing that the unincorporated areas will have the capacity to levy land?

The Hon. J.D. HILL: I thought you were talking about council rates.

The Hon. I.F. EVANS: Under the natural resource management legislation my understanding is that freehold land in unincorporated areas will be levied. If that is the case, what is the value of this land and will they be charged the natural resource management levy?

The Hon. J.D. HILL: The honourable member is asking questions about another piece of legislation altogether. Those matters would be determined through the natural resources management bill and not through this piece of legislation. I cannot answer that question because the process has not yet been established to determine how it can be worked out. Under the NRM legislation a board will cover the Aboriginal lands in the western part of the state and that board will determine what kind of rating system will be put in place. I am not sure how they will do that. It will be a complex thing because we are talking about bodies that do not have individual title to land, so they may well have a levy placed on the corporation or entities that own the land on behalf of the people. That will be worked out through the NRM process and not through this process.

The Hon. I.F. EVANS: Minister, you are the minister for both pieces of legislation. The way I understood the briefing, the government has decided to contribute $200 000 a year for the next five years to the board that will be established under this act to pay the expenses of administering the land. I am interested in how much of that money will go into the natural resources management levy and come back to the government, because currently no levy is paid on that land. My understanding is that land in unincorporated areas that is freehold will be subject to the natural resource management levy. I cannot remember how big is the park, but from memory it is a reasonable size. I think it may be reasonably valuable and the natural resources management levy may be reasonably large. Has the process thought about the charging of those levies out of the $200 000 budget?

The Hon. J.D. HILL: The land is 20 000 square kilometres—a large piece of land, as the member has acknowledged. Secondly, national parks will not pay the levy, which was one of the issues we debated in the NRM process. Thirdly, none of the $200 000 will go to the NRM process: this is money to manage the national park and the board established under this bill to develop a management plan and run the park. If there is an NRM contribution to be paid by the traditional owners of the AP and Maralinga lands, that will be worked out by the board established under the NRM. Indeed, all boards will develop a strategy plan and budget to meet that plan and will determine what, if any, levy will apply within their districts. I cannot tell you what it will be or how it will be worked out because it will be up to the board established under the legislation to do that.

Clause passed.

Clause 6.

The ACTING CHAIRMAN (Mr Koutsantonis): Clause 6 has subclauses (a) to (g). I will take three questions on each subclause, unless the member for Davenport has no questions. Does the honourable member want three questions on each of subclauses (a) to (g)?

The Hon. I.F. EVANS: If you are going to chair it in this fashion, Mr Acting Chairman, I will reserve my right, as offered by the chair, to ask three questions on each of those subclauses or, in fact, speak three times for 15 minutes on each subclause.

The ACTING CHAIRMAN: I am trying to be helpful. Clauses 6(a) to (g) have a lot of different definitions and points, so to help you out, rather than just giving you three questions on the whole of clause 6, can you indicate on which ones you would you like to speak?

The Hon. I.F. EVANS: I would like to speak on all of them.

The ACTING CHAIRMAN: Very well, go ahead, member for Davenport, but make sure you keep to the exact definitions of each subclause.

The Hon. I.F. EVANS: To clarify, sir, are you saying that I am limited to three questions on each subclause and that I do not have the capacity to speak three times for 15 minutes on subclauses (a) to (g), or are you limiting me to only three questions?

The ACTING CHAIRMAN: Member for Davenport, I was offering you some leniency because there are so many subsections, but if you wish to be technical about it you have only three questions on clause 6: I am offering you the opportunity to speak on the subclauses of your choice.

The Hon. I.F. EVANS: If I indicate which subclauses I will speak on, are you saying that I can speak three times for 15 minutes?

The ACTING CHAIRMAN: Very well, if you want to speak three times for 15 minutes on each, go ahead.

The Hon. I.F. EVANS: I do not wish to do that, but I wish to clarify how we will chair the committee. I will now speak on this clause rather than ask a question. To go back to the *Hansard*, we can see the courtesy the opposition extended to the government during the second reading stage of this bill.

Mr Snelling: That is nonsense.

The CHAIRMAN: Order! The member for Playford is out of order. Let us not degenerate: we are getting closer to Christmas, so we need a spirit of goodwill and we want to get out of here before it gets too late. The member for Davenport should ignore attempts to agitate him.

The Hon. I.F. EVANS: I am allowed to make a contribution and, as I recall the second reading contributions in this debate, a select committee was to be established and there was one speaker for about three minutes at the second reading stage on that basis. There are members on this side, as the minister well knows, who could have made long contributions, namely, the members for Stuart and MacKillop. Some people, who have passionate interests about these type of issues, did not take the opportunity to speak during the second reading contribution.

We had a three-minute second reading contribution on this issue and we extended the government that courtesy because we were going to a select committee. The select committee never took any evidence; did not get a submission, not even from the government itself; did not take one piece of evidence; and did not even call a witness. What the opposition did is give up its chance to contribute during the second reading debate on the basis that we could have a select committee which, in effect provides a mechanism to find out more about the bill. We found out nothing about the bill during the select committee process because we called no witnesses and called for no papers.

I think we did extend the government some courtesy in that process. It could have been a lot more difficult if the opposition wanted it to be so. But we did not go down that path. And it will be a pretty short process tonight if the

committee is chaired the way in which committees are normally chaired.

The CHAIRMAN: I am mindful of the point the member for Davenport has made, and I think he is making a valid point, but I ask him now to get on to the substance of the matter before us.

The Hon. I.F. EVANS: If the board meets the payroll tax threshold at some time in the future by way of salary payments, will it be a payroll taxpaying entity?

The Hon. J.D. HILL: That is an interesting question. I would not have thought so, but we can certainly take advice. We will get clarification of this: I just cannot answer the question now. If it is, I guess we will have to make provision for it. As I understand it, there will be a board of a small number of individuals who meet four times a year for a couple of times each, and two National Parks officers and perhaps some part-time workers employed within the budget of $200 000. I am not entirely sure whether there will be a tax. I doubt it, but I can obtain clarification for the honourable member.

The Hon. I.F. EVANS: The point I am making is that water catchment boards were never going to pay payroll tax, and this government has now had to make the provision to reimburse them for payments of payroll tax that they were never going to make. From my understanding of the way this is drafted, there is nothing stopping the board employing people, so in the future the board can generate income by its own means through, for example, the charging of fees or the demanding of mining royalties from mining companies and then use those moneys to employ people, which may put them over the payroll tax threshold. I therefore believe they will probably, like the water catchment boards, get caught for payroll tax purposes in regard to their payments. It amazes me why we would set up a board to manage these lands that would be eligible to pay payroll tax—why it would not be exempt. That would seem to be the way to go.

In relation to mining, will the board have the power to stop mining occurring in the Unnamed Conservation Park, which I understand is proclaimed for no mining in its entirety? What about other parks that can be brought in under co-managed agreements? Will the boards that control those parks have the capacity to decide that there is no mining, even though the government of the day has not proclaimed them as a no mining park?

The Hon. J.D. HILL: This is an important question, and I am glad the honourable member asked it because it gives me a chance to explain how it would work. As I said at the beginning, this bill amends two acts. It does two different things that are related to each other. First, it establishes ownership of the Unnamed Conservation Park by the traditional owners, and that is a transfer of title. Secondly, it establishes a way for the government to enter into co-management in relation to a range of national parks. Regarding the first bit, once this bill is passed—assuming it is passed—the traditional owners of the land who will then have legal title will not really be put in a position to determine whether or not mining will occur because, as the honourable member said, the land is already protected from mining by legislation, as it is a singly proclaimed conservation park.

So, the issue of whether or not to mine on this land is irrelevant because the legislation would have to change in order to have mining occur in that park. It could be the will of a future government to allow that to happen and, if a future government chose for that to happen, it would have to go through the process of amending the law.

In relation to the structure established under the national parks, there is a variety of scenarios. Let me give an example. If the owners of the AP lands decided that there was a certain section in their lands that they wanted to have as a national park, and they approached the government and said, 'We want to establish a national park in this area,' and we went through the process of doing that, their existing rights to have a say over mining in that area would continue, because now, if anyone wants to mine in the AP lands, the traditional owners have certain rights in relation to saying yea or nay about mining. Those rights would continue if part of that land were to be proclaimed a national park.

In relation to land which is not owned by Aboriginal people but with which the government may or may not enter into a co-management arrangement, I can cite the example of the Gammon Ranges, with which the member for Davenport is familiar. That is a good example. That is a singly proclaimed national park. If we entered into an arrangement with the Adnyamathanha people in relation to that land, which is still owned by the state but over which there is a co-management arrangement, that land is still protected by parliament because it is a singly proclaimed park. But if we were to enter a co-management arrangement over land such as Yumbarra, which has now been made into a multiple use park, with the traditional owners of that land, they would have a right to be consulted and have a say about mining, but it would be the same right that the Director of Parks would currently have.

So, mining would still be allowed on that parcel of land, and the management plan that would be established for that parcel of land would determine what kinds of activities could occur on it. If mining was allowed, then the management plan would say under what conditions and so on, and the board that would be established, which would not necessarily be a board that had traditional owner membership—it could, but it would not necessarily have that condition—would determine the circumstances under which mining would occur; and, ultimately, it would be the minister of the day who would make a decision about whether or not mining would occur. The short answer to the question is that this will not change at all the rights of miners to access land that is multiply proclaimed. And, clearly, it will not affect land that is only singly proclaimed.

The Hon. I.F. EVANS: Just so that I am clear: a co-managed park agreement cannot give a power to the board to independently not allow mining: the only person who will be able to disallow mining will be the minister. Is that so?

The Hon. J.D. HILL: The way that the member has explained that is correct: that is exactly my understanding. It will not transfer the minister's rights to allow mining on multiply proclaimed parks if they are co-managed. There are three kinds of co-management which the bill creates. One is a co-management arrangement in relation to traditionally-owned land; the second is a co-management arrangement in a national park which is owned by the Crown which establishes a board to assist co-management; and the third tier is a co-management arrangement where a board is not established, where agreement and participation of traditional owners might occur in a day-to-day sense.

Clause passed.

Clause 7 passed.

Clause 8.

The Hon. I.F. EVANS: For the benefit of the committee, can the minister explain what the public access provisions are going to be in relation to any co-managed park and, specifically, the Unnamed Conservation Park.

The Hon. J.D. HILL: The advice I have is that they will be exactly the same for the Unnamed Conservation Park and for any other park. The difference in relation to the Unnamed Conservation Park will be that a person wishing to visit will have to get a permit, as they do currently, but they will get the permit from the board rather than from the director of parks or from the department. Their powers as to what they can or cannot approve will be constrained by the management plan, which will make it clear that access will be allowed under the same sort of circumstances that it is now. Of course, the board may stop access under certain circumstances, for example if there was a fire in the park or something of that ilk, which occurs now through the national park system, as the member would understand.

The Hon. I.F. EVANS: Just forget the Unnamed Conservation Park for a minute. Let us say that there is another park that the government of the day wishes to make a co-managed park, and it is not proclaimed as a 'no mining' area. So, mining is available. What rights does the board—through the management plan—have to put restrictions on access through the access arrangements in the management plan? Can they use the management plan to restrict access rights to the mining industry in any way?

The Hon. J.D. HILL: That is a circumstance where the park is still crown land, where it is multiply proclaimed—a multiple use park—and there would be a management plan that would describe what would happen. If we created a board in relation to it, the board could make suggestions and recommendations, but the decision would ultimately be up to the minister of the day, because it is still a national park. It is to do with who owns the land. In the case of lands which are owned by the traditional owners, they have a greater authority—and that is what we are talking about in relation to the MT lands—but in relation to any other park where we might enter into this arrangement, what we are talking about is bringing the traditional owners in to share in the decision-making process, to be involved in the day-to-day management of the park. The government sees this as a way of creating employment opportunities, of assisting with the development of communities, creating esteem, and all those kinds of things.

However, in a co-managed park which was still crown land, the ultimate decision would be with the minister of the day, and the board would give advice. The board would not necessarily be dominated by traditional owner interests—it could well be a board established where the majority of members were national parks, or other, people. It would give advice to the minister, who would make a decision. That is exactly the case now. Departments give advice to ministers, ministers sign off on them, change them, send them back, or whatever.

The Hon. I.F. EVANS: Access is a broad term. When they seek to mine, they will want to set up mining camps, roads, and all those sorts of things. Even though the minister of the day says that access is available and authorised, can the management entity use the management agreement to so restrict the practical application of the mining operation that it becomes untenable for the miner to actually continue. For example, can the agreement say that they can only have a campsite a large distance away from the ore deposit or that they cannot cut a road unless it is a large distance away from the ore deposit? In other words, can the management agreement be used to undermine the minister's agreement to allow mining in the area?

The Hon. J.D. HILL: That power lies with the minister. If a board tried to do that, for example, the minister could sack the board because it is the minister's creation, the government's creation. We are trying to develop a cooperative arrangement, and one would hope that in those sort of circumstances jobs would be offered to traditional owners and their families and children, and so on. But, no: the advice I have is that power would remain with the minister. I can easily understand that there could be a situation where there is a dispute but, ultimately, the power is with the minister.

Clause passed.

Clauses 9 to 12 passed.

Clause 13.

The Hon. I.F. EVANS: Is there any reason why the government is not offering co-management agreements to the non-Aboriginal community? For instance, Belair National Park is adjacent to my electorate and it seems to me that there would be lots of people within that community who would love to have an opportunity to sit on a board of co-management and give the government some advice about what they might or might not do with the park. Is there any reason why this instrument is not being broadened to include the non-Aboriginal community?

The Hon. J.D. HILL: There are yes and no answers to this. I suppose this is really a piece of legislation that is designed as an act of reconciliation and to facilitate the participation of traditional owners in the management of national parks. I guess it is to recognise their special position in our society and to try, in some small way, to help overcome some of the disadvantage that some traditional owners experience.

In relation to non-traditional owners—people with European or other backgrounds who live in the Australian community—there are mechanisms in place that allow them to participate in the management of parks. There are a wide variety of friends groups that the member would be aware of—the Friends of Belair being a particularly strong lobby group, as I am sure the member recalls—and, of course, there are also the consultative groups that were established by the Hon. David Wotton some 20 or so years ago, I think. They are used to consult with local communities about the way things are managed.

Their association with the land is of a different nature than the association of those who have a deeply held spiritual involvement in that land. I think the point that the member raises is an interesting one: whether we should have co-management of lands that are held by other groups. I can envisage situations where people who hold large parcels of land—and a lot of that land is managed for conservation outcomes rather than for production outcomes—might want to be involved in a national park on a private piece of land. I certainly think that is worth considering. The parcel of land, the Sprigg property Arkaroola, adjacent to the Gammon Ranges, is perhaps an example of a property that is managed as a national park. It is managed as a conservation area with a tourist facility in it. That may well be a parcel of land where we could have a co-management agreement of privately held land, as a national park. I do not know if my officers have ever thought about this. I imagine they have contemplated it, but his legislation does not go that far.

An honourable member interjecting:

The Hon. J.D. HILL: It is governments that make policy, as the member knows. I am personally not opposed to that idea, but I guess we would have to think it through and consult about it, but this is not a piece of legislation that

attempts to deal with that issue. I am not saying it should not be dealt with at some other time.

Clause passed.

Clauses 14 to 17 passed.

Clause 18.

The Hon. I.F. EVANS: I am just wondering on what basis a national park would cease to exist, because the co-managed park agreement folds or is terminated. Currently a national park can only not be a national park if the parliament says so. This makes it simply an administrative decision, because the minister of the day is not happy with the group that he appointed, and the way they are managing the agreement. In effect it is terminated, and so on what basis is not a parliamentary decision.

The Hon. J.D. HILL: I might need to get further advice in relation to this, and it may be my own lack of understanding, but if we are talking about a national park being established on Aboriginal land, say on the Pit lands, as I discussed before, to establish a national park on that land the matter would have to come to the parliament to be established, as I understand it. The parliament may decide that there be a park established there for a number of years, or it could be an indefinite period and, at the end of that agreement, it would cease to be a national park.

I see the point the member is making, and I would like to have a closer look at this between the houses, because I am not sure exactly, unless I can get some further advice. What would happen in the event that a traditional owner of the land wished to establish a national park on their land is that we would have to enter into some sort of agreement with them about the way that would be managed. Then we would come to the parliament and say that we intend to proclaim that area a national park. This gives a reserve power to the traditional owners to walk away from that agreement should they decide they no longer wish it to be a national park.

I guess, if you think it through, that is more likely to create national park conditions than if you were to say to traditional owners that once you have established a national park you are then put in the position of not having control over that land, and it is really kind of identifying or recognising the traditional owners and their powers over their own land. So, it is saying to them, 'Yes, you can have a national park, the parliament will have to agree to that, but if you suddenly decide you do not want it to be a national park that is really a power you have.'

The Hon. I.F. EVANS: The way I understood that answer is that it still has to come to parliament to be a national park.

The Hon. J.D. HILL: Yes.

The Hon. I.F. EVANS: Right. So, the parliament decides it wants to have a national park based on the fact that the Aboriginal community have come to the minister and then to the parliament saying, 'We want to establish a national park.' Then 20 or 30 years in the future the Aboriginal community can cancel the national park based on a decision of the board. In effect, they terminate the agreement.

The Hon. J.D. HILL: Let me clarify that. I misunderstood. Creation of the park can be done by executive act by proclamation or it could come by amendment to the act, so I misunderstood that element, I am sorry. They would come to the government and say, 'We want to have a national park there,' the government would say, 'Yes, I proclaim that as a national park,' and then the executive body, not the board, but the executive body representing the particular group of traditional owners—in the hypothetical position proposed by the shadow minister—in 20 or 30 years' time could say, 'Well, we no longer wish it to be a national park.' Then, effectively, the government would de-proclaim it.

The Hon. I.F. EVANS: Twice the minster used the word 'government' to establish the park and then de-proclaim the park. Do you mean government or parliament?

The Hon. J.D. HILL: The advice I have is that you can do it two ways. I could do it by proclamation or we could do it by legislation. If we were to do it by proclamation that would be by government fiat. If were to do it by legislation that would be by parliament. In both cases the traditional owners, through their executive body, their registered legal entity, would be able to walk away from the agreement. The reason for that is to give them the power over their land. If they choose it to be a national park for a period of time, so be it. We do not have to accept it as a national park, of course, it is an engagement. But it is really trying to recognise that it is their land and we do not want to interfere with their inalienable right to make decisions in relation to their land. The logic works in this way: if one thinks it is a good thing to have a national park in the Pitjantjatjara lands (and I personally think there would be certain areas there where it would be a good thing), you are more likely to get that outcome if you do not derogate the powers that the traditional owners would have over that land in the longer term.

The Hon. I.F. EVANS: If you believe in that concept, if I was advising the Aboriginal community (and I do not make this allegation to say that this particular group seeks to do this, but I think the legislation allows them or another group to do this at some time the future) on what this bill allows them to do, that is, negotiate with the government to establish a national park, I would advise them to seek a lot of grants from the government on the basis that it is a national park, set up some excellent tourism facilities and excellent road infrastructure and set it up as a fantastic tourist area based on government money, and then terminate the agreement 30 or 40 years down the track once they had it established. So, I just wonder what protection there is for the investment made in the national park. For instance, the Flinders Chase at the end of Kangaroo Island, there was—

An honourable member interjecting:

The Hon. I.F. EVANS: Wilpena National Park is another example. Some excellent capital infrastructure projects have been built in national parks. The first point is that I would suspect that there is the opportunity to cancel the agreement, and the infrastructure would naturally stay there. The second point is that I do not quite understand, then, if that is the philosophy of the legislation, why that is not extended to the broader community. I could give the minister some very good examples of land next to national parks which is privately owned and, if the owner could retain the ownership but be involved in the management of the park and be able to withdraw the land out of the park, this generation of landowners might be able to contribute to an agreement over that land to have a national park there for 30, 40 or 50 years, and a future generation might wish to withdraw it.

I do not quite understand why this right is being given to only one section of the community when lots of non-Aboriginal people who own large land assets would like to assist the government in the establishment of conservation recreational national parks but are denied the same right. I am not quite sure why we are doing that and why we have not extended it further. Why is it that families with land-holdings, who have been in an area for six or seven generations, do not enjoy the same right to come to an agreement with the government?

The third point I make is that I am not quite sure why the minister needs the legislation to achieve an agreement to co-manage. You can have an agreement to co-manage land simply by a lease arrangement, or any written management agreement, to provide them with two rangers and $200 000 per year. A lot of things in this bill could be done by a simple commercial agreement.

The Hon. J.D. HILL: The member has raised three points. The first is in relation to the hypothetical creation of a national park over traditional lands and the potential committing of a manipulation of the system to get an outcome which would benefit a particular community. The answer to that is that, if the government were to enter into an arrangement with a traditional group in relation to their land and the creation of a national park, that element of it would be done on a contractual basis. If we were to invest in, say, a visitor centre in a traditional area (and it is not a bad idea for us as a government to do something like that), it would be done on the basis that it would be maintained and kept in a particular way and maintained as a national park for a period of time. It would be up to the government of the day to enter into those kinds of arrangements.

As I have mentioned, the Wilpena arrangement, which was entered into by private development on a public piece of land a number of years ago, is a parallel case in point. Certainly, the tenure of the land will not change, but the potential tenure of the building might.

The second point was really to do with why others are not given this right. I have already answered this question. I concede and agree that it is worth exploring whether or not non-indigenous owners of land ought to be given the opportunity to have a park on their land. I mentioned the Sprigg family at Arkaroola; that family has done wonderful work on the land over a period of time. There are other landowners who have done similar things. I am not idealogically opposed to that concept, but that is not what this bill is about.

This bill is about an act of reconciliation. It is very much a desire of the government, particularly our Premier, to show symbolically the state's understanding of Aboriginal issues, concerns and relationships with the land. In particular, it is about transferring title of the Unnamed Conservation Park to the Maralinga people. That is the essence of this legislation. The amendments to the National Parks and Wildlife Act is really to set up a structure that allows that to happen, and it has elaborated a group of arrangements which allow other possible co-management situations to occur. However, the essence of the legislation is to transfer title to the Maralinga people, and I guess that is really what it is about.

The third point the member made was: why do we need legislation? Why cannot we enter into a contract? I think I answered that when I answered the second question. It is about an act of reconciliation. It is not about an act of contractual management: it is about recognising the traditional owners of this territory. I have not been to the Unnamed Conservation Park, but I hope I can go there after this legislation is passed. I have certainly been onto the Maralinga Lands. They are remote from Adelaide and urban centres, and they are not highly frequented areas, although with four-wheel drives, and so on, more and more people visit those areas. These are relatively undisturbed parts of the state which do not get much day-to-day management through the National Parks and Wildlife Service. I think the budget shows that we spent about $5 000 this year managing it, and that has really involved just a couple of visits.

This legislation will give much greater responsibility to the traditional owners. We will employ a couple of people who will be given the job of trying to manage this land. We hope that it will be managed in a way which will reduce the feral animals on the land and really look after it in a proper way. That is the essence of the legislation. Certainly, we could have done that through a contract, but it is really about more than just managing the land: it is about managing the relationship that we as Europeans, the settlers in this country, have with the traditional owners of the country.

Clause passed.

Clause 19 passed.

Clause 20.

The Hon. I.F. EVANS: I just want to get this clear: can a co-managed park agreement be made over land where there is not a group of traditional owners?

The Hon. J.D. HILL: The legislation only operates in relation to traditional owners and if there are no traditional owners then we cannot enter into that arrangement.

Clause passed.

Clauses 21 to 25 passed.

Clause 26.

The Hon. I.F. EVANS: What powers will the boards have to introduce prohibited areas? On what basis will they introduce prohibited areas?

The Hon. J.D. HILL: In order for a board to introduce a prohibited area, a regulation would have to be passed or agreed to by the parliament, so it will be subject to the will of the parliament, whether or not that regulation is supported.

The Hon. I.F. EVANS: Where does it say that in Clause 26?

The Hon. J.D. HILL: I understand that the advice that I have been given was not correct. It would be done by publishing a notice in the *Gazette*—not by regulation. I apologise to the honourable member and to the house.

The Hon. I.F. EVANS: Maybe I am reading the wrong clause, but the way I read Clause 26—the prohibited areas clause—talks about the minister making prohibited areas. My question was: what powers do the board have to make prohibited areas?

The Hon. J.D. HILL: The answer is that they would have to get the minister's agreement in order for that to happen. I would then exercise my power by publishing a notice in the *Gazette*. So, the board would make a recommendation, and I imagine the kind of areas that might be prohibited would be sacred areas or important ceremonial areas. They would have to convince me, and I would then have to convince the cabinet, and a notice would be published in the *Gazette*.

The Hon. I.F. EVANS: How does anyone know that that process is happening? For example, how does the mining industry know that a certain area of the park is about to become a prohibited area? Where is the formal requirement for public notification? This is a national park, is it not?

The Hon. J.D. HILL: This is the existing power in relation to prohibited areas. Section 42 of the National Parks and Wildlife Act provides:

> (1) Where the Minister is satisfied that it is expedient. . . the Minister may, by notice published in the Gazette, declare any portion of the reserve to be a prohibited area.

This clause provides that the power will be applied to this legislation as well, and I can apply that power only in relation to a co-managed park—

> (a) if there is a co-management board for the park—with the agreement of the board; or

(b) in any other case—after consultation with the other party to the co-management agreement for the park.

This clause limits the minister's power to declare a prohibited area and ensures that the minister consult with the managers of the park. I am not sure whether the legislation currently creates responsibilities for the minister to consult broadly with the community but, whatever that power, it will not be altered. This is a limitation on that power to ensure that the minister consults with the traditional owners. I think that is the best way of explaining it.

Clause passed.

Clause 27.

The Hon. I.F. EVANS: I just want to understand the mining issue clearly. As I understand the advice given to the committee, the minister is saying there is absolutely nothing different about the rights of miners and prospectors. Why then do we need this clause?

The Hon. J.D. HILL: As I understand it, this clause is about Aboriginal-owned land, not about land that is part of the existing national park system. We are talking about the Unnamed Conservation Park, where there is no mining, so that is an irrelevancy. This is about the hypothetical park established on the AP land. The traditional owners of that land currently have a right to have a say on whether or not there is prospecting and mining on that land.

The Hon. I.F. EVANS: Why do we need this clause?

The Hon. J.D. HILL: This is complicated. At the moment, if we are talking about traditional Aboriginal lands (say, the AP lands), under current statutory provisions traditional Aboriginal owners have to be in agreement before mining can occur on that land. If you create a national park on that land, the minister could, by proclamation, allow mining there.

The Hon. I.F. EVANS: Against their wishes?

The Hon. J.D. HILL: Theoretically, that could happen without this provision which puts the traditional owners, through the board, back in the position in which they would have been had it not been declared a national park. I think that is a reasonable explanation.

The Hon. I.F. EVANS: The way I understand it now is that it is not the board that has to agree that mining occurs: it is the registered proprietor of the land, and one assumes that the registered proprietor of the land is the traditional Aboriginal owners, not the board.

The Hon. J.D. HILL: That is the case. It took me a while to understand it, but this clause provides that the registered proprietor (AP Incorporated, or whatever) maintains its existing rights in relation to that land, whether or not there is mining there. This clause does not change that fact and is explicitly in the bill to make that apparent.

Madam Acting Chairman, I regret to inform the committee that I have omitted an amendment relating to page 12, and I ask for your guidance as to how can we best deal with that.

The ACTING CHAIRMAN (Ms Thompson): To which clause does the amendment apply?

The Hon. J.D. HILL: The amendment I have overlooked is in relation to clause 25, page 12, lines 17 and 18 and relates to the establishment of management plans. It provides that if an existing management plan is in place on a co-managed park, a new one does not have to be established. I regret that we omitted to move this amendment earlier.

The ACTING CHAIRMAN: The procedural advice is that, when we have reached the end of the bill, we will not immediately come out of committee but we will reconsider clause 25.

Clause passed.

Clause 28.

The Hon. I.F. EVANS: What powers will the board have to set entrance fees, and what parliamentary or ministerial oversight will exist in regard to the entrance fees?

The Hon. J.D. HILL: The board has the responsibility to recommend a fee, and it is up to the minister to approve the fee.

Clause passed.

Clause 29.

The Hon. I.F. EVANS: Is it correct that the co-management agreement needs to be approved only by the minister and not by cabinet?

The Hon. J.D. HILL: Yes, that is correct.

Clause passed.

Clause 30.

The Hon. I.F. EVANS: Can the minister explain what this clause does?

The Hon. J.D. HILL: My advice is that this provision means that the development trusts under the National Parks and Wildlife Act do not apply. The development trusts refer to the Bookmark Biosphere Trust, the General Reserves Trust, the Man and the Biosphere program and so on.

Clause passed.

New clause 30A.

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

Page 19, after line 20—Insert:
30A—Amendment of heading to part 5A division 2
Heading to part 5A division 2—delete 'Aborigines' and insert:
Aboriginal persons

This amendment removes the word 'Aborigines' and replaces it with 'Aboriginal persons', which I understand is the preferred way of describing the traditional owners, and is consistent with the other language in the act. This was a bit that slipped through.

New clause inserted.

Clauses 31 to 33 passed.

New clause 33A.

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

Page 20, after line 6—Insert:
33A—Amendment of section 69—Permits
(1) Section 69—delete 'minister' wherever occurring and substitute:
relevant authority
(2) Section 69(2a)—delete 'minister's' and substitute:
relevant authority's
(3) Section 69—after subsection (7) insert:
(8) In this section—
relevant authority means—
(a) in relation to a permit issued by, or to be issued by, a co-management board for a co-managed park constituted of Aboriginal-owned land—the co-management board for the park; or
(b) in any other case—the minister.

This is a procedural measure which provides that wherever 'minister' occurs in relation to permits the relevant authority will apply, and the relevant authority is the appropriate board that has been established.

The Hon. I.F. EVANS: What permits does this clause refer to? What permits will the board have control over? What would the board be able to stop people doing in the park by way of not issuing a permit?

The Hon. J.D. HILL: We are just checking the detail of that. I understand that permits are referred to in section 69.

For example, it would be permits to capture and take animals from the park. In any event, whatever the examples are, it is really to give the traditional owners of this land the right to make decisions about how the land can be managed. Whatever they are allowed to do would have to be in the framework of the management plan. I am struggling to understand it myself, so I will withdraw the amendment at this stage. I will consider it between here and the other place. If I am convinced that it is worth doing, I will do so in the other place.

The Hon. I.F. EVANS: This bill has been out for consultation for 12 months. We have had a select committee into it which I think the minister chaired. It then lay on the table for another couple of months. The minister moved his own amendment, got one question on it and, with four advisers and after two years work, he does not know what it means in relation to simple permits. There is not much we can do about it, but it strikes me that it was not a difficult question. I am trying to establish, as it is of concern to some people—whether people will be able to do on the land—

The Hon. J.D. Hill: I understand that.

The Hon. I.F. EVANS: Yes, but we are about to pass the bill, and this house will not even know, after two years' work, whether in passing this legislation the board has the power to stop, by way of permit, activity that can be undertaken now by way of permit. Will we be able to do tomorrow what we are able to do today, or can a permit be used to stop that activity? After two years' work and a select committee, and with four advisers, we do not know. I find it quite amazing that we do not know the answer to what I would have thought would be one of the obvious questions that would come from the opposition.

We are handing back land to the Aboriginal community, fine; we are going to put a national park on it, fine; we will have a co-management agreement, fine; and an agreement will dictate what you can and cannot do, fine. Surely one of the questions the opposition will ask is: will we be able to do tomorrow what we can do today? The answer, 'We will tell you in the upper house'. I put the opposition's concern on the table because the process is flawed if we get to this point and cannot get that question answered.

Ms Breuer interjecting:

The Hon. I.F. EVANS: Because we saw no witnesses and took no evidence. I was the only one who objected to it.

The Hon. J.D. HILL: I apologise to the committee that I cannot give an adequate explanation. I have had one provided to me and I do not fully understand it, so I am unwilling to try to explain it to the committee in a half-baked way. I will withdraw the amendment so that any damage caused by the amendment will not occur because I will not move it. I will try to get my head around it. I apologise to the committee for not being clearer, and we will move it in another place. If I cannot convince the other place or the departmental officers cannot convince me, I will not move it. There is no risk associated with that area. If I withdraw that amendment we will not deal with the issue of replacing the minister with the relevant authority. I therefore seek leave to withdraw that amendment.

Mr HANNA: On a point of order, was leave in fact granted?

The ACTING CHAIRMAN: Leave was requested: leave is granted.

Amendment withdrawn.

Clause 34 passed.

Clause 35.

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

Page 20, lines 13 to 15—delete this clause.

Amendment carried; clause deleted.

Clause 25—reconsidered.

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

Page 12, lines 17 and 18—delete subclause (1) and substitute:
(1) Section 38(1)—delete subsection (1) and substitute:
(1) The Minister must—
(a) in the case of a reserve that is a co-managed park—as soon as practicable after the making of the co-management agreement for the reserve; or
(b) in the case of any other reserve—as soon as practicable after the constitution of the reserve,
prepare a plan of management in relation to the reserve.
(1a) However, the Minister need not prepare a plan of management in relation to a reserve (whether or not the reserve is a co-managed park) if a plan of management has been adopted under this section in relation to the reserve.

I apologise for omitting this amendment. It establishes the principle that, if there is a management plan in relation to a park that becomes a co-managed park, that management plan can stand: it is not necessary to have another management plan instituted. It is a simple matter of logic.

The Hon. I.F. EVANS: One assumes that the Aboriginal community would be consulted on the original development of the plan that might be adopted, so the plan might be in place five years before the co-managed park was proposed. One assumes that the traditional owners would already have been consulted on a management plan for a park, and one would assume they have the right to refuse the management plan that might be foisted upon them by the government.

The Hon. J.D. HILL: We are talking about land that is currently a national park where we would enter into a co-management agreement with the traditional owners, which would be a process of open consultation, where the traditional owners would say what they wanted and we what we wanted. Presumably, if a management plan is in place, the condition the government could impose on that co-management arrangement would be that 'We have a management plan in place, we are sticking with that and maybe in three or five years it can be reviewed. If you want to be part of the co-management arrangements, that is the plan that will apply.'

If the traditional owner says that the plan is no good, and if we agree, we do not have to accept the plan but could amend it. One way would be to amend the plan before the co-management arrangements were put in place, so we then had a new management plan which was put in place prior to the co-management arrangements with which the traditional owners and government would agree.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments.

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That this bill be now read a third time.

The Hon. I.F. EVANS (Davenport): Before the bill passes the third reading stage I wish to put on record that the opposition will be reserving its right to move amendments in the other place. We were contacted late this afternoon by the representatives of the mining industry. It was some surprise to them that this bill was coming on, because they had had indications from the government that it would not be brought on for some time yet. Late this afternoon they sent a number

of pages to me as shadow spokesperson, on which I have not had the opportunity to brief the shadow cabinet or even the party room. We will have to reach a position on some of the issues the mining industry raises in relation to this legislation.

I note in their letter to the minister that the mining industry spokespersons say that they were very disappointed to learn by default that the minister was presenting the legislation to the cabinet at the time he did, because the government had left the South Australian Chamber of Mines and Energy (SACOME) with the very clear understanding that there would be some transparency and trust arising from the promise of consultation on all matters that might affect the industry in relation to the bill. According to this letter, it was some surprise to the mining industry that it was presented to the cabinet. Then it contacted me today in some surprise that the matter was being debated in the house tonight. The mining industry was seeking some wording in the act that would confirm what the minister has already told us here tonight: nothing more and nothing less than that the mining rights would not change in any way, shape or form as a result of this legislation.

All that the mining industry was seeking was words to that effect in the legislation, so that it was crystal clear to future generations that that was the intention of the parliament at this time. Apparently, the mining industry's legal advice went along the lines that the wording should be put into the act to make it absolutely crystal clear so there was less chance of a future dispute about what the legislation actually meant so that, if and when the matter went to court, as these matters sometimes do, it was clearer to the court what the parliament meant. The mining industry sought to have inserted a clause that would read:

> A co-management agreement may not contain provisions which, directly or indirectly, conflict with or pursuant to which the minister agrees to revoke or procure the revocation of a proclamation made under section 43(2).

The government has had since September last year to consider that clause, but apparently that was not acceptable to it.

The mining industry raises another issue. If this is all about the Unnamed Conservation Park, why not limit the legislation to that and then judge on its merits here in this chamber each future park, other than the Unnamed Conservation Park, that might be made a co-managed park? They are not saying that they are necessarily opposed outright to the concept of co-managed parks, whether it be the Unnamed Conservation Park or other parks in the future. They are saying that the parliament should consider the question for each park on its merits at the time.

Those two principles are matters about which the Liberal Party has been notified by the mining industry late this afternoon. Obviously, I did not have time to take them to the party room, so I will do so and get some position; and some amendments may be moved in the other place.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the house for its consideration of this bill this evening and the member for Davenport for his questions. The matter of the mining industry was not really raised in the debate, but perhaps I can address the issue that the member for Davenport raised. SACOME has been consulted by the government in relation to this measure and given the assurances that the house was given by me this evening, namely, that the existing rights will not be affected by this legislation and that the proposition they are putting is unnecessary. That is the advice I have had from legal counsel. But we are always happy to keep talking to them. I am surprised that they thought we were bringing this bill on early. It has been before the house in one form or another now for many months.

I am not sure exactly when it was introduced; it may have been 12 months ago, but it was certainly some time ago, and I was not aware that it was a concern. Anyway, we are happy to keep talking to them about their concerns, and we will look at any amendments that the opposition cares to make. I thank the officers who have been involved in dealing with this matter: Neal Bertram, Keri Rain, Jane Leitch and Greg Leahman, and parliamentary counsel John Eyre and Mark Herbst. I thank them for their efforts.

Bill read a third time and passed.

HEALTH AND COMMUNITY SERVICES COMPLAINTS BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 25 May. Page 2175.)

The Hon. L. STEVENS: Madam Chair, we are trying to work out a process whereby we can be as expedient as possible but also allow honourable members who wish to make a contribution to do so. There are some amendments for which the government will move support and some for which it will not.

Amendment No. 1:

The Hon. L. STEVENS: I move:

> That the Legislative Council's amendment No. 1 be agreed to.

This relates to changes to the definition and a number of related changes regarding who may make a complaint to the HCS ombudsman.

Motion carried.

Amendment No. 2:

The Hon. L. STEVENS: I move:

> That the Legislative Council's amendment No. 2 be disagreed to.

The grounds are as stated before. We believe that the title 'Health and Community Services Ombudsman' is more appropriate because 'commissioner' could also be confused with the Health Commissioner under the South Australian Health Commission Act.

The Hon. DEAN BROWN: I disagree with the stance adopted by the government. In other words, I agree with the amendment. We have put our arguments before. We have 42 amendments to deal with here—most of them moved by the Liberal Party in another place—so I will not put our arguments again, because we want to get through them. I think that if this bill could go to a deadlock conference it would allow us to work through those outstanding amendments and hopefully reach some form of agreement. I want to facilitate this tonight to make sure that we can then sit down in a deadlock conference, which I understand is what the minister is hoping to achieve. The minister nods her agreement that she is hoping to achieve a deadlock conference out of this. So, the quicker we get into the deadlock conference and resolve it the better.

I have looked at some of the amendments we have moved and I have seen the position of the government, and I think there is another alternative which would largely meet the objectives of both sides. I am not saying that this is one of those, but I say that as a general indication that we want to try

to achieve some resolution of some of the areas of dispute and try to allow both sides to achieve what they want to achieve out of this. We feel very strongly about this particular amendment, so we insist on 'commissioner'.

Motion carried.

Amendment No. 3:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendment No. 3 be agreed to.

The Hon. DEAN BROWN: I do not intend to divide on these amendments—and this applies right through. If this measure is to go to a deadlock conference it is more appropriate that we get the amendments through. We have expressed our opposition previously, but I am delighted to see that the government will accept this amendment.

Motion carried.

Amendments Nos. 4 and 5:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendments Nos 4 and 5 be disagreed to.

The Hon. DEAN BROWN: The opposition disagrees with the government.

Motion carried.

Amendments Nos. 6 to 8:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendments Nos. 6 to 8 be agreed to.

The Hon. DEAN BROWN: I support these amendments and, therefore, support the stance of the government.

Motion carried.

Amendment No. 9:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendment No. 9 be disagreed to.

The Hon. DEAN BROWN: I agree with this amendment, so I will vote against the government.

Motion carried.

Amendments Nos. 10 to 12:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendments Nos. 10 to 12 be agreed to.

These relate to the definitions of close relatives and enduring relationships. It is a minor thing.

The ACTING CHAIRMAN (Ms Thompson): Definitions of 'putative spouse', 'same sex partner' and 'spouse'.

The Hon. DEAN BROWN: Yes: go ahead.

Motion carried.

Amendments Nos. 13 to 16:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendments Nos. 13 to 16 be disagreed to.

The Hon. DEAN BROWN: The first of these amendments relates to the issue of volunteers. There appears to be some misunderstanding. Some parties have written to me claiming that this will mean that virtually any organisation that employs volunteers will be able to get out of being investigated. I disagree with that. This is one where I am willing to have a look to clarify that so that there is no misunderstanding. I believe that the outside organisations that have made these claims are wrong. I have checked with parliamentary counsel—I do not want to put him in a box; he is already in a box—and certainly we drafted these amendments carefully. I am willing to give further clarification to make sure that it is the volunteer service that is excluded, not an organisation, where this volunteer service is provided. There are other amendments here that I am willing to look at as well in other parts. I will not go into the detail; we will deal with that in the deadlock conference. In terms of the other amendments, I disagree with the government's stand. They are dependent upon earlier amendments. This involves calling it a commissioner, rather than an ombudsman and, as such, I support the amendment from the other place and disagree with the government.

The Hon. L. STEVENS: I just want to make a few comments in relation to this. I am also aware of letters, because I have also received copies of probably the same letters that the deputy leader has received. I just want to put on the record the crown advice we have. The advice is:

In passing, I note that subclause 2 of clause 4(a) provides that the act will not apply to any health and community service provided by or delivered through a volunteer. This will be the case even when the service is being provided within a government agency, or a prescribed public authority—for example, by one of the volunteers providing services within a public hospital, within a welfare agency.

I am happy to talk with the deputy leader. The government is very firm on this matter and, if the deputy leader cares to look at what was in the bill as it passed through this house, he will note that there was even an extra clause put in by us to make sure that a complaint against an individual volunteer would be directed against the agency auspicing that volunteer, not the volunteer themselves.

We believe that is important. I know that is accepted pretty widely throughout the community services field. However, that is an issue that we may need to talk about later. I have here two of the letters, one from SACOSS and one from the Council on the Ageing. I just want to put this on the record. In part, COTA states:

COTA is a substantial user of volunteers and many thousands of our users are active volunteers in the community. COTA is in full support of the inclusion of volunteers in this bill, a view shared unanimously by the diverse membership of the SACOSS policy council.

The letter continues:

As drafted, the bill is not aimed at classes of organisations or types of providers—

and that has been the whole point about our bill—

but rather at the provision of health and community services, however and by whomever they are provided.

Over the page, the letter further states:

Most health and community service organisations use a mixture of paid staff and volunteers. It is now accepted good practice that volunteers are trained, supervised, supported and given ongoing professional development. This bill would encourage the process. By seeking to remove volunteers from the scope of the bill, the opposition is saying that poor practice, lack of competence, discrimination, etc. in service provision are all permissible and excusable if the service is provided by a volunteer. We reject this position, both as a user of volunteers and as the peak body for seniors who are a major client group and health and community services.

The letter continues:

Seeking to exclude volunteers will have a severe detrimental effect on the bill in an overall sense. Since many services are provided by a combination of paid staff and volunteers, it will be arguable that any service in which a volunteer is involved is exempt. This will render the job of the Commissioner much more complex and contestable. It will also create incentives for organisations that would pride themselves on having good complaints services to remove volunteers from front line service provision. It will encourage organisations that wish to protect themselves from complaints and do not value high quality service to use volunteers so that their services are exempt.

There is no danger to the volunteers themselves in this bill. Indeed, the bill will encourage organisations to better use and support their volunteers. Volunteers are legislatively protected at present, and

> any organisation of good standing also insures its volunteers. It is principally the organisation which is being held to account.

I repeat that, yes, it is principally the organisation which is being held to account, because that is the further clause in our bill, which explicitly provides that. The government holds very firm to its disagreement with number 13.

The Hon. DEAN BROWN: The minister has opened this one up to debate, so I intend to contribute as well. Firstly, yes, I got three letters. I got a letter from the Council on the Ageing, written by Ian Yates, Executive Officer, dated 19 May. Then I got a letter from Rosemary Sage of Volunteer SA Inc., dated 24 May. I found it interesting that the letter I got from Volunteer SA plagiarised, in fact is almost identical to, the first half of the letter I got from COTA. This clearly means that someone has sat down and copied it, because there is a whole paragraph there, absolutely identical and word-perfect between the two letters. It is interesting how I can get a letter from Council on the Ageing, which has got a whole paragraph that is identical. It is pretty clear when you read it that one of the two letters was simply plagiarised from the other letter. Whilst there are some very slight alterations, whole paragraphs, particularly under 'exclusion of volunteers' are identical. In fact, I think I am right in saying that the entire section is identical in the two letters, which is virtually the substance of one of the two letters.

I make that point, firstly because this has clearly has not been done without some consultation—in fact, to the point where clearly one organisation has just taken the material from the other organisation. Secondly, Ian Yates is a person who has considerable experience in government. After all, he was a senior staff member in former premier John Bannon's office, as I recollect, so he understands government well. In fact, I think he worked in the personal office of the premier, if I remember rightly.

An honourable member: What's the point?

The Hon. DEAN BROWN: The point is that, for someone who understands the process of government, the statements made in his letter astound me, because they are wrong. From someone who has had that sort of experience in government at a senior level, I find it these claims somewhat amazing, and I pick out the statement:

> By seeking to remove volunteers from the scope of the bill, the opposition is saying that poor practice, lack of competency, discrimination, etc. in service provision are all permissible and excusable if the service is provided by a volunteer.

First, that is wrong. There are other legal processes one can take, and there are other means of investigation or complaint. So, for a senior former government official from the former premier's own office to make statements like that is wrong.

I point out that that is only one of a number of claims that have been made in the letter that can be disputed. I am concerned that this COTA letter, which I received first, smacks of someone trying to make political points and claims which cannot be substantiated. If COTA wanted to make a point, I would have expected it to base it on fact and not on fiction. I do not intend to develop the issue further, except to say that the claim that the opposition is saying that poor practice, lack of competency and discrimination are acceptable if they come from a volunteer is not correct. For instance, equal opportunity legislation and a range of other procedures for both complaint and legal action could apply. I take real offence at that claim. If they ever wanted to get the Liberal Party on side, to carry out a campaign like that is most unfortunate indeed.

I realise there is a philosophical difference between the Labor Party and the Liberal Party. The Labor Party considers government to be almost godlike and able to intervene in anything, and the Liberal Party sees that people have rights in this world and that those rights should be exercised without interference from government. I use as an example the Wyatt Trust which is a marvellous organisation and which was set up about 100 years ago through Dr Wyatt. This trust provides money for a whole range of community services, including respite stays so that carers of people can go off and take vacations. It is a non-government volunteer organisation that receives no government funding at all, but it provides a range of community services. It is probably one of literally hundreds of foundations that apply within our community. I do not see why, if someone misses out on getting a respite holiday from the Wyatt Trust, any government agency has the right to come in and investigate them. That is an organisation set up under a trust, so under no circumstances should they be investigated by the ombudsman or the commissioner.

That is a classic example of where it comes down to a philosophical difference between what the government sees as the role they should have, where the government is-all powerful and all-intervening, whereas the Liberal Party fundamentally believes that individuals within our community have rights. If one sets up a trust and provides a community service, the government does not have the right to interfere in decisions made within that trust, provided it does not broadly breach any law of the state. Of course, if it breaches any law of the state or country, it would be appropriate to intervene. I make the point that, under the government provision, the Wyatt Trust would be caught, and I find that unacceptable.

The Hon. L. STEVENS: The deputy leader talked about plagiarism, in that he says that letters from two non-government organisations are exactly the same. I do not have a copy of the one from the volunteers association. However, if he has it there, I am sure it is correct. I do not know what point the deputy leader is making. I know that that sector has talked about this issue. In fact, I attended a meeting of a whole range of them, and they were all very concerned about the Liberal Party's stance on this bill, and this is one of the areas. So, I am not surprised their letters are the same, because they hold the same view, for the same reason. I am not sure what the point is the leader is trying to make—whether their copying from each other means that something funny is going on. They hold the same view. The second point I want to make—

The Hon. Dean Brown interjecting:

The Hon. L. STEVENS: So what? They signed it; that is their view. The second point I want to make is that the deputy leader spent some time suggesting that volunteers would be held accountable from other—

The Hon. Dean Brown interjecting:

The Hon. L. STEVENS: The deputy leader said that other legal processes can be used. He mentioned the EO Act, but I cannot recall what other acts he mentioned. In other words, the deputy leader is acknowledging that they should be accountable under the law. If they can be accountable under the other acts mentioned by the deputy leader, what is wrong with them being accountable under this act? I thought the whole argument put earlier by the deputy leader was that holding volunteers accountable under an act would somehow mean we would not get volunteers. That was the deputy leader's whole premise for disagreeing with the government's position. He has now virtually undermined his own position by mentioning other legislation. It is quite clear that the

deputy leader is not consistent, and people can go back and look at previous arguments.

Volunteers have nothing at all to fear from this act. Clause 24(5) provides:

> If a complaint relates to an act or omission of a volunteer while working for another person or body, the complaint will be taken to be a complaint against the other person or body, as the case may be.

In other words, the complaint is not against the volunteers themselves. So, volunteers have nothing to fear from this legislation. The point is that a health or community service, no matter who it is provided by, should come under the jurisdiction of the act, remembering that this is a bill that concentrates on proactive solving of complaints to the nth degree, in the first instance, to try to mediate and conciliate. Only if everything else breaks down will it be investigated. The government rests its case in relation to volunteers. We hold that position, and I know we are supported by the SACOSS policy council and others.

I note the Hon. Andrew Evans made a similar point in the upper house. As a pastor of a very large church with many volunteers, he would appreciate a mechanism by which complaints could be dealt with and resolved in the early stages so that action can be taken to correct things. He supported the government in the other house on this matter.

The Hon. J.W. WEATHERILL: I also rise to support the government's position. I point out for the benefit of the committee the peculiar position taken by those opposite in relation to this matter. It is said to be some point of principle between the Liberal Party and the Labor Party. However, it astounds me that a party that has been so proactive in promoting the role of the non-government and volunteer sector in providing community services should be so out of step with the thinking of those same community services in relation to these matters. Community service organisations preach standards of excellence: they do not preach standards of mediocrity. They do not see themselves as some charity from which you get second-class service. They expect their service provision to be of high quality and that is why their peak organisations, having consulted their own bodies, are calling for us to support the position that the government has adopted.

It is a bizarre, contorted notion of what volunteers may or may not want, and the only way that you would manage to persuade a volunteer about this is if you told them some mistruth about the fact that it was going to open them to some liability. In fact, the opposite is the case. This piece of legislation is to avoid litigation, it is to avoid people seeking legal remedies against volunteers or their organisations, and, rather, provides a non-litigious way of resolving disputes. It is a way that is likely to assist organisations that do not have the resources to have a dispute-handling mechanism to deal with these matters in an effective fashion.

Because the general Ombudsman is an arbitrator and exemplar of good administrative practice and good practice within industry, it will also assist us in raising the standard of performance generally and promote best practice in each of these areas. It is beyond belief that, as we stand here on the eve of what will be the government's most comprehensive response yet to child protection, we have an opposition that is prepared to oppose even some of the earliest steps, the most fundamental steps, in ensuring that we have a first-class child protection system and one would have—

The Hon. Dean Brown: That's not true.

The Hon. J.W. WEATHERILL: It is contained in the Layton recommendations and, for the honourable member to pipe up and suggest that somehow this is not at the heart of the child protection system demonstrates his complete lack of understanding of what was wrong with the system of child protection. The essence of Layton is interagency collaboration. The essence of Layton is the way in which non-government sectors operate, connect with, and work with the government sectors, and here he is saying that that one whole sector—the non-government sector—should be outside the scope of any sensible or rational quality assurance system. So, if you get it from a charity, you can get rubbish service. The point is that those community organisations do not believe that. That is an archaic, out-of-date, out-of-touch idea, and it is no surprise that the honourable member presided over the disaster we are looking at in the child protection system.

The Hon. DEAN BROWN: The Minister for Families and Communities is completely wrong and for him to stand in this house and make those sort of accusations when they do not even relate to the matter in hand is absurd, and I am not even going to bother to answer him.

The Hon. R.J. McEWEN: The volunteers that I speak to support coming under the umbrella of this legislation because they accept that they need to be protected from time to time from the inappropriate activities of some volunteers. They believe that from time to time the organisation for which they are providing a volunteer service has to be accountable for the quality of the service—irrespective of whether it is being provided by a salaried staff member or a volunteer.

The comments that I heard a minute ago from the shadow minister about the fact that this is contrary to Liberal Party philosophy is actually insulting to many Liberal Party volunteers, who have talked to me about the fact that they are proud of what they do. They are proud of the quality of what they do, and they believe that the organisation that they work for must set a standard that protects them from the few that may, from time to time, do inappropriate things.

This is nothing to do with the volunteer, this is do with the fact that people who volunteer are proud of the fact that the quality of their service is the same, irrespective of whether they are doing it in a volunteer capacity or as a paid member. The volunteers in the Mount Gambier hospital, for example, know that they go through a process of accreditation before they volunteer. They know that as a volunteer they have to uphold a very high standard, and they expect the organisation to ensure that that standard is upheld by all volunteers. They want to be part of this process, and they do not want to put up with the insulting remarks I heard a moment ago.

Mrs REDMOND: The member for Mount Gambier prompts me to respond. Nothing said by the shadow minister should have indicated any degree of insult. We are trying to uphold the rights of volunteers. Whilst I appreciate that the minister said that it is the organisation and not the volunteer that will be held accountable, in order to conduct an investigation by an ombudsman under this legislation, at the end of the day it will often be necessary to engage the volunteer in that investigation. The provisions of the legislation enable the volunteer to be called in and questioned. There is real concern.

If you are a volunteer in the community (as I am in numerous organisations in my electorate), you know how difficult it is to maintain membership. Meals on Wheels is a wonderful organisation which originated in this state and which has fantastic volunteers, but they are getting older and the organisation is not getting new recruits to replace them. Unless we are very careful about the way in which these

volunteers are managed, we could have a problem in recruiting and retaining them. The member for Mount Gambier said that the volunteers want to ensure that the organisation maintains its high standards: everyone wants to ensure that. He also said that the organisation maintains its high standards and insists on them: that is exactly what we would like—the organisations to maintain the standards, not some third party (that is, the ombudsman) demanding the attendance of a volunteer to give evidence and to be put through the stress of an investigation conducted at the whim of an ombudsman under the terms of this legislation. It is an important matter of principle, and I support the position put by the shadow minister.

The Hon. L. STEVENS: I will make a few more points on behalf of my colleague, the Minister for Families and Communities. He points out that there have been some recent very high profile case studies in relation to child protection. For example, the importance of an independent authority is highlighted by the long period abuse perpetrated by a St Ann's Catholic school volunteer bus driver. This is a well-known example of where a volunteer within the NGO sector has caused harm over a lengthy period of time.

The case of the former magistrate Peter Michael Liddy brought exploitation to the attention of the police by way of an anonymous letter sent to *The Advertiser*. This highlights the need for an independent authority for complaints and concerns in relation to volunteer staff of non-government organisations. The investigation provided evidence, amongst other offences, of the sexual abuse of children whilst Peter Liddy was a volunteer with the Surf Life Saving Association.

These points again highlight that it is important to have a robust complaints systems in place. There is nothing to fear from complaints processes, particularly those set out in the bill. Had the opposition read carefully the values and the objects of bill and the way in which the bill is to proceed in practice, it would know that there is nothing to fear. The member for Heysen made the point that the process would come down to a volunteer being engaged in some way by the commissioner.

I make two points. I am aware of very reputable organisations in the community who have volunteers, and they are proud of the professionalism of their volunteers. They have complaints procedures in place.

Mrs REDMOND: Absolutely!

The Hon. L. STEVENS: The member for Heysen agrees that they have complaints procedures in place. In relation to this bill, if the ombudsman receives a complaint about a volunteer, he goes to the organisation concerned, and the complaints processes will then proceed via the organisation. Obviously, they will have to talk to the volunteer in order to resolve the issue, but this would have occurred had a complaint been made to the organisation.

When a complaint is made to the health and community services ombudsman, the first step in the process is for the ombudsman to say, 'Have you raised your complaint with the organisation from which the volunteer comes?' The ombudsman then sends the complainant to the organisation. If that is not a possibility, or there is some reason why the person feels that they would not get a hearing in that way, they can involve the ombudsman, who will go to the organisation and seek a resolution of that issue. It would mean engaging the volunteer, but not the volunteer on their own with the commissioner, or one of the staff of the commissioner or ombudsman: it would be the volunteer with the organisation in a resolution of the issue. The member for Heysen waves away what I have said.

Progress reported; committee to sit again.

The Hon. L. STEVENS (Minister for Health): I move:

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

Motion carried.

STATUTES AMENDMENT (INTERVENTION PROGRAMS AND SENTENCING PROCEDURES) BILL

The Legislative Council insisted on its amendments to which the House of Assembly had disagreed.

Consideration in committee.

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

That the House of Assembly agree to the Legislative Council's amendments Nos 1 and 2 but disagree to amendment No. 3.

Motion carried.

GAMING MACHINES (EXTENSION OF FREEZE) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (INTERVENTION PROGRAMS AND SENTENCING PROCEDURES) BILL

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

That a message be sent to the Legislative Council requesting that a conference be granted to this house respecting a certain amendment from the Legislative Council in the bill and that the Legislative Council be informed that, in the event of a conference being agreed to, this house will be represented at such conference by five managers and that the Hon. M.J. Atkinson, Ms Chapman, Mr Rau, Ms Redmond and Ms Thompson be managers of the conference on the part of the House of Assembly.

Motion carried.

HEALTH AND COMMUNITY SERVICES COMPLAINTS BILL

In committee (resumed on motion).

(Continued from page 2255.)

Ms THOMPSON: I support the motion moved by the minister. I have listened very carefully to the questions and issues raised by the various speakers from the opposition, but I have a great deal of difficulty in understanding their approach. Some interjections indicated that the opposition members recognised that legal processes may apply in relation to actions of volunteers and, indeed, we have heard of some very serious actions on the part of volunteers. The opposition seems to have no difficulty in recognising that legal action should be taken against them. There seems to be no middle course or any place where somebody who has received a service from an organisation but the service was delivered by a volunteer can take action in relation to something that is not criminal or in breach of the Equal Opportunity Act, yet in my dealings with constituents there are many situations where people find some difficulty with a service that has been delivered by a volunteer.

Equally, one volunteer bus driver has come to me very upset about the fact that a complaint was lodged against something he did and all that happened was that he was removed from that round. He felt he was not brought into the process in any way or given the opportunity to explain his actions or have any dialogue with the complainant about the situation. In fact, he was never really told that a complaint had been lodged about him. This all came third hand; he was just moved. When I discussed with him the provisions of the bill and asked whether that would have suited him, as a volunteer he indicated that he thought it was a far superior situation and in this way he would have been able to have a say instead of things just happening around him.

Many community organisations with which I am involved take pride in having clear policies and practices that are observed by volunteers. Much effort is put into training volunteers, and this government has instituted a scholarship to enable those who manage volunteers to extend their training and ability to train and support volunteers better. The other side of any of these processes is that there should be a complaints process for the users of the service, one which involves conciliation, so that a problem situation can be raised comfortably at an early stage rather than wait until something really serious happens. I strongly commend the minister's position to the house. I consider it crucial that this important legislation apply to services delivered by volunteers in the manner outlined in the bill.

The Hon. L. STEVENS: I refer to clauses 4A(1)(a) and (b), which are part of amendment No. 13. This is the clause using the definition of a public authority and relating to the issue of people being able to complain only if they pay for a service at the normal commercial rate. This extremely damaging amendment was passed in the upper house and put forward by the opposition in that place. I will quote again from the letter from COTA, outlining a widely held view in the community sector. I will put it on the record because it is aghast at what was done. It states:

> The polite description of our reaction to this amendment is that we were astounded. Such an amendment has never been discussed with us or the sector (whereas the volunteers issue has at least been a matter of debate). This amendment was not included in the Opposition's earlier distributed list of proposed amendments. Despite attempts by ourselves and SACOSS in consulting our very broad memberships, we have not found anyone who knew of, or understands why this amendment was proposed.

Further down it goes on:

> Requiring that community organisations be prescribed as public authorities has two problems. First, although it might appear non-substantive, I think you will find that a significant number of community organisations will object to being so prescribed and being deemed public authorities. I have already had some sense of reaction to that from church-based community organisations, and even within COTA National Seniors.
>
> Second, there are many hundreds, indeed thousands, of health and community service organisations. Prescribing them all will be a bureaucratic nightmare. It would also lead to consumer organisations like ourselves actively warning the public not to utilise the services of organisations that have not been prescribed as public authorities, which will mean that there will have to be some form of public identification as to whether or not an organisation has been so prescribed.

Members can see how absolutely impractical and ridiculous this amendment actually is. He continues:

> We are left wondering why the opposition has pursued this amendment which has no rational public policy basis nor support from the health and community service sector.

I think that is all I need to say about that particular point in terms of COTA's view.

I want to say a few words about the issue of people not being able to make a complaint unless they pay a fee for a health or community service at a normal commercial rate. Leaving aside the whole question of what is a normal commercial rate, our advice from crown law is that could relate to a person who has a health service from a GP and on occasions rings the GP for some medical advice over the telephone for which the person is not charged. Certainly, I know in my own case, if I have rung my GP and have been given some advice over the phone, they do not charge me for that—it is gratis. So, I would not be able to make a complaint in relation to that advice because I did not pay for it. That is the first point that the crown law made to us about how ridiculous that would be. If we are looking at a health complaint, which is often about the continuum of care that a person gives, some of the care from the GP would have been paid for, but phone calls are not paid for, so the whole thing is a complete confusion. This is just blatant sabotage of the whole point of the bill.

Finally, I want to say something that was said to me at a meeting of community service providers about this particular point. This particular provider made this comment very graphically. She said that the poorest and most vulnerable people in our community are those who are most likely to need access to free services that they do not have to pay for. Under this clause, those people would not be able to complain because they did not get a service that charged a fee at a normal commercial rate. So, this is an outrageous clause that was put by the opposition and passed in another place. It guts the bill and it really shows that they are into complete sabotage of this whole matter. It obviously does not exist anywhere else in Australia. The field is enraged; we are enraged; It is a complete travesty, and obviously the government does not accept it.

The Hon. DEAN BROWN: On this particular point, this was not part of the amendments I moved in this house.

The Hon. L. Stevens interjecting:

The Hon. DEAN BROWN: Don't interrupt, please. It was not part of the amendments that I moved in this house. I do not support it, and it is one of those issues that I believe we can sort out in a deadlock conference. I support very strongly the volunteer and, because of the way in which this is put, I have no choice but to go one way or the other on this amendment. I assure the house that this was not part of the amendment that I moved in the lower house. I will move in favour of the upper house amendment only because of the volunteer provision that is there.

Mrs REDMOND: I want to make a point in relation to the comments made by the minister. I accept what she says about the need for this legislation to apply in the circumstances outlined by her where, for instance, she might ring her GP. I have no difficulty with that. I am concerned about where a girlfriend says to another girlfriend, 'Come on, I'll give you a massage,' and suddenly gets caught by the provisions of the legislation. I think we need to look at something a little more complicated than the simplistic approach—

The Hon. L. Stevens interjecting:

Mrs REDMOND: It does get caught: it's a health service.

The Hon. L. Stevens: It's not a health service by a health service provider.

Mrs MAYWALD: I want to say on the record that I am concerned at the way this has come back from the upper house, because in the previous debate I did actually support the opposition's amendment in relation to the volunteers.

However, as it has come back from the upper house I cannot support the entire clause as it now stands, because I believe it has drastically changed the intent of the original amendment moved by the Deputy Leader of the Opposition. Whilst I supported his intent in the previous debate, as it has come back it has a totally different meaning, and it has additional provisions to which I certainly did not agree in the first place, so I will not be able to support this amendment on that basis.

Motion carried.

Amendment No. 17:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendment No. 17 be agreed to.

Motion carried.

Amendments Nos 18 to 21:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendments Nos 18 to 21 be disagreed to.

The Hon. DEAN BROWN: This comes back to the issue of the ombudsman, raised earlier. I support these amendments.

Motion carried.

Amendment No. 22:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendment No. 22 be agreed to.

Motion carried.

Amendment No. 23:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendment No. 23 be disagreed to.

Motion carried.

Amendment No. 24:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendment No. 24 be agreed to.

Amendment No. 25:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendment No. 25 be agreed to, but with the following amendment:

That the word 'commissioner' be replaced by 'HCS Ombudsman'.

The Hon. DEAN BROWN: I support the principle of the amendment from the upper house. Obviously, I disagree with calling him an HCS Ombudsman; however, I will support the amendment because it is one of those that I think we can sort out in a deadlock conference.

Motion carried.

Amendments Nos 26 to 35:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendments Nos 26 to 35 be disagreed to.

Motion carried.

Amendment No. 36:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendment No. 36 be agreed to.

Motion carried.

Amendments Nos. 37 to 42:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendments Nos. 37 to 42 be disagreed to.

Motion carried.

Ms THOMPSON: Mr Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

PRIVILEGES COMMITTEE

The Hon. M.J. ATKINSON (Attorney-General): I bring up the report of the committee, together with the minutes of proceedings and evidence, and move:

That the report be received.

Motion carried.

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

That the report be noted.

The committee called witnesses from WorkCover and examined them regarding the matter of privilege raised by the member for Davenport. It was established that there was nothing in the member for Davenport's matter of privilege. The committee was mildly concerned that it appeared that—

Mr BRINDAL: I rise on a point of order, Mr Speaker. I seek clarification. We have moved that the report be received, and we are now debating that it is noted. I do not know about other members, but I have nothing before me. Is it not correct that, if we are going to receive the report, members of the house should be privy to it so that we know what the Attorney-General is talking about?

The SPEAKER: I apologise to the member for Unley. Copies of the report are on their way. It has not been possible for us, since the time the committee met and agreed to the form of the report, to get the report printed. However, there is no point of order in the objective sense. The minister was explaining, for the benefit of the house, his understanding—and it is a very clear understanding—of the matter on which the committee deliberated. The minister may choose to continue, and the chair trusts that it is likely his remarks will take as long as it takes also to obtain copies of the report for those honourable members who wish to consider it.

The Hon. M.J. ATKINSON: I seek leave to continue my remarks at another time.

Leave granted; debate adjourned.

ADJOURNMENT

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