

SOUTH AUSTRALIA

# PARLIAMENTARY DEBATES

(HANSARD)

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**Fourth Session of the Fiftieth Parliament**  
**(2004)**

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Parliament, which adjourned on 22 July 2004, was prorogued by proclamation dated 12 August 2004. By proclamation dated 12 August, it was summoned to meet on Tuesday 14 September, and the Fourth Session began on that date.

## HOUSE OF ASSEMBLY

**Tuesday 14 September 2004**

The house met at 12 noon pursuant to proclamation, the Speaker (Hon. I.P. Lewis) presiding.

The Clerk (Mr D.A. Bridges) read the proclamation summoning parliament.

The Speaker then read prayers.

### MEMBERS, CONDUCT

**The SPEAKER:** Whilst we wait the arrival of Black Rod, may I remind all members that it will assist the decorum of the occasion if you pay attention to those who are appointed to serve all our interests here, namely, the attendants in the chamber, in forming up in procession across Centre Hall to go to the Legislative Council; and, likewise, upon return that we present to those who may be watching something better than Brown's cows as the manner in which we recover our place in this chamber.

*Members interjecting:*

**The SPEAKER:** I apologise, it should have been Green's cows.

Honourable members, in compliance with summons, proceeded at 12.16 p.m. to the Legislative Council chamber to hear the speech of His Excellency the Lieutenant-Governor. They returned to the House of Assembly chamber at 12.59 p.m. and the Speaker resumed the chair.

*[Sitting suspended from 1 p.m. to 2.15 p.m.]*

### BEECHWOOD HERITAGE GARDENS

A petition signed by 12 residents of South Australia, requesting the house to urge the government to reject the proposed divestment and subsequent sale of Beechwood Heritage Gardens, was presented by the Hon. J.D. Hill.

Petition received.

### COMMERCIAL FISHING NETS

A petition signed by 135 residents of South Australia, requesting the house to urge the government to take action to ban the use of commercial fishing nets within the Gulf of St Vincent, was presented by the Hon. R.J. McEwen.

Petition received.

### CONSTITUTIONAL CONVENTION

Petitions signed by 116 residents of South Australia, requesting house to pass the recommended legislation coming from the Constitutional Convention and provide for a referendum, at the next election, to adopt or reject each of the Convention's proposals, were presented by the Hons S.W. Key and R.B. Such and Mr Brokenshire.

Petitions received.

### RAZORFISH, BLANCHPORT

A petition signed by 56 residents of South Australia, requesting the house to urge the government to place a ban on the taking of Razorfish at Blanchport, between the high and low watermark, while spawning is in progress from 31 October to 28 February; except for the holders of marine scale fishing licences, was presented by Mrs Penfold.

Petition received.

### SEXUAL ABUSE

A petition signed by two residents of South Australia, requesting the house to urge the government to take action to establish an independent inquiry to fully investigate and report upon allegations of sexual abuse of wards of the state and others in institutional care, was presented by the Hon. M.R. Buckby.

Petition received.

### SPEAKER, ABSENCE

**The SPEAKER:** There are two matters that I wish to bring to the attention of honourable members at this point in proceedings. The first is in consequence of the fact that earlier this year, to my immense surprise, I was nominated and awarded, without my prior knowledge, the World Peace

Prize for 2003 in consequence of the work I have done over the last 39 years. The World Peace Council arises out of the Kennedy Peace Corps' efforts to promote peace internationally, and honourable members who are interested may wish to look at the web site ([www.wppcam.org](http://www.wppcam.org)) to better understand the World Peace Council. To that end, in order to be present to receive the award, it is my great regret that I have to leave South Australia tomorrow to be in Seoul for the award ceremony on Friday evening, 17 September, at the President's Hotel (for whatever honourable members may realise about that), and I shall return, as somebody who also set out to achieve peace by perhaps somewhat different means said upon leaving the Philippines several years ago. Indeed, I shall return early next week.

### PARLIAMENT, ROLE

**The SPEAKER:** The other matter to which I wish to draw attention briefly today is that of a constitutional nature in which the role and function of the parliament in our constitution has come into question for the first time in this manner in 148 years. During the term of the recess when parliament was prorogued, and after due consultation with my colleague, the President of the other place, and the clerks of the chambers, on your behalf and in the interests of parliament I have sought learned opinion from counsel properly qualified and respected and shall make a more fulsome statement about that matter upon my return.

### LOCAL GOVERNMENT, ANNUAL REPORTS

**The SPEAKER:** Pursuant to section 131 of the Local Government Act 1999, I lay on the table the following annual reports for 2002-03: District Council of Ceduna; District Council of Orroroo Carrieton; and District Council of Yorke Peninsula.

### PAPERS TABLED

The following papers were laid on the table:

By the Minister for Families and Communities (Hon. J.W. Weatherill)—

Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children—Senate Community Affairs Reference Committee Inquiry Report.

### AUDITOR-GENERAL, QUESTIONS

**The SPEAKER:** At this point I report to the house that, during the course of the recess when parliament was prorogued, in concert with my colleague the President of the Legislative Council, a letter was drafted to the Auditor-General seeking answers to explicit questions to which no answer has been obtained, and I shall report to the house more fully on that matter next week.

### SITTINGS AND BUSINESS

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

That standing orders be and remain so far suspended as to enable the restoration and introduction of government bills before the Address in Reply is adopted.

Motion carried.

### SAVE THE RIVER MURRAY FUND

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

Leave granted.

**The Hon. K.O. FOLEY:** This statement concerns the application of funds derived from the Save the River Murray Fund. In my summation of the second reading debate on the Waterworks (Save the River Murray Levy) Amendment Bill on 15 July this year, on advice, I stated the following in relation to contributions to the Murray-Darling Basin Commission:

The \$19.6 million contribution for 2003-04 will not be funded in full from the Save the Murray fund. The Save the Murray fund is for initiatives to assist and save the River Murray and the vast bulk of that money will be for new applications. A portion of it will be considered for additional Murray-Darling Basin Commission contributions in subsequent years, but for this year the \$19.6 million for 2003-04 will not be funded in full from the Save the Murray fund. Some \$15 million is already appropriated through Consolidated Account, and \$4.6 million additional Murray-Darling Basin Commission contribution is proposed to be funded from the levy.

Later the same day, in relation to a question from the member for Unley during the committee stage of the bill, I stated, also on advice:

So, those bases are locked in and will not be funded by the levy. But, as the member would appreciate much better than I—

how true that was—

apparently each year there are negotiations for additional payments—some years there are additional payments, and some years there are not. However, in 2003-04, an additional payment of \$4.6 million was funded, so that took the number closer to \$19.6 million or \$19.8 million. I am advised that this is being fully funded in 2003-04 without any contribution from the levy. We are locking in the base of \$15 million and will not fund that from the levy.

I wish to advise the house that the statement 'I am advised that this is being fully funded in 2003-04 without any contribution from the levy' referred to the base funding of \$15 million and not the additional amount of \$4.6 million which is funded from the levy. I apologise to the house for any confusion my remarks may have caused.

*Members interjecting:*

**The Hon. K.O. FOLEY:** I was confused.

*An honourable member interjecting:*

**The Hon. K.O. FOLEY:** I just like to keep the record straight.

*Ms Chapman interjecting:*

**The SPEAKER:** Order!

**The Hon. K.O. FOLEY:** Yes; you come back to the house when you are first made aware of it. That is exactly what I did. Clearly, the advice I gave was confusing.

*Ms Chapman interjecting:*

**The SPEAKER:** Order!

**The Hon. K.O. FOLEY:** Well, I can say only what I am advised. Unlike the Liberal Party, I came into the house and corrected the record.

### GOVERNMENT, FINANCIAL MANAGEMENT

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

Leave granted.

**The Hon. K.O. FOLEY:** A core issue for all governments should be sound financial management. In recognition of this the government has implemented a range of initiatives aimed at improving financial management across the public

sector. In 2002 the government implemented a policy to deal with money that was allocated to agencies in the budget but not spent by the end of the financial year.

Under the previous government, unspent money was simply carried into the next financial year and spent when convenient. This process reduced the rigour on agencies to maintain their annual budgets and contributed to a lack of financial accountability within government. This government takes a much more responsible approach to unspent moneys. Once the under-expenditure is identified, agencies are required to justify to the Department of Treasury and Finance—and ultimately to the Treasurer—why they need to carry over unspent money from one year to the next.

The Department of Treasury and Finance has also implemented a policy where all interest earned on agency deposit accounts are returned to Consolidated Account and not absorbed into agency budgets. In addition, we have tightened up our monthly financial reporting regime across government and introduced a cash alignment policy to ensure that agencies are not able to build up large cash balances. These policies have improved the level of financial accountability across government. Notwithstanding the improvements that have been made and the importance placed upon sound financial management, there will arise from time to time cases involving non-compliance with these controls.

I have recently been advised of an investigation into certain financial transactions involving carry-over funding that occurred during the 2002-03 and 2003-04 financial years within the Attorney-General's Department and the Department of Justice. The Auditor-General is investigating these issues and will detail his findings in his annual report to the parliament. Whilst this investigation is in progress I do not believe it appropriate to elaborate on the details. The government will make a public response to this issue following the release of the report by the Auditor-General.

### CHILD ABUSE

**The Hon. J.W. WEATHERILL (Minister for Families and Communities):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.W. WEATHERILL:** I am pleased to report that Justice Edward Mullighan of the Supreme Court, Commissioner designate for the Inquiry into Sexual Offences Against Children in State Care, will commence his role as Commissioner on 6 December 2004. This follows his retirement from the bench on 3 December 2004. I am also pleased to report that an advertisement seeking expressions of interest for suitably qualified persons to assist the commission was published on 4 September 2004; a project manager has been appointed to establish the Office of the Commissioner; and premises have been selected to accommodate the inquiry.

I would like to take this opportunity to express my gratitude to Justice Mullighan in accepting this most important and challenging role. The people of South Australia are fortunate, indeed, to have a person of such impeccable character and integrity to be leading this very significant inquiry.

Today I also tabled the first of two reports of the Senate Community Affairs Reference Committee Inquiry, 'Forgotten Australians: a report on Australians who experienced institutional or out-of-home care as children'. This report was released on Monday 30 August 2004, and its findings have implications for both state and federal governments. Broadly

speaking, the terms of reference were to inquire into whether any unsafe, improper or unlawful care or treatment of children occurred in any government or non-government institution and fostering practices. A total of 614 submissions were received. Approximately 11 of the 440 public submissions were from South Australia. Of those, the committee chose 171 people to give oral evidence. Evidence was heard in public on separate occasions in all states, and in Adelaide on 13 November 2003, when five people gave evidence.

The committee found that there has been wide scale unsafe, improper and unlawful care of children, a failure of duty of care and serious and repeated breaches of statutory obligations. A total of 39 recommendations were made, including recommendations for commonwealth and state governments, churches and agencies to issue formal statements of acknowledgment of the hurt and distress suffered by these Australians. It also called for apologies for the harm caused, as well as the establishment of a national reparation fund for victims of abuse in all alternative care settings.

This government will advocate for an apology to be given at a national level, and will progress these and other matters in the weeks following the federal election. The Senate inquiry findings are very relevant for our own inquiry into sexual abuse in state care, due to commence by the end of this year. Both inquiries have significant implications for the quality of care we provide today for those children who cannot live with their families for one reason or another. We need to make sure that our present system learns from the past. This government has already directed that children under my guardianship receive the highest priority and access to all government services. We will do all we can to ensure the ongoing safety of these children.

### GOVERNOR'S SPEECH

**The SPEAKER:** I have to report that the house has this day, in compliance with a summons from His Excellency, the Governor's Deputy, attended in the Legislative Council chamber, where His Excellency has been pleased to make a speech to both houses of parliament of which speech I, as Speaker, have obtained a copy, which I now lay upon the table, and to which I draw attention to an improper remark made by the government ordering, as it were, the proceedings of the Governor in making such a speech to be found on page 13 of my copy wherein the remark is made as follows:

It will reintroduce legislation to cut the number of gaming machines by 3 000, as recommended by the Independent Gambling Authority.

The remark to which the attention of the house is drawn is as follows:

This matter is the subject of a conscience vote for members of parliament.

In truth and in constitutional terms, all matters are conscience votes for all members of parliament. They are not to be directed under gubernatorial powers, whether exercised by the Premier or any other minister.

Ordered to be published.

### QUESTION TIME

#### LINEAR PARK

**The Hon. R.G. KERIN (Leader of the Opposition):** My question is to the Minister for Urban Development and Planning. What progress has the government made in re-acquiring a section of the River Torrens Linear Park that was

mistakenly sold to property developers earlier this year? In February this year, the state government agreed to the sale of the Underdale campus to two private developers for \$30 million.

*Members interjecting:*

**The SPEAKER:** Order! The leader has the call. Interjections are out of order.

**The Hon. R.G. KERIN:** Thank you, Mr Speaker. Soon after the sale it was found that it included 500 metres—

**The SPEAKER:** May I ask whether the leader would be kind enough, for my benefit at least, to repeat the question, as I did not hear it.

**The Hon. R.G. KERIN:** What progress has the government made in re-acquiring a section of the Torrens River Linear Park that was mistakenly sold to property developers earlier this year? In February this year, the state government agreed to the sale of Underdale campus to two private developers for \$30 million. Soon after the sale, it was found that it included 500 metres of the River Torrens, as well as the river bank adjoining the Underdale campus, including the bike and the pedestrian path that is part of the linear park. The opposition has been advised that, unless the government buys back the land in question, the developer will deny public access to that section of the linear park because it cannot obtain public liability insurance.

**The Hon. P.L. WHITE (Minister for Urban Development and Planning):** There are some times in politics when you really wish you had documents in front of you. The last question I anticipated from the opposition was this one because it was the last Liberal government that decided to agree to sell the River Torrens Linear Park to private interests.

*Members interjecting:*

**The Hon. P.L. WHITE:** It is true. In fact, sir, it was—

*Members interjecting:*

**The Hon. P.L. WHITE:** Hold on! It was, in fact, a cabinet decision of the former Liberal government in 2001 that concurred with the sale of the University of South Australia and the linear park to private interests. They not only concurred, but also understood what they were doing, and in fact were advised by one of the ministers that the consequence of—

*Members interjecting:*

**The Hon. P.L. WHITE:** Could you please be quiet for a moment so that I can explain? You are feeling a bit nervous about the answer to this question and the reason is this: because one of your ministerial colleagues—and I notice that he is not present here today—sorry he is here (it is not Iain Evans)—advised the cabinet that they would be selling part of the linear park—

*The Hon. K.O. Foley interjecting:*

**The SPEAKER:** Order!

**The Hon. P.L. WHITE:** Guess what? They concurred with the sale and it went ahead unconditionally. That was in 2001 and that was the cabinet decision.

**Mr BRINDAL:** On a point of order, Mr Speaker, the minister has accused a member of this side of the house, a previous minister, of a certain action—

**The SPEAKER:** What is the point of order?

**Mr BRINDAL:** If such a contention is true it should be backed up with documentation.

**The SPEAKER:** Order! The honourable member for Unley knows that that is a specious point of order. There is no standing order under which he raises his grievance. It may be something upon which he considers himself to have been

misrepresented, or some other honourable member who was a minister at the time to have been misrepresented, and the time to take that point is not now nor is it under the guise of being a point of order.

**The Hon. P.L. WHITE:** After the Liberal cabinet decided that they would concur with the university's sale of what is generally considered as public land into private ownership, our River Torrens Linear Park—

*Members interjecting:*

**The Hon. P.L. WHITE:** Hold on. Let me go back. Why did this arise? This arose because, firstly, for years and years—

*Members interjecting:*

**The SPEAKER:** Order! The honourable the minister will simply ignore interjections and address—

*The Hon. K.O. Foley interjecting:*

**The SPEAKER:** Order, the Deputy Premier is out of order! The minister on her feet has the call and is addressing the question asked by the leader and she will be heard in silence.

**The Hon. P.L. WHITE:** The University of South Australia was given permission by the former Liberal government in 2001 to sell the linear park to private developers. That was the cabinet decision—unconditional. That cabinet approval listed the linear park, the hundreds of land, the actual description of all the components of the University of South Australia Underdale campus, including the linear park. That was in 2001. Subsequently, having been given that undertaking by the former Liberal government, the University of South Australia did just that—it sold the land and it sold the linear park. When I became the planning minister in March this year—

*The Hon. P.F. Conlon interjecting:*

**The SPEAKER:** Order! The Minister for Infrastructure's assistance is, I am sure, useful but highly disorderly and unnecessary. The minister on her feet understands her subject, I am sure, and has the confidence of the house in delivering the response to the inquiry.

**The Hon. P.L. WHITE:** There are significant implications of this portion of what the public of South Australia regard as public land being in private ownership. There are public liability implications, there is the issue of access potentially being denied to the public, flood mitigation, and a whole range of other issues that fell with that decision by the former Liberal government.

I became aware of this matter shortly after I became Minister for Planning (I think in about March or April this year), and I immediately took steps to try to limit the implications of that decision. I put into interim effect a ministerial planning amendment report that would allow the councils—and there are two councils, one either side of the river—

*Ms Chapman interjecting:*

**The SPEAKER:** Order! The member for Bragg is out of order.

**The Hon. P.L. WHITE:** I put an interim PAR into place, which allowed those councils time to put appropriate zoning in place so that they would not be stuck with an application for development, that they would have no power to refuse, arising from this unfortunate incident. As to the crux of the leader's question—

*Dr McFetridge interjecting:*

**The SPEAKER:** Order, the member for Morphett!

**The Hon. P.L. WHITE:** —as to what our government has done to try to fix the mess created by the former Liberal government, we have been in negotiations—

*Ms Chapman interjecting:*

**The SPEAKER:** Order, the member for Bragg!

**The Hon. P.L. WHITE:** —with the relevant councils, the developers and the state government agencies to try to resolve this issue, and we will resolve this issue. However, I have to say that there would not have been a task to be done if the former Liberal government had not, by way of cabinet decision, given permission to the University of South Australia to sell our public land into private hands.

### PUBLIC SERVICE

**Mr RAU (Enfield):** My question is to the Premier. Given the Economic Development Board's focus on the reform of the Public Service, will the Premier explain to the house what he is doing to improve the leadership and performance of the South Australian Public Service?

**The Hon. M.D. RANN (Premier):** I have to say that the first question after a long break of the session and to see an 'own goal' like that, when our minister is taking action to allow the public to use an area of land, as they have for years—

**The SPEAKER:** Order!

**The Hon. M.D. RANN:** —which was sold off with the permission of the former Liberal government—

**The SPEAKER:** Order! The Premier will address the inquiry which has been made of him and not debate the previous question.

**The Hon. M.D. RANN:** Thank you, sir. I thank the member for his question. I have often been frustrated with the low level of responsiveness of some—and I repeat the word 'some'—senior public servants, especially their tardiness in implementing some of the Economic Development Board's recommendations. In January this year I called the chief executives from across government in from their holidays and I told them that their jobs were on the line if things did not move faster in implementing the EDB's recommendations. I had to do the same with the Social Inclusion Strategy on Homelessness. The plan was in place and so was the money but not, in my view, the energy, drive and focus I expected from a modern public sector—dedication that the community had every right to expect.

With a 80 000-plus strong work force, the public sector is the largest employer in South Australia. Every day public servants are being challenged to work in new and innovative ways to solve and manage public policy challenges. The key challenge for the Public Service is to develop more relevant, responsive, flexible and innovative ways in which to solve and manage the public policy challenges of today and for the future. Poor responses from high levels of the Public Service have reinforced that the conservative organisational arrangements and attitudes enshrined in the current model of government can no longer be relied upon to provide an efficient and effective Public Service.

In April the reconvened Economic Growth Summit announced a review into the Office of the Commissioner for Public Employment. I charged Mr Rod Payze, who is well known to us from his role as the former CEO in government and also, of course, in football—

**An honourable member:** He is the father of a champion Eagles player.

**The Hon. M.D. RANN:** The father of a champion Eagles player, I have just been told, and Mr Philip Speakman, who is an executive from the private sector, with providing a vigorous report that would help give the community the public sector it deserves. That report has now been to cabinet. Messrs Speakman and Payze have prepared an excellent report which proposes 32 recommendations. Cabinet has accepted 26 of the recommendations, accepts in principle four recommendations, and has accepted parts of a further two.

This report will result in the biggest shake-up in years of the leadership of the public sector and will substantially lift the performance of the Public Service to reflect the new approach being adopted by the government. As part of the reform package, the government has moved to abolish permanent tenure for our executive work force. We intend to move progressively to convert tenured executive appointments to untenured contracts. The government believes that, like those in the private sector, executives with no guarantee of permanency will have greater incentive to strive for excellence, but I do not intend to break my promise of quarantining job security for non-executive public servants—their permanency will remain.

In accepting the report, the government has already established the Office of Public Employment which will be headed by the Commissioner for Public Employment and will report directly to me as Premier. The government will also charge the Chief Executive of the Department of the Premier and Cabinet with responsibility for implementing whole of government policies, promote the public sector as an employer of first choice, and ensure that all vacancies of greater than 12 months are advertised publicly, thereby increasing opportunities for all South Australians to seek public employment. It will upgrade the classifications standards of public sector workers, give each agency the ability to recruit employees and determine remuneration instead of being carried out centrally by the Office of the Commissioner for Public Employment, and ensure that all non-executive excess employees receive intensive case management in an effort to find new employment opportunities. It will implement a staff exchange program between the private sector, local government, other state governments and the commonwealth government to increase professional development, increase staff mobility between and within agencies, increase performance management through training and coaching programs, and require the Commissioner for Public Employment to formulate whole of government guidelines for the work force.

Having the most effective and efficient Public Service we can is of the utmost importance to the future of South Australia. Let there be no nonsense that this is somehow an attack on the Public Service or an attack on the Public Service Association. We must strive for the best Public Service we can have, and that is why the State Strategic Plan 'Creating Opportunity' includes targets such as leading the nation in cost effectiveness of government services within five years and leading Australian governments in timely and transparent government decision making within five years. The government wants a senior public service that is flexible, energetic and with the drive to deliver the programs that the community demands efficiently and effectively. To drive this point home, I will ensure personally that each chief executive of each government department receives an annual performance appraisal. I want the implementation of these recommendations to have a profound and positive impact on the culture

of the Public Service leading to a work environment which is innovative, responsive, exciting, challenging and united.

### POLICE, MOBILE PHONES

**The Hon. M.R. BUCKBY (Light):** Will the Minister for Police confirm that, because of severe budget shortages, police officers have been instructed not to call mobile numbers from police telephones without first gaining permission from either the senior sergeant or the station supervisor? I am advised that a police officer wishing to dial a mobile phone from a front office police telephone is now required to obtain permission first. The officer must then make an entry in a mobile phone diary and record who made the call, the number, time, date and reason the call was made, and must ask the party being called to ring back to save money.

**The Hon. K.O. FOLEY (Minister for Police):** I do not know the answer to that question. As the opposition is clearly embarking upon a campaign of questioning the management of the police force, I will ask the Police Commissioner for a response, because I can assure the house that I have certainly issued no directive as such nor would it be proper for me to do so. I simply say that we should take—

*Members interjecting:*

**The SPEAKER:** Order! The honourable the Deputy Premier and Treasurer has the call, and I would thank members on my left to note the point.

**The Hon. K.O. FOLEY:** Thank you, sir. Often, we must take with a grain of salt some of the allegations made by the opposition with respect to the adequacy of budgets and decisions, and there are a couple of examples that are quite relevant to this question. I am advised that, in a statement released by Leon Byner of 5AA, the shadow minister for police said:

Drastically inadequate state government funding for South Australia's police system means officers are being asked to recycle uniforms.

**Mr Brokenshire:** Correct.

**The Hon. K.O. FOLEY:** 'Correct,' says the shadow minister. Superintendent Paul Schramm (a very senior officer) went on to state:

... SAPOL will never support and would never support the recycling of used uniform articles... that's out of the question totally... there's been an increase in the budget this year for uniform articles... we don't want to spoil the good image we have of our officers out there looking professional.

So, the shadow minister is saying that police officers are being forced to recycle uniforms but Superintendent Schramm says that is not correct and, in fact, the budget has been increased. Again in a similar vein, the shadow minister, in the Riverland—

**The Hon. DEAN BROWN:** I rise on a point of order, Mr Speaker. I remind the house that this is question time. My point of order is that the minister is required to answer the specific question, and the question that has been asked is very specific. The issue is regarding police making telephone calls to mobile phones and whether or not certain instructions have been given to the police about how to make those calls. That is the question.

**The SPEAKER:** I uphold the point of order. Does the honourable the Deputy Premier have any further information?

**The Hon. K.O. FOLEY:** I do, because, in answering the question and as minister, I choose to bring to the house's attention the situation of false allegations—I am not saying

that is what this is, but there is a pattern. In my opinion, Mr Speaker—

**The SPEAKER:** Order! The Honourable the Deputy Leader has a point of order.

**The Hon. DEAN BROWN:** Mr Speaker, I think the minister is defying your ruling, sir. It is very clear indeed that the minister is attempting to go beyond the question, which is very specific in terms of telephone calls and instructions to police about how they should handle mobile phone calls.

**The SPEAKER:** I uphold the point of order. The subject matter is the resources available to police for the making of telephone calls to mobile phone numbers. If the minister has no further information about that matter, it is not appropriate—

**The Hon. K.O. FOLEY:** I interpret the question—

**The SPEAKER:** Order! It is not for the Deputy Premier to interpret the question other than as it is asked and other than as the chair, on being called to determine a point of order, rules: and in this case the chair has ruled that the subject matter is about the resources available for making telephone calls from land lines in police stations to mobile phone numbers. That is as I explicitly recall it. If the honourable the Deputy Premier, as Minister for Police, has further information about that matter, he may provide it to the house. However, he may not engage in debate of what, in his mind, may be related matters; because, in the mind of the chair and that of other honourable members, they are not. The honourable the Deputy Premier.

**The Hon. K.O. FOLEY:** Thank you, sir. As it relates to the use of telephones, it is simply outrageous for a member of this house to suggest that budgets of police are being cut when I consistently remind the house that, in fact, budgets are being increased. I will not allow to go unchallenged questions that are mischievous by nature and, as I find with the shadow minister when he was recently in Loxton making allegations—

**The SPEAKER:** Order! The honourable member for MacKillop has a point of order.

**Mr WILLIAMS:** Mr Speaker, I think the minister is clearly debating, which is against standing orders, and I call upon you to so rule.

**The SPEAKER:** I uphold the point of order. I call the member for Playford.

### HOON DRIVERS

**Mr SNELLING (Playford):** My question is directed to the Attorney-General. What initiatives are being considered by the government to deal with the problem of hoon drivers?

**The SPEAKER:** The Attorney-General.

*Mr Williams interjecting:*

**The SPEAKER:** Order! The Attorney-General has the call, not the member for MacKillop.

**The Hon. M.J. ATKINSON (Attorney-General):** Hoons are warned that burnouts, doughnuts, wheelies and drag-racing on South Australian streets will not be tolerated. The Rann government will this week introduce to the parliament—

*Ms Chapman interjecting:*

**The SPEAKER:** Order!

**The Hon. M.J. ATKINSON:**—the Statutes Amendment (Misuse of Motor Vehicles) Bill 2004 and, although I would like to get the word 'hoon' into the title so as to broaden our legislative lexicon, I am not sure that I can do so.

*Mrs Redmond interjecting:*

**The Hon. M.J. ATKINSON:** I would like to, yes. The bill will target people who arrange illegal drag-racing, and those who participate could be required to forfeit their car permanently. Initiating drag-races could be interpreted as manslaughter in the making, and that is why the people behind these things should be penalised. We will give police the authority to impound immediately for 48 hours vehicles suspected of being used by hoon drivers. This can be done before conviction.

**Mr Brokenshire:** Whose policy was it?

**The Hon. M.J. ATKINSON:** For the information of the member for Mawson, we both came to the same conclusion simultaneously. I give him credit for pursuing it through the last election campaign. I remember the honourable member out at the Adelaide International Raceway—

*Mr Brokenshire interjecting:*

**The Hon. M.J. ATKINSON:** That is right. The smoke was rising in the air. I remember that well. I thank the Liberal opposition for its bipartisan support on this matter, because we know that only two parties will oppose this hoon driving legislation, and which parties are they? The Greens and the Democrats. Now—

*The Hon. W.A. Matthew interjecting:*

**The Hon. M.J. ATKINSON:** Well, I will come to who is a hoon driver. I will come to that. If the driver is later convicted after this period of initial impoundment, the court can impose another period of impoundment—or even forfeit the vehicle—depending on how bad the offender's driving history has been in the past five years. The court can impound for up to three months for one prior offence and up to six months for two prior offences. It can order the vehicle permanently forfeited for three prior offences. The costs of towing and—

*An honourable member interjecting:*

**The SPEAKER:** Order!

**The Hon. M.J. ATKINSON:** No.

**The SPEAKER:** Order! The Attorney-General should not encourage interjections.

**The Hon. M.J. ATKINSON:** The costs of towing and storage of impounded vehicles will be met by the offending driver. If the car is not collected or ordered forfeit by a court it can be sold or otherwise disposed of; and I am pleased to say, for the information of the member for Kavel, that any proceeds will go into the Victims of Crime Fund.

**The Hon. W.A. Matthew:** You haven't passed the regulation yet.

**The Hon. M.J. ATKINSON:** Yes, I have. For the information of the member of Heysen, misuse of a motor vehicle (and that is hooning) includes:

- racing vehicles in a speed trial pursuit or test of a driver's skills in a public place;
- producing sustained wheel spin in a public place;
- causing engine or tyre noise likely to disturb residents or workers in the vicinity;
- driving onto a park, garden or road-related area to break up the ground surface or cause other damage; and
- using a car stereo system (particularly a modified car stereo system) to vibrate the whole neighbourhood.

**An honourable member:** Does it apply to motorbikes?

**The Hon. M.J. ATKINSON:** Yes, it does apply to motorbikes.

**An honourable member:** And outlaw motorcycle gangs?

**The Hon. M.J. ATKINSON:** Yes, and outlaw motorcycle gangs. In fact, members may recall that when the government announced this policy at Easter in Cedar Avenue, West

Croydon, in the heart of my electorate shortly after our press conference two cars sped into the intersection near our press conference, their drivers obscuring their face with their upper garments, and they threatened a Channel 7 cameraman and local residents who had come along to cheer our policy. Those hooded drivers were from the Finks motorcycle gang.

*Members interjecting:*

**The SPEAKER:** Order! The member for Mawson should not suggest yellow cards being offered to drivers for such behaviour.

**The Hon. M.J. ATKINSON:** Hoons are notoriously hard to catch, because police practically need to catch them in the act. But members of the public can help by reporting regular trouble spots, times, participants and registration numbers. I myself have run out from my home partly clad trying to get the registration number of hoon drivers—but one raced away on nothing but his rims! This law can help deter and punish hoons effectively. If we seize the car of one hoon and give the seizure sufficient publicity, we educate a thousand hoons.

The government's pursuit of this legislation has followed strong lobbying from Labor MPs such as the member for Elizabeth, the member for Playford and the member for Napier, as well as Independent MP the member for Fisher, and they are to be commended on their persistence. I thank the Liberal opposition for its foreshadowed bipartisan support.

**Mr BRINDAL (Unley):** Sir, I have a supplementary question. My question is to the Attorney. As he has clearly announced this government's intention to make hoons pay in terms of the towing away of vehicles, when a person in my electorate, who is unemployed, had their car stolen and totalled in Frome Road, why would the government not pay for their car to be taken back? In addition, why are they not entitled to victims of crime compensation?

**The Hon. M.J. ATKINSON:** Victims of crime legislation, whether it has been administered by the Labor Party or the Liberal Party, has never allowed payments for property damage. It has always been for personal injury.

## TRANSPORT SA

**Mr BROKENSHERE (Mawson):** Is the Minister for Transport satisfied that all Transport SA transactions are adhering to legislation? I recently received a letter from Transport SA staff which states:

As legislation gets harder, clients are becoming more aggressive and when we as staff are ordered to remove licence disqualification illegally, it becomes a joke.

The letter further states:

... it is getting harder and more stressful to do a job that requires us to comply with legislation and yet have upper management directing us to undertake illegal transaction and not support staff who wish to work according to the law.

**The Hon. P.L. WHITE (Minister for Transport):** I really do not know the particular circumstance to which the honourable member refers. It was not explained in his question, so it is a little hard for me to comment on the particular circumstances. Obviously, I do not condone any member of any agency in any area of government under my portfolio control not complying with the law. Obviously, they must. That is my absolute instruction to all employees for whom I have some responsibility. I can guarantee that is the absolute instruction from my chief executive, so there can be no question about the government's stance on such issues. If

the honourable member would like to give me more detail about what exactly he is talking about, I might be able to investigate it, but it is very hard to respond to just a broad allegation.

I recall that the honourable member's great issue of the day during estimates turned out to be unsubstantiated, so I do have reason for a touch of scepticism in responding to his question. I am happy to investigate anything and, indeed, I would demand an investigation where there is any allegation of such nature. However, I am not aware of what the honourable member is talking about.

**Mr BROKENSHIRE:** I have a supplementary question. Given the minister's answer, will the minister agree to allow me to meet with the 20 staff working in the licensing review section, so that I can get further information as to these allegations?

**The Hon. P.L. WHITE:** It seems to me that the honourable member is playing games here. If he was really serious, if he had an issue and he was not just wanting to waste my time, the parliament's time and public servants' time, he would come forward with this letter.

*Mr Brokenshire interjecting:*

**The Hon. P.L. WHITE:** Well, he says he has a letter. I ask him to table it and give me a copy of it. He has referred to it. I ask him to table it and give me a copy of it. Is it your instruction, Mr Speaker, that he table the letter?

**The SPEAKER:** Order! Standing orders do not provide for honourable members at the request of others, or of their own volition, to table anything—letters or whatever else it is they may wish to lay on the block.

**The Hon. P.L. WHITE:** I accept that, sir, and I thank you for your advice. In that case, I ask the honourable member to provide me with the letter—

**The SPEAKER:** That is entirely proper.

**The Hon. P.L. WHITE:**—so that I have some hint about where to start in trying to guess the honourable member's mind in this matter. Let me make it absolutely plain: all public servants, all ministers, the Premier, the lot of us, must comply with the law—and we do.

#### BRANCHED BROOMRAPE

**Mrs GERAGHTY (Torrens):** My question is to the Premier. What progress has been made towards the eradication of branched broomrape in South Australia?

**The Hon. M.D. RANN (Premier):** As members of the house will know, branched broomrape is a parasitic weed which poses a serious threat to the marketing and production of agricultural commodities in South Australia—indeed, across the country. The eradication program is a continuing program with national funding support through the Primary Industries Ministerial Council of over \$2 million per year. South Australia is contributing an additional \$2.3 million per year and the Grains Research and Development Corporation is contributing \$300 000 for research.

The Department of Water, Land and Biodiversity Conservation (DWLBC) is currently into the second year of a 10 year eradication program. The program is based on science, fumigation and improved farming practices. Once this program is finished, there will still be a need for vigilant monitoring as the seed life is estimated to be about 12 years. Seven major projects on the program aim to contain and eradicate the weed with the assistance of top level research undertaken at the University of Adelaide and the Cooperative

Research Centre on Weed Management in Brisbane. Other initiatives undertaken include state grants which assist farmers and local communities in eradicating the weed.

I want to pay tribute to the member for Hammond, who I believe substantially educated both sides of this house on the issue of broomrape. Indeed, there was an interjection from the Attorney-General that maybe I did not know much about broomrape when you, sir, came to talk to me about it initially. I think that is fairly true. I knew that it was, obviously, a terrible thing and that it sounded like a terrible assault. I knew nothing about it and I think that you have substantially educated the community and, indeed, the parliament. In fact, it is a dreadful form of assault; it is a dreadful form of assault on our environment and on agriculture.

The member for Hammond has advocated the use of a pine oil product as a more practical alternative to fumigation with methyl bromide. I am advised that the evaluation of this product is being accelerated with a broadacre application being trialled this spring. There are currently 6 240 hectares of infestation at 548 sites within the quarantine area of 191 000 hectares. I am told that the benefits of eradication will accrue very quickly between 20 to 25 years from now. The benefit:cost ratio is estimated to be 19:1 and is valued at over \$800 million. The eradication program of branched broomrape continues to be a priority of this government, and should be a priority for the nation. Broomrape is a serious assault on our agricultural future, and I think that the member for Hammond substantially educated both me and my opposite numbers at the time of the compact.

#### CHILDREN IN STATE CARE INQUIRY

**The Hon. R.G. KERIN (Leader of the Opposition):** Will the Minister for Families and Communities advise the house why he is overseeing the appointment of individuals to assist with the Children in State Care Inquiry when the commissioner would normally have this role? The advertisement in *The Advertiser* on 4 September 2004, calling for expressions of interest for these positions, stated:

The Minister for Families and Communities may make appointments to the above positions after consultation with the commissioner.

**The Hon. J.W. WEATHERILL (Minister for Families and Communities):** I have to draw the honourable member's attention to something that he might have missed, and that is that the act, which he in a bipartisan way supported, provided that I have that role.

**The Hon. R.G. KERIN:** I will try again with the Minister for Families and Communities. I could not hear that last answer. Will the minister advise the house what provisions have been made by the government to ensure that all individuals appointed to assist with the Children in State Care Inquiry are independent and do not have any conflict of interest?

**The Hon. J.W. WEATHERILL:** Perhaps I will give the long version to the house and to the Leader of the Opposition. When we set up the legislation, it provided that there would be a number of roles to assist the inquiry, and it also provided that I, as the relevant minister provided for in the act, would have the role of making those appointments in consultation with the commissioner. Of course we take that role seriously and we have made a public advertisement, and I came into this house and made a public statement. I am mindful of the crucial need for those appointments to have not only the fact



of being independent from the role of government but also to be seen to be independent. So, we have established that open process and people can put their names forward and those people will be chosen in consultation with the commissioner. The commissioner is intelligent and sensitive to the issues at stake in the inquiry and would not contemplate somebody being appointed who was not independent.

**Mrs REDMOND:** I rise on a point of order, Mr Speaker. I understood the leader's question to be about conflict of interest rather than independence and I would ask that you direct the minister—

*An honourable member interjecting:*

**Mrs REDMOND:** I did listen carefully.

**The SPEAKER:** The member for Heysen raises an interesting point with which I have no quarrel but the chair does not direct other than that the answer address the substance of the question. To the extent that the minister addressed the substance of the question by referring to the Independents rather than whether or not there was a conflict of interest is a matter for the minister to decide and the house and the public to judge as to what level of credibility to attach to the answer.

**The Hon. R.G. KERIN:** I have a supplementary question. Will the minister assure the house that all individuals appointed to assist with the Children in State Care Inquiry will have no affiliation with the Department of Family and Community Services?

**The Hon. J.W. WEATHERILL:** I give an assurance to this house that we will make proper appointments. Almost every person in this state who has had any role in providing advice in relation to child protection could have had some association, however tenuous, with what was formerly known as the Department for Family and Youth Services (FAYS). I think it would be far too restrictive if we took that view. Certainly, I would be looking for people to assist the inquiry who did not have any formal relationship with the former Department of FAYS or indeed any of its predecessors. However, one needs to bear in mind that the sorts of people who will assist in the inquiry may well be people who have had some association at some time in their past with such an organisation, or indeed a sister organisation from other states where there are similar issues at stake.

We are sensitive to the fact that we will not be wanting to select people who have an interest in trying to protect any interests they may have of their own, or the interests of colleagues with whom they associate. So, we will be very alive to that question. We hear the points that have been raised; they are sensible points. But I think it would be wrong to completely rule out anybody who has had any association whatsoever with a child protection agency, because such a person may be very difficult to find. Having said that, we certainly will be seeking to make appointments to assist the inquiry, whether they be legal assistance, people who will provide services to the people who will be coming before the inquiry, because there will be people in those roles.

In fact, this house contemplated that there would be something in the nature of the Victim Support Service that presently supports victims of crime and that that process should be transplanted and a similar process put in place for this inquiry. I do not know who provides those services, but they may well have been people who in the past had an association with FAYS or its predecessors. So, it is important that we do not rule out properly qualified people and that we do take on board the importance of ensuring that we do have

an independent process and that people are not going to be involved in the process that would have an interest in covering up anything, because, of course, this inquiry is about opening the doors on government and ensuring that we expose cover-up.

## SECURITY LEGISLATION

**Dr McFETRIDGE (Morphett):** My question is to the Minister for Consumer Affairs. Has the minister implemented urgent action with respect to the Coroner's findings in the matter of the death of Dean Eustice? Following the inquest into the death of Mr Dean Eustice at Westfield Marion on 11 October 2003, the Coroner recommended 'that the level of training given to licensed security officers be reviewed by (1) Westfield Marion and (2) the Minister for Business and Consumer Affairs.'

**The Hon. K.A. MAYWALD (Minister for Consumer Affairs):** This issue is under consideration, and a range of issues are currently being reviewed under the security legislation, and that legislation will be retained by the Attorney-General.

## TOXIC WASTE DUMP, NOWINGI

**The Hon. R.G. KERIN (Leader of the Opposition):** My question is to the Minister for the River Murray. Has the minister investigated the likely impact on the River Murray of the Victorian Labor government's proposal to establish a toxic waste dump at Nowingi? Serious issues have been raised by River Murray communities and councils concerning a proposal to establish a toxic waste dump in the far north-west of Victoria, adjacent to South Australia and only 14 kilometres from the River Murray and allegedly using 1970s technology.

**The Hon. K.A. MAYWALD (Minister for the River Murray):** I thank the member for his question. The issue is one of concern to communities in the Sunraysia region where this toxic dump is proposed. An environmental impact assessment has been undertaken in respect of this particular issue. We are considering that particular report, and we will make an assessment on whether or not we believe there is a risk to South Australia but, at this stage, it appears unlikely.

**The Hon. R.G. KERIN:** I have a supplementary question. Does the minister agree with the Minister for Environment and Conservation's statement to this house on 21 July 2004 that:

...the containment facility will not house any toxic waste. . .

**The Hon. K.A. MAYWALD:** I am unable to answer that question, because I am not accountable for his comments in the parliament.

## STATE STRATEGIC PLAN

**Mr WILLIAMS (MacKillop):** Will the Minister for Agriculture, Food and Fisheries confirm that no action has been undertaken to develop a comprehensive strategic plan for rural and regional South Australia as was the key recommendation of the South Australian Farmers Federation report entitled 'Triple Bottom Line for the Bush'? On 30 March this year the state government accepted a report prepared by Professor Dick Blandy on behalf of the South Australian Farmers Federation entitled 'Triple Bottom Line for the Bush'. The key recommendation of the report calls for

the state government to work in partnership with the South Australian Farmers Federation to establish a task force to develop a comprehensive strategic plan for rural and regional South Australia, and that the task force deliver its plan to the Premier by Friday 16 July 2004—some two months ago. The opposition has been informed that the government has not even moved to establish a task force.

**The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries):** I can inform the honourable member that the State Strategic Plan is everybody's strategic plan. It is the strategic plan of business; it is local government's strategic plan; it is the state government's strategic plan. Obviously, for those matters of a state nature where federal policy impacts on us, it is a federal strategic plan. We have to work together in terms of achieving all the objectives of that strategic plan. That means—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. R.J. McEWEN:** It is South Australia's strategic plan. I actually understood that at least the majority of it had not been embraced in a bipartisan way. I could be wrong. That would be sad for all South Australians, but I could be wrong. Importantly, though, we need to work with all the other players including industry and, as part of it, the Premier is going to be involved with local government in regional areas of South Australia going through the strategic plan, so they in turn can identify which bits are fundamental to them. In terms of the member's question, are we engaging all other key stakeholders in terms of this State Strategic Plan? The answer is yes.

**Mr WILLIAMS:** I have a supplementary question. Notwithstanding that the original question has remained unanswered, will the minister indicate whether the government intends to establish the task force in concert with the Farmers Federation to deliver as per the 'Triple Bottom Line for the Bush' document which was received by the government some six months ago?

**The Hon. R.J. McEWEN:** Again, I thank the honourable member for his question. I can inform him that I am meeting regularly with Executive Officer Carol Vincent and the President of SAFF John Lush on this and a number of other matters where it is crucial that we work with the leadership group on behalf of that industry and South Australia. Yes, we will be working through a whole range of issues.

*Members interjecting:*

**The SPEAKER:** The minister has the call.

**The Hon. R.J. McEWEN:** As much as those opposite hate to accept this, we are getting on with business.

## POLICE, MOBILE PHONES

**The Hon. M.R. BUCKBY (Light):** Does the Minister for Police deny that any printed instructions were issued to police stations concerning restrictions on dialling mobile telephone numbers? I will supply a copy of the direction to the Minister for Police following question time. It is headed, 'Front office mobile phone diary' and states:

If anyone wishes to dial a mobile phone number from a front office police telephone, then the following practice will apply:

1. The reason for dialling a mobile number as opposed to a landline will be explained to the Senior Sergeant or Station Supervisor.

2. The mobile phone number WILL ONLY BE DIALLED WITH PERMISSION OF THE ABOVE MEMBERS.

3. The officer will make an entry in the 'Mobile Phone Diary' and make notation of who made the call, the number, time, date and the reason call was made to a mobile number as opposed to a landline.

4. The authorising officer will sign that entry.

Entries will be audited against phone bills with strict adherence to these instructions expected. If this practice is followed and the numbers of calls are decreased then this practice will be revisited.

(a) Authorisation to dial a mobile phone number will only be considered in the last instance after all other options (including landline numbers) have been considered first.

(b) The mobile phone call will be kept to a minimum with persons being asked to call back on the landline.

**The SPEAKER:** I was distracted for a moment and wish to clarify the position for the chamber. In the course of his explanation, was the member for Light quoting from a document?

**The Hon. M.R. BUCKBY:** Yes, sir, I was.

**The SPEAKER:** Is that document a South Australian Police document?

**The Hon. M.R. BUCKBY:** I am advised that it is, sir.

**The SPEAKER:** The honourable the minister.

**The Hon. K.O. FOLEY (Minister for Police):** Sir, I will check *Hansard* but, from my recollection, as I said, I have not issued such an instruction. As I said, I seek advice on these matters from the Commissioner for Police. I will do that and, if what the opposition has been laughing about is a policy of the police, so be it: it can do that. But, without knowing the specifics of what has been raised, I would not be at all upset if protocols are in place to ensure that efficient use of telephone services is part of public policy. I would have thought that, in a modern management environment, that is not such a bad principle. But I will not waste the time of the house—

*The Hon. Dean Brown interjecting:*

**The SPEAKER:** The honourable the Deputy Premier and Minister for Police has the call.

**The Hon. K.O. FOLEY:** Thank you, sir. I will not waste the time of the parliament with detailed responses to such questions. I will do as I always do, and that is seek the advice of those who are charged with issuing such a policy.

*The Hon. W.A. Matthew interjecting:*

**The SPEAKER:** Order! The member for Bright is out of order.

**The Hon. K.O. FOLEY:** Mr Speaker, I will obtain a report from the Commissioner.

## REGIONAL HEALTH SERVICES

**Ms THOMPSON (Reynell):** My question is to the Minister for Health. Have all three regional health boards been successful in recruiting chief executive officers for the new health regions, and can the minister provide information on appointments to these important positions?

**The Hon. L. STEVENS (Minister for Health):** I thank the member for Reynell for her question in relation to the appointment of chief executives to run the new Central/Northern Adelaide Health Service, the Southern Adelaide Health Service and the Children, Youth and Women's Health Service. The boards of these new health services were put in place on 1 July 2004 and I am pleased to advise that, after a global recruitment process, all three have been successful in appointing chief executive officers.

Ms Heather Grey, formerly the head of the Wentworth Health Service located west of Sydney with 3 000 staff responsible for several hospitals as well as regional and community health services, has been appointed to head the

Children, Youth and Women's Health Service. Dr David Panter, Chief Executive of the Brighton and Hove City Council in the United Kingdom and previously the chief executive of the Hillingdon Primary Care Trust (which provides health services to a community of 260 000 people with a budget of £220 million), has been appointed as chief executive of the Central/Northern Adelaide Health Service.

Finally, Mr David Swan (formerly the Chief Executive of the Women's and Children's Hospital and recently the Acting Chief Executive of the Queen Elizabeth Hospital) has been appointed as the Chief Executive of the South Australian Adelaide Health Service. I am very pleased to announce these appointments. Two of the three people have already started in the job, that is, Ms Heather Grey and Mr David Swan, and we expect that Dr Panter will start in three or four weeks. Each appointee will bring vast experience to the vital task of providing an integrated system of primary and acute care and rehabilitation services in the Adelaide metropolitan area, as well as reaching out across South Australia.

### WHITING FISHERY

**Mr MEIER (Goyder):** Will the Minister for Agriculture, Food and Fisheries undertake to revisit his draft whiting management legislation before it comes into effect on 1 October this year? Other members of the opposition and I have received many submissions from recreational and commercial fishers pointing out errors in findings of the fishing survey. According to SARFAC, these errors have brought about a gross over-estimation of the size of the recreational catch (possibly up to 60 per cent), and SARFAC has asked the minister to delay the changes until these anomalies are fully investigated.

**The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries):** To answer this question, I really need to go back in history a little. I need to go back to 1995 and, at that time, I might admit that the filleting knives opposite were focused more on the member for Finnis than whiting! However, importantly, in 1995 the fisheries minister of the day made a decision that the minimum length of whiting would need to move from 28 centimetres to 30 centimetres immediately, and then by 1998 it would have to go to 32 centimetres. That decision was promulgated in 1995 because the fishery was under enormous stress. The catch limits were unsustainable.

Of course, when we got to 1998, was the decision followed through? The answer is no. In fact, it was a good decision not to follow through with it because, in the meantime, the total science—not SARFAC science—proved that if you went to a length of 32 centimetres you would decimate the fishery (particularly in the top of the two gulfs), and it was questionable whether you would need to do it on the West Coast. I revisited that science and made the decision to introduce a new minimum size limit of 31 centimetres, a revised boat and bag limit and a revised possession limit.

At that stage some people did not know a possession limit was even in place. Extraordinarily, opposition members say that they have received many emails. I have received many emails, too, and I have had to reply to many people, who have been complaining that they can no longer go to a caravan park on the West Coast and spend the whole summer fishing for their freezer, that that was always illegal, and I have asked them why they are now telling me in writing that they have always been breaking the law. However, I will come back to the point.

The point of the honourable member's question was: was the decision based on science? Yes, a decision was based on the total science, not SARFAC's spin on the science. It was a difficult decision to make because it means that we must say to South Australians (both recreational and professional South Australians), 'Please catch fewer fish.' We must increase the spawning biomass by a minimum of 20 per cent.

In making this very difficult decision I consulted very widely. I even asked members opposite (including the shadow minister, the Leader of the Opposition and the member for Flinders) to give me names of people whom I might approach to search widely for a solution. I found the best possible solution that decreased the effort by about 20 per cent, to increase the spawning biomass by that amount, with another strict proviso. I insisted that, in so doing, I shifted no resource from the commercial sector to the recreational sector, or vice versa. We had to make sure that both sectors took the pain equally.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. R.J. McEWEN:** It was important—

**Ms Breuer:** Recreational take more than commercial.

**The SPEAKER:** Order! The member for Giles, I know, has a considerable amount of information that she would like to share with the house, but this not the time or the place to do it.

**The Hon. R.J. McEWEN:** I will not bore the house at this time with what the member for Finnis did in terms of the mulloway fishery when he could not make a decision, because I will need to do that in this house on some day in the near future. What I will do, though, Mr Speaker, is tell you that (and it is important that we have a couple of facts on the record), of the present King George whiting fishery, 58 per cent of it is caught by recreational fishing; 42 per cent is caught by commercial fishing.

**Ms Chapman:** Who told you that?

**The Hon. R.J. McEWEN:** I have got the science. The science can be made available to you. Mr Speaker, you will understand the science, and I will be happy to make it available to you. Importantly—

*Members interjecting:*

**The SPEAKER:** Order! Audible interjections of an entirely unparliamentary nature are going on. There are no drop kicks in this place or anywhere else. The minister has the call, and he does not need the assistance of any other honourable member in providing the information required by the answer to the house.

**The Hon. R.J. McEWEN:** I would just briefly like to bring this answer to a close at this time, because we will be having this discussion again. As I was saying, of the 42 per cent of the fishery that is caught by the commercial sector, in excess of 70 per cent is caught by hook and line, which means that, if you do your mathematics, between 10 per cent and 12 per cent of the total fishery is caught by the net fishers. Part of this debate is around some misguided information about the impact of the net fishers in terms of the total take. We will need to deal with net fishers in another way, because there are some other implications then.

To get back to the question—was the decision the best possible decision made on the science that is available—the answer is yes. Do we need to gather further science? The answer to that also is yes. We need further science on two fronts: one in terms of the impact by net fishing in terms of by-catch and the other in terms of whether or not this measure will go far enough. On both those fronts I will do that work

in a timely manner and, on the basis of that, if we need to revise this decision in the future, we will, but saving that fishery is the prime responsibility of us all.

### SITTINGS AND BUSINESS

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

I move:

That for the remainder of the session, standing orders be so far suspended as to provide that—

- (A) (i) unless otherwise ordered, the house sits on each Monday at 2 p.m.; and  
 (ii) unless otherwise ordered, the motion for adjournment on Mondays is moved not later than 10 p.m. and if the motion is moved before that time, it may be debated; and
- (B) Private Members' Business has precedence over all other business as follows;  
 (i) on Wednesdays for two hours after grievances—bills, motions with respect to committees (including reports of committees) and motions for disallowance of regulations; and  
 (ii) on Thursdays from 10.30 a.m. to 1 p.m.—Other Motions; provided that—  
 (a) Notices of Motion take priority over Orders of the Day unless otherwise ordered; and  
 (b) if all business in (ii) is completed before 1 p.m. the sitting of the house is suspended until 2 p.m.

Motion carried.

### COUNCIL RATES

**The Hon. R.J. McEWEN (Minister for State/Local Government Relations):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. R.J. McEWEN:** Members will be aware of the high level of public debate about council rate increases this year. I have followed the debate closely and considered the issue in consultation with local government. Today I announce the government's intention to introduce a comprehensive set of legislative measures. The amendments will provide relief to ratepayers and introduce reform to the rate setting provisions of the Local Government Act 1999. My proposed legislative amendments will ensure that councils, while working to meet community expectations in regard to the provision of services and programs, also take full account of the likely impact of their rating decisions on ratepayers, especially those with fixed and low incomes.

Members of this house will be aware that on behalf of the government I put in place and promoted a policy that acknowledges and respects local councils as elected community representatives. Of course, this policy cuts both ways. Recognition of and respect for local government as an independent sphere of government carries with it the requirement that councils make themselves responsive and accountable to their electors for the decisions they make both individually and collectively.

Members will also be aware that local government is now facing a serious dilemma. Historically, there has been underinvestment in community infrastructure for which councils are responsible; for example, local roads, stormwater drains and bridges. Equally, however, local government, like other levels of government, must work within the constraints of limited resources. Like other spheres of government, local

government is seeking to control costs and maximise program effectiveness and efficiency on behalf of its ratepayers.

Nationwide, local government today faces even more challenges than ever before. It is heavily dependent on property taxes as a revenue source, while at the same time it is expected to provide an ever-widening range of services and programs. The new responsibilities confronting local government have been well recognised and documented in the 2003 report of the commonwealth House of Representatives Standing Committee on Economics, Finance and Public Administration—rates and taxes: a fair share for responsible local government (the Hawker report).

The Hawker report emphasises the important point that the federal, state and local government sectors must work more collaboratively, and as a state we have taken the lead on this matter. In 2002 this government established the minister's local government forum as a collaborative arrangement to find solutions to major issues of shared concern to both state and local government, such as metropolitan stormwater and STEDs. Earlier this year, the state government also committed itself to the State-Local Government Relations Agreement, signed by the Premier and the President of the LGA. This agreement is a blueprint for shaping future state-local government structural and financial relationships.

As the Minister for State/Local Government Relations, I have been encouraged by the work that the Local Government Association has initiated on behalf of its membership to better align local strategic plans of councils with our State Strategic Plan.

A critical project on which state and local government sectors have worked collaboratively in 2003 and 2004 has been the rating improvement project. The purpose of this project was to provide councils with new and better analytical tools necessary to understand and respond to rating issues, particularly the challenges caused by large and uneven property valuation increases in recent years.

Many councils have used the rate improvement project tools and the flexibility provided to them under the Local Government Act to develop local strategies and flexible responses to recent property valuation spikes. At this stage, however, it is clear to me that more must be done by councils to ensure that the impact of their rates do not fall unfairly, and those ratepayers with limited income and limited capacity to meet the growing rate burden.

Recently media commentators and their audiences have been calling on state government action to curb rate increases. I have strongly resisted the urges of those who have advocated knee-jerk and heavy-handed legislative amendments by the government. The state government will not usurp the financial responsibility and authority of local government. I am particularly pleased that the LGA has moved decisively to address public concerns about council rates and resources, and to provide a platform for discussion of a whole range of issues vital to ratepayers. The willingness of the local government sector to listen and respond to the voices of their ratepayers' concerns about rate increases has been a powerful demonstration of the sector's preparedness to be an accountable sphere of government.

The LGA has played a leadership role in this issue. It has taken the initiative, developed proposals and been prepared to be held accountable for its decision making. In addition, I have met with the LGA and have contributed additional proposals and options, including legislative changes, for consideration by councils. I understand that a wide-ranging package of options, proposals and measures to address the

concerns of ratepayers in respect of rate increases will be considered by the LGA executive at its scheduled meeting in two days' time. I look forward to hearing its responses. The measures brought forward by the LGA executive will be reflected in the package of measures I intend to bring to the house to address rating concerns.

My package will include, but will not be limited to, requiring councils to fully understand the impacts across their communities of movements in property valuations, and to consider both existing rating options and additional flexibility provisions to soften the impact, particularly on those with low and fixed incomes. In particular, I intend to consider the option of including a limit on the increases paid by any individual. I will also be considering the use of fixed charges or differential rates, and rating based on rolling average valuations. I believe councils would benefit from a system of formal, comprehensive and transparent consultation with their communities about the proposed rating and budgeting decisions, and by the development and implementation of improved strategies and forward financial plans.

Only in this way will councils be able in the future to balance the ever-growing demand for local government services and programs with revenue and expenditure. I intend to continue working closely with the LGA on these and other proposals to produce a draft bill. It will be brought to parliament and available for public consultation before the end of the year. In addition to providing relief measures to address current rating concerns, I intend to ensure that work continues on improvements to the overall framework for local government's financial and administrative accountability, including mechanisms for internal and external reviews, and best practice complaints management.

Work will also be undertaken on the long-term financial sustainability of councils in the light of their existing revenue sources and growing service provision responsibilities. As the responsible minister, I confirm my commitment to work closely with local government, but also my responsibility to serve South Australian communities.

## GRIEVANCE DEBATE

### LINEAR PARK

**Dr McFETRIDGE (Morphett):** Earlier this afternoon in response to a question from the leader about the current ownership of the linear park at Underdale, the Minister for Urban Development and Planning said that it was the former Liberal government that sold off this land to developers. That is not the case. Sue Crafter from Urban Pacific, one of the developers who bought this land, is quoted as saying in *The Weekly Times Messenger* of 9 June 2004:

... the University received Government's approval for the sale in 2001.

I understand that the Labor government came into power in early 2002. Ms Crafter goes on to say:

... that required us going to the government of the day, getting their cabinet approval, and then the Governor.

So, what has happened here is not what the minister said. Last year the University of South Australia decided that it would go ahead and sell this land because it had received in-principle permission from the former Liberal government. There were no specifics about how it was going to sell it then. That would have been left to a decision being made once the

sale was negotiated. The decision was made by the University of South Australia last year, and it was put out to tender.

It was divided into two parcels. The northern parcel, which included the Underdale sporting complex, was sold to Medallion Homes, and I will have a lot more to say about that later because that is one of the best sporting complexes in the western suburbs and serves many community groups and individuals in that area. It is one of the best sporting complexes, and it serves Port Power, the Crows and the Thunderbirds. However, Recreation and Sport has decided that, no, it does not want to know about that. This government does not care about the future not only of the linear park but also the future of this sporting facility.

As I have said, the university also sold off the southern portion of the land to Urban Pacific. What did it sell off there? It sold off the child-care centre, and now it is trying to back pedal on that as well. The University of South Australia wanted to go into unconditional contracts; it wanted to sell off a whole lot of this land. If it had been the former Liberal cabinet examining this contract, it would have, of course, come down very heavily on the university and said, 'No, you will not be selling off the linear park.' The contracts had to be approved by the Governor, so they had to go to cabinet and then Executive Council. This Labor cabinet—not the former Liberal cabinet—including the Minister for Urban Development and Planning, as she is now, would have approved the sale of the linear park to private developers.

So, the 500-plus metres section of the linear park at Underdale is being shut off from public access. Why? The developers, who are willing to sell it back to the government and who are willing to talk to the councils about the use of that linear park, want to maintain it for open space, but they are not going to maintain the public liability insurance and have been advised not to allow the public on to that land.

I spoke to one of the developers as late as 5 p.m. yesterday, and they said that, if the government wants the land back, it will have to buy it back because it is in private hands now. Which government was it? It was not the former Liberal government, as the minister asserted; it was this Labor government and cabinet which approved the conditions of the sale. They could have stopped it or amended it, but, no, it went through. They should not rewrite history on this one, which is what they do all the time. I spoke to one of the developers at 5 o'clock last night, and he said that he is happy to sell land and the sporting complex back to the government. However, this government does not care and is not interested, so it is fiddling and messing about, trying to undo the mess it—not the former Liberal government—has created.

It was this Labor government, this wonderful cabinet, that created this mess! There are many things in this state this government is messing up. This is one classic example of where they have messed up and are trying to blame the former Liberal government. They should stop the blame game; they have been in government almost three years. They should get on with the job, fix up the faults here and give the people of South Australia what they deserve, and that is good leadership, not just rhetoric and press releases—they want good leadership.

The government should spend some of the \$3 million a day it gets from property taxes—give it back to the people of South Australia, where it belongs. They do not just want this government coming in here and playing the blame game; they want some leadership and they want some future.

### SCHOOLS, SALISBURY EAST HIGH

**Ms RANKINE (Wright):** I sit here and shake my head in amazement. Clearly, the member for Morphett was not around when the former government allowed the university to sell the Salisbury campus or the Salisbury campus child-care centre with no protection whatsoever in place, or the bungled sale of the Samcor land, where the abattoirs bowling club, which was supposed to be isolated from sale, was flogged off. The member for Morphett needs to look at a bit of the history of his government. They well and truly have form in this area of incompetence time and time again.

However, the reason I am standing here today is to tell the house about how proud and delighted I am to have launched last Tuesday an art exhibition by the Salisbury East High School students. The exhibition is on display at the John Harvey Gallery at Salisbury council until 24 September. The Salisbury council continues to be amazingly generous with our local community groups and in encouraging local artists. The council really does exemplify the very best of local government.

I knew that this exhibition would be good, but when I walked in my chin dropped. It was absolutely exceptional. It really does showcase the imagination, creativity, passion, insight and talent that we have in our local community. It is very difficult sometimes for young people to articulate their dreams, visions and frustrations and, sometimes, even their anger. But expression through art, whether it is painting, sculpture, design or any other form, can often say much more than words could ever hope to, and this very much needs to be fostered in our young people. Collaboration and cooperation were a hallmark of preparing for that particular exhibition. It was an exhibition of exceptional talent and a wonderful example of our community working together to support one another.

One of the great innovations of the Salisbury East High School was to invite the University of the Third Age onto their campus. I have spoken to many of the University of the Third Age members on many occasions, and I know how much they have gained from their interaction with students. Too often older people lose contact with young people for whatever reason, and too often this results in developing unnecessary apprehension, even fear, on the part of young people. However, when they do have the opportunity to be involved with young people and to interact with them, I know that they gain a great deal of joy, as well as insight. They also learn a lot.

A lot of older residents have a great deal to give our young people: a wisdom that is sometimes not available from other sources or it simply sounds different coming from someone other than their parents—a different perspective on a range of issues. They have time, patience and, very importantly, a great number of skills that they are only too willing to share. They are also very willing to keep on learning, which is a very valuable life lesson. I think it is one that you can learn only from example and not by instruction.

This was the second exhibition of collaboration between the University of the Third Age and Salisbury East High School students. What they produced was really nothing short of magnificent. Salisbury East High School is helping us all to learn valuable life lessons: that we all matter, no matter what our age; we all have a great deal to give, no matter the time of our lives; we all have a lot to learn, no matter how much we know; and we all have a view and a vision worthy of expression. I concede that some of us are not quite as

talented in that area as others, and in this respect I refer, of course, to myself.

The school has an amazing vision for and an involvement in our community. They really do encourage our young people. The University of the Third Age members need to be congratulated for their energy, commitment and involvement; and they have real reason to be proud of this exhibition and their involvement in it. These young artists were very courageous in sharing their work and talents with our community. I encouraged them on the night to continue in their artistic expression as their life changes and said that, as they have different experiences, their expression through their work will change. We look forward to seeing that happen. The Salisbury East High School body language exhibition was made all the more special with the involvement of the VET students.

Time expired.

### BESLAN, RUSSIA

**Mrs HALL (Morialta):** As an Australian nation we have enjoyed and share the many benefits from long-term and successful migration programs. It has linked our country and our people to most countries of the world. This becomes particularly apparent in times of great crisis. Sadly, it has become evident with the recent horror and tragedy in Beslan, in Russia. The graphic images and photographs on our television screens and in our newspapers told a story that shocked and horrified the world community: the sheer madness of such a savage act of terrorism and the pain of the community of Beslan having to survive such hideous and savage violence.

Last week, along with several colleagues including the Minister for Multicultural Affairs, I attended the annual meeting of the Migrant Women's Support and Accommodation Service. Along with the normal and efficient business of the conduct of that particular meeting, it included a moving and rather poignant agenda item. It was recognition here in Adelaide by a member of the Russian community of what one member felt. Ms Lina Gontcharov delivered a prayer on behalf of her community, followed by a minute's silence to remember and reflect on the events of Beslan. Mr Speaker, I want to share those words with you and other colleagues in the chamber today and pay tribute to the words of Lina and the prayer for Beslan that she delivered. She said:

Dear Heavenly Father, today the tragedy of Beslan makes our hearts to bleed. It is impossible for us to comprehend the suffering, pain and grief of people of Beslan. I know that you are the only one who can comfort their hearts and you are the only one who can ease the pain. So, now we come to you asking to take these affected by this tragedy into your hands, comfort them, ease the suffering and heal their physical and emotional wounds. Especially, we pray for the children for whom the wonderful day of the new school year was turned into a nightmare. We pray that they would be able to overcome all the emotional and physical pain, and these horrific memories would not destroy their lives. We pray for the families that lost their little treasures, the children that lost their parents, and all the people of Beslan whose lives are ruined forever. Please, Lord, touch them with all your comforting and loving hand.

Dear Lord, we also pray that this tragedy will soften and change even the most bitter, angry and cruel hearts that resort to such means to achieve their goals. Please change the people's hearts so we will never learn the name of another town through such terrible circumstances. I also pray that leaders of Russia, Chechnya and many other countries will find a peaceful way to reconcile their differences. Please, let the tragedy of Beslan be a reminder in hearts of all human beings so [these kinds] of atrocities will never be repeated again. Amen.

I thought it appropriate to read that prayer into *Hansard* today because it was a very moving component of the annual meeting that I mentioned. It was quite extraordinary and very moving to see the number of people who approached Lina afterwards to raise with her the possibility of contributing in some way to whatever the Russian community chooses to do on behalf of South Australian citizens—not just the Russian community but also the wider community.

With those words, I pay tribute to the work that Lina did and to the work that I know the Russian community of South Australia is doing as a result of the appalling incidents that took place in Beslan just recently.

### DEAFBLINDNESS

**Ms BEDFORD (Florey):** I have often spoken in this place on the hardships inflicted by the dual sensory disability of deafblindness, and I would like to update the house on recent developments in Europe. The information comes from the group Sense International, a member of the EDbN, which is the Europe Deafblind Network. The European Parliament has recognised deafblindness as a distinct disability through a historic written declaration on the rights of deafblind people that was formally adopted by the European Parliament on 1 April 2004.

This is a culmination of a long campaign by deafblind people, families and professionals in Europe. The written declaration is a 200-word statement about the fact that deafblindness is a distinct disability. It lists the rights to which deafblind people should be entitled. The EDbN has been working for some time with Richard Howitt MEP, Chair of the Disability Intergroup in the European Parliament, on a campaign to have deafblindness recognised as a separate disability at the European level.

In May 2002 Mr Howitt spoke at the social inclusion seminar organised by Sense International, Lega del Filo D'Oro and Casa Pia de Lisboa, and attended by many EDbN members. He promised to support the charter for deafblind citizens in Europe. True to his word, Mr Howitt has been working with Sophie Beaumont from the European Disability Forum. They were both very keen to work with deafblind people and have deafblindness recognised at the European level.

And last July, in Brussels, it was agreed that recognition of deafblindness at a European level could be used as appropriate by people in the various member states to persuade their governments to give deafblind people the rights they need to play a full part in society. Initially, a reception and exhibition were held in the European Parliament in Brussels in the first week of January 2004 to launch the Written Declaration. The reception was hosted by Richard Howitt and held with the Disability Intergroup of MEPs in the European Parliament. Deafblind people from Belgium, the Netherlands, the United Kingdom and France gathered in Brussels for the evening together with representatives of organisations interested in this dual sensory disability. More than 80 people, including ten MEPs, attended this very successful event. William Green from Italy spoke on behalf of the Deafblind International group in his position as President, and Wolfgang Angermann from Germany spoke in his position as Acting Chair of EDbN.

Peter Vanhoutte from Belgium spoke about his personal experiences and why recognition of deafblindness is important to him. All the speakers welcomed the Written Declaration and encouraged MEPs to sign up to it, saying that even

if they did not necessarily believe in it themselves many of their constituents did very strongly and were affected by the disability/deprivation. In the same week an exhibition was held in the European Parliament and photos of deafblind people from across Europe were displayed, along with information about the organisations that are members of EDbN.

The declaration was available for the MEPs to sign up to for three months from 12 January until 12 April. EDbN members spent those three months endlessly lobbying, emailing, faxing, writing and phoning their various MEPs, telling them about their personal experience of deafblindness. In Strasbourg on 1 April, as the voting came to an end, five signatures were still required before the declaration could be moved in the parliament. With the assistance of Liz Lynne the last few MEPs were located and persuaded to sign the declaration, which was adopted with the necessary 323 signatures (more than half of the 626 MEPs).

This meant that the declaration was formally adopted by the plenary session of the European Parliament in the afternoon of 1 April. This adoption of the declaration is a very important success for deafblind people all over Europe. It could not have been achieved without deafblind people, their families and supporters across Europe working together endlessly to lobby their MEPs by the various electronic processes now provided to them these days. It was the only way in which they could get so many of them to sign to make this law. This was only a first step in the continuing work being done by the European Community.

They will continue working together to ensure that the voice of deafblind people is heard throughout the European Union. This is an example which we would do well to note and emulate here so that the deafblind people of this state can receive some of the benefits that will no doubt flow from this historic move in the European Parliament. I would like to let the parliament know that Mr Arnold Cielens (who is known to many of us in this house as a tireless champion for the deafblind in Adelaide) has asked me to bring this matter to the attention of the house so that all members can be aware of the sorts of progressive moves that are being made overseas so that we might follow that example.

### PERPETUAL LEASES

**The Hon. G.M. GUNN (Stuart):** It is nice to be back in this august chamber, and particularly—

**The Hon. M.J. Atkinson:** Hear, hear!

**The Hon. G.M. GUNN:** Yes, and I am pleased that the Attorney-General is here, too.

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

**The Hon. G.M. GUNN:** Good; particularly when most of the state is having such an excellent agricultural season, which will do great things for the Treasury of South Australia. The matter which I want to raise this afternoon would also be near and dear to your heart, Mr Speaker, because you, sir, have a number of perpetual leases in your constituency. I have in my constituency the majority of the rangelands and the transitional zone, a term which the department has dreamed up in relation to perpetual leases which, basically, are used for grazing purposes.

We had a select committee into this matter, and part of the deliberations of that committee relate to these two areas. The bureaucrats in the Department for Environment and Heritage produced a document which its own minister could not support. In discussions with him, the minister indicated that

it was a very weak effort and that it would be judged upon merit. Well, not satisfied with that, the Director, Mr Holmes, has sent out a most objectionable letter to my constituents and many others dated 13 August, which states:

I can now advise the assessment has found that the condition of perpetual leases in the rangelands is generally in worse condition than adjoining land held under pastoral lease, where management controls are contained in the leases, and freeholding is not permitted.

That is an untrue statement, and whoever is responsible for it should be severely disciplined or removed from anything to do with the freeholding. The letter continues:

The government has decided that the public interest would not be served by permitting general freeholding in this zone at this time. However, exceptions will be made for perpetual leases that are used for the following residential purposes, commercial and industrial purposes, recreation purposes or where sustainable cropping occurs. . .

This is an absolute nonsense. You now have a situation where you have some properties held in a hundred which historically already have been freeholded, and you have adjoining perpetual leases. This is an objectionable letter. It is inaccurate and, in my view, it is untrue, and indeed it is contrary to what the minister told the select committee. I call upon the minister to deal with these anti-farming elements in the department of environment. This is the second time that they have concocted this sort of drivel and nonsense. Hundreds of my constituents have been affected by the insulting references to their management practices.

I want to know who carried out these assessments. Let us have a look at these documents. Who were the individuals in question? Unless the minister will tell us, there will be a series of questions. I have never put in a freedom of information claim but—

**The Hon. M.J. Atkinson:** You haven't?

**The Hon. G.M. GUNN:** No, because I do not have to: some of my colleagues are very good at it.

**The Hon. M.J. Atkinson:** You would be good at it, Gunnie.

**The Hon. G.M. GUNN:** I normally like to do it by dealing directly with the minister. I normally obtain the information.

**The Hon. M.J. Atkinson:** You've been here 34 years and you're still learning.

**The Hon. G.M. GUNN:** There is one difference between the Attorney-General and me: he could not represent a rural electorate; he cannot drive, whereas I am one of the most experienced drivers in this chamber.

**The Hon. M.J. Atkinson:** How did people represent rural electorates before the car was invented? Billy Hughes used to go around on a bicycle—and Frank Anstey. What about the train? Tim Fischer was always on the train.

**The Hon. G.M. GUNN:** Yes—and they used to ride around on horses and, unfortunately, they rarely used to see their members of parliament. We are living in a modern society where we are mobile. But let me continue, because this problem that I am talking about goes further. A constituent brought it to my attention that they are trying to say that if you have two perpetual leases they are contiguous, but if they have separate mortgages over them they are not contiguous and cannot be treated as one. I put it to you, Mr Speaker, that these people are now dreaming up ways in which to stop people freeholding their perpetual leases, to dip their hands further into people's pockets and to make life generally difficult for these hard working people, who would be the backbone of this state. We want them treated fairly and

reasonably, and we want them to comply with what we were told by the minister during the select committee. I am looking forward to the response. Unless we get some reasonable responses, appropriate motions will be moved in this house concerning certain officers.

Time expired.

## EDUCATION, SOUTHERN AREAS

**Ms THOMPSON (Reynell):** I rise today to advise the house of some exciting developments in public education in the south. Specifically, I want to advise of the creation of the Southern Alliance for Innovation and Learning, which is the concept of partnership between secondary schools, local business, industry, government and non-government organisations. This alliance will develop and sustain innovative community alliances to address government priorities of social inclusion and economic development. It will enable schools to offer challenging curriculums in a wide range of subjects, in order to develop pathways from school to long lasting careers. Whether the pathways go through TAFE, to university or directly into careers, it will give young people and their parents an opportunity to be able to see a future and to see a reason for working hard, learning hard and looking forward to the opportunity to share in the wealth of our community.

The schools that have formed the basis of the alliance (commonly known as SAIL) are: Aberfoyle Park High School, the Australian Science and Mathematics School, Christies Beach High, Hallett Cove R-12, Hamilton Secondary College, Morphett Vale High School, Reynella East High School and Wirreanda High School. Three of those schools are in my electorate, and I know of the commitment of staff and the leadership of those schools in creating new ways for young people to strive for excellence and to achieve genuine pathways from school to later life.

Each of the participating schools has contributed \$5 000 to the establishment of the project and they will make ongoing contributions. SAIL builds on and continues the work and achievements of the Southern Vocational College, which was established in 2000 and which has successfully delivered vocational education programs across seven secondary schools in the south. This really expands the horizons for our young people and offers them a wider range of options, particularly with the involvement of the Australian Science and Mathematics School. This gives the opportunity for people from the southern suburbs to see a path to university and new ways of developing their skills and innovative talents, and having them recognised through the new approaches of the Australian Science and Mathematics School.

The partnership with the Southern Institute of TAFE and Flinders University is extremely important in enabling young students to develop their talents and to see the opportunities available to them. One of the arrangements between Flinders University and these schools has student mentors from Flinders University coming to the high schools, particularly those schools that do not have a history of large participation in university education. These students demonstrate first-hand to the young people in areas such as mine the benefits of going to university, so that these young people can feel they can go somewhere that no-one in their family has ever gone before; so they can feel confident and not alienated or bamboozled by the whole process; and so that they can know



someone in that university whom they have met before and who will be recognisable.

SAIL is also developing improved curricula and methods to engage young people in the middle years through shared professional development and ongoing action research. It aims to support young people who are disaffected with school, to give them the mentoring support and to offer them opportunities that they need to enable them to have a real chance in life.

I acknowledge Wendy House, who was a key to putting together this proposal, much supported by Mike Hudson and Aneta Marovich (the district superintendents), together with Professor Anne Edwards (Vice Chancellor of Flinders University) and Marlene Boundy from the Southern Institute of TAFE. The sorts of opportunities our young people will have include aviation studies (which is to be offered next year at Morphett Vale High School) and technology studies for girls at Wirreanda High School.

Time expired.

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### SESSIONAL COMMITTEES

Sessional committees were appointed as follows:

Standing Orders: The Speaker, the Hons D.C. Brown and G.M. Gunn, Mrs Geraghty and Mr Hanna.

Publishing: Ms Ciccarello, Messrs Goldsworthy and Koutsantonis, Ms Thompson and Mr Venning.

### JOINT COMMITTEE ON A CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

**The Hon. P.F. CONLON (Minister for Infrastructure):** By leave, I move:

That the members of this house appointed to the Joint Committee on a Code of Conduct for Members of Parliament have power to continue sitting on the committee during the present session.

Motion carried.

### SELECT COMMITTEE ON THE JUVENILE JUSTICE SYSTEM

**The Hon. R.B. SUCH (Fisher):** By leave, I move:

That the committee have power to continue sitting during the present session and that the time for bringing up its report be extended until Monday 22 November.

Motion carried.

### SELECT COMMITTEE ON NURSE EDUCATION AND TRAINING

**The Hon. R.B. SUCH (Fisher):** By leave, I move:

That the committee have power to continue sitting during the present session and that the time for bringing up its report be extended until Wednesday 24 November.

Motion carried.

### ECONOMIC AND FINANCE COMMITTEE

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

That Mr M.L.J. Hamilton-Smith be appointed to the committee in place of the Hon. K.A. Maywald.

Motion carried.

### NATURAL RESOURCES COMMITTEE

**The SPEAKER:** In consequence of a quaint anomaly in the manner in which some of the committees of the house are established by comparison with the majority of the committees, it is incumbent upon me to inform the house that I have received the resignation of the Minister for the River Murray from the Natural Resources Committee since no provision exists in the enabling act which would require that committee to be comprised of people other than a minister, whereas the other standing committees of the parliament expressly provide that no minister can be a member of a standing committee. In consequence of having received that resignation, I invite the Minister for Infrastructure, as Leader of Government Business, to address the matter of the deficiency of one member on the Natural Resources Committee.

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

That Mr J.R. Rau be appointed to the committee in place of the Hon. K.A. Maywald.

**Mr MEIER (Goyder):** I move to amend the motion as follows:

After 'That' delete 'Mr J.R. Rau' and insert 'the Hon. W.A. Matthew'.

**The SPEAKER:** Is the honourable member for Enfield willing to accept the nomination?

**Mr RAU (Enfield):** Yes.

**The SPEAKER:** Is the honourable member for Bright willing to accept the amendment to the proposition as a nomination?

**The Hon. W.A. MATTHEW (Bright):** Yes.

**The SPEAKER:** I accept the motion and the proposition to amend the motion, and trust that there will not be other nominations, otherwise we will need a ballot. However, there being no other propositions to amend the motion, I will put the amendment.

**Mr MEIER (Goyder):** Before you put the amendment, Mr Speaker, I believe that I am entitled to request a ballot rather than a call of voices. However, I am in your hands, Mr Speaker.

**The SPEAKER:** The honourable member is within his rights to call for a ballot, which means that ballot papers will be distributed, if that is the honourable member's wish. On the other hand, the honourable member is quite entitled to allow the motion to be put and for it to be resolved, should any member call it, by way of a division. They are the alternative procedures. Is it the wish of the member for Goyder to proceed to a ballot?

**Mr MEIER:** Yes, I ask that we have a ballot, sir.

**The SPEAKER:** Then it is so ordered.

*Members interjecting:*

**The SPEAKER:** Order! I have to tell the house that I have all night and until 1 p.m. tomorrow. When the chair stands, honourable members will remain silent. A ballot is demanded. Ring the bells.

*The bells having been rung:*

**The SPEAKER:** Order! There is to be a ballot for two candidates who have been nominated for the vacancy on the Natural Resources Committee—those two people being the honourable member for Enfield and the honourable member

for Bright. Before proceeding to that ballot, I point out to honourable members that in a large number of other parliaments—and this is not intended to influence the ballot at all—the committees of the parliament are not dominated by the government.

**Honourable members:** Hear, hear!

**The SPEAKER:** Order! In most other Westminster parliaments, at the time the bells stop ringing, members are compelled to stay where they are. That means that, in these circumstances, those members who are not in their places would not get a ballot paper. In spite of the chair's calling eight times for order, members stood around in the chamber casually pursuing their whimsical conversations. If members wish to do that, the standing orders ought to allow it, but they do not.

Members will register their votes by placing a cross against the name of the member of their choice. In this case, the Clerk advises me that a formal vote will be to write the name of the member they prefer as a member of the committee on the ballot paper. I ask the Leader of Government Business in the House to be a scrutineer and the Leader of the Opposition to be a scrutineer. The chamber staff shall distribute ballot papers to those members who are in their places. Any honourable members not in their place will not receive a ballot paper.

**Mr CAICA:** Sir, I will take your advice here, but on a point of order—and I was a little confused when the member for Goyder was speaking—I understood that the Minister for Infrastructure moved a motion that a member be nominated and that the member for Goyder then moved an amendment. I would expect that the amendment needs to be dealt with before a ballot is actually taken.

**The SPEAKER:** The honourable member for Colton, on the face of it, is correct. However, in those circumstances, the vote would have been on the voices or by way of a division. What has been called for, under standing orders, is a ballot. In that case, because a ballot has been called for by one member, a ballot is to be held.

**Mr CAICA:** So, is the ballot about whether or not we are voting for the amendment, or about the two people?

**The SPEAKER:** No, neither the amendment nor the motion now stands before the chamber. It is now formally in the process of balloting and choosing between the two candidates.

**Mr HANNA:** Mr Speaker, I rise on a point of order in relation to your ruling. At the time of your ruling—and, indeed, at the time of the finishing of the bells—I was seated about half a metre to the right of my usual seat because I had courteously made way for the member for Giles to sit next to me. Do I therefore get half a vote, a vote or no vote at all?

**The SPEAKER:** The member for Mitchell invites me to note that he is an expansive personality and sufficient of his presence would have occupied his place to the extent that he would have been given a ballot paper, anyway.

**Mr HANNA:** Sir, I really want to clarify your ruling. Is it the case that you say that members do not get ballot papers if they were not in their place at the conclusion of the ringing of the bells?

**The SPEAKER:** No. What I pointed out to the house was that these standing orders by which we conduct our business are more laissez-faire and likely to result in dispute than is the case in most other Westminster parliaments' lower house chambers. For instance, in the House of Representatives, the moment the bells stop ringing, as an honourable member on

the floor, you stay where you are sitting and you must vote according to wherever that happens to be.

**Mr HANNA:** So, every member is entitled to vote in this ballot?

**The SPEAKER:** Yes, every member in their place, so that the staff will not make the mistake of distributing ballot papers inappropriately to someone out of their place. By that means, however remote the possibility, we will avoid the prospect of a dispute about who is in their place and who gets a ballot paper and who does not.

**Mr BRINDAL:** Sir, I seek your clarification on a further point of order. You will be aware that standing orders require us to refer to members by the title of their seat or by the title they hold in the house. However, this ballot directs us, does it not, to use their surname?

**The SPEAKER:** Yes, because of a quaint anomaly in the standing orders which requires honourable members nominating someone for a position to use their family name, as it is believed that they are better described by their family name defining their competence to fill the position than they are by the name of the electorate they represent. We are all equal here according to the electorates we represent: however, our peers' ability to judge us depends on how they see us as individuals, and it is for that same principle and purpose that ballots are held for the election of Speaker, for instance.

I remind the house to write the name of the honourable member (being Mr Rau, the member for Enfield, or Mr Matthew, the member for Bright) on the ballot paper according to their choice of whom they want to be the member on the Natural Resources Committee.

I direct the staff to collect the ballot papers and the scrutineers to come to the table. When all the balloting material has been collected, I direct that both ballot boxes be emptied in the centre of the table and that the ballot papers, so mixed, then be divided and counted by the Clerk and the Deputy Clerk.

*A ballot having been held:*

**The SPEAKER:** There being 25 votes for Mr Rau and 20 for the Hon. Mr Matthew, I declare Mr Rau elected and note the fact that two members are absent.

#### ADDRESS IN REPLY

**The Hon. P.F. CONLON (Minister for Infrastructure):** I nominate the member for Enfield to move an Address in Reply to the opening speech, and move:

That consideration of the Address in Reply be made an order of the day for tomorrow.

Motion carried.

#### ADJOURNMENT DEBATE

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

That the house do now adjourn.

**Dr McFETRIDGE (Morphett):** Mr Speaker, once again, the suburbs of Glenelg North were put in peril by the rising floodwaters in the Patawalonga almost one year and one month to the day of the last floods. Had it not been for the prompt action of the emergency services—the Metropolitan Fire Service, the South Australian Country Fire Service, the SES, the police and the South Australian Ambulance Service—and, indeed, the hardworking staff of the City of Holdfast Bay, another disaster could have occurred there.

We were very lucky this time that the combination of heavy rain with high stormwater run-off from Brownhill Creek, Keswick Creek, the airport drain and, more importantly, the Sturt River, which flood down into the Patawalonga when there are heavy rains, came down this time in combination with a very high tide. There was a crucial moment that night, at about a quarter past six, when the tide was peaking at about 2.6 metres, if I remember correctly, and the floodwaters were coming down the Sturt Creek.

The Barcoo Outlet had been working exceptionally well but was unable to cope with the huge volume of water—and it was never designed to cope with such a huge volume of water; however, it was working well. The floodwaters rose up in the Patawalonga. The water ran back through the stormwater pipes into the suburb of Glenelg North—and, indeed, in MacFarlane Street it started to come out of one of the culverts. Had the water risen another 10 or 15 centimetres, the homes that were flooded in June last year would once again have been flooded. It was just an act of pure coincidence—some people call it an act of God—that the timing of the peak of the tide was almost at the same time as the peak of the floodwaters. The emergency services were able to open the lock gates as the tide started to drop, and this saw a drop in the Patawalonga. It took a while to drop down to what was considered to be a safe level. I cannot remember the exact date, but that was the Tuesday night.

On the following night, the Wednesday night, exactly the same thing happened again. This time we did not have a third alarm in response from the fire service with all the other emergency services because this event on the following night was not predicted.

We will again have flooding in Glenelg North if the volume of floodwaters that come down the creeks into Glenelg North are not in some way diverted or held back or the flow slowed down—‘ameliorated’, I think, is the in term now. Wetlands are being built at Urrbrae and at the Marion triangle—the Warriparinga wetlands. They are fantastic wetlands, and they certainly filter out a lot of the toxins that run off roads and gardens. The water that is going down through that catchment still is not being stored when we experience very heavy rain events. We will have floods at Glenelg North unless the state government, in conjunction with local government, does something about it.

I note that in his statement today the Minister for State/Local Government Relations said that, historically, local government has been responsible for local roads and stormwater control. Historically, that has been the case because it was a much more local event then. Now, particularly at Glenelg North—and we will see it in the suburbs throughout West Torrens, Campbelltown and Salisbury, and in the new development at Port Adelaide—as a result of urban infill the water is not soaking into the ground and the stormwater is being caught up locally. It will run off. It will run downhill towards the coastal suburbs. In the meantime, there will be a lot of local flooding as well.

The thing that amazes me at present is the way in which the state government is not coping with the potential disaster there. Sure, in the past, local government, with the assistance of funding from the state government has been able to cope with this problem, but the urgent need to repair and improve infrastructure in order to cope with stormwater and floodwater is something that local government alone cannot be forced, and should not be asked, to do because that cost will go back onto ratepayers—and we know how difficult it is at present for many ratepayers to cope with ever rising rates.

Councils are being pushed to deliver better services more speedily, so people are having to pay higher rates. It is a lot more complicated than that illustration, but, in relation to stormwater, we cannot pass the cost of stormwater onto local councils and then onto ratepayers.

In relation to the recent PAR that was put out by the Minister for Urban Development and Planning for Keswick Creek-Brownhill Creek floodwaters, the buck has been passed not only to local councils but also to householders. The minister put in place an interim PAR which was effective in early June. Without consultation she has put in a PAR that means all the areas within the flood plain of Keswick Creek and Brownhill Creek that will be affected by a one in 100 year flood will be subject to the PAR from day one. There was no consultation.

The local councils of Unley, Mitcham, Burnside, Adelaide and West Torrens have been involved in this matter. The minister said that it is affecting about 5 000 homes. I know for a fact, as a result of talking to representatives of West Torrens council, that about 6 000 homes in that council area will be affected by a one in 100 year flood. The Keswick Creek-Brownhill Creek catchment is a relatively small part of the catchment that covers metropolitan Adelaide.

I have maps from the 1880s which show that the River Torrens did not enter the sea: it entered onto a delta around Lockleys, the airport and West Beach. That area will flood again. The developers of the new airport are doing all they can to ensure the buildings and the runways will be flood proofed to a one in 100 year level, but the minister has said to householders, ‘If you want to put an extension on your house or a fence around your house, it must be subject to the one in 100 year flood.’ In some cases that means a house will be below the flood line because it has been there for quite a while, but the next-door neighbour’s house will be up to a metre higher. If someone wants to put an extension onto their house, the extension might be a metre higher than the floor level of the house. If they want to build a fence, the fence might be three metres high because it must be able to divert the one in 100 year flood.

The minister said in a press statement that I was being mischievous when talking about this issue. I am not being mischievous at all. I am raising the fact that householders are being subjected to extraordinary increases in building costs because of knee-jerk flood management by the government. The government must do it in a much more scientific manner. It will have to spend money, but when one recalls that this government is pulling in \$3 million each and every day in property taxes one realises that it could put some back into stormwater management and flood mitigation schemes, rather than hand it back to the householders who are finding it hard enough.

If someone wants to develop a property where there is a flood plain PAR, if they want to build a house which under normal circumstances would have been approved, it is no longer a consent development. It will have to have special engineering undertaken, and it will have to have special approval. This will mean more costs to householders and to the battlers out there who are trying to improve homes, who are trying to extend their homes and who are trying to build new homes. It is just not fair. We have to do something. We cannot endanger the people of Adelaide by just bringing in knee-jerk reactions. We cannot have government on the cheap. You have to spend money to manage this state. You must do it in a strategic and measured way, as well as in a fair way.

Motion carried.

At 5.12 p.m. the house adjourned until Wednesday  
15 September at 2 p.m.