

HOUSE OF ASSEMBLY

Thursday 11 November 2004

The **SPEAKER (Hon. I.P. Lewis)** took the chair at 10.30 a.m. and read prayers.

REMEMBRANCE DAY, DISTINGUISHED VISITORS

The SPEAKER: For the benefit of the honourable members, I will explain. I am sure that it is not lost on anyone that today is 11 November. There are two reasons why I make these remarks just now. The first is that we have, as our guests, a 10-member delegation from the provincial legislature of the province of Henan. I have previously circulated to honourable members an invitation to join them in the Balcony Room for dinner. However, you will need to let my office know of your intention to do so before lunch today in order to assist with catering.

Secondly, the deputation will come into the chamber at some time shortly before five minutes to eleven. At two minutes to eleven, the bells will be rung for two minutes to summon members to the chamber. At that time, we will observe the usual dignified silence, after which I will invite the Leader of the Opposition and the Premier to escort Madam Wu, who is the Vice President of the Legislative chamber in Henan, onto the floor of the chamber, as is usual for visiting delegations from other parliaments.

Not all members of the delegation are members of parliament; some of them are senior public servants. During the course of the morning they will have briefings on our electoral system and our Environment Protection Authority in their desire to understand how best to address the sources of litter and other waste problems at the source, as well as at the point of disposal, once the goods for consumption are taken from them. They will also consider the ways in which we are addressing our problems in our river and, equally, to understand the relevance of exchange between their oriental medicine and our medicine. I thank honourable members.

MOVING ON PROGRAM

Mrs PENFOLD (Flinders): I move:

That this house calls on the government to provide funding for the Moving On initiative to assist the disabled and their carers in enjoying a more fulfilling life.

Today, as members would have already noted, is Remembrance Day. It is a day when we set aside time to remember the service and sacrifices made by our men and women who have served—and are currently serving—in our Defence Forces so that we can all enjoy life in this democratic, prosperous and caring country of Australia. I deliberately put this motion today, because it seemed to be an appropriate time also to remember a hidden army whom our Defence Forces also fought for: those who serve and sacrifice to look after the most needy in our community—the disabled—who often, through no thought of their own, cannot cope by themselves.

The Moving On program particularly cares for young disabled people as they move into adulthood. The number of these young people is increasing, with improved technology and treatment meaning that many more survive birth and childhood than ever before, and drugs, alcohol and motor vehicle accidents are adding to the numbers.

The program was put in place under the former Liberal Government in 1997. In the words of the report of the minister's working party for Moving On, the initiative is 'in response to the need to provide alternatives to employment for young people with severe intellectual disabilities leaving school,' as identified by their families, teachers and the Intellectual Disability Services Council (IDSC). At the time, I understand that the funding was indexed to inflation. An additional amount was to be allocated each year in recognition of the extra numbers that would be eligible for assistance coming into the program each succeeding year.

The program has been highly successful and greatly appreciated by both the young disabled and their carers. However, it has become under-funded over the years, and I was very disturbed to find that there is a huge unmet need in the community. For the first time in my life, I drew up a placard and marched down King William Street. When the minister did not appear on the steps of Parliament House to speak to the rally, I was angry enough to take the microphone and tell those present to start telling their stories. As Sir Winston Churchill said, 'Never give up. Never, never, never.'

Like most people, I have little idea of what it must be like to look after someone who is disabled 24 hours a day, seven days a week. When I was in Port Moresby in Papua New Guinea, I would go after work to the Cheshire Home to help the nuns care for some severely disabled young people. I am sad to say that I did not last for long before looking after these young people for a few hours became too traumatic for me. I decided that I would instead teach English to the local people and put in my apologies.

I sincerely thank—and greatly admire—those who take on these responsibilities, and I recognise the huge emotional, physical and financial price they pay. It would be easy for the carers to give up. As David Holst said in a media interview:

They are too busy surviving day to day. . . couples with severely handicapped children, you know, their care, their attention, their focus, they're exhausted, they're emotionally drained and the last thing they need to do is go and fight someone. When you have broken sleep for 20 years ago because you've got a child that won't sleep and when you're working split shifts and one of the parents has to be home 24 hours a day because there's someone that needs special care and attention, you haven't got time. . . one lady at Reynella was telling me. . . she's got a 22 year old son and he's a big fella and he's got spastic quadriplegia. It takes her 45 minutes to load him into the family car. . . so if she wants to go to the shops for half an hour it's 45 minutes to get him in the car. . . you certainly don't drive to your local MP's office to complain.

In another interview, he gives several other examples. He says:

A 60 odd year old man rang me last week to say he and his wife had taken custody of their granddaughter because their mother simply couldn't cope any longer. . . the child has serious disabilities. And another lady rang me last week to say that she's going into hospital to have reasonably major surgery. She needs respite for her autistic son for about a month and she's been offered three days help.

He went on to say:

Eighty-eight per cent of families, or thereabouts, are single mother families. . . the father leaves, it just gets too hard to go to work and go home to such misery every night. The AMA recently said that the incidence of depression and nervous breakdowns and the treatment of these families is just crushing.

On Tuesday this week, the minister announced that on Monday the government had received the final report of the working party set up in August to look into the Moving On program and had accepted the report's central recommendation, which was 'the provision of full-time day options for young people with multiple severe disabilities' and the

'allocation of additional resources for next year'. It sounded like he had heeded the call and had rectified the situation until I listened to the rest of his ministerial statement, which went on to say that there were 22 recommendations. It begs the question: what about the rest, minister? He also said:

The state government will reconfigure the \$7.572 million a year program to create new centre-based places through Minda and Intellectual Disability Services Council Incorporated. These two organisations will provide a full-time service for up to 40 new school leavers in south and north of Adelaide as from the beginning of the school year, 1 February, next year.

He later said:

By changing the way in which services are provided, we can cater for the growing demand for this program, and the needs of families for much needed respite while retaining high quality services.

There are two points in this statement that I query. The first is the figure of only 40 new school leavers in the south and north of Adelaide being funded by the reconfigured \$7.572 million. I ask: what about all the rest of the school leavers in Adelaide and the country regions of the state and those who are receiving much less time than the five days or who are not aware of the program or who have no access to it at present? Will they be funded as well and, if so, from where? Coincidentally, David Holst said that 40 disabled children will be taken into Parliament House for the day on 24 November, when we are sitting. He said that it is symbolic and stated:

This represents the number of children in South Australia, young, adult and older, who are simply abandoned every year. Every year about 30 to 40 severely disabled people are taken to some sort of centre, left with a bag and no-one goes and picks them up.

Secondly, how will they reconfigure this small amount of \$7.572 million funding, which is already not enough for the Moving On program, when the government is proposing to increase the costs of providing the services by using more unionised/award government services? I quote from a letter from a manager who provides the kind of services that will be required, to which I referred on Tuesday this week, when speaking strongly against the government's new union sponsored fair work bill:

The average hourly rate is \$17.70. After clients contribute to the cost, the final hourly rate to the organisation is \$15.58 per hour. If we had to deem these contractors as employees then the additional cost and conditions of service would change considerably. Certainly not to the clients' benefit and certainly would raise the hourly cost thereby reduce the number of clients that could be receiving a service with the same amount of government funding.

At a time when governments are being pressured to find increasing funds for a whole range of human services this proposal would either reduce the number of clients able to be serviced or would require an increase in funding. . . additional cost would amount to. . . a 25 per cent increase in funding and this does not include costs such as staff development, insurance, travel and motor vehicles. If contractors became casual employees penalty rates would also apply. For example, a half hour service would have to be paid at a minimum call out of three hours!

I suggest that the government withdraw this union sponsored, incorrectly labelled, fair work bill immediately before it hurts these people even more, and reconsider its proposal to push services back into institutions, unless that is where the disabled and their carers prefer them to go. In these institutions the disabled will be subject to a unionised work force that will be forced to work to rule instead of being able to be flexible with people who need the greatest flexibility to deal with circumstances that can change regularly and swiftly, depending on what is happening to the disabled person and their carers. This is definitely an industry where one size does not fit all: it is more likely to fit only one. I ask: who will lose

their funding in this reconfiguring, or how are increased costs going to be paid otherwise?

In his ministerial statement, the minister said that the report by the working party would be available to any interested member. However, the 22 recommendations resulting from the four terms of reference were not put on the record, and in the time I have left I want to put as many on the record as I can. It is a pity that the time will be inadequate to place on the record the very interesting accompanying notes to the recommendations. However, I will place the whole report on my web site for those who are interested. The recommendations are as follows:

Terms of reference.

1. The current model of service provision for Moving On clients.

1.1. Transition from school to post school options.

Recommendation 1: Transition from school to day options must commence for all students with a disability at least two years prior to the student completing school. IDSC and DECS should work together to develop formal monitoring which will ensure that students with a disability have a transition plan in place at least two years prior to the final year of school. Schools and IDSC must involve parents in the transition process. A three year growth cycle for government funding and planning would support this process.

1.2. Information to parents and students regarding post school options.

Recommendation 2: IDSC should consider the timing of the Expo and announcement of funding allocations to ensure that parents can attend the Expo with knowledge of their child's funding allocation.

Recommendation 3: IDSC to consider establishing an advisory service for families needing assistance on making a decision on day services.

Recommendation 4: IDSC should develop additional ways through which forums for the exchange of information between parents, students and day options providers can take place in all country regions.

1.3. Portability.

Recommendation 5: The capacity of a person to choose to move between services which exist within the current program is to be maintained under any reconfiguring of the Moving On program. Information is to be provided to parents about this capacity as well as the option to use Community Support Incorporated (CSI) to develop their own service.

1.4. Level of service and a development focus within community and centre based services.

Recommendation 6: That any consideration to the future development of day options services, which will enable a 5 day a week/48week a year service, with clients being provided with a service 9 a.m.-3.30 p.m. must consider the merits of both community and centre based programs. Balancing safety, along with the ability to provide a developmental program in ways which will maximise the available funding needs to be the focus.

Recommendation 7: That the DSO and IDSC work collaboratively with a broad range of service providers in the country to ensure improvement in the provision of day options services for young people in rural and remote communities.

1.5. Transport.

Recommendation 8: That Moving On funding be maintained exclusively for the provision of day services and not supplement the transporting of clients. The DSO and IDSC to examine transport issues for clients/families of the Moving On program. There is a need to advocate for greater client accessibility to current community transport services, e.g. council community transport, as well as voucher systems which exist for other groups of people with a disability, e.g. those who attend university. Transport in rural areas requires special consideration. The Minister for Transport be required to, as part of the Disability Action Plan, action transport in country areas for young people to post school options.

2. The criteria for needs assessment by IDSC.

Recommendation 9: Needs assessment for Moving On should occur at the beginning of a student's final year of school, or at the end of their second to last year. This will enable the earlier announcement of funding allocation and aid in transition processes.

Recommendation 10: That all parents are provided with information on when their child is to be assessed for Moving On and be provided with the opportunity to be present at the assessment.

Parents are to be informed as to how the assessment process is used during the allocation of funds.

Recommendation 11: That eligible individuals should have access to a full-time service.

Recommendation 12: An improved needs assessment tool should be developed to better determinate needs and eligibility. It is understood that this work is currently work in progress.

Recommendation 13: Individuals with severe multiple disabilities or displaying challenging behaviours may require additional support.

3. The extent to which school leavers access commonwealth funded employment services.

Recommendation 14: Whilst acknowledging that Moving On is a program for those with severe intellectual disabilities who require constant support, wherever possible clients within the program are to be provided with support and training to move into employment. This will be assisted through stronger collaboration between the state and commonwealth governments within South Australia.

Recommendation 15: Mechanisms need to be established to ensure that individuals who seek employment from the Moving On program do not jeopardise their moving on funding or placement and can return to the program if employment is unsuitable.

Time expired.

Ms BEDFORD (Florey): I move to amend the motion, as follows:

Delete all words after 'That this house' and insert—
congratulates the government and a working party of parents for working together to find solutions to the growing demand for day activities for young severely intellectually disabled adults in the program called Moving On.

Mrs REDMOND: I rise on a point of order, sir.

The SPEAKER: Before I take that point of order, has the honourable member provided the table with a copy of the proposition? I accept the proposed amendment.

Mrs REDMOND: It is my submission that the amendment is out of order, as being contrary to the intention of the original motion.

The SPEAKER: The member for Heysen makes the point that the amendment is a contradiction of the original motion. It is not the belief of the chair that that is the case because the original motion calls on the government to do certain things. The amendment congratulates the government on things it has done. The two are not opposites, each of the other.

Mrs REDMOND: I accept that they are not mutually exclusive, but the original motion calls on the government to provide funding; and the change of wording, deleting as it does the reference to that, absolutely goes against the original intention of the mover of the motion. Her motion wanted the government to provide funding. The new motion, although I do not have a copy of it in front of me, deletes the reference to funding and proceeds on the basis of talking about the working party. Whilst I accept that a working party has been set up, and indeed a report from the working party has been provided, nevertheless, that completely alters the intention of the original motion.

The SPEAKER: The attendants will provide all members of the house with copies of the proposed amendment forthwith. The member for Heysen's remarks, while in some measure disorderly, nonetheless explain her view of what the member for Flinders intended. However, it is within the house's capacity to amend that, as it is equally within the house's capacity, on the motion of any member, to further amend the amendment, if it is the wish of any member of the house to do so. It is now competent for the member for Florey to speak to her amendment.

There is one observation I would make, that is, that members should know standing orders. I have no wish to embarrass the children in the gallery, but the Speaker's Gallery is in front of the pillars and that needs to remain

vacant at all times for relatives of members of parliament, visiting parliamentary delegations, former members of parliament and members of the Legislative Council. It is called the Speaker's Gallery for that reason. It now needs to be cleared because the delegation from Henan Province, China, will be in here in just a moment. Could the two front benches on the government side be cleared to enable the delegation to be received. It is not the domain of any member to sit anyone they please in any part of the Speaker's Gallery without the Speaker's prior approval. The reason for that, as I have just explained, is to enable other members of parliament from other parliaments and members from the other house, former members of parliament and relatives of members to be seated in those seats. That is in standing orders.

Ms BEDFORD: The state government has unveiled a plan that will enable clients of the Day Options program for intellectually disabled school leavers to have a full five days a week of options under the Moving On program. The announcement followed the final report of the working party of the Moving On program and consultation with providers. The working party involved disability advocates and, importantly, parents of young people with severe and multiple disabilities. The new arrangements are possible because of the innovative suggestions of the parents through the government's discussions with service providers and with the allocation of additional resources or funding, as was called for in the original motion, for the next year. By altering the way that services are provided, the Moving On program will now be able to provide five days of activities between 9 a.m. and 3.30 p.m. for 48 weeks of the year.

Minda and the Intellectual Disabilities Services Council have both agreed to each provide 20 new full-time day option places from 1 February next year in Adelaide's south and north regions. The state government has also asked other providers of day option programs to submit plans for centre-based day options for up to 20 people for next year. The Moving On program was set up in 1997 through the Intellectual Disabilities Services Council and is a program of day options for young severely multiply disabled young people who cannot work even in the supported employment sector. When the program began there were 168 participants and the budget was \$2.2 million. Now there are 447 clients and the budget is \$7.76 million—an increase of 18 per cent.

Every year about 70 young people leave special schools and join day option programs like Moving On. Of the \$5.2 million growth in the disability services program we had in the last budget, \$1.2 million has been allocated to Moving On. However, the demand continues to grow faster than it can be met. The Moving On working party, which was established to give parents the chance to have some input into the future of the program, completed its report on Monday 8 November.

In moving this amendment, I acknowledge the very real need of the young people and their families for whom these newly agreed measures have been implemented. Only people living with disability who face the challenges and rewards that brings can really appreciate the ongoing needs that these arrangements will begin to meet. I was only able to attend the rally to which the member for Flinders referred when it reached the steps of Parliament House. I was there to support the parents and the children because I understand, albeit in a very limited way, and I have cared for a totally disabled child. I was a lucky parent though, as my son fully recovered from

the medical trauma that he suffered. Those months taught me a great deal. That communities and societies are judged on how they treat the disadvantaged is a truism, and that our system of delivery of care has been terribly neglected for many years is also a truism. The record of the past has not been good. In May 2001, the then minister for disability services, the Hon. Robert Lawson in another place, announced that his government was spending a record amount on disability services, namely, \$180 million.

REMEMBRANCE DAY

The SPEAKER: It being 11 a.m., ring the bells.

The bells having been rung:

The SPEAKER: All rise. We will stand for two minutes' silence, it being the 11th hour of the 11th day of the 11th month, in remembrance of those who have fallen in providing us with the democracy that we enjoy.

Members having stood in their places in silence for two minutes:

The SPEAKER: They shall not grow old as we who are left grow old. Age shall not weary them nor the years condemn. At the going down of the sun and in the morning we will remember them.

Honourable members: We will remember them.

The SPEAKER: Lest we forget.

Honourable members: Lest we forget.

DISTINGUISHED VISITORS

The SPEAKER: I particularly welcome the delegation from the Henan Provincial Legislature and Government to our parliament today. They are: the Hon. Mrs Wu, Mr Zhang, Mr Guo, Mr Zhang, Mr Wei, Mrs Wei, Madam Fu, Mrs Xu, Ms Zhao and Mr Zhao. Madam Wu is the Vice-President of the Standing Committee of the Hunan People's Congress, the government of the province, and I particularly welcome her as the leader of the delegation from that province's legislature to South Australia on this occasion.

Honourable members know that, whereas I have visited them, they have invited us to take a delegation back to Henan some time in the ensuing months, probably early next year, the details of which are to be arranged. In recognition of the presence of the delegation, I now invite the Deputy Premier (Hon. Kevin Foley) and the Deputy Leader of the Opposition (Hon. Dean Brown) to escort the Hon. Mrs Wu to the floor of the chamber to join us in our democratic proceedings for a few moments.

The Hon. Mrs Wu was escorted by the Deputy Premier and the Deputy Leader of the Opposition to a seat on the floor of the house.

MOVING ON PROGRAM

Adjourned debate on motion of Mrs Penfold (resumed on motion).

Ms BEDFORD: As I was saying, the record has not been good in the past. In May 2001, the then minister for disability services, the Hon. Robert Lawson in another place, announced that his government was spending a record amount of \$180 million on disabilities, yet in *Hansard* of 28 June 2001 he said that the Australian Institute of Health and Welfare established unmet need across Australia at \$300 mil-

lion. The conservative estimate is that South Australia's share of that was \$27 million. The previous government had no plan.

This state government has increased funding to disability services by 16.8 per cent in three years. In money terms, state spending on disabilities has increased from \$119.3 million in 2001-02 to \$139.4 million in 2004-05. South Australia inherited eight years of underfunding, and this is a fact that we cannot escape. In 2001-02, per capita spending on disability funding was \$79.40 compared with \$87.50 in 2003-04. This is a 10.2 per cent increase in per capita funding.

The most recent Commonwealth State and Territory Disability Agreement includes growth funding of 5.14 per cent over the life of the agreement until 2007. This will mean an increase in funding in South Australia of \$97.4 million for disability services over those five years. Under the new CSTDA, in 2002-03 a total of \$3.1 million new recurrent funding was spent across the disability sector, and \$2.5 million in 2003-04. In 2004-05, an extra \$5.26 million in new recurrent funding will be spent across the sector. This will include \$1.2 million extra for the Moving On program; \$65 000 for Downs Syndrome family support and the Somersault Arts program; \$200 000 to the Autism Association; \$400 000 for equipment; \$400 000 for the APY Lands; \$1.57 million for accommodation and individual support packages for APN/BIOC clients; \$170 000 for children (including assistance with disposable continence aids); \$180 000 to assist young people caring for parents with a disability; and \$1.1 million to clear the equipment waiting list at Novita (formerly the Crippled Children's Association).

So, members will see that a great deal of funding is in place. As I said at the beginning of my remarks, this is the beginning of how we will meet the needs of this sector, which unfortunately is rapidly growing and will require an ongoing commitment from the government into the future.

Mrs REDMOND (Heysen): I move to amend the amendment as follows:

- (1) Delete the words: 'congratulates the government and' and substitute therefor the words: 'acknowledge the government's establishment of'
- (2) Add after the words 'Moving On' at the end of the motion the words: 'and calls on the government to provide funding for the 'Moving On' initiative to assist the disabled and their carers in enjoying a more fulfilling life.'

My amendment is designed to accommodate both the motion moved by the original mover and the amendment moved by the member for Florey. It changes the wording of the current proposed motion of the member for Florey so that the motion will read:

That this house acknowledges the government's establishment of a working party of parents for working together to find solutions to the growing demand for day activities for young severely intellectually disabled adults in the program called Moving On

And it then adds substantially the words from the original motion and calls on the government to provide funding for the Moving On initiative to assist the disabled and their carers in enjoying a more fulfilling life.

I have moved that amendment, as I said, to accommodate both the intention of the original mover and the matters brought to the house by the mover of the amendment, the member for Florey. I have no difficulty with the fact that the government has established this working party. Indeed, that working party has reported to the parliament via the minister,

who made a ministerial statement about the issue, I think two days ago, but, in any event, some time earlier this week. That was a good move by the government.

I have no difficulty with the government's setting up that working party but, when one reads the ministerial statement given by the minister in relation to the efforts of the working party, it becomes clear that, at this stage, the government, whilst it has established the working party and is attempting to adopt a more flexible approach by listening to the parents in person and hearing their concerns and trying to adjust the system so that it better meets the needs of the parents, the plain fact is that without more money the system simply will not continue to cope.

When the program was introduced in the mid-1990s, it was funded for the number of people who were being cared for in this program, which is designed to provide assistance for people who have finished their schooling but who are profoundly disabled and therefore cannot even hope to have employment in such a place as a sheltered workshop. Their disability is so pronounced that they cannot even look forward to that. Once they finish their schooling, if they do not have a program such as Moving On (whatever its title) or some options for what they will do with their life post school, they are left with basically nothing to do and nowhere to go, and their families are left in a dire predicament as well.

If the children, who are then young adults, cannot go on to some sort of post-school options, they lose the skills that they have acquired through all the years that they have been at school and they also lose the benefit of socialising with their peer group, both other disabled people and non-disabled people. If they are deprived of the opportunity of post-school options, basically they are left sitting at home.

I have been contacted by a number of parents from my electorate, as well as by parents from around the state, and they say that they fear for what will happen to their children, their skills and their socialisation as a result of not being able to access a post-school program such as Moving On. It has an effect not only on them but also on their families and their carers in particular, because the children need so much care that they cannot simply be left at home, even though technically they might be over the age of what we recognise as adulthood at 18. They are not capable of looking after themselves even at home all day and, in many cases, parents have to become full-time carers because, once the children are no longer at school during the day, the carers are required to be with them at home all day.

I acknowledge that the government increased its funding by \$1.2 million in the last budget and that it also indexed that to CPI. That goes some way to addressing the problem, but it is not far enough. It was obvious when this program was started, as I said in the mid 1990s, that for many years it would be necessary not only to increase the funding for the program by an inflationary index such as CPI but also to increase the capital amount put into the program every year.

The nature of the program is such that when people come into it after they finish school those people continue to stay in the program. The program is so new now that we have not had anyone come out at the end, but one would anticipate they would stay in the program from the time they enter at, maybe, 18 or 20 years of age until they are, perhaps, 60 or better. Most of these people do not have reduced life expectancies. One can expect them to continue to stay in the program, but each year a new cohort of children graduates from school and will need to enter the program.

For that reason it is not just a simple matter of saying, 'Well, we will increase by CPI every year.' The government is to be applauded for saying that it would increase the funding by \$1.2 million and indexing their increase, but the fact is that the program was already \$3.2 million short at the beginning of this year. I have seen various figures, but the number of new people who will be coming into the program varies between about 75 and 94. I notice that, in his ministerial statement earlier in the week, the minister mentioned that something like 40 extra people will be accommodated in the program.

What we really need is to have a program that will accommodate people for five days a week permanently on an ongoing basis. I accept that whichever party is in government will have to put in extra funding for this program for many years to come until we get to the point where those people who originally entered it come out the other end of the program and, in all probability, that will not happen until they are quite elderly. Unless we recognise that, this program will continue to struggle. It has been obvious all along that we have to not only CPI index but also put in an increasing amount of funding every year for an ongoing period of years, which may be as long as 30 or 40 years.

We should look at these families who have brought these children up in their own homes. These profoundly disabled children could easily have been left in institutions. I have said to the minister and publicly on a number of occasions that we are indebted to these families. Fifty years ago people who had profoundly disabled children were encouraged never to bring them home from hospital. They were encouraged to leave them in hospital or in institutions for their entire lives. I believe that our society is a much better place because those children are now brought home by many parents. It has a profound impact on their lives.

I cannot imagine the stress under which these people live. They live under it all day and often all night every day of the week with very little respite, and they do it because they love their children. In some cases some people have taken these children on as foster children, or people have adopted them because they have been abandoned by their biological families. These people take on enormous stress. I know of one mother who has a 19-year old son with the intellectual capacity of an 18-month old, and he still must have his nappy changed.

Dr McFetridge: How much does he weigh?

Mrs REDMOND: He is an adult. He is a full-sized adult, and she has to change his nappies. I know of another mother whose child needs to be turned and who calls out to her in the night. She could never remember how many times she got up, so one night she put a piece of her jewellery on the bedside table every time she got up, and she put 19 pieces of jewellery on the table. We all know that sleep deprivation is a technique for actual torture, yet these people do this out of love. We are, I believe, deeply indebted to these people.

They have saved this state—and every state where this occurs—millions of dollars over the years that they have cared for their children in their home. The very least we can do is to provide them with adequate accommodation and support so that they can continue to look after their children; but it becomes unreasonable if we do not provide them with that care five days a week. It will take an ongoing amount for many years. Whatever the government (and we will have changes of government over all that time), each one successively needs to recognise that that will be necessary. It will need to put in the money to allow these families to continue

to function without the need for parents to give up their employment and take on full-time care because they can no longer have the time away from their home because they have this profoundly disabled young person who must be looked after and who cannot be found a place in options on a daily basis for the five days a week, and to allow the parents to continue to have some sort of normal life. We should bear in mind that it is not just parents but often the siblings who are profoundly affected by the sorts of difficulties that these families have taken on.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I rise to support the amended motion proposed by the member for Florey and to oppose the further amendment that has been proposed by the member for Heysen. I do so because the amended motion by the member for Florey is a more accurate, up to date assessment of where we are in relation to the program, and the amendment proposed by the member for Heysen is unnecessary and, indeed, misleading in that it implies that my ministerial statement did not commit to providing additional resources for the Moving On program. Indeed, it did, in express terms. I know there has been a bit of propaganda put about by, I think, the Hon. Kate Reynolds in another place that it was all really about spreading the same amount of money more thinly and not actually putting additional resources in. That is simply not the case.

I think a useful starting point for this exercise is to remind honourable members of the state of the disability services sector in this state. The state of the disability services sector and its unmet demand were well known to those sitting opposite when they were in government. Indeed, the former minister for disability—who, I note, is with us—made it clear to the other place that there was an extraordinary amount of unmet demand, and I think that the member for Florey has suggested that this was estimated at \$27 million recurrent unmet demand in the system, including the demand for services in relation to the Moving On program.

The response to that was that he, along with other disability services ministers, participated in a decision at a national level to no longer publish those figures about unmet need. So, instead of coming up with a solution or trying to actually devote additional resources, what occurred was a process of hiding one's head in the sand, leaving it—as with so many things—to this government to remedy. And we have been busy working at remedying these issues.

I fully acknowledge that this program is only one program in a massive effort around disability services, and I need to correct something that the honourable member for Flinders has said on the record. She mentioned that she joined the march because she was concerned about people with spastic quadriplegia, drug and alcohol abuse, and brain injury. They are all worthy causes, but they are not the criteria for entry into the Moving On program. It is a program for profoundly intellectually disabled young adults and, while there are many needs beyond that, the reason we took some care and some time to consult with parents about this issue is because it is only one program in a much broader network of programs to support people with disabilities in our community.

I want to pay a tribute to the parents who participated in the working party for Moving On. Those parents had to give up their own time in circumstances where they do not have any spare time. Each of them would have had to arrange some form of respite to cover for their attendance at the Moving On working party, but they gave their time freely. There were

many hours of work—four separate meetings—and they worked away constructively at that program. I was sad to see that one of the parents, David Holst, resigned midway through the process and chose to take a different route. He is, of course, entitled to publicly campaign in relation to this question but at the end of the day, while it is important to remind governments of the extraordinary levels of unmet demand in the system, at some point someone has to sit down and work on a solution.

I will provide the house with some feedback from the working party of parents. I met with that group after it had completed its work, and I thanked them for that work. The feedback we received was, 'This is the first time we've felt listened to.' Another comment was that it was the first time in 18 years that they had been taken seriously in the process. Those remarks about the process established by this government were made by people who have been longstanding advocates and proponents of the needs and rights of people with disabilities in our community.

We know that it is only a beginning, and we know that much more work needs to be done. The member for Flinders made the point that I mentioned in specific terms only one of the 22 recommendations. We broadly support those recommendations, but, as I said, this report was delivered to me only on Monday, and cabinet will need to be apprised of its contents, as it also involves a number of agencies, such as the Department of Education and Children's Services and the Minister for Transport. It is important to ensure a whole of government response to this report, and I have the utmost confidence that each and every recommendation will receive the support of this government.

It is appropriate that I take the opportunity to rebut some of the remarks made by the Hon. Kate Reynolds in another place. It is sad that she did not ask for a briefing about my announcement but, rather, chose to race to the media. She suggested that somehow we had made a decision on the run. It is a bit hard to square that remark up with the fact that we were being called to make these decisions some months ago. I stand condemned if the time we have taken to consult with parents has delayed this process, but it has been time well spent. Frankly, we would not have been able to come up with this solution had we not consulted with parents and understood their real needs—not what we thought their needs were, not what some of the academics in the field thought the parents really needed but what the parents told us they needed, and, in a sensible way, they have worked with us.

The real difficulty for those opposite, and the reason they need to amend the motion, is that they cannot quite believe that we have been able to achieve this solution by sitting down with parents and in the time frame set for the working party. I gave a commitment to the parents I met at a public meeting that we would engage in a process but that it would be a short, sharp process. I also told those on the working party that I would honour the speed with which they worked by giving them a speedy response: we have done that. I am proud of the work the working party has done and equally proud of our government for being able to respond positively to the working party's measures.

I will address some of the points made by the member for Heysen in debate. I agree with many of her points about the ongoing demands of the program. It is likely that there will be in the order of 77 school leavers next year. Our assessment of the 40 centre based respite places was that we believe that the reconfiguration of the program, together with additional

resources, will allow us to meet the needs of those 77 school leavers.

In the next few days, we will send out a formal request for a proposal to each of the disability service providers on the panel which asks them to provide us with some centre based options. It may well be that, in the short term, some of the regional areas will be unable to be provided with that centre based option initially, so it may fall to government to provide a higher cost option in the existing service in some of those areas to meet the commitment we made to parents, that is, that their children will have five days of day activities. That is the fundamental commitment. We do not know the figures precisely, because we do not know the precise numbers of school leavers, nor have we had the response to our request for proposal from the remaining disability service providers. But we stand by that commitment, and I am very proud to be part of a government that has been able to ensure that we are the only state in Australia that can guarantee full-time day activities for severely intellectually disabled young people.

The SPEAKER: Order! Without wanting to interrupt the minister or the honourable member for Morphet before he begins his remarks, may I say to the honourable member for Bragg that when the honourable member for Bragg or any other member is leaving or entering the chamber they should acknowledge the chair in doing so. It is the means by which other people will be inclined to show respect for the chamber. If honourable members show respect for their chamber and proceedings so will more of the general public. That is why the practice comes to us from the House of Commons and why it has been the practice for over 100 years in this chamber to do so. It has fallen into disrepair, and I continue to remark upon it because I see it as the simplest and easiest way for us to assist ourselves in recovering public confidence in what we do here on their behalf.

Dr McFETRIDGE (Morphet): I rise to support the member for Heysen's amendment to the motion. The members of the Liberal Party recognise that the government has offered something in this case, but let me say before I start my main speech that the government, unfortunately, has often gone out on the blame game. Personally, I do not care who started this. I do not care if it was Don Dunstan or Tom Playford—I do not care who it was—we should recognise the fact, though, that anything that has been started in the past may not be adequate for today, tomorrow or in the future. So, it needs to be revised, it needs to be looked at, and it is an ongoing process. All we ask for is an honest approach and everybody should realise that with power comes responsibility.

We should not offer false hope or platitudes or spin to people in desperate circumstances. I will give you some examples in a moment of the desperate circumstances of parents, families and friends. I am glad that the minister has stood up in this place, made the ministerial statement the other day, made the announcement today, and said that they are going to increase funding. There is still a considerable amount of angst out there amongst the family and friends of these disabled people because they are not sure what the minister is saying yet, and I am waiting with bated breath to see exactly what we finish up with. I will be the first to congratulate the minister if he is true to his word, and if he is able to provide a fully funded program for these parents and for these young adults, because they are not children, they are young adults.

I was first made aware of the Moving On program, much to my sadness, only earlier this year when I attended a public meeting in the southern CBD. There were about 200 people there, most of them friends and family, and there were some of these young adults there in their wheelchairs. I heard some of the personal stories, and I spoke to many of these families; to hear some of the desperate plights that these families were in, and the years and years of dedicated care for the children and young adults of these families was something that really tore at my heart, and I do not say that lightly. One lady got up and spoke about her absolute desperation—the ultimate desperation—she has actually considered killing her child and committing suicide. Listening to her story I was just speechless. I was given the opportunity to address the public meeting and I took the opportunity to offer support, not in a partisan way but in a bi-partisan way.

I encourage this government to do what ever they have to do; what they have got the power to do. I asked the meeting how many other parents, how many other family members there had considered the ultimate final solution to their problems as they saw it—committing murder and suicide—and I was absolutely staggered that between one quarter and one third of the people in that room put their hands up. Not one or two, but tens of people put their hand up because they were at their ultimate wit's end. I cannot think of anything more tragic than having to even consider that sort of scenario.

Do not let me in any way distract from what the government is doing—or promising to do now—but just realise the desperate situation that these people are in and where they are coming from. They have not done this because they are all Liberal supporters who wanted to march down King William Street to give the Labor Party a hard time. Far from it. There are people who are quite well off; there are people in the country.

In talking about people in the country, my Rotary Club, Somerton Park Rotary Club, is trying to get some computers at the moment to assist the parents of young adults who are in the Moving On program, or would like to be in the Moving On program, so that they can get in touch on the internet with email and stay in touch, rather than using snail mail or not getting any contact at all. I commend my Rotary Club for doing that. I hope the government is able to look at perhaps giving some of its spare computers to people not only in the Moving On program but also in desperate situations where they need some assistance, some access, just some meagre support.

The Hon. J.W. Weatherill: Send me a letter.

Dr McFETRIDGE: I will gladly do that, minister, and I look forward to your cooperation on that matter. I know that we cannot make promises because there are issues, but that will be in my letter. I marched with these families from Victoria Square down to Parliament House. I did not do that just as a way of having a go at the government. I was at that meeting.

The Hon. M.J. Atkinson: No, of course not.

Dr McFETRIDGE: The Attorney-General is interjecting and intimidating that I did this out of base political motives. If he had been at that meeting earlier in the year, he would have seen and would have felt—he is supposedly a good Christian man—the compassion that he would normally be showing and he would have been marching with me had he been at that first meeting, because these people are desperate.

They are not just out for base political purposes; they are there because they want the very best for their children. Their children are now moving on into young adult status; they are

not little kids; they are 18-19 years old. These young adults can weigh 60, 70 or 80 kilograms and it requires a backbreaking effort to move them around, make them comfortable and provide their care. They require care 24 hours a day, seven days a week, 365 days a year for as long as they live and as long as these parents are able. These parents need every bit of support.

I did not march down King William Street just to mark the government. I would have loved not to have to do that; I would have loved the minister to be able to make some announcements and provisions for funding before that. I went to a further public meeting later in the year. The minister came and addressed the meeting. He made some promises, but I must admit that many of the parents I spoke to afterwards came away feeling a little bit nonplussed; they were still not sure where they were going.

I notice there is an article in today's paper headed 'Pressure over new funds for the disabled' and some comments have been made there. However, I will read out the part that is positive, as follows:

Mr Weatherill yesterday provided assurances to *The Advertiser* additional money would be allocated to ensure school leavers and those on the program had full-time access to centre-based activities.

I will be holding the minister to those assurances, because these parents and these young adults need every bit of assistance they can possibly get. This program is not going to go away. This program is going to get bigger and bigger.

With medical technology advancing the way it is, more babies that are being born with severe disabilities, both intellectual and physical disabilities, will be surviving. They will be moving into a situation where both their parents and those children need full care. It is a sad fact of life that they will need full care. Medical technology—and I hope it does advance—and medical knowledge at the moment is not able to provide a cure for, or even make some progress towards improving, many of these children's conditions. I hope that does happen, but at the moment it is not happening.

So this program will get bigger. It will become more of a—I will not say 'burden'—need in society, and that society will then look to the state governments and the federal government to provide programs. I am not going to absolve the federal government from providing support here, because I will be at my federal colleagues who were elected at the last election for the federal government to put in some dollars, too. There is significant funding there. My concern is that I represent a state electorate, I am a state member of parliament, and I want to make sure that this state government does what it was elected to do, and that is to be open and honest. I know that the Labor Party has good social inclusion policies, and it has always had a background of saying that it cares for families, but I want to see evidence of that.

This growing group of families, of blameless victims of their birth, need every bit of support possible. The minister will need to give more than just platitudes. This program needs to move on both financially and emotionally because these parents do not need to be put under this pressure. I do not want to go to a public meeting and ask how many people are in such dire straits that they have considered committing murder or suicide. I never want to have to do that again. I will be ashamed of myself as a state member of parliament if I do not stand up in this place and stick up for the people in need. With all my heart, I ask that the minister, the Premier and the Treasurer look at funding for this and other programs. As the member for Flinders said, she is not supporting individual programs; she is talking about all programs for the disabled,

so to have a go at her is wrong. We have to make sure that the government does what it was elected to do because with power comes responsibility.

Mr SCALZI (Hartley): I commend the member for Flinders for bringing on this debate. I have no doubt that the member for Florey is genuine in her concern for people who face these difficulties, as is the member for Heysen, so we should put both the motion and the amendments in their proper context. I am a little disappointed that the minister had to come in and say that the member for Heysen's amendment to the motion was not necessary because all the member for Heysen tried to do was incorporate both sentiments.

I acknowledge that we have a problem, and, regardless of who is in government, the problems have to be addressed. As a member of the Social Development Committee that looked at supported accommodation and services for severely intellectually and physically disabled people, I know that demand is far outstripping supply for these services. However, when this government came into power, it said it would address these very issues, and there is no question that it has put some funding into these areas, but the funding is inadequate to meet the demand. Not only that, it is inadequate and disproportionate to the resources available to it in the past two or three years.

Perhaps the best way to illustrate the problems with the Moving On program and the lack of support in this area is to read a letter written on 4 November by one of my constituents. It reads:

Dear Mr Scalzi, I am bringing to your attention my concerns for my severely and multiply disabled child Deborah who has been waiting since December 2003 for a wheelchair modification that will enable her to sit upright. Deb has scoliosis and the side support of her chair was deteriorated. She is therefore constantly leaning over which affects all aspects of her daily life. She is finding pushing her chair extremely difficult and now only pushes with one arm. She is also finding meals difficult and can only tolerate sitting in her chair for two or three hours at a time because of the discomfort from her back.

In July 2004 we finally had an appointment to see a physiotherapist at Adult Therapy Services to assess Deb's problem. When she saw Deb in her chair she noted how uncomfortable she was and commented that the chair did not look like it belonged to her. She upgraded her to very high priority and yet we are still waiting almost 12 months later for repair.

Minister Weatherill has been made aware of my daughter's predicament and still chooses not to help. He has stated in his letter to me dated 17/10/04 that he is aware of 'considerable pressure of demand on Independent Living Equipment Program and waiting lists are in place.'

I have been told that \$800 000 has been given this financial year to Children's Services who also receive the charity dollar for equipment funding. Why hasn't any of this money been allocated to Adult Therapy Services? Why has this very needy group of people been discriminated against?

Given the sound financial situation that the state is in I am at a loss to understand the government's lack of compassion and caring. If Minister Weatherill is aware of the demand for equipment funding, then why does he not allocate the much-needed extra funds? His lack of action is criminal and neglectful.

These are harsh words, but they are the words that have been written. It continues:

Post School Options is another area of concern. I am very resentful of having to resign from my employment because of the inadequate funding for the Moving On Program. With only 17 hours per week allocated this makes it impossible for me to work as well as being Deb's carer when she is not in the Program. I am very angry that I have been forced into resignation and would like to know what Minister Weatherill's plans are for the Moving On Program.

I must say that my office spoke to her yesterday, and her daughter has funding for the wheelchair, but she is still angry.

She is particularly concerned that funding decisions appear to be made on the basis of publicity. In her daughter's case, having received a letter refusing an application for funding to replace the wheelchair, she approached the media and, after radio coverage, heard that funding will now be available. Whilst she is thankful for the funding for her daughter, she is dismayed that many others are in a similar situation but will receive nothing. She has the equipment for the chair, but the problem is that we should address these serious concerns and problems.

I acknowledge that the minister has put in extra funding, but the problem is that, if the funding does not meet demand, we are still going to have great difficulties, and we are going to have a community that has been disadvantaged. We are indebted to these parents. I acknowledge that the minister understands that, and it is one thing to bring it up in debate; at the end of the day we have to put extra funding into this area.

Mrs Geraghty: You never brought it up when you were in government.

Mr SCALZI: The member for Torrens says that there were problems in the previous government. I acknowledge that, but the demand has increased. Whilst the demand has increased, we know that the supply of dollars coming into this government has increased in greater proportion, so have your compassion in proportion to the money that you get from stamp duty, land tax, GST and poker machine revenue. If you have the compassion in those proportions, you will find that letters like this will diminish. Letters like this will diminish when the funding comes through. It is all about need and supply, and it is about putting things into their proper context. You are flushed with money, but you are not too flash in meeting demand.

Mrs GERAGHTY secured the adjournment of the debate.

PINK RIBBON DAY

Mrs HALL (Morialta): I move:

That this house acknowledges the importance of Pink Ribbon Day on 25 October 2004 and recognises—

- (a) the significant improvement in early detection techniques through breast screening programs that have reduced breast cancer deaths in women; and
- (b) the improved approaches to early detection of cancer in men, younger women and indigenous women.

This motion is about Australia's biggest killer and the wonderful job that is being done to include the community in the increased awareness of its threat. As members would know, Pink Ribbon Day was held on Monday 25 October. It was a day to recognise and to raise awareness of breast cancer, the most common cancer in women in Australia today. The incidence of breast cancer in Australia and around the world is frightening. A new case of breast cancer is diagnosed every hour in Australia, while over 1 million people around the world will develop the disease this year alone. Pink Ribbon Day raises much needed money for cancer research, services and treatment. It also raises hope, through an improved awareness of detection techniques and the vital support one can receive when coping with breast cancer. This year, the theme was, 'Any change is worth talking about', and the two messages that Pink Ribbon Day promoted this year were, first, to remind women to see their doctor immediately if they noticed a change in their breast; and, secondly, to remind women over 50 to have a mammogram every two years.

Pink Ribbon Day is one of a series of events to celebrate the activities of the Cancer Council of Australia. It also included Daffodil Day, Australia's Biggest Morning Tea and the Relay for Life, and those combined events are responsible for raising millions of dollars and involving the community in their fight against breast cancer. During this period, Pink Ribbon Day was also accompanied by a number of innovative events. One in particular was called 'A Girls Night In', where the idea was to invite your girlfriends over for a night in and to ask them to donate the money they would normally have spent on a night out. There was the Race for Life along the River Torrens, a five to 10-kilometre fun run/walk for men, women and children. There was the joint initiative of the South Australian Road Runners and Road Walkers Club and the Cancer Council South Australia, and that event raised much needed funds. The Cancer Council should be applauded and thanked for its continued initiatives and perseverance in this battle.

I would also urge this house, during this debate on this motion, to express its gratitude for the work undertaken by two more bodies in particular, and they are the National Breast Cancer Centre and BreastScreen South Australia. They both play such a vital role in increasing the rates of screening and detection among women. Last year, BreastScreen South Australia provided 71 574 mammograms, and that was 3 000 more than the previous year. Fortunately for our state, we boast some of the highest rates of participation in Australia, due in no small part to the work of BreastScreen South Australia. In metropolitan Adelaide, participation rate for women between the ages of 50 and 69 is now 63.7 per cent, while outside the metropolitan area it is 66.4 per cent. BreastScreen SA continues to strive for that magical figure of 70 per cent. That figure is recognised as one at which, if we can get women to participate, will lead to a greater reduction in the mortality rate of between 20 and 40 per cent. The National Breast Cancer Council has been a world leader, with its very determined and innovative approach and for the vast improvements that have been achieved in this crucial area over the last decade in particular.

On 22 October I was privileged to attend a women's breast cancer awareness forum, a joint initiative of the Cancer Council and the national Breast Cancer Centre. More than 150 women, and a few men, attended, and they heard four incredibly impressive speakers cover many aspects of prevention, progress and survival. The speakers included Dr Helen Zorbas, Dr Melissa Bochner, Ms Lou Williamson and Alexandra Cannon. The Breast Cancer Centre's director, Helen Zorbas, delivered a most insightful report on the activities of the past decade, and I think it was absolutely enlightening. She noted that 10 years ago there were no treatment guidelines for specialists or GPs and that women had no access to quality information to assist them in making decisions about their treatment. The treatment was focused on the technical aspects of care, with little or no attention given to supportive care needs for the woman or her family. Also, many women were treated by specialists who saw only one or two breast cancer cases per year, and distance was very often an impediment to accessing the best care by women in rural and remote areas.

The establishment in 1994 of the House of Representatives Joint Standing Committee on the Management of Women and Breast Cancer was the first step in overcoming the deficiencies in our treatment and management of breast cancer and led to the establishment in 1995 of the National Breast Cancer Centre—a most commendable initiative.

Dr Zorbas described in a most enthusiastic way the results of what that group had been doing over the following 10 years. They have included the introduction of a free mammographic screening program through bodies such as BreastScreen SA and, importantly, the development of information for women to know how they can find breast cancer themselves through regular checking techniques. That material has been provided in 16 languages.

The centre also has developed 20 sets of guidelines and recommendations for doctors that aim to improve survival and quality of life for women with cancer. It also has launched the world's first psycho-social guidelines for adults with cancer, in response to the fact that almost one-third of people diagnosed with cancer experience clinically significant anxiety disorders, with about a quarter of them suffering depression, which is about twice the rate in the general population.

The other great recognition was to provide for the needs of younger women with breast cancer because, sadly, one-quarter of cases occur in women younger than 50, and it is more likely to be a more aggressive form of cancer than that found in older women. Younger women are also more likely to carry greater concerns about various matters such as body image, sexuality, relationships and loss of fertility.

I believe the importance of these actions is made apparent when one considers the statistics. The Australian Institute of Health and Welfare's 2000 publication, *Cancer in Australia*, contains some fascinating, although concerning, figures (and these were the last available ones at a national level). It is estimated that one in 11 Australian women will have breast cancer at some stage in their life—and I know that probably just about every member of this chamber would have a personal story to tell about that. It is the most common cause of cancer-related death in women in Australia. In the year 2000 alone, 2 521 women died from breast cancer in Australia and 11 314 women were diagnosed with the disease. So, the survival rates are certainly looking better. In the decade from the 1990s to 2002, the incidence of breast cancer in women rose from 94.6 cases per 100 000 to 115.3 cases per 100 000 of the population. In 2001, 983 South Australian women were diagnosed with the disease, and 222 died from breast cancer.

At the forum that I mentioned, there was a most impressive presentation from a young woman called Alexandra Cannon. She spoke of her survival, and told us how it all happened. She took us through her original awareness and told us how she had a little bit of luck getting in to see a doctor and a specialist so quickly and of her determination to take some time to decide what was right for her. Her presentation was given in confidence, and had a great deal of black humour in it. There was a sense of awe, though, for those in the audience at being able to share her experience. She surely captured our attention and hearts with her courage and optimism.

Time prevents me providing a snapshot of the other speakers, but I recommend that any MP interested in what was talked about that day should visit the web site, because it certainly was one of the most enthralling two hours that a member of parliament could have experienced.

In recent times, the focus has turned to finding breast cancer as early as possible in order to reduce the number of deaths, because there are no conclusive means to prevent breast cancer. However, early detection is the best method to reduce the number of deaths. Accordingly, from 1990 to the year 2000 the breast cancer death rate declined by an average

of 2 per cent per annum. Another interesting but less well-known fact came from this study to show that, in the year 2000, 86 men were diagnosed with breast cancer and 21 died of the disease. The chances of a five year survival improved to the tune of 90 per cent if the cancer is detected while still localised in the breast, and I am sure that we have all heard of the number of opportunities we have to recognise symptoms.

The Cancer Council recommends very strongly that we get to know our own body. It recommends that women be aware of the usual look and feel of their breasts and to see a doctor immediately when they notice any change. Hence, their theme this year was 'Any change is worth talking about'. As we know, symptoms vary from a breast lump, skin rash or itching to changes in the colour of the skin and roughness or dimpling of the skin. They also recommend that women see their doctor for a regular breast examination and to discuss the value of regular mammograms. For older women in particular, a mammogram should be conducted at least every two years, even in the absence of symptoms of breast cancer.

While Pink Ribbon Day raises awareness of breast cancer, it also raises money for research, prevention and treatment. Much-needed money is also raised for the numerous other coping and caring services that have to be provided for those who are diagnosed. The cancer support groups affiliated with the various state and territory cancer councils offer regular meetings for people with cancer to share their experiences with and offer their support to others, and these meetings are often open to family members and friends trying to cope with the plight of their loved ones.

The Breast Cancer Support Service is a national program that also provides the opportunity for people to discuss their experiences with others and, in addition, other forms of practical assistance which often come in the form of volunteers to assist women newly diagnosed with breast cancer (and, very often, these women are people who have beaten breast cancer themselves and want to share their experiences with others). One of the things that became very obvious during this forum was that black humour was often a great protection mechanism for those involved.

The Cancer Council also provides assistance through: the provision of equipment such as wigs, turbans, head covers, hats and scarves; advice on financial matters; and often giving great fashion advice. Of course, we know about the free counselling services that are available through the information service hotline. As I said earlier, it is important to know that much of this information is available in 16 languages, and I commend a program called CALD, which covers the needs of the culturally and linguistically diverse community of our country.

One of the aspects that I believe it is very important for the house to consider when talking about breast cancer is the huge problems that exist in our indigenous communities. It is a generally held view that cancer is not a priority health issue for indigenous Australians. However, it is the third most frequent cause of death of Aboriginal women and, while the breast cancer incidence is lower than that of the white population (as difficult as statistics are to find in this specific area), deaths are generally higher. Major problems experienced within the indigenous community regarding early detection and management are numerous. They include mistrust and differing health perceptions and priorities.

Further problems include a lack of awareness and knowledge, created by culturally inappropriate services, different styles of communication across cultures and a lack

of culturally appropriate health promotion resources. I did intend to talk about some of the treatment and prevention programs, as they relate to South Australian males, particularly that of prostate cancer, because it does pose a similar threat to breast cancer in our community. Again, it is most commonly found in men over 50 years of age, and it is the second most common cause of cancer deaths amongst South Australian men. I would love to continue and I am sure I will find an opportunity in the future.

Time expired.

Mrs PENFOLD (Flinders): I rise to wholeheartedly support my colleague's words. I have spoken publicly only once about my experience with breast cancer in 1994. However, this year I have been clear of cancer for 10 years and perhaps it will hearten many to know that, particularly if detected early, it is not a death sentence and one can get on with life as normal. I am a great believer in setting goals, making plans and having a positive attitude. On 2 June 1989, as a result of this belief, I made some phone calls that probably saved my life five years later. I had been teaching, 'Starting a small business' for women at the Port Lincoln TAFE, and at 41 years of age I had not given a thought to breast cancer.

During the coffee break I sat and listened while the women discussed their experiences and that of others they knew with breast cancer, the difficulty of getting scans and the unreliability of some of the scans at Whyalla, with several women indicating the trauma they had experienced when they or their friends had been given an incorrect positive diagnosis. I decided that we needed a breast scanning unit in Port Lincoln. When I arrived home, I rang the Women's Information Switchboard in Adelaide to find out with whom I should speak. Their advice was to ring Margaret Dorsch at the Queen Elizabeth Hospital. I rang and was immediately put through to Margaret who advised that what we really needed was a mobile unit; and she posted a photo of one similar to that which was being used in Queensland and which she believed we should get, at an estimated cost of \$260 000.

We discussed how we could raise these funds and we decided that she would approach the Lions Club and I would approach the Westpac Banking Corporation (it had a female manager in Adelaide at the time) and also AMP. After many months, many phone calls and false starts, Westpac Adelaide agreed immediately to fund the mobile unit. However, it was knocked back at head office in Sydney. We then had the news that the federal and state governments and the Lions and Lionesses clubs would provide funding for the unit and the ongoing costs of running it.

In my file I noted that at 1.20 p.m. on 15 January 1991 I rang Margaret Dorsch and she said, 'Unit due to be commissioned, operational by April/May, Port Lincoln to be the first major point of call.'—1½ years after the first phone call to the very efficient woman at the Women's Information Switchboard—whose name unfortunately I did not record. If she should ever read this, I say, 'Thank you to you and the other women at the switchboard who do such a good job.'

I became a member of parliament in December 1993. My brother had died of cancer during the campaign, and my mother had been diagnosed with cancer in early 1994. In mid 1994 I attended the unit to check on a lump that I had felt in my breast. While the lump was not cancerous, there was a lump near it that looked suspicious. The early detection was very fortuitous, and it meant that I did not have to have chemotherapy or radiation. All the doctors were away at a

conference, so it was several weeks after the diagnosis was confirmed before the necessary operation was undertaken. In the meantime it was business as usual.

One of the things I have learnt over time has been to not panic or over-react. I have never forgotten, when our children were aged only three and four, going with my husband when he was diagnosed with cancer for the first time and getting the impression from one doctor that we should enjoy life while we could as Geoff would not be around for much longer. Then we walked—shattered—across the quadrangle at the Adelaide hospital and were reassured by Dr 'Frosty' Hoare that this was not the case. After radiation he could expect to live an ordinary life span.

We celebrated our 36th wedding anniversary in September. Thank you, Dr Hoare. I think that the moral of the story is to always get second opinions, even third opinions if necessary. One friend was told by her doctor that she did not have a problem so, despite her own instinct that something was wrong, she was not tested and was diagnosed with breast cancer too late. She now does not have long to live.

Research has also shown that country women have a higher death rate from cancer, mainly because they are not diagnosed or treated soon enough. I am well aware of women who put their own health last, giving excuses such as, 'We cannot afford to go to Adelaide for tests and operations. We cannot afford the time at present; it is shearing, crutching, harvest or seeding,' or some other excuse. Often, it is some other excuse. To them, I say, 'You cannot afford not to.' Imagine your husband and children without you, not to mention your extended family and your community. If you will not do it for yourself, do it for them.

My mother died of cancer in 1995, and both of my children suffered for a time from depression, which I did not recognise as probably being caused, and certainly not helped, by what they had gone through with my husband, brother, mother and me. It made me aware that those who surround the person with cancer must also be assisted. The partner, children, and extended family and friends tend to feel helpless. They are often facing major life changes of their own. New responsibilities are suddenly thrust upon them without warning. Just when more cuddles and reassurance are needed most, people are too distracted and busy to give them to one another or to family members and friends.

I thank all those who have helped reduce the trauma of breast cancer, particularly the Dragon Ladies with their pink dragon boats, for their wonderful contribution to, recognition of and support for those who are affected. I leave the last word to my mother, who once said to me challenges were character building. I remember saying rather sharply that, if what we were going through was character building, I did not want any more character! However, she was quite right. Such experiences help us to work out our priorities in life and increase our empathy with others who are just getting on with life and often coping quietly with all sorts of difficulties. It is my hope that we love one another and are kind to all we meet, as we never know what life has dealt them. I support the motion.

The Hon. R.B. SUCH (Fisher): I wish to make a brief contribution. I commend the member for Morialta for putting this motion before the house. The concept of Pink Ribbon Day is a very good educational mechanism, and we have a lot of others to acknowledge other issues in the community. In terms of breast cancer, as is indicated here, it is a significant cause of death amongst women, but great progress has been

made as a result of improved research and medical techniques and, importantly, through early diagnosis by way of screening programs. I commend that and all of those aspects. I believe that the research should be intensified and should continue at a much higher level.

I would like to take the issue beyond breast cancer, even though I acknowledge that as a very important issue and the main focus of this motion. I also highlight the importance of early detection for women in relation to cervical cancer by Pap smear testing. I think I have mentioned once before in this house that I am amazed, when talking to women who are relatively young and some who are not so young, at their reluctance to participate in screening.

It was brought home to me recently, when talking to a woman in her 40s, which is young in real terms, who said that she ignored the notice for breast screening. I thought that was very unfortunate, particularly since that particular woman is a highly educated professional. I thought that it was not a very sensible approach to take. Likewise, she proudly said that she had not bothered with any Pap smear testing for 20-odd years.

Once again, I was somewhat flabbergasted. I can understand that, particularly on that issue, women would have sensitivity in terms of being examined, but the consequences of not picking up these cancers early are horrendous. We have heard from the member for Flinders some of the sad aspects if you do not get on to these things early enough. I have been an advocate of screening for health issues for quite a while. There is a lot of debate about the merits of screening, and I would urge members to look at material provided by the National Health and Medical Research Council, which runs to hundreds of pages, in which it evaluates screening for all sorts of things, such as hearing. If members are interested I could steer them in the right direction to get the scientific evaluation of screening of all different aspects of health and related issues.

Obviously, time does not permit me to go into all aspects of that report, but I have given it to the Minister for Health for her to contemplate. I would like to go beyond this motion a little bit in terms of men needing to engage in screening. Unfortunately for prostate cancer, we do not have the same degree of screening sophistication. We have some tests: the PSA, which can measure changes in the prostate; and we have the infamous rectal examination. I can understand men being somewhat nervous about someone putting a finger into your anus to examine your prostate, but the consequences of not picking these things up early is, as I said, serious. We need to do a lot more work there, not only in terms of treatment research but also to refine and improve the screening techniques.

I would urge any male in this place or anywhere else to make sure they participate in regular checkups for detection where possible of early signs of prostate cancer. I have met recently with the Anti-Cancer Council to try to help promote that. I think that prostate cancer needs a badge day of some kind similar to Pink Ribbon Day to highlight not only that issue but the need for research and screening.

My final point is that I have been approached by people supporting screening to detect bowel cancer in its early stages, and I understand that the federal government is committed to a program that it will detail shortly, promoting a wider screening to pick up early signs of bowel cancer, particularly evidence of polyps, and such things. The seriousness of this issue was highlighted when a few years ago a nephew of mine at the age of 26 died from bowel

cancer. He was a nurse, and when he raised some of his concerns he was told, 'You're too young to have something like that.' By the time they got on to the serious treatment, it was too late. He paid the ultimate price and died from bowel cancer and the spread therefrom.

There is an argument about screening. Some people say that it is a waste of money; that you will end up checking people who have nothing wrong with them. I think that is a great result. If you can give someone the reassurance that they do not have a cancer or the early signs of it, I do not see that as a waste of money at all. The point I make is that we need to refine these screening techniques, including those for breast cancer, and improve the research and allocate more money. As with a lot of other things in life, early detection is really the key. I commend the member for Morialta who has raised this.

I am aware of many women who have publicly indicated how they have been affected by breast cancer and I look forward to the day when, hopefully, not only breast cancer but other cancers can be detected early and cured for everyone who may have that sad affliction through no fault of their own. I commend the motion to the house.

Dr McFETRIDGE (Morphett): I rise to support this motion and commend the member for Morialta for bringing it before the house. I would also like to acknowledge the heartfelt comments of the member for Flinders. I noted with interest the member for Fisher's comments about screening. One of the best ways in which we can increase efficiencies in health care today will be through early screening. Primary health care will be the most important part of health care.

I read an article the other day about efficiencies in the health system. It said that a 10 per cent efficiency—not through any extra funding but in the delivery of services and using general systems—would deliver an \$8 billion saving. I think that was federally; it is just a small start. Through early screening and early detection, billions of dollars worth of treatment can be saved.

I raise this in connection with Pink Ribbon Week because last year I introduced into this place a bill to deal with patient access to genetic testing, which is a relatively new technique that is available to medicos to screen people with the potential of contracting a serious disease. The one that is most commonly talked about is the genetic testing for the BRCA 1 and BRCA 2 genes for breast cancer. The whole aim of my bill was to alert the parliament to the fact that around the world genetic testing is being seen as a very viable tool. Obviously, it is a tool that people will want to be able to access because, as the member for Fisher said, if you know that you do not have a particular disease but that there may be a predisposition to that disease in your family, if you can be tested and told that you will not get it or that the likelihood is absolutely minimal, the reduction in the stress factor alone would be enough to improve your health and allow you to get on with your life.

The problem with making genetic testing vital, something that people will want, is that the people who will want to make money out of this testing will come in and develop the tests. I do not mind their making some money out of this sort of technology provided that people are not discriminated against because they cannot afford to be tested. Around the world, in respect of not only breast cancer testing but also many other forms of genetic testing, genetic testing is being patented. I find genetic patents absolutely disgusting, because

if someone wants to control access to a test that could be life-saving that should be examined very carefully.

This is not a state government matter; it is more a matter for the federal government. However, if patents are being enforced and if the costs are going up, they can go very high. Indeed, I am told that the costs for breast cancer testing in some countries where patents are being enforced now is between US \$3 000 and \$10 000. I understand that in New Zealand the owners of a patent for a breast cancer gene test are charging the New Zealand government \$20 million for registration and an annual ongoing fee of something like \$2 million or \$3 million. The whole of the budget in South Australia for gene testing at the Women's and Children's Hospital, where they do an absolutely fabulous job, is about \$1 million. If a genetic test will cost you \$5 000 or \$10 000, how long will it be before there is no money left in the till?

It is very important that governments (both federal and state) are aware of what is going on around the world so that in terms of not only breast cancer but many other forms of cancer, or debilitating and life-threatening diseases, the ability to test for these diseases with a genetic test is freely available. There should not be health care for the wealthy. This must never happen; we must never discriminate in that way. If you do not have your health you have absolutely nothing; all the wealth in the world will not fix it.

I once worked for a chap whose son had cystic fibrosis. This man was a multimillionaire and he said that he would give all his money away if he could fix his son. Cystic fibrosis is another test on which they are working, and genetic testing for cystic fibrosis is progressing well.

There are myriad diseases. I had a colonoscopy—a 'bum cam' as my kids call it—for bowel cancer. My father died of bowel cancer a little over three years ago. If he had been tested, then he may have not have died of bowel cancer. My brother had a colonoscopy. He had polyps which were malignant. He is okay now. You cannot over emphasise the fact that testing—whether it be a physical test, a blood test, or genetic testing—is something that needs to be encouraged and it needs to be available to all, rich and poor. At the moment we in this country have the best health care in the world, but the sad fact is that we see on our television every night that health care is severely lacking in many countries.

I go back to my original point; that is, primary health care, whether it be through increased physical activity, reduced obesity, early detection and early screening of all sorts of cancers, particularly in this case breast cancer, will be the most efficient way of spreading those rare health dollars. We need to encourage this. I commend the member for Morialta for moving this motion. I encourage all women to have their tests and screening, whether it is by undergoing a breast examination with their doctor, self-examination or mammographies. We need to ensure that women are not neglecting their health. We blokes are told all the time that we neglect our health; that we should go to the doctors for a check-up. I suppose I am one of the culprits, but I say to my wife that I will get that scoop test out and I will continue on with the tests for bowel cancer, because nothing could be worse than dying from a disease which could have been prevented. On that note I will finish, but I commend the member for Morialta for her motion.

Mr WILLIAMS (MacKillop): It is my pleasure to support the motion moved by the member for Morialta. In doing so, as well as commending her for the motion and the words that she has uttered, I will make a few comments about

primary health and, in particular, make reference to men's health. One of the things that the member for Morialta has said and which other members reinforced is that it is very important, particularly with cancer but also with some other diseases, to achieve early detection. As a male, I am somewhat envious of females in this country because I think they have done a much better job of educating themselves and other females about the importance of early detection, the importance of talking about some of these diseases and the methods of early detection.

I am sure many hundreds of women, if not thousands, in this country have been saved because the females of this country have educated themselves. One of the things that has made that easier for women than for men is the fact that, for a long time in this country, it has been our culture for women to purchase and read women's magazines. It is a fair while since I have picked up a *Woman's Day* or a *Women's Weekly*, but apart from those magazines continually churning out new diets I do know that they discuss and have discussed for many years women's health issues at length. I think that the vast majority of women in our society on a relatively regular basis because of the type of literature they read (I am sure they do because the producers of these magazines are very wealthy) would come across in-depth discussion on early detection methods and the importance of taking formal tests with their GP and other clinicians.

As I say, I am a little envious of women, but I am not in any way suggesting that they have achieved what needs to be done. Many cancers still go undetected at that early stage when most cancers today are quite treatable and the prognosis is very positive. Unfortunately, men are still many years away from that. Although I am not someone who watches television or reads magazines, in recent years I have noticed on the news stands that there has been a proliferation of men's magazines, although I doubt whether the men's magazines carry such serious issues as men's health issues in the way in which women's magazines do.

The Hon. R.J. McEwen interjecting:

Mr WILLIAMS: That is right. I think that the minister understands what I am saying. Having reached middle age (along with many of my friends and peers), like other members I have had a similar experience with many people I know who have encountered cancer. In the male population quite often it is by accident that it is detected that they are suffering from cancer. In particular prostate cancer has become a real concern for general men's health. I can relay to the house an experience of a family friend whose brother was diagnosed with a prostate cancer. The message went around to the family (because there is a close family genetic link, apparently) that all the male members of the family should be tested. I think that there are four brothers in the family and all tested positive. Unfortunately, the person who was initially diagnosed with prostate cancer is not with us today; he succumbed to that disease. Fortunately, the other brothers, quite by accident (because, as I say, it was as a result of the first diagnosis that they made the effort to visit their local GP) discovered that they also had prostate cancer. In each of those three cases the cancer was successfully treated.

As the member for Morphett just said, primary health care is the area in which we should be concentrating those sparse health dollars. Early detection not only saves lives but also reduces substantially the cost of treatment. Of course, the success rate is much higher, too, but it does reduce the cost. We need to concentrate on early detection which, of course,

means education. It means getting the message out not just to women about breast screening, cervical pap smears and the other sorts of screening techniques that are available for specific women's cancers (although they are not necessarily specific to women, as the member for Morialta has told the house), but getting men to feel relaxed about their health in the same way as women are relaxed about discussing women's health issues and, I think, that is a challenge for our society.

Certainly, I commend the member for Morialta because her motion has certainly given me the opportunity (albeit in some very small way) to try to promote the idea that this is what is needed to help men save themselves. I would like to make one other comment. The member for Flinders said that the incidence of detection of cancer in country women is lower than that of metropolitan women. Again, that just reflects the difference between the delivering of health care in country communities as opposed to people in city communities. It is not just about the dollars that are delivered to running our hospitals and supporting our GPs. I believe that this education effort is somewhat less in country areas, too. It is harder to get the message out to country women as it is to country men, and that is something that policy makers need to be cognisant of. They need to understand that country people must not only have the dollars spent in their hospitals and in their GP services (and that is a huge issue in itself) but also the education effort needs to be increased in country areas to lift the level of detection commensurate to that which our city cousins enjoy.

Once again, my congratulations to the member for Morialta and to all members who have contributed to this debate, because it is vitally important. I hope the media in this state pick up some of the comments that have been made in debate and further disseminate the views across the state, because that is the starting point. It is education—it is education of women, particularly with this motion, but also of men about their health issues.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I rise to support the general thrust of this motion. I do so because I, perhaps more than anyone in this chamber, know the impact of cancer, the range of cancers, and the changes that have occurred over my lifetime in the treatment and management of such diseases. I think the element that people have probably not discussed in terms of Pink Ribbon Day is the improvement in recognition of this disease and the capacity to mention its name. I know that 40 years ago the thought of cancer and a mastectomy was something that drove people to conceal and be ashamed of their diagnosis. In fact, 40 years ago it was very often the cause of hugely scarring and disabling surgery that not only produced a dramatic change in a woman's shape and in her body image, it could also lead to subsequent changes in the arm which could swell, become disfigured and misshapen, and even—in some circumstances—lead to additional tumours developing in the dependent arm.

The changes that have occurred have been dramatic in that people can now discuss the nature of cancer, talk about it, and know that perhaps their marriage has not ended, that their life is not over. The changes that have occurred have perhaps been in the way that men, and surgeons particularly, deal with the disease. When I first recall mastectomies, the extent of surgery, with loss of muscle, major stripping of subaxillary nodes and the changes to the lymphatic drainage, was such that a woman's life was truly changed. But increasingly, over

the last 40 years, there have been non-invasive diagnostic procedures that have allowed women to know that they have a malignant disease and for the surgery to be planned and organised in advance, for there to be some degree of social support and commitment to a cosmetic procedure, and there has been the opportunity to have cosmetic repairs. But, most importantly, the initial surgery is smaller with a less disfiguring scar and more attention to the natural scar lines to increase healing and improve the cosmetic appearance.

The subsequent changes with a smaller operation and the very important capacity to reconstruct and rebuild the breast, particularly by saving the nipple, is an extraordinary degree of progress which allows a woman to retain a nipple in a cosmetic way and have a breast construction to give a good, symmetrical result at the end of surgery and follow-up treatment. Those changes have meant that women can look at breast cancer and say 'This is not a death sentence: this is only a diagnosis.' And the change in their life is not sufficient so they can believe that going to get early treatment is not the beginning of the downward and awful spiral into inevitable death.

I think that is why Pink Ribbon Day is so important, because it has raised the profile of the disease, allowed people to talk about it, and, at a time when doctors and surgeons have become more responsive and sensitive, it has also allowed women to know that this is not a death sentence. Cancer is truly a diagnosis from which many women can recover, so that one in eight women who will get breast cancer—and that much smaller number of men who get the same disease—know that there is less likelihood of there being a morbidity and only being a cosmetic outcome, and that is really a way to drive people to early treatment. Of course, it is particularly important for younger women, because the morbid outcomes are most pronounced in the young victim of cancer. Older women, who, traditionally, had screening, were the most likely to survive the disease because theirs was a slower developing cancer.

In mentioning the changes in treatment—how much better it is these days and how different the approach to planning the surgery and reconstruction—and the long life that one expects a woman to have after diagnosis, it is worth remembering that many organisations are involved in support mechanisms for those with breast cancer. I particularly mention Zonta, an organisation that has, traditionally, supported a whole range of national and international campaigns to support women and communities. It has been instrumental in South Australia in developing breast cushions. These are attractive satin cushions which can be given to a woman immediately after a mastectomy to stop the pressure of the arm on a sore scar. It allows women to return to driving sooner, and it gives them more independence.

The extraordinary working bees that Zonta arranges to work on and to embroider multiple cut-outs of these attractive heart-shaped breast cushions produce a really practical support for women who need a bit of elegance and some comfort at a low point in their life. Certainly, I commend to any member the breast cushions made by Zonta organisations, particularly those groups in the Adelaide Hills and around South Australia. They go to extraordinary lengths to ensure that no woman in either a public or a private hospital lacks that simple support that will make her life more comfortable as she recovers from a major operation.

I think that Pink Ribbon Day is about profile, awareness and making what is unmentionable able to be discussed, and that is probably the most significant change that has occurred

over 40 years. The incidence of the disease goes on unabated but, clearly, the community's understanding of its impact has improved dramatically. The medical profession has improved its management and care for the psychological and social impact of the disease.

I would particularly like to say that breast cancer is not a death sentence: it is a diagnosis. The advances in care and the capacity to predict those women at risk, and to use gene technology to identify those women, suggest to me that the future of breast cancer is quite different from the past and that soon we will be able not only to treat the disease better than we do today but also, inevitably, to make a diagnosis earlier in those women with a predisposition to and a genetically increased incidence of the disease so that the number of people receiving the large operations will be reduced, because there will be early diagnosis. So, the future is bright and, as I say, cancer of the breast is a diagnosis, not a death sentence.

Mr GOLDSWORTHY (Kavel): I, too, am pleased to speak in support of the motion moved by the member for Morialta. Initially, I had not intended to do so, but I think it is a motion of significant importance, and I would like to share my comments on this matter with the house. First, I congratulate those in our community who originally had the initiative to institute Pink Ribbon Day. Over the decades, we have seen a number of groups and organisations come together and declare a specific day in the calendar year as one on which to recognise a particular initiative. I do not know how long ago Pink Ribbon Day was instigated, but I congratulate those who showed care, compassion and consideration for the women in our society who suffer the potentially devastating disease of breast cancer.

It takes me to a point that has previously been mentioned by a number of members concerning the issue of primary health care. I have had quite a number of meetings with health professionals in my electorate, and this is an issue that they raise with me continually, that is, improving the level of primary health care in our community. I understand that one of the main focuses of the government's Generational Health Review is to improve that level of primary health care throughout our facilities.

Unfortunately—and I will not concentrate my comments on this because I think to politicise this issue now in discussing this motion will diminish the significance of the motion—even though the improvement in primary health care is a major focus of the Generational Health Review, we have seen very little evidence of that being improved. I will make that comment only and leave it there, because to go down that track, as I said, will diminish the importance of this motion.

Talking about primary health care, I read an article in a health journal some time ago that made a comparison between a South American country (I think Cuba) and Britain, in terms of the level of health care provided to the citizens in those two countries. Cuba, you could argue, is a Third World country and has arguably very little specialist health care. However, Cuba has, reportedly, a general practitioner pretty well on every corner of every block. They have a very high level of general practitioners per capita and, compared with a country such as Britain—a comparison that this article made, along with countries such as Australia and the United States, they have the highest level of secondary, specialist, and acute level health care that the world can provide.

However, in comparing those two countries in terms of the mortality rate from cancer and other significant diseases,

there was not a great deal of difference. The mortality rates from cancer in Cuba were no higher or no lower than Britain; and, conversely, Britain had as high a mortality rate from diseases such as cancer as did Cuba. There are not very many hospitals, and not very much specialist care in Cuba compared to Britain, but the writer of that article concluded that Cuba had such a high level of primary care that they could detect any ill health in their patients early and set in place a course of corrective action that would stop those more significant and, I guess, terminal, diseases developing.

In England and Australia we can become complacent because we have a tremendous, vast health care system—you know that if you get very sick you can go to a hospital and receive a very high level of acute health care. That is the question that we need to explore: the complacency that members of our community have developed over the decades because our level of health care has improved.

It comes back to this motion moved by the member for Morialta which talks about 'the significant improvements in early detection techniques'. I implore every member of the community to be aware of the need to go and speak to your doctor and seek specialist health care if you feel there is a need to do so. If there is a change in your general health, it is very important that you go along to your doctor and not become complacent and think, 'It will be okay; it is just nothing.'

In my immediate family I have witnessed where members of my family have adopted that attitude and have left it too late and, unfortunately, contracted cancer. By the time they have sought specialist health care, you could say the horse has bolted and it is the beginning of the end of their life. My great-uncle and my grandfather both eventually died from illnesses associated with prostate cancer.

My father was diagnosed with prostate cancer but, fortunately, he had the sense to go to his doctor early enough. The cancer was localised and had not spread through his system, so the specialists were able to treat it and eradicate it from his system. It is very fortunate that that occurred. Unfortunately, my grandfather did not seek medical assistance early enough and his cancer had spread further into his system. Even though a number of quite radical procedures were performed on him, the cancer caused other related problems and he passed away. Admittedly, he was 92; he had had a good life; but it is always difficult when somebody close to you does pass away.

In closing, I commend the member for Morialta for bringing this issue to the house. I noted the comments of the Minister for Education and Children's Services with interest. Some 40 years ago, a close friend of our family had radical breast surgery and, unfortunately, that lady did end up with a very swollen arm. Although the cancer was in remission for I guess 40 years, that lady did contract another form of cancer which did end her life after a fairly short period of time. It is vitally important that everybody be acutely aware of their health needs and seek medical advice—

Time expired.

Ms BREUER secured the adjournment of the debate.

MATTER OF PRIVILEGE

The SPEAKER: In relation to the question of privilege, I am strongly advised, and after listening carefully to that advice, apart from the submissions that have been made to me by honourable members, that I should deal with it forthwith,

lest on the basis of that advice and my own concern about the real prospect of such things happening it may result in an honourable member inadvertently committing a contempt of parliament, or in other people who seem to be involved in the issues and proceedings surrounding the question for the parliament becoming involved in the contempt, and that would cause me personally great discomfort at the least.

In consequence of that, can I say that, of my cursory knowledge, which is not completely in ignorance of what the honourable member for Waite said, much of what he drew attention to relates to procedures and orders in procedures in determining what should and should not happen. Whilst such determinations on my part are without the capacity of the house to question them, because I have no intention of detailing those instances (time has not permitted me), there maybe other circumstances in which those questions that arise simply out of a failure to follow order or due process in the procedures of inquiry have resulted in the member reaching the conclusions which he has.

Equally and unquestionably, there are deficiencies in the committee law and in the committee process as defined in that law. May I explain that, at present, if the committee is comprised of five members, as more often than not used to be the case, then a quorum not only required a majority of the members to be present, but one at least from the party led by the Premier, or the group led by the Premier, as the legislation would say it, and the group led by the Leader of the Opposition or, at least, members not led by the group led by the Premier. However, in the context of a committee comprised of seven members, whether deliberately or inadvertently no such mention is made. The only requirement is that four members be present for a quorum. To my mind, the house ought to address that.

As I have said to the chamber before, as recently as yesterday, the purpose of committees of the chamber is to do detailed analysis of circumstances of public policy and administration and report the data and findings, and any recommendations the committee conscientiously comes to which it regards as being in the public interest, to the chamber and allow the chamber to debate that report, the data it contains and the recommendations, if any, attaching to it. The house itself, then, is the ultimate arbiter.

I believe that, as a matter of urgency, we now need to address the question of how the committees are structured and how they will function to ensure that partisan argy-bargy simply does not destroy public confidence in the committee process. That is not a reflection on the Economic and Finance Committee to the exclusion of consideration of other committees, whether they are founded in this chamber, or founded in the other place, or are jointly founded between the two places.

Notwithstanding my observations, and acknowledging the validity of the remark that I made about the house itself being the ultimate determinant, then I leave the house to make that judgement, because I believe that it may be possible for construction to be put on the events, though not thoroughly analysed by me at this time, that they would indeed bear upon privileges of the house. Accordingly, I am ruling that precedence be given to any appropriate motion in that regard.

Mr HAMILTON-SMITH (Waite): Mr Speaker, my understanding of your statement to the house—and I seek your guidance—is that you believe that, *prima facie*, there may be a case for a privileges committee to be put to consider the matter. Am I correct in construing your direction, sir?

The SPEAKER: The honourable member for Waite is not misconstruing what I said, but it is a matter for the house to decide whether it wants to do anything to further investigate and discover. The role of any such privileges committee is not to determine the matter; it is to discover what happened and report to the house. The house is the ultimate arbiter. The committee's job is to discover objectively, insofar as it is at all possible for the committee, which are deputies of this house, what happened, and report back to the chamber. It does not follow that the house has to establish such a committee if it is not the inclination of the house to do so.

Mr HAMILTON-SMITH: Very well, sir. I give notice that at the end of question time today I will move that a privileges committee be—

The SPEAKER: Precedence has been given. If the honourable member has a motion to move then he must do it now.

Mr HAMILTON-SMITH: Mr Speaker, I would obviously like to consider your remarks, and prepare for such a motion. Your guidance at this particular point has left me, in the chamber—however, if you direct me to do it now I am happy to do it now. However, it would be appropriate, it seems to me, to do it at the end of—

The SPEAKER: Order! I am reminded by the Clerk that the chair will have to be resumed at 2 o'clock as there is no motion on foot to extend the sittings beyond 1 o'clock. Accordingly, the chair will be resumed at 2 o'clock.

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

PETITIONS

The SPEAKER: So that honourable members may understand, the chair recognises the importance of and precedence which should be given to petitions made by the citizens whom we all represent here over any other matter, including that of privilege, and that is the matter to which I now give precedence.

BLACK ROAD, FLAGSTAFF HILL

A petition signed by 486 residents of South Australia, requesting the house to support the upgrade of Black Road, Flagstaff Hill and urge the government to complete the upgrade with funds over and above council's current commitment of \$1.2 million, was presented by the Hon. I.F. Evans.

Petition received.

SA AMBULANCE SERVICE

A petition signed by 417 electors and residents of South Australia, requesting the house to provide free access to pensioners and Senior Card holders to the SA Ambulance Service, was presented by the Hon. I.F. Evans.

Petition received.

MATTER OF PRIVILEGE

Mr HAMILTON-SMITH (Waite): I move:

That this house establish a privileges committee to investigate whether the Deputy Premier (the member for Port Adelaide) and the Presiding Officer of the Economic and Finance Committee (the member for Reynell) have, in relation to proceedings before the Economic and Finance Committee on the misuse of the Solicitor-General's Trust Accounts, committed constructive contempts of the

parliament; whether they have obstructed or intimidated members of the house in the discharge of their duties; and whether they have interfered with a witness or tampered with a witness, that person being the Auditor-General, Mr K. Macpherson; that the committee shall operate under the guidelines of a select committee of this house; that the committee shall prepare a report of its investigations for the consideration of this house by 6 December 2004; and that the committee shall have the power to send for persons, papers and records and to adjourn from place to place.

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

That the time allotted to this motion be 30 minutes.

Motion carried.

Mr HAMILTON-SMITH: Today is a victory for the Westminster system of parliament and democracy in South Australia. A matter of privilege raised with you, sir, on Tuesday of this week has been obstructed, in my view, by members opposite. An attempt has been made to cover up what has occurred and to ensure that this privileges committee never took place and that this motion was never moved.

As a consequence of our raising, on behalf of the house, our serious concerns about matters of privilege in the Economic and Finance Committee yesterday and today, clearly the government has finally recognised that the appropriate course was—as you have pointed out to the house, sir—to deal with the matter of privilege first and then to deal with any other matters that may be of concern to members. The fact that we are here now recognises that the government was wrong on this issue and that this matter needed to be brought before the house, since you, sir, have ruled prima facie that the house must consider it.

The government has been misguided on this entire matter. Serious issues have been raised about potential contempts. This house depends for its life and for its effectiveness on convention and the many traditions of the house, and on its standing orders and on its statutes. Many of the ways in which the house does business are not written; they are simply the collective wisdom of many years of effective Westminster parliament, summarised and condensed into references such as Erskine May. What the government has attempted to do is throw many of those conventions, traditions and practices, particularly in respect of the function of committees, out the window.

The point of my matter of privilege is simply this: parliamentary committees are responsible to the house that has appointed them. They are not a tool of the executive. They are not a thing to be played with by ministers. They are not committees whereby ministers should feel free to set things up before the committee meets, before the committee has even made decisions about what it chooses to do. They are not to be seen by ministers as a way of venting their views under privilege or for arranging for witnesses to attend, in carefully scripted ways, to express the views of the government. They are committees of the parliament, destined and ordained to act on their own account. Members appointed to those committees are there on behalf of the house. They are not there to stand to attention and salute ministers in their government caucus. They are there to do what they believe in their hearts is right on behalf of the people who elected them to come in here and do just that.

I have raised serious issues in my matter of concern. By the Deputy Premier's own admission, there has been prior contact between him or his staff and the Auditor-General prior to his having attended a committee meeting, which he should not ordinarily have even known was to occur, because

the committee had not even resolved to call that witness. But the Deputy Premier and the member for Reynell clearly had a lot of prior knowledge about his attendance—what was to be asked, what answers should be given—and questions simply need to be answered.

Matters of privilege, as we have shown, and as the opposition has argued, in committee and in the house, take precedence over all other matters. What we have seen in the last couple of days is simply a disgrace. Mr Speaker, you stood and acknowledged the matter of privilege. You asked the house, for good reason, for time to consider it. You explained that you needed to seek advice, and you acknowledged to the house that that would take time. But in order to head off your considerations, in order to anticipate your decision about prima facie, the government came up with what it thought was a very clever trick—it would suddenly have the Auditor-General rearraigned before the Economic and Finance Committee.

The non-government members of the Economic and Finance Committee went to their meeting yesterday and found that the Auditor-General was on the phone asking to attend. In defiance of standing orders (one of the very points I raised in my matter of privilege), the presiding officer asked whether we ought not, without notice, simply call the Auditor-General now. The Auditor-General said that he would not respond to you, Mr Speaker, or to this house, on any motion we pass. He said that he would not respond to any motion—

The Hon. K.O. Foley: He didn't say that.

Mr HAMILTON-SMITH:—yes, he has—or resolution that the upper house passes in the other place: unless it is passed by both houses, he feels that he has no obligation to attend. Yet, at very short notice, for reasons the privileges committee needs to discover, he is available at a few minutes' notice to attend the Economic and Finance Committee. I wonder whether that could be because the minister feels he has good control of the Economic and Finance Committee and that all the members on the committee will follow orders. That is what we need to find out. If that is so, that is in direct breach of privilege.

We then found the presiding officer coming over here, we as a committee—the whole of the committee—having rejected the suggestion that the Auditor-General attend yesterday. The entire committee, including government members—the members for Enfield, Playford, Napier and Reynell—agreed that the proper thing to do was to call the Auditor-General on 24 November (in fact, I think it was their motion). We agreed. So, the Auditor-General was to come on 24 November.

Suddenly, as if it was a miracle, within an hour the presiding officer was over here saying, 'Excuse me, we think we should have a special meeting and call the Auditor-General before the committee this afternoon. Would you mind? Would you mind if we do it this afternoon?' I said, 'Well, yes, I think the non-government members of the committee would mind.' So we simply said—

The Hon. M.J. Atkinson: What are you trying to hide?

Mr HAMILTON-SMITH: That is exactly what I hope a privileges committee will reveal, Attorney. So, what happened next was that members of the committee were issued with an instruction from the presiding officer—for which she has no authority that we can find—that there would be a meeting at 9 o'clock this morning of the Economic and Finance Committee and that the Auditor-General would appear.

What was the purpose of this? First of all, it is very mysterious. Somehow or other the members for Napier, Enfield, Playford and Reynell had gone up the hill holding hands and they had a revelation: they had made a mistake the day before and the Auditor-General should not appear on 24 November. They had had an inspiration. They had seen a burning bush. He should come immediately. I wonder why that might be.

Could it be that, as leaked by the government to *The Advertiser* this morning, they hoped that the Auditor-General would reveal matters concerning the matter of privilege which you, Mr Speaker, were still considering? That is exactly what they intended—to subvert this process of privilege and ensure that there was no privileges committee, because they know that a privileges committee of the parliament is a very powerful instrument of the parliament. It has the power to call not only the Attorney and the Treasurer, but also members of the committee, and ask what was said by whom and when. It has the power to call ministerial advisers to the Treasurer (whom he says he sent down to see the Auditor-General). When the leader asked him whether he arranged for the Auditor-General to attend, he said, ‘Yes, as a matter of fact, I sent my officers down,’ or words to that effect. The committee has the power to bring those people before it. It has the power to bring in officers of the Attorney-General’s Department and find out who contacted them and what was said and when. It has a lot of power. And, of course, depending on what a privileges committee recommends (and this is the real point, isn’t it?), ministers’ careers could be, and have been, on the line, because matters of privilege are the most serious of matters.

So, what is more important—protecting ministers’ careers or observing the conventions and traditions of the house? I think after the nonsense we have had in the last two days the answer is obvious to all. Now what we will have is the proper process followed and a privileges committee established.

Mr Speaker, the proposition in the privileges matter I have put before you and why we need this committee is that ministers seem to have run roughshod over members of an independent committee of the parliament. There has been a transformation, it would seem, and let us see what the government does about this motion, because they were going to be open and accountable. In fact, when my friend the member for Davenport raised a matter of privilege on 31 March 2003 this is what the manager of government business in the house had to say when the government agreed to the privileges committee. He said (and I quote from *Hansard* of 31 March) the following:

... there is a simple truth in this chamber today. That simple truth reflects the arrangements that were come to with you, Mr Speaker, to form this government. The simple truth is that, despite the fact that this government should it decide that way on this matter could crunch the numbers and defeat the call for a privileges committee, this government will support the establishment of a privileges committee.

This is a reflection on the changes wrought since the last election and reflects on the arrangements that we came to with you, Mr Speaker, about openness and accountability.

So, when last given the opportunity, they supported a privileges committee. I hope there has not been a sudden transformation. I hope the leader of government business has not decided that today he will oppose a privileges committee. I look forward to the government supporting a privileges committee.

Even as late as last night, the Attorney-General rose in the house and said to you, Mr Speaker:

Sir, your interpretation is, respectfully, completely wrong, and I want to signal to you that the Economic and Finance Committee should and will look at that very matter tomorrow.

As late as last night, the Attorney-General was in here telling the house what the Economic and Finance Committee will and will not do. All this privileges committee needs to do is examine the facts, interview all the witnesses that need to be interviewed, find out whatever matters I have raised constitute breaches of privilege and, if they do, report back to the house. If they do, it is then a matter for the house to decide what follows next.

I sincerely hope that the government agrees to the motion, and that we do not defeat the motion so that we can go back to some other committee and selectively pick little witnesses here and there that sustain the cover-up which the government has tried to perpetuate and which further conceals the truth. It was going to be open and accountable government. There are some big egos over there that believe they can control the committees of parliament. The parliament has an opportunity to answer the questions that I raised in the house on Tuesday. I commend the motion to the house, and I look forward to all members supporting it in the interests of open, accountable and proper government in the state.

The Hon. P.F. CONLON: I will be brief because I think that the Deputy Premier would like to say a few things, and it is a rather brief time for debate, although that is not my wish: it is the wish of the other side. One of the reasons that the government could not possibly support a privileges committee on this is because of the other nonsense—

Mr Scalzi interjecting:

The SPEAKER: Order, the member for Hartley!

The Hon. P.F. CONLON: Let us see. What is the gravamen of the offence alleged against two members on this side? That they conspired to have the Auditor-General attend a meeting—an ordinary meeting of the Economic and Finance Committee—is the gravamen of the offence. Apparently, part of the offence is that the Liberal members were not at that committee. Now, this was not a surprise meeting: this was just the ordinary weekly meeting that they are paid to be at. But they were not at it. When we were in opposition, and were on the Economic and Finance Committee, we loved the Auditor-General coming because we liked to ask him questions; but, it is necessary to go. Perhaps they do not need a privileges committee as much as an alarm clock. It is laughable.

The gravamen of the offence would be laughable, if it were not for this. Once again, in a piece of recidivist behaviour, they are implicitly criticising the Auditor-General. When they talk about tampering with a witness, they are suggesting that the Auditor-General has given evidence according to the wishes of this government. That is what they are saying, and that is what is disgraceful about this motion, because there is absolutely not an iota of evidence to support that. In fact, if they had been prepared to listen to the Auditor-General today, they might have found that out, which is why they refused to listen. I hope that everyone noted their behaviour today.

Mr Scalzi interjecting:

The SPEAKER: Order! That is the third time for the member for Hartley, and he knows what happens to the horse.

The Hon. P.F. CONLON: To prove that this is recidivist behaviour, let me quote some of the words just used by the member for Waite. He said that the evidence was given in carefully scripted ways. What clearer criticism of the

Auditor-General could be available? We are accused—these decent, honourable people are accused—of tampering with a witness; that is, the witness that they would not let be heard today—the witness that we had come to the committee, and that is apparently the offence: that we had the Auditor-General come to the Economic and Finance Committee that they would not hear.

I am having a lot of trouble understanding what tampering with a witness is if this is their description of it. What we have really seen is Private Pike auditioning for Captain Mannering's job! In the words of Captain Mannering: 'Oh you stupid, stupid boy.' It is laughable; simply laughable.

Mr Speaker, I must correct some of the things said by the member for Waite. He said that you suggested a privileges committee. I heard what you said, Mr Speaker, and to the best of my recollection what you actually said was along the lines of: if the allegations had any truth to them there may be a matter that bears on privilege, and that would be a matter for the house.

These allegations do not contain one shred of truth. If members opposite had not themselves interfered with what the Auditor-General was trying to tell them, I suspect they would have found that out; and they will find it out, and this circus will come to an end at some point. There are times when the opposition goes after one of ours under a matter of privilege when you rise with a little trepidation, fear or worry about where it might lead. This is not one of those occasions. I am not surprised that they only want half an hour for this debate, because there is not a lot to be said. Before the Deputy Premier says a few words, I say to the member for Waite: don't call us; we'll call you.

Mr HANNA (Mitchell): It is my view that when a prima facie case for a breach of privilege is found by the Speaker there should be a committee to inquire into the facts. That is the approach I took when a matter was raised in relation to the minister for the environment, and I have consistently taken that position. I can only assume that, if a matter was raised in a purely scurrilous manner, the Speaker would not find that there was a prima facie case. However, I believe that the Speaker has found that there is sufficient evidence to reach that threshold whereby a committee is warranted to ascertain the facts.

The Hon. K.O. FOLEY (Deputy Premier): Mr Speaker, I do not believe that you actually said that you have found a prima facie case. I quite enjoyed the contribution of my colleague the Leader of Government Business. The essence of the allegation was that there was a conspiracy. I have been accused of tampering with a witness, and I think there could be no more serious allegation. That witness is not a member of the public, he is not unknown to us; that witness is the Auditor-General, the independent financial watchdog of parliament and of government.

I am the Treasurer of the state of South Australia and I have a professional relationship with the Auditor-General of this state, as one would expect. The Auditor-General and I converse from time to time on a range of matters, as every member of this house would be aware. To suggest that a conspiracy would occur and that I would tamper with Mr MacPherson as a witness before a committee is an extraordinary and serious allegation. The fact that that allegation could be allowed to hang for some days is of concern but, as my colleague the Minister for Infrastructure said, this allegation is not just about me: it is also about the

integrity of the Auditor-General of this state. I can think of nothing more serious. Let us understand the facts.

Mr Hamilton-Smith interjecting:

The Hon. K.O. FOLEY: I would appreciate it if the opposition would allow me to defend myself.

The SPEAKER: Order! The opposition will pay the same courtesy to the Deputy Premier as was paid to them.

The Hon. K.O. FOLEY: When the issue about the Auditor-General's Report was made known to me, as many members will recall, on a number of occasions I advised the parliament as quickly as I could about matters involving the irregular use of government accounts. When this matter became a public issue following the tabling of his report, as the Treasurer of this state, I had a view that this matter should be open to full and open scrutiny and examination. I actually thought that the Economic and Finance Committee having a full and open investigation into this matter was a good idea. In fact, I gave it serious consideration. I can say that in the week commencing 18 October, as the Treasurer, I had in mind making a recommendation to cabinet that the matter be formally referred to the committee (that is, the Economic and Finance Committee) for inquiry pursuant to section 16 of the Parliamentary Committees Act 1991.

Mr Speaker, as you would be aware, section 16(1)(b) of the act provides:

A matter relevant to the functions of the committee may be referred to the committee by the Governor by notice published in the gazette.

I did not want there to be any allegation that the government had anything to hide on this matter.

The Hon. DEAN BROWN: I rise on a point of order, sir. The Deputy Premier has just quoted from something and I ask for it to be formally tabled. It is a minute, as I understand it.

The Hon. K.O. FOLEY: I am referring to speech notes. I am not referring to any minute whatsoever.

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: No, I did not. If the honourable member reads *Hansard* and listens—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Sir, can I have the opportunity to explain myself?

The SPEAKER: Yes. The Deputy Premier was going to be asked by the chair from what it was that the quote came.

The Hon. K.O. FOLEY: No, Mr Speaker, no minute. I repeat what I said: in the week commencing 18 October I had in mind making a recommendation to cabinet. If the honourable member would allow me to finish he will understand the context of that. There was no minute. I was considering that as Treasurer. As I said, I wanted there to be full public examination. Having arrived at a view in my mind that I would want to consider this matter and take it to cabinet, out of courtesy to the Auditor-General I asked my chief of staff whether he would contact the Auditor-General by phone to let him know that cabinet may well be deciding that his report will be referred for a full examination of the committee—eminently appropriate, quite responsible, and I would do it again in a flash.

I was informed that afternoon, that is, the afternoon of Tuesday 19 October, by my chief of staff that, when he contacted the Auditor-General and before the proposed reference under section 16 of the act was raised by my chief of staff, the Auditor-General himself—and I repeat that it was the Auditor-General himself—suggested that he attend and

address the committee at its next meeting the following morning. The Auditor-General suggested that he attend the meeting the next morning. That is the advice with which I was provided by my chief of staff; and, surprise, surprise, I think that when the Auditor-General wanted to come before the committee today to explain the facts he might just have said that.

But guess who would not let the Auditor-General speak this morning? It was the members of the Liberal Party. Because the way to clear this matter would have been simply to allow the Auditor-General to give his version of events.

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: That is arrant nonsense.

The Hon. I.F. Evans interjecting:

The SPEAKER: The member for Davenport will come to order.

The Hon. K.O. FOLEY: The Auditor-General—

Mr Meier interjecting:

The SPEAKER: The member for Goyder—

The Hon. K.O. FOLEY: The conspiracy—

The SPEAKER: Order! The member for Goyder will come to order.

The Hon. K.O. FOLEY: The allegation that I tampered with the witness—that being the Auditor-General—is scurrilous and without foundation. As I have advised the house, on the advice provided to me it was the Auditor-General's own suggestion that he come before the committee. That information was passed on to the chair of the Economic and Finance Committee, because just imagine what the reaction of members opposite would have been if the Auditor-General had advised my chief of staff that he wanted to come before the committee and be examined and I did not tell anyone?

Imagine if I had kept that information to myself, if I had kept it a secret. Imagine the allegations and the reaction from members opposite had that occurred. I would have been criticised—and, to a degree, quite rightly—that I did not pass on the wish of the Auditor-General to speak to the committee. I never spoke to the Auditor-General. What I did was correct and proper as the Treasurer of this state, and I would do it again.

I conclude by saying that we all now know why the Liberal Party of South Australia frustrated and abused the process today and did not let the Auditor-General speak, because it would have killed its story. He would have killed their politics; he would have killed the whole issue flat stone dead; and that is why, in an incredible affront, discourtesy and an absolute outrage, they gagged the Auditor-General of this state because he would have clarified the record, cleared me of any wrongdoing and killed their story dead.

The Hon. K.A. MAYWALD (Minister for the River Murray): I would like to draw to the house's attention in the *Interim Report of the Select Committee on Parliamentary Procedures and Practices* tabled in this place on 21 July 2001. The chairman of that committee was the Hon. R.G. Kerin, the Leader of the Opposition; and the members for Norwood, Mitchell, Bragg and Chaffey were all members of that committee.

During the course of the deliberations of that committee a number of issues were raised, one being the procedures in relation to privileges committees, and the procedures in relation to committees of the house. One of the references in the committee section of this report says:

In several cases the necessity for change comes about because of express provisions included in the Parliamentary Committees Act which are at odds with the standing orders of either or both houses.

I bring it to this house's attention that this is not a matter of privilege that we are talking about but rather one of procedure that should occur when calling witnesses to committees, and the committees of this parliament and indeed this parliament have it within their power to change those rules to ensure that there is a proper process for calling witnesses—and this would be avoided.

Ms Chapman interjecting:

The Hon. K.A. MAYWALD: I merely draw the attention of the house to that interim report.

The house divided on the motion:

AYES (21)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Chapman, V. A.	Evans, I. F.
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. (teller)
Hanna, K.	Kerin, R. G.
Kotz, D. C.	Matthew, W. A.
McFetridge, D.	Meier, E. J.
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (25)

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

Majority of 4 for the noes.

Motion thus negatived.

STANDING ORDERS SUSPENSION

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

That standing orders be so far suspended as to provide that time allotted for question time be 30 minutes.

The SPEAKER: In view of the fact that it is a suspension of standing orders, it is necessary for me to count the house. Having just done so in the process of the division, a majority of the whole number of members is present.

Motion carried.

CARNEGIE MELLON UNIVERSITY, HEADS OF AGREEMENT

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

Leave granted.

The Hon. M.D. RANN: Today I wish to table the heads of agreement which I signed on behalf of the South Australian government in Pittsburgh, Pennsylvania in the United States with the prestigious Carnegie Mellon University and

its commercial affiliate, iCarnegie. The agreement between the three signatories recognises the discussions held to date and commits to cooperation to produce a detailed feasibility study of the proposal to establish a new private university in Adelaide—one that is particularly aimed at securing students from South-East Asia and beyond.

The feasibility study is being conducted jointly by iCarnegie and a small dedicated project group from within the Department of the Premier and Cabinet. The study will determine such matters as the optimum model for the new private university, governance issues, maximising private investment in the institution, how best to market the institution internationally and nationally and the most appropriate name for the institution.

The university will be established by a statute, depending, of course, on the outcome of the feasibility study. I intend that legislation to establish the university be introduced into parliament in the first half of next year. Obviously given its importance to the state's future, the South Australian government, subject to the outcome of the feasibility study, will make some financial contribution and in-kind support to secure the university's establishment.

It is the parties' intention that the new university will be operating in Adelaide by the beginning of the 2006 academic year. I am pleased to advise the house that another distinguished businessman has agreed to become a trustee of the new university. Mr H.L. Kam is Group Managing Director of Hong Kong giant Cheung Kong Infrastructure Holdings Ltd. He is passionate supporter of the sciences and frequently visits Adelaide in his capacity as an ETSA board member. There will be other very prestigious announcements of trustee members shortly, and I now table the document.

EMPLOYMENT FIGURES

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

Leave granted.

The Hon. M.D. RANN: While some people prefer to play games, out there in the economy things are happening. I am very pleased to inform the house of the latest ABS employment statistics released this morning, which show that total employment in South Australia has risen to a record high in the history of our state in terms of employment statistics. MPs might choose to play games and try to suppress evidence by the Auditor-General, but out there things are happening—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —and they don't like it.

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. The Premier has been granted leave to make a ministerial statement, not to debate and give an ad lib speech on something else.

The Hon. M.D. Rann: I was responding to interjections, unfortunately, sir.

The SPEAKER: The deputy leader makes a valid point. The Premier has been granted leave and should be heard in silence.

The Hon. M.D. RANN: Thank you, sir; I apologise. The ABS figures released this morning show total employment in South Australia has risen to a record high. Today's figures for the month of October show that South Australia has achieved a trend unemployment figure of 6 per cent. This is the lowest level this state has ever achieved since the ABS

started recording monthly figures in February 1978. That is a real story and a good story for South Australia.

The figures also show a further improvement in the headline unemployment rate, dropping by .2 of a percentage point, down to 5.8 per cent. This is the second lowest headline unemployment rate on record, with the lowest (5.7 per cent) being achieved under this government in December 2002. I am sure and I hope that all of the house will be happy to hear that, in seasonally adjusted terms, nearly three-quarters of a million South Australians are now in work, reaching a new record high of 724 800.

An honourable member interjecting:

The Hon. M.D. RANN: Don't expect this to be the headline news; it is too good a story. There were 3 600 more South Australians in jobs last month—that is, 3 600 more people in work in this state in one month, and most of that rise is in full-time jobs. I am particularly pleased by the good news on youth unemployment. For years, all of us have been concerned about high youth unemployment in this state. The full-time youth unemployment rate for 15 to 19 year olds has fallen by 5.1 percentage points from the previous month, dropping from 24.8 per cent in September to 19.7 per cent in October. Youth unemployment has now fallen by 7.2 percentage points in South Australia over the last year—way ahead of any other state in this nation. By comparison, youth unemployment has fallen nationally by 1.3 percentage points. While youth unemployment figures tend to be volatile, these figures are still very heartening and encouraging for South Australia. We are starting to see the results of programs that this government put in place to tackle the unacceptable levels of youth unemployment that we confronted on assuming office. The government has placed a high priority on getting young people into jobs through vocational education, apprenticeships and employment initiatives.

In education we are investing \$28.4 million over four years on our Making the Connections school retention strategy. Included in this social inclusion initiative is funding of \$5.3 million aimed at reconnecting young people who have dropped out of learning and out of work. Our South Australia Works employment and training initiatives provide a further \$17.6 million annually in programs to assist young people and mature-aged workers, those in regions and those who are disadvantaged in the labour market.

The forward indicators of employment, including job advertisements and hiring intentions, reported in business surveys, suggest a generally positive outlook for SA's labour market in coming months. Trends in key economic indicators suggest that the domestic economy remains strong in South Australia. Recent employer hiring intention surveys show a positive outlook for employment leading up to Christmas. There is much more work to be done, but I am pleased today to be able to report that we have now recorded the highest level of people in jobs in our state's history.

PAPERS TABLED

The following papers were laid on the table:

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

Arid Areas Catchment Water Management Board—Report 2003-04

Clare Valley Water Resources Planning Committee—Report 2003-04

Environment Protection Authority—Report 2003-04

Environment Protection Authority—the administration of the Radiation Protection and Control Act 1982—Report 2003-04
 Eyre Peninsula Catchment Water Management Board—Report 2003-04
 General Reserves Trust—Report 2003-04
 Northern Adelaide and Barossa Catchment Water Management Board—Report 2003-04
 Onkaparinga Catchment Water Management Board—Report 2003-04
 Pastoral Board of South Australia—Report 2004
 Patawalonga Catchment Water Management Board—Report 2004
 River Murray Catchment Water Management Board—Report 2004
 South Australian Soil Conservation Council—Report 2003-04
 South Australian—Victorian Border Groundwaters Agreement Review Committee—Report 2003-04
 South-East Catchment Water Management Board—Report 2003-04
 South Eastern Water Conservation and Drainage Board—Report 2003-04
 Torrens Catchment Water Management Board—Report 2004
 Water, Land and Biodiversity Conservation—Report 2003-04
 Water Well Drilling Committee—Report 2003-04
 Wilderness Protection Act 1992—Report 2003-04
 Zero Waste SA—Report 2003-04

By the Minister Assisting the Premier in the Arts (Hon. J.D. Hill)—

Carrick Hill Trust—Report 2003-04
 Country Arts SA—Report 2003-04
 History Trust of South Australia—Report 2003-04
 Libraries Board of South Australia—Report 2003-04
 Youth Arts Board, South Australian—Report 2003-04

MINISTERIAL STATEMENT

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

The SPEAKER: Leave is sought. Is leave granted?

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I am not granting it at this stage. They can do it at the end of question time.

The Hon. J.D. Hill: Oh, censorship again.

Members interjecting:

The SPEAKER: Order! The honourable the Minister for Administrative Services.

The following papers were laid on the table:

By the Minister for Administrative Services (Hon. M.J. Wright)—

Department for Administrative and Information Services—Report 2003-04
 Privacy Committee of South Australia—Report 2003-04

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

Department of Education and Children's Services—Children's Services—Report 2003-04

The Hon. P.F. Conlon: Dean, you were going to get all the questions. You're not getting them now. You're just a bloody disgrace. You cannot do a deal—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The honourable Minister for Infrastructure will withdraw that remark in which he included the pejorative expletive of 'bloody' and the other words. He will simply withdraw the remark and apologise.

The Hon. P.F. CONLON: Sorry, sir. I assume you are referring to the remark when I said the deputy leader was a disgrace. I withdraw it unreservedly and apologise.

The SPEAKER: The honourable the Minister for the River Murray.

The following papers were laid on the table:

By the Minister for the River Murray (Hon. K.A. Maywald)—

Basin Salinity Management Strategy 2001-15—Ministerial Council Resolution

QUESTION TIME

AUDITOR-GENERAL

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Chairperson of the Economic and Finance Committee. Why did the Chairperson of that committee ignore the unanimous decision made by committee members yesterday morning to reject the Auditor-General's request to appear before the committee? With your leave, sir, and that of the house, I will briefly explain.

An honourable member: Question!

The SPEAKER: The honourable the Chairperson of the Economic and Finance Committee.

Members interjecting:

The SPEAKER: Order! The honourable Leader of the Opposition will resume his seat. The Chairperson of the Economic and Finance Committee.

The Hon. M.D. Rann: Can we ask questions of the Leader of the Opposition?

The SPEAKER: It is open to any member to ask any other member questions about a matter for which that member is responsible to the house, and the question stands in order. The honourable the Chairperson of the Economic and Finance Committee.

Ms THOMPSON (Reynell): Thank you, sir. After the meeting concluded yesterday I contacted the Auditor-General again, as I had spoken only very briefly with him at the end of the meeting, to advise that the committee did not wish to accept his invitation to attend today. That conversation was extraordinarily brief. I thought it courteous to explain the circumstances of the Economic and Finance Committee meeting yesterday. When I spoke to him, I do not recall his exact words but he indicated that it was a pity because he really thought he could be helpful in clearing up matters which were in the public air and about which he had information. Having received that information from the Auditor-General, I reflected on that.

An honourable member interjecting:

Ms THOMPSON: From the Auditor-General. I reflected on that and I considered whether it might be possible to call a meeting earlier. I spoke with the member for Stuart and asked him under what circumstances he thought it would be appropriate to call a meeting. I spoke with the member for Waite and he indicated that he did not wish to have a meeting. I spoke with my government colleagues on the matter. I sought advice from the Clerk as to my powers in relation to calling the meeting. Having reflected on all of that, I decided that, given that the Auditor-General believed he had information which could assist in clearing up matters of public record, I decided to call a meeting of the committee for this morning at 9 o'clock.

The Hon. R.G. KERIN: I have a supplementary question, Mr Speaker, again to the Chairperson of the Economic and Finance Committee. Given that this was a committee matter, did the Chairperson speak to any member of cabinet before sending out that notice?

Ms THOMPSON: I spoke to nearly all members of cabinet at some time.

The Hon. R.G. KERIN: I have a supplementary question. The member knows what I mean. Did the member—

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: She does. Did the Chairperson speak to any member of cabinet in relation to the fact that she was going to call a meeting of the Economic and Finance Committee today?

Members interjecting:

The SPEAKER: Order!

Ms THOMPSON: I think I spoke to many of them about that matter.

The Hon. R.G. KERIN: My question is to the Chairperson of the Economic and Finance Committee. What discussions did the Chair of that committee have with the Attorney-General regarding the Auditor-General's appearance this morning at the special meeting of the committee? Did the Attorney issue instructions to the chair on what issues were to be considered? Last night—

An honourable member interjecting:

The SPEAKER: Order! 'Question' has been called.

The Hon. R.G. KERIN: No wonder they are worried—

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: Because it was contempt last night.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order, the Minister for Infrastructure!

Ms THOMPSON: The Attorney-General issued no instructions to me.

CHILD ABUSE

Mrs REDMOND (Heysen): My question is to the Deputy Premier. What action did the Deputy Premier take, or what response did he provide, when he received an email dated 25 September 2004 from an advocate for survivors of child sexual abuse? On 25 September, in response to the Deputy Premier's interjection in this house in which he said, 'Do you want to listen to loonies and ask questions on their behalf?', the Deputy Premier was sent an email from one of the advocates for survivors of child abuse. The email stated:

I am horrified by your reference to victims of child abuse as lunatics as you implied in parliament only last week. I was present in parliament that day and was lost for words.

The Hon. K.O. FOLEY (Deputy Premier): I do remember 25 September. It was my birthday, but an even greater event occurred that day. It was grand final day in Melbourne when Port Power had its extraordinary win against the Brisbane Lions. I remember the day well. I did receive a few emails from people who obviously had my comments distributed to them out of context. That matter was canvassed in this place. I gave an answer to the house. I am happy to

give the member a copy of the correspondence to that particular email to the member.

URBAN DESIGN

Mr KOUTSANTONIS (West Torrens): My question is to the Minister for Urban Development and Planning. How is this government ensuring that quality urban design is achieved across all agencies?

The Hon. P.L. WHITE (Minister for Urban Development and Planning): The action by the previous government that led to the privatisation of the part of the Torrens River Linear Park that formed part of the Underdale campus could clearly have been avoided if due recognition had been given to good urban design principles and if they had been put into place by the decision makers at the time. That particular situation has now been rectified through careful negotiation. I have signalled already that legislation will be brought into this parliament by this government to ensure that the River Torrens Linear Park itself is protected as a community space. Therefore, it is important to ensure that in the future urban development decisions are made in the context of good urban design principles that recognise the importance of the public realm.

Our government has made a commitment to recognise and promote the benefits of good urban design through the development of a South Australian government urban design charter, which is being distributed today to all government agencies and councils. A key component of that charter is the improvement to the public realm. Well-designed and planned public spaces have the potential to reap significant social, economic and environmental benefits. They can be a catalyst for positive change and regeneration of urban areas and have the ability to enhance community interaction and wellbeing.

This charter, which is a first for South Australia, commits South Australian government agencies with business relevant to urban design to adopt its principles in carrying out their activities. For example, the development or sale of surplus government land, the provision of public services and infrastructure and the management of public assets all present opportunities for improving the quality of urban spaces. The charter encourages collaboration between state and local government while drawing on the interests of the community.

Ongoing initiatives such as the Places for People program and the Coast Park are excellent examples of collaborative urban design projects where the public realm improvements are a key driver. Implementation of the Urban Design Charter will encourage more of those types of initiatives and ensure the continued delivery of social, economic and environmental benefits for the whole of the state of South Australia.

CHILD ABUSE

Mrs REDMOND (Heysen): Will the Minister for Police advise what action the police took after being told that a planned protest by child abuse survivors and their supporters was called off because of a death threat? Victims of child abuse and advocate groups had planned to gather on the steps of Parliament House on Wednesday 6 October to protest against the Deputy Premier's description of them in the parliament as 'loonies'. The protest was called off when one of the organisers received a death threat, which was immediately reported to the police.

The Hon. J.D. Hill: Are you suggesting that the Police Minister did that?

The Hon. R.G. KERIN: Mr Speaker, I rise on a point of order. The Minister for Environment and Conservation just made a very serious accusation. He accused the member for Heysen of accusing the police minister of a death threat. I ask that he withdraw.

An honourable member: He didn't say it.

The Hon. R.G. Kerin: He did say that.

The SPEAKER: Order! Did the Minister for Environment and Conservation—

Members interjecting:

The SPEAKER: Did the Minister for Environment and Conservation make the remark which the Leader of the Opposition attributes to him?

The Hon. J.D. HILL: By way of interjection, I asked a question of the member for Heysen. I said: are you accusing the police minister of making that threat?

The Hon. K.O. FOLEY (Minister for Police): I will answer the question. If there is a suggestion that I was somehow involved in that, I find that somewhat bizarre. Talk about the opposition! Throw the mud! I am alleged to have misled—

Mrs Redmond interjecting:

The SPEAKER: Order! The member for Heysen has a point of order.

Mrs REDMOND: My point of order goes to the nature of the answer being given by the Deputy Premier. It does not relate to the question I asked. I asked the Deputy Premier what action police took after the death threat was made.

Members interjecting:

The SPEAKER: Order! The Deputy Premier needs to address the substance of the question.

The Hon. M.J. Atkinson interjecting:

Mrs Redmond: No, you read the question. I read exactly what—

Members interjecting:

The SPEAKER: Order! I did not hear through that cacophony the answer of the Deputy Premier.

The Hon. K.O. FOLEY: The question was nicely, politically construed: a protest against me, a death threat, the police called it off. I have no idea. This is the first I have heard of it, to be honest. I do not know whether I was briefed on it. I will check to see whether or not any formal briefing note was sent to me as police minister. I do not immediately recall it.

Dr McFetridge interjecting:

The Hon. K.O. FOLEY: Sorry?

The SPEAKER: Order! The member for Heysen asked the question and needs no assistance from the member for Morphett. I am even more certain that the Deputy Premier understood what was asked.

The Hon. K.O. FOLEY: Thank you, sir. Maybe I am just a little sensitive, I don't know. I will get an answer from the Police Commissioner, because this is an operational matter, not something of which I would have any direct knowledge unless I was briefed on it. I do not recall being briefed on it, but if it was by way of a written brief I will consider it again and come back to the house.

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Families and Communities. Will the minister now confirm his awareness that a meeting took place on 9 December 2003 when the names of suspected child abuse perpetrators within government departments were brought to the attention of the former minister and advise the house of what action was taken? On 16 September (eight

weeks ago) in response to a question, the minister stated that he would be able to 'provide a detailed answer' when I supplied him with further details, which I did provide.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): That answer has been provided to the house. The honourable member needs to check his *Hansard*.

Members interjecting:

The Hon. J.W. WEATHERILL: I will repeat it in case I happen to be wrong about that or in case the honourable member needs some assistance. As I recall, the text of the answer was to the effect that only general allegations were made at the meeting. No specific allegations were made. There were requests for detailed particulars to be provided, and no such detailed particulars were in fact provided.

ELECTRICITY GENERATION

The Hon. W.A. MATTHEW (Bright): My question is directed to the Minister for Energy.

Members interjecting:

The SPEAKER: Order!

The Hon. W.A. MATTHEW: What action has the minister taken to address the concerns of the Electricity Supply Industry Planning Council about the security of the state's electricity supply? In its 2004 annual report, the Electricity Supply Industry Planning Council said:

Despite the forecasts showing that demand will outstrip supply by 2007-08 and that the reserve margin is already unable to be met, there are currently no scheduled new power station projects that have committed to go ahead. Such a situation is of concern and the planning council will be reviewing the market mechanisms and signals for new investment to consider their adequacy in promoting the timely investment in new capacity.

The Hon. P.F. CONLON (Minister for Energy): The kraken wakes! I thought the day would never come. I think that it was 30 June the last time the honourable member asked me a question. It is good to see him earning his money.

The SPEAKER: Order!

The Hon. P.F. CONLON: If the member for Bright had bothered to ask questions a little more frequently he would know a little more about what we had been doing. I guess that, at this rate, he wants only a six-monthly report. Obviously, we take this issue very seriously. In fact, I have spoken to the planning council about this issue. I have spoken to the Ministerial Council on Energy and I have spoken to the federal government and explained about these issues, because they are very important. The member for Bright would understand that our region includes, of course, Victoria.

What we are seeing all around Australia is a very worrying absence of new generation, other than in Queensland where, of course, the government owns it and can get into that business itself. The fundamental problem in Australia at the moment—and this is an extremely serious issue—is an absolutely disgraceful absence of greenhouse policy at a federal level. It is not just my opinion, but we are advised by industry—

The Hon. W.A. MATTHEW: I rise on a point of order, Mr Speaker. My question to the minister was very specific. I asked the minister what he had done to attract new base load generation capacity to this state, a question he has been asked continuously for two years and he has not yet responded.

Members interjecting:

The SPEAKER: Order! The member for Bright makes a debating point under the guise of a point of order. The minister is addressing the question in the fashion in which he believes is relevant—well, at least he was more recently. At

the outset, of course, I was not impressed by the remarks he was making. However entertaining they may be, this is not vaudeville. Does the minister have any further factual information?

The Hon. P.F. CONLON: Yes, sir. This is extremely important. I was asked about what action I have taken, and I am trying to explain that one of the most important actions we have taken is with the Ministerial Council on Energy and with the federal government about the absence of a greenhouse policy. The difficulty is simply that people in the private sector, at present without a greenhouse policy, do not want to build new coal fire generators. Whether the member for Bright likes it or not, we are part of a region: it is not simply South Australia, as he would be well aware, I hope. A great deal of power continues to come over the interconnector from Victoria, and we wish that there was some coming over on the interconnector from New South Wales, but I will leave that for the present.

There is a major problem, and most people would know that the bulk of generation capacity in Australia is from coal burners in the eastern states, and people do not want to invest billions of dollars in new capacity when they do not know what greenhouse rules will be in the future. Do not take my word for it: talk to them. At the same time, people are very reluctant to invest lots of money in new gas generation, which is what should be occurring under an intelligent greenhouse policy, because the cost of fuel in some coal generators, for example in Victoria, is about \$7/megawatt hour; the cost for fuel in the most modern combined cycle gas plant like Pelican Point is about \$25/megawatt hour, which is why the best, most modern generator in Australia at Pelican Point does not dispatch anywhere near what it should.

These are big, big flaws in our national market, and the absence of national leadership is crucial to us. I place on the record that I, personally, becoming a father soon, am terrified at what I know of global warming. The rest of the world knows that we have to have policies to deal with it. What we cannot get is a federal government that will have a policy to deal with greenhouse. Until we do that we will all be lamenting the absence of investment in new generation, and until we do that we will continue to see that the only approaches that states can get into is demand management, which is a very important one, and one which we are taking. But in a privatised industry—and I again remind the member for Bright that he was part of the government that privatised it—they measure their risk, and their risk in the absence of a greenhouse policy at a national level is simply too great. The sooner we have a national government with a greenhouse policy, the better we can address these issues.

The Hon. W.A. MATTHEW: I have a supplementary question. In view of the minister's answer, will he assure the house that he has secured sufficient extra electricity supplies to prevent the need for power restrictions this summer? TXU has today advised me that problems with a 200 megawatt generator at the Torrens Island Power Station have reduced the station's capacity by more than 15 per cent. TXU has advised that it hopes to rectify the problem in time for summer peak electricity demand, which is expected to be higher than in previous years. In addition, the national electricity market company has revealed in its 2004 Statement of Opportunities document that there will be a 195 megawatt combined reserve deficit between South Australia and Victoria this summer.

The SPEAKER: Lest the honourable member for Bright be mistaken, the question he has asked is a question, not a supplementary question.

The Hon. P.F. CONLON: I can assure the member for Bright that, in the five months since he last asked the question, I have not been down at Torrens Island wrecking the generators. I was very concerned to discover in recent days the extent of difficulties at Torrens Island with 200 megawatts of power being out. There is always a concern when some of our installed capacity is not going to be available. We are further investigating what will occur with that and just how long it will take, and we are hoping for better advice very soon. The member for Bright may or may not be aware—and I doubt it—that NEMMCO has been putting in place reserve trader provisions for the coming summer. They are expensive provisions and we will be make a submission to NEMMCO about its proposed response, but I can assure the member for Bright that we are well aware of issues such as difficulty and installed capacity, and we are well aware of what is available to us in the national electricity market to meet it.

I had discussions today with AGL and again talked to them about their proposals at Hallett for greater capacity and their peaking plant there. It is an obvious defect in the current market that a plant such as Pelican Point, which is a state of the art combined cycle, simply is not dispatching anywhere near what it should be, and that is part of the major market reform in which we are engaged and which the honourable member's counterparts at a federal level have supported.

We are aware of the issues, sir. We would prefer that the private sector does not have generation problems, but I can assure the house I am not able to prevent that. The control that we can have, the influence that we can have, was dramatically limited by a major event under the previous government—that was the privatisation of the state's electricity utilities.

ABORIGINAL LANDS TASK FORCE

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Premier. Will the Premier confirm that the members of the Aboriginal Lands Task Force within his department and the members of the subcommittees reporting to the task force have all been instructed that documents prepared by them are to be stamped 'Draft—Prepared for Consideration of a Cabinet Subcommittee'?

The Hon. M.D. RANN (Premier): I will investigate that claim. I am more than happy to get a report on the matter. I think all of us would like to see progress in the Aboriginal lands. That is why we have ensured that there are extra police in the APY lands. That is why I made the decision, and it was a personal decision, to provide funding for the women's arts centres, which I think are playing a valuable role. When I think about the things that I saw when I was up there earlier this year, that was one area where I thought there were great opportunities for progress, as well as passing on the cultures and ensuring support for younger and older women.

We are just trying to do the right thing. It is a really hard area. We are all frustrated at times when we see a couple of steps forward and then steps backwards, but we are trying to make a difference.

I was appalled to find out when I was up there—and I did not realise this—that the TAFE had been cut under the previous government, an area where people need skills. I was also appalled upon reflection that one of the great committees

of this parliament, and I know that the member for Stuart would be aware of this, was the Aboriginal Lands Committee. I was a member of that committee and then as minister I became the chair. That was the interface between the parliament and Aboriginal communities, between the Aboriginal Lands Trust and the parliament, between the Maralinga Tjarutja people and the parliament, between the Anangu Pitjantjatjara Yankunytjatjara people and the parliament. Yet when those opposite were in government in what I regard as a shameful indictment refused to allow that committee to sit.

The Hon. DEAN BROWN: I rise on a point of order: the Premier was asked a very simple question and he is off debating it.

The Hon. M.D. RANN: No, I'm not. I am giving a report.

The Hon. DEAN BROWN: Mr Speaker, I ask under standing order 98 that you bring him back to the question.

The Hon. M.D. RANN: I am happy to seek a report on this. But my plea to members opposite—and we have seen this week some of the worst behaviour I have seen in nearly 19 years in this parliament by members opposite—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN:—and, quite frankly, the people of this state deserve better—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN:—and you should get behind your leader and stop undermining him.

Members interjecting:

The SPEAKER: Order! Beans must come off the lunch menu.

The Hon. R.G. KERIN: A supplementary to the Premier: can the Premier give an assurance and allay a concern that has been put to us that the reason for stamping these documents 'Draft for Cabinet Subcommittee Consideration' is just to avoid FOI?

The Hon. M.D. RANN: The cabinet and the cabinet subcommittee have a right to receive reports and will continue to do so, just as they did under your time, short though it was, as premier. But I guess the difference is that we did not really need FOI when we were in opposition because we had members opposite who would ring us up and deliver us documents literally by the truckful.

Members interjecting:

The SPEAKER: Order!

CHIEF FINANCIAL OFFICER, DWLBC

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is the Minister for Environment and Conservation. Will the minister now advise the house: first, what is the new position of the chief financial officer who was removed from his position in the Department of Water, Land and Biodiversity Conservation last year for illegally transferring the \$5 million; and, second, is the remuneration of that officer the same, higher or lower than it was at the time of his removal?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the honourable member for his question. He asked me that question a couple of weeks ago, and I said I would get a response for him, and I am expecting to be able to provide him with a written response in the near future. As I said on the last occasion—

The Hon. Dean Brown: That was four weeks ago?

The Hon. J.D. HILL: Yes, so?

The SPEAKER: Order!

An honourable member interjecting:

The Hon. J.D. HILL: As I said to the member last time—

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order, the Minister for Infrastructure!

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, the Attorney-General! The Minister for the Environment and Conservation has the call.

The Hon. J.D. HILL: As I said last time, the former finance officer is now looking after issues to do with accommodation within the department. I do not know exactly what his exact title is; I will get that for you. As I understand it, his conditions of employment are being worked through with him at the moment. However, I will get further details for the member as soon as possible.

CHILD ABUSE

Mrs REDMOND (Heysen): My question is to the Deputy Premier, and it relates to the same email that I referred to in my earlier question, and I will ask the question: what action did the Deputy Premier take in response to the email that he received on 25 September? The context of that email was that—

The Hon. P.L. White: It is the same question?

Mrs REDMOND: No, I asked him what response he gave. I want to know what action he took in relation to the email.

Members interjecting:

Mrs REDMOND: The Deputy Premier received an email in which serious allegations were made to the former minister who then held the portfolio now held by the Minister for Families and Communities. Detailed in the letter was advice that someone was prepared to give evidence about the fact that people within various government departments had been involved in various offences. The minister had indicated her wish to see that person again later on. They did not ever succeed in seeing the minister, and they raised this matter in the email sent to the Deputy Premier on 25 September. My question to the Deputy Premier is: what action has he taken, or what response is there, to the allegation raised in that email, not in relation to his reference to loonies but in relation to what the minister said?

Members interjecting:

The SPEAKER: Order! The honourable the Deputy Premier has the call.

The Hon. K.O. FOLEY (Deputy Premier): This was a member who a little while ago was all but alleging I was involved in some sort of death threat to stop a protest. The grubby, mud-raking behaviour of members opposite—

The SPEAKER: Order! The Deputy Premier will not go there. The Deputy Premier has a question to answer, not to debate the morals or otherwise—

The Hon. K.O. FOLEY: Sir, I do not recall the specific nature of that email. I will have to come back to the house with specific details.

Members interjecting:

The Hon. K.O. FOLEY: I don't know; I got a couple of emails.

An honourable member interjecting:

The Hon. K.O. FOLEY: On 25 September; I took a few days to recover from the Port Power victory. I cannot recall exactly.

The Hon. R.G. Kerin interjecting:

The Hon. K.O. FOLEY: Oh look, I'm not going to cop that. The Leader of the Opposition just said child abuse doesn't matter to me. What an offensive remark. I demand you withdraw.

Members interjecting:

The Hon. R.G. Kerin: It was said in relation to the Deputy Premier saying, 'Well I can't remember, I was getting over the football.' It was a remark made in that context.

The Hon. K.O. FOLEY: Withdraw!

The Hon. R.G. Kerin: No; it was done as a question, the same as when the minister said before, and I said, 'What, child abuse doesn't matter?'

The Hon. K.O. FOLEY: You are a mob of grubs.

The SPEAKER: Order!

The Hon. K.O. FOLEY: I am happy to look at that email and advise the house of what occurred.

TAFE

Mr BRINDAL (Unley): I seek leave to make a personal explanation.

Leave granted.

Mr BRINDAL: In reply to a question today, the Premier suggested that the previous government did little or nothing with respect to the TAFE education of our Aboriginal students. I was the minister responsible for TAFE at that time, and I assure the house that I hope that was not the case, that the Premier errs in his statement, and I inform the house that Taoundi College, which everyone in this house knows is a wonderful Aboriginal institution, was a preferred provider under the last government, one of only two.

CATCHMENT WATER MANAGEMENT BOARDS, PAYMENTS

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

Leave granted.

Mr Brokenshire interjecting:

The Hon. J.D. HILL: The house would be a better place without the member for Mawson. I have recently been advised of an omission in obtaining all the necessary approvals for the payment of sitting fees for members of catchment water management boards and the Water Resources Council. I am advised that approvals for these payments were never obtained from the Governor, as is required under the Water Resources Act. This error dates back to the commencement of the act in 1997 under the former government. The error was detected only very recently, following advice from the Commissioner for Public Employment. As a result of this advice, the Department of Water, Land and Biodiversity Conservation found that this error relates to approvals for payment to most past and present members of various catchment water management boards and the Water Resources Council.

I recently wrote to the Auditor-General to advise him of this matter. The Governor has now approved future payments for current board and council members. In addition, the government has given in-principle agreement to validate payments already made to past and current members. This

will ensure that no past or current member is disadvantaged by this administrative error.

RAILWAY EMERGENCY PROCEDURES

The Hon. P.L. WHITE (Minister for Transport): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.L. WHITE: On 2 June 2004, I advised the house of a railway incident that occurred on 1 June 2004 on the Australian Rail Track Corporation national main line. Members may recall that a rail maintenance vehicle operated by Transfield services—a track maintenance company working for the ARTC—either because it was not properly braked or the brakes failed, travelled seven kilometres between Mount Lofty and Bridgewater without an operator. The vehicle travelled through four level crossings. Emergency procedures were immediately implemented to avoid danger to other track users. There were no injuries.

My department investigated the circumstances that led to this event and what action needed to be taken to avert further incidents. In accordance with section 38 of the Rail Safety Act 1996, Transport SA, as the Rail Safety Regulator (Administering Authority), formally directed Transfield and ARTC to undertake a joint investigation and provide a report to Transport SA. The subsequent investigation was closely monitored by Transport SA.

On 7 June 2004, Transfield implemented an interim safety action by issuing employees with a Safety Alert containing additional operational procedures to secure track vehicles from movement when the operator needs to temporarily leave the vehicle. This interim safety action was implemented pending the finalisation of the investigation report and the implementation of the report's recommended safety actions. The joint investigation has now been completed and the report has been provided to me. The report recommends the following safety actions:

- The interim safety actions issued by Transfield Services are formalised and extended to include all other track machines;
- Transfield Services to review all current track machine theoretical training modules and theoretical assessments to include a section on safely securing all types of track machines and road/rail vehicles against movement before the operator alights;
- Securing track machines and road/rail vehicles against movement is a safety critical action. A specific procedure for each type of machine or vehicle is to be developed and, where practical, carried in the machine or vehicle cabin. A system of routine audits for compliance to those procedures should be introduced;
- Fitting effective vigilance control devices to air braked track machines and road/rail vehicles has the potential to reduce similar incidents. The current work to identify and trial a suitable unit should continue. The wider application of this type of technology to be assessed based on the outcomes of the trials;
- Transfield Services review options for modifying the service brake lever arrangement of ballast regulator TS4 and track machines with similar brake control arrangements to prevent potential temptations for reliance on that system to provide a park brake function; and
- Transfield Services, via the South Australian Rail Safety Regulator and the Rail Safety Regulators' forums, seek to advise other track maintenance suppliers of the incident

and the actions that have been implemented to prevent recurrence.

I have reviewed the report and noted the findings. I concur with the interim safety actions implemented by Transfield and the safety actions recommended by the investigation team. My department has written to Transfield requesting details of the status of the recommended safety actions and a program for the implementation of safety actions that are outstanding.

In relation to the final recommended safety action, Transport SA is preparing a National Rail Safety Alert that will be tabled at the next meeting of the National Rail Safety Regulators Panel on 17 November so that the regulators can disseminate this information nationally across the relevant sectors of the industry. The implementation of the safety actions in South Australia by Transfield will continue to be closely monitored by Transport SA.

AUDITOR-GENERAL

The Hon. I.F. EVANS (Davenport): I seek leave to make a personal explanation.

Leave granted.

The Hon. I.F. EVANS: During the debate on the privileges committee, the Minister for Infrastructure intimated that members of the Economic and Finance Committee representing the Liberal Party were late to that committee because we needed an alarm clock. One would suggest that indicates that we had slept in. For the completeness of the record—

An honourable member: You just weren't there!

The Hon. I.F. EVANS: For the completeness of the record, the facts are these. The member for Stuart, who lives some many thousands of kilometres away from Adelaide, had already apologised to the meeting because it costs some thousands of dollars for him to attend and, as the agenda items were not necessarily dealing with witnesses that day, Mr Gunn had apologised, and that was accepted by all. The first hour of the committee meeting was dealing with the appointment of the research officer. I was on the interview panel for the research officer and, because I had a longstanding commitment to a school tour for the Flagstaff Hill Primary School, I chose to do the school tour.

To ensure that I was registered as an apology for the first hour, I rang the member for Waite the night before to ask him to apologise on my behalf, which he agreed to do. Unbeknown to me, one Thomas Hamilton-Smith (the member for Waite's child) decided that that would be the morning that he would enter the world. The member for Waite had to take his heavily pregnant wife to the hospital so that she could have young Thomas, forcing him to be late by about 15 or 20 minutes; and it is my understanding that it was during that 15 or 20 minutes that the motion was moved to call the Auditor-General. So, for the completeness of the record, that is the explanation.

GRIEVANCE DEBATE

ELECTRICITY SUPPLY

The Hon. W.A. MATTHEW (Bright): During question time today, the Minister for Energy again has failed to provide any assurances to this parliament and to the people of South Australia about the security of their electricity supply—and, importantly, the security of their electricity

supply this summer and into the future—and has failed to provide any assurances to this house that he is in any way competent to attract further important, much-needed generation capacity of electricity to this state.

I asked the minister a very simple question during question time. I simply asked him: what action has the minister taken to address the concerns of the Electricity Supply Industry Planning Council about the security of South Australia's electricity supply? This particular body is very important to our state, because it monitors the adequacy of electricity to meet our needs. It has provided some alarming concerns in its annual report. It states:

Despite the forecasts showing that demand will outstrip supply by 2007-08 and the reserve margin is already unable to be met, there are currently no new scheduled power station projects that have committed to go ahead. Such a situation is of concern and the planning council will be reviewing the market mechanisms and signals for new investment to consider their adequacy in promoting the timely investment in new capacity.

So, here we have this important body which oversees the adequacy of our electricity flagging that new generation capacity is needed and it is not being delivered by this government to the extent that there are now serious concerns—concerns that by 2007-08 the state will be in serious trouble and concerns, already, that those reserves shared between South Australia and Victoria will result in shortfalls this summer.

I have asked the minister questions of this nature previously: in 2002, 2003 and, now, in 2004. It would appear that, from the minister's answers today, after more than two and a half years, he is still not tackling this very serious issue. For the record, I raised these matters of concern on 30 July 2002, 13 August 2002, 17 September 2003, 18 September 2003 and, again, today; yet, still this government is not addressing these very serious issues. Either the minister is unprepared to answer questions or he has simply done nothing. I suggest that it is probably the latter. Now the matter has become more serious.

As I also indicated during question time, TXU, which runs the Torrens Island Power Station—incidentally privatised by the Bannon Labor government—has eight generators. One of those generators is presently inoperable. It is responsible for 200 megawatts of power, which is 15 per cent of that power station's capacity. I believe that a specialist team from Germany arrived last night to work on the problem to see if it can at least get it up and running in some way, shape or form to provide some power for summer.

The situation is serious because this, on top of the existing shortfall for summer in peak between South Australia and Victoria has the potential to lead to rolling blackouts in South Australia this summer if this issue is not addressed properly. I am not convinced by the minister's answer today that he is addressing this issue with the urgency or seriousness that it deserves. This is an issue that is vitally important to all South Australians. The supply of reliable energy is vital, as is affordable energy. This is from a government which promised cheaper and more reliable electricity but which has delivered electricity the cost of which has increased by 32 per cent in summer peak and is less reliable. It is now an urgent obligation on this minister to deliver and, if he is incapable of doing so, the urgent obligation is on the Premier to ensure that he is replaced with someone who can deliver to ensure that South Australians have reliable electricity this summer.

YOUTH ADVISORY COMMITTEE, TEA TREE GULLY

Ms RANKINE (Wright): Some weeks ago in this house I raised my concern about the suspension of the Youth Advisory Committee in Tea Tree Gully. Sadly, this occurred after only six months of operation of this committee. It took four years to be established, with heavy lobbying and hard work to convince the council that it was a worthwhile thing to do. As I said, it was suspended after only six months of operation.

While we have other councils around our state embracing youth advisory committees which are thriving, sadly, that is not the case in Tea Tree Gully. We have learnt more recently that the youth officer at Tea Tree Gully has resigned and the council will not confirm whether or not it will replace that position.

As I have said on previous occasions, Tea Tree Gully probably has the highest level of young people in this state, so we need to ensure that they are encouraged, involved and valued within our community. It is essential for the council to find a constructive way to engage with young people. I am willing to do what I can to assist. The Tea Tree Gully Council recently engaged consultants to review the operations of its youth advisory committee, and its consultants reported that effective youth councils can be extremely advantageous for all involved because they provide youth with the opportunity to express views and reduce the path of powerlessness and also provide a useful, often overlooked, insight into problems that affect youth.

I recently wrote to the Minister for Youth seeking her advice on how we, as a government, and how I, as a local member, could help the Tea Tree Gully City Council to involve young people effectively and to help them identify issues of concern and the issues identified by its own consultants in their review.

The minister, as is her usual practice, has offered her assistance, including referring a request to the State Youth Advisory Committee, and the minister has offered to visit and meet with the council. She has also offered the assistance of the Office for Youth. I have today sent a letter to the Mayor of Tea Tree Gully offering our assistance. It is clear that many of the Tea Tree Gully Youth Advisory Committee members felt that they were not being taken seriously and were frustrated in having their suggestions, issues and concerns vetoed. The disappointing part of this, apart from their obvious frustration, is that it means that, effectively, the council was not receiving information about the issues that concern young people.

The report of the consultants also said that Youth Advisory Committee members who had been interviewed indicated that this signified to them that youth needs and opinions do not matter. I am sure that is not a view that the council would like left unresolved. It is certainly not a position our young people want left unresolved and, as the local member, it is not one that I want left unresolved and unaddressed, either. As I stated, I am willing to help, and I am delighted that the minister is willing to help council work through their problems.

In the end, I am sure we all want the same thing: a vibrant energetic Youth Advisory Committee and young people who are valued and involved. We need to address the issues in relation to young people. As I said, we have the highest number of young people in the state in that area. There are 19 311 young people identified in the ABS statistics in 2001

living in the Tea Tree Gully area: a population of 20 per cent of young people between 12 and 25 years of age. In Golden Grove, 35 to 40 per cent of the population are aged under 19.

We often hear young people being referred to as the future generation, but they are also part of the here and now. They are a valuable part of our community. If we want young people to learn respect and to be active and valuable members of our community, as community leaders we must pay them the same level of respect and give them a real opportunity to be involved in the community. I hope that I will receive the same level of positive response from the council and the mayor. I ask the mayor to pass on my offer to all council members for consideration, and I look forward to working with the council to resolve these issues.

HOLDFAST SHORES ENTERTAINMENT COMPLEX

Dr McFETRIDGE (Morphett): On Tuesday night at the Brighton offices of the City of Holdfast Bay, a motion was put through the council to approve the construction of a fifth level on the entertainment complex of Holdfast Shores (stage 2B). I have been given copies of the plans of this new building. It is nothing like the former building; it is much higher than Magic Mountain and the town hall were. When you look west from Colley Terrace, the profile of this new building if not bigger than Magic Mountain is certainly equal in size.

The council put through this motion at the behest of the developers, who said that they had done some studies and that the building would not be economically viable. What are the developers doing? If they spend hundreds of thousands of dollars on all these developments around the place, they should know whether or not they are economically viable.

I understand from a minister of the former Liberal government that each time in respect of the Promenade, Light's Landing, the Marina East, and even Liberty Towers, the developers of Holdfast Shores have come back and said, 'We've done some more work; it's no longer economically viable; we will have to bring in significant variations.' So, what do we get: more apartments; increased height; and, in this particular case, a fifth level going onto the entertainment complex. This is a significant variation.

I am very concerned that I have not received an answer from the Minister for Local Government on the legal liability of councillors and individual officers in their dealings with the developers. I understand that when it came to discussions about the demolition of Magic Mountain—something with which I personally agreed—some councillors did have some concerns about this issue.

However, the gaggle of QCs put together by the developers said that there was a case to look at the federal Trade Practices Act and that they could sue individual councillors. I am very concerned about that, whether it is Holdfast Bay councillors or any other councillors in South Australia who are dealing with a developer who is able to spread fear that, under the federal Trade Practices Act, they could be individually liable or that the council officers could be individually liable for damages if they in any way interfered or delayed the development.

I am asking the Minister for State/Local Government Relations to bring back an answer to this place to the question I put to him about this situation in Estimates Committee A. This cannot be tolerated. The City of Holdfast Bay and its councillors (who are great councillors) are trying to do their

very best under significantly difficult circumstances. I am trying to establish that they are not working under any cloud of threat of legal action; that they did not roll over to these developers because they were concerned that they could be faced with threats of more legal action.

I am concerned not that we are getting a new entertainment complex there. I will declare my hand: I am the patron of the Glenelg Surf Life Saving Club. The new club will be a part of this entertainment complex. The one that we thought we were getting is a fantastic development. It is a great new surf life saving club. The plans that I have seen indicate that it will be a great new entertainment complex going through to Moseley Square. The councillors, the people of Glenelg and South Australia and I want Holdfast Shores to be finished. Get it over and done with.

Get that development up and get it going, and let the people of South Australia—the three million people a year who come to the Bay (45 000 on any weekend)—come there not just to enjoy Jetty Road but the whole of the Holdfast Shores development. It is such a terrible development that, the other day, one of the berths in the marina sold for just over \$1 million! No-one wants to go there and no-one wants to live there! Well, if a patch of water can sell for \$1 million, that is a pretty good demonstration that people do want to go down there. Any week people do want to go down there. It is a great place to be. Any weekend thousands of people go down there.

We do not want these developers introducing significant variations. I am calling on the minister, when she gets this on her table, to have a look at it and to say that it is a significant variation and that it does need to go back for public consultation. I do not want the council to get the blame for over-ambitious, over-zealous developers who, again, are trying the old trick: 'it is not economically viable; we need to increase the size and the height'. We want more bang for our bucks.

REAL ESTATE INDUSTRY

Mr RAU (Enfield): Today I want to raise a matter of great concern to me that arises from a practice in the real estate industry in South Australia. Unfortunately, this is a practice which I had hoped had been rectified by recent discussions about practices in real estate in South Australia and would have been the subject of self-regulation by the industry but, alas, that is not the case. I am speaking about a particular provision which appears in a number of the sales agency agreements used by some (and I emphasise the word 'some') real estate agents in South Australia.

The particular provision, which is often buried in the very fine print, requires that unpaid or unrecovered fees or disbursements sought by the agent from the vendor can be secured by way of a caveat over the property of the vendor until paid. I would like to say a few things about this. First, as I mentioned before, not all these agreements contain such clauses: only some. I was of the understanding that the Real Estate Institute and reputable agents in South Australia recognised that this was not only inappropriate but probably unenforceable at law, and it was a misrepresentation to the vendor to place such an assertion within the sales agency agreement.

More particularly, if we have regard—and I am not trying to give a legal opinion here but I do note—to the Real Property Act, section 191 states:

Any settlor of land or beneficiary reclaiming under a will or of settlement, or any other person claiming to be interested at law or in equity, whether under an agreement, or under an unregistered instrument or otherwise howsoever in any land, may lodge a caveat [to enforce that right].

It follows that these individuals, these land agents, are actually asserting by these caveats that they, by virtue of having acted in a contractual relationship with a vendor, acquire a property right in law or equity over that land. This is nonsense. It is complete and absolute nonsense. Anybody who is running a business would realise that the prudent thing to do if you were going to be incurring fees, particularly disbursements, would be to say to your customer, 'Pay up front, then I will do the job.' It is very simple. You do not need to use caveats or the threat of an unenforceable caveat to do this. It came to the attention of my electorate office a while ago by way of a complaint from a member of the public, that a certain real estate company in South Australia—

An honourable member interjecting:

Mr RAU: I will—namely, Jock Gilbert Real Estate, had been engaged as an agent for a vendor. This particular agent had fallen out with the vendor and then whacked a caveat on the vendor's property to secure what they say they were entitled to recover from this vendor by way of fees and disbursements. The fact is, if Mr Gilbert was running a prudent business he would have asked for those fees up front. It also is the case, as I said, that I wrote to him urging him in the interests of good business practice to withdraw this caveat without charge to the person, and settle his dispute with that person in the way that everyone else does, which is by negotiation or through the appropriate judicial system. The reply that I received from Mr Gilbert was to simply annex a copy of information provided to him, apparently, by his solicitors who, for their benefit, I will not name.

An honourable member interjecting:

Mr RAU: All right; it does not bother me—Corsers Solicitors, and they state in this letter that:

The caveat arises for unpaid disbursements under a sales agency agreement and it does not restrict the vendor selling her land.

With the greatest of respect to them, that is complete nonsense, because she can only sell the land subject to the caveat being removed, and it is very clear if one has a look at the relevant provisions of the Real Property Act and, in particular, section 191(c), that:

The caveat shall remain in force and the Registrar General shall not, contrary to the requirements thereof, register any dealing with the land in respect of such until it has been removed.

This individual is now faced with warning the caveat, an expensive legal process, or paying not only the fees that Mr Gilbert is demanding, not only the disbursements that Mr Gilbert is demanding, but also the legal costs associated with placing this damn thing on the property wrongly in the first place, and removing it. This is outrageous and I would ask the real estate industry to start policing some of their own people, and to openly condemn this practice on the part of some people, some people I emphasise, in the real estate industry in South Australia. This has got to stop.

The SPEAKER: Yes; definitely a case for culling.

LAND TAX

The Hon. M.R. BUCKBY (Light): Thank you Mr Speaker. I rise today on a matter that I believe all members of this house should be aware of, and perhaps relay to their constituents, and that is the fact of land tax assess-

ment. I was contacted two days ago by Mr Ross Collins of Freeling, who advised me that he had just received a land tax assessment notice for \$45.50. He said, 'Had I had an investment property or some other property which was not my principal place of residence I would not have been surprised by receiving that,' but, he said, 'It is on my principal place of residence.' He rang Revenue SA and advised them that this was his principal place of residence, to which Revenue SA said that they must have made a mistake and, as a result of that, forget the account.

That is all well and good, but how many people might not have the confidence to question the account or might just think, 'Here is another account from the government which I need to pay' and go ahead and pay it? As a result of that Revenue SA receives money to which they are not entitled, because the land tax assessment notice, as in the case I referred to, is on the principal place of residence. I suggest to members that they would do well, perhaps through their newsletters or whatever, to inform their constituents to be on the lookout for this particular practice. It may well be that some people are paying bills that they really do not have to pay because they are not applicable to their property.

The Hon. Dean Brown: This government is a bit like a bushranger when it comes to collecting tax.

The Hon. M.R. BUCKBY: Yes, this government is a bit like a bushranger when collecting tax. It is a pretty broad net that they throw out there in the hope that maybe some people will not notice it and get caught within it.

I might add that Mr Collins is extremely angry at receiving this particular account. He believes that he is due an apology from Revenue SA. If Revenue SA cares to pick this up, his address is PO Box 298, Freeling, 5372. I think it would be in good faith if it did send him an apology. Mr Collins questions the matter of how many other residents are receiving this exact notice and therefore paying it purely because they figure it is a bill from the government so they say, 'I had better pay it.'

I would ask other members, perhaps as I said through their newsletters, to advise constituents to scrutinise their bills very carefully to see whether or not they are actually bills that they should be paying.

The Hon. R.J. McEwen interjecting:

The Hon. M.R. BUCKBY: That is exactly right. Mr Speaker, this does not only sit with Revenue SA, because only a couple of weeks ago I received my AGL electricity account. I looked at the figure that was due and got quite a surprise. So I started to peruse the account and saw that, lo and behold, I had been charged twice for the same off-peak meter charge: one line, off-peak meter charge, certain number of units, certain number of dollars; the very next line, same charge; the very next line, a meter charge; and the line following the same meter charge repeated. I rang AGL and suggested to them that perhaps a mistake had been made, to which the operator brought up my account, noted the account and said, 'Oh, yes, it does look as though a mistake has been made. I am sorry about that.'

Again, I would suggest to members in this place (as I do with my constituents) to tell their constituents to scrutinise extremely carefully any bill that they get, because if this practice is quite widespread then people are paying for bills that are not correct. What is more, one has to question why they are being delivered in this way. Given the computer technology that we have and the ability for these things to be correct when they are issued, the fact is this is not occurring. It is not good enough.

HOMELESSNESS

Mr HANNA (Mitchell): Today I want to air some grievances in relation to housing and homelessness for the people of my electorate and for South Australians generally. A range of housing issues come to my electorate office. Probably the one that evokes the most passion is troublesome Housing Trust tenants and, on occasion, bad neighbours in privately rented accommodation as well. If we take it on a case-by-case basis and look at the grievances of decent, hard-working, law-abiding residents and the grief that they sometimes have inflicted upon them by their neighbours, it is quite clear that there needs to be a stricter system of dealing with miscreants.

I acknowledge that the government has taken steps to improve the Housing Trust eviction policy. Although it makes sense on an individual case, this policy needs to be put into context. It is in the context of the gradual sell-off of Housing Trust stock, the reversal of that great policy of Tom Playford decades ago to build up an ample stock of public housing so that working families, poor families and others were able to get into the housing market by getting that first house, whether it be ownership or rental, at a relatively low rate. My parents and thousands of others benefited from that scheme. However, it is coming to end; it is being reversed. The current Labor government is reversing it in the same trend as that of the previous Liberal government. So, there is a pressure on those who want to get into the housing market because of that fact.

Secondly, the demand for supported accommodation is outstripping supply. The supply is growing and the demand is growing, so that we have an increasing number of people with mental illness or, in some cases, an inability to care fully for themselves, being in the community without adequate support. If they cannot get one of the places in our supported accommodation system, they are finding their way into low budget rental accommodation, and often causing havoc.

It is all very well to have a policy of evicting more people from Housing Trust homes, but the problem is that the Housing Trust accommodation has become a system of placing welfare clients, and you are going to get a lot of people with drug and behaviour problems, and anger management and child delinquency problems. They are not problems with which Housing Trust managers can deal and, unfortunately, the resources are not being supplied for social workers and other appropriate workers to deal with those behaviour problems.

I notice that in my electorate it is a matter not only of bad neighbours but also of homelessness. It would be a shock to most of my constituents to realise the number of homeless people I have in my electorate. In some ways, it is an area that is not badly off. However, there are many people, for reason of either mental illness or drug addiction or, for example, as a result of domestic violence, who are temporarily unable to stay in their home and are either living in cars or temporarily dossing at friends' places, and that is unsustainable. You telephone the government's emergency accommodation hotline; you will then wait for about six weeks for a place. Six weeks is a long time to live rough.

SITTINGS AND BUSINESS

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

That the house at its rising adjourn until Monday 22 November at 2 p.m.

Motion carried.

STANDING ORDERS SUSPENSION

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

That standing orders be so far suspended as to enable the introduction forthwith and passage of a bill through all stages without delay.

The ACTING SPEAKER (Mr Snelling): I have counted the house and, as an absolute majority of the whole number of members of the house is not present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

OATHS (JUDICIAL OFFICERS) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Oaths Act 1936. Read a first time.

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

That this bill be now read a second time.

The bill is to amend the Oaths Act 1936 to take into account changed practices with the appointment of District Court Masters. Section 7 of the Oaths Acts prohibits persons appointed to judicial offices named in the section from discharging any official duties until they have taken the oath of allegiance and the judicial oath.

When Mrs Anne Bampton, an experienced legal practitioner, was appointed a District Court Master on 21 October this year, the Chief Justice and the Chief Judge noticed that there was no provision for persons appointed to the office of District Court Master to take the oaths. The Chief Judge considers it inappropriate for Master Bampton to commence her judicial duties until she has taken the oaths required of all other judicial officers in the state. The Chief Justice does not wish to administer the oaths to Master Bampton when he has no specific authority to do so.

The omission of District Court Masters from section 7 of the Oaths Act was probably an historical oversight. Judicial duties of a type now performed by District Court Masters used to be performed by magistrates. Of course, they took the oaths under the Oaths Act upon their appointment as magistrates. When the Local and District Criminal Courts Act 1926 was amended in 1987 to create the office of District Court Master, only magistrates, or persons who were eligible for appointment as magistrates, could be appointed to this new office. In 1991, the District Court Act 1991 and other acts of parliament were passed to restructure the courts. The Local and District Criminal Courts Act 1926 was repealed. The District Court was established to exercise both civil and criminal jurisdiction.

Amongst many other changes, the eligibility requirements for appointment to the office of District Court Master were changed so that legal practitioners with at least five years' experience are eligible for appointment. However, the Oaths Act was not amended, either in 1987 or 1991, to require

District Court Masters to take the oaths. This omission will be corrected by the passing of this bill.

As it is necessary now to amend section 7(1) of the Oaths Act, it is convenient to bring the subsection up to date in other respects. References to the repealed Local and District Criminal Courts Act 1926 and the obsolete state office of Judge in Insolvency will be removed. The Chief Judge has also requested that section 28 of the Oaths Act be amended to make it clear that District Court Masters are commissioners for taking affidavits, as are the holders of all other state judicial offices. The bill would do this. I ask the parliament to pass the bill urgently to rectify the omission of section 7 of the Oaths Act so that Master Bampton can be sworn in and start the judicial duties that she has been appointed to perform.

I would like to express my thanks to the Deputy Leader of the Opposition, the member for Bragg and the Hon. R.D. Lawson in another place for their cooperation in getting through this necessary change so swiftly, and without previous notice.

Mr HANNA (Mitchell): Centuries ago, the English parliament dealt with the legitimacy of slaves, and it is high time we dealt with the illegitimacy of masters.

Ms CHAPMAN (Bragg): I rise to indicate that the opposition is supporting the bill and its rapid passage. Essentially, as the Attorney-General has indicated, this will remedy a situation to facilitate Ms Anne Bampton, as an experienced legal practitioner, but not as a currently appointed judicial officer, in taking up her position as a District Court Master, to undertake an oath of allegiance before pursuing her judicial duties and also to make it clear that the District Court Masters, in fact, are able to be commissioners for the taking of affidavits.

I am not certain, due to the rapidity with which this matter has been dealt with, why that latter provision is required, but we need to ensure that the first defect is covered. I think the whole house should be indebted to the Chief Justice for bringing this matter to our attention. It is a matter that clearly should have been remedied. It is disappointing that the Attorney's office has not previously brought this matter to the attention of the house. However, it has been brought to our attention by the Chief Justice, and that is important.

I had not personally noted the appointment of Ms Anne Bampton as a District Court Master, which I understand occurred on 21 October. It is important that she be able to carry out her judicial function as soon as practicable and that we ensure that there is no delay in her being able to undertake those duties. For those reasons, the opposition supports the bill.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Ms CHAPMAN: Has any other appointment been made with respect to the power of District Court Masters which this measure will remedy?

The Hon. M.J. Atkinson: Other than a District Court Master?

Ms CHAPMAN: Other than District Court Master Anne Bampton?

The Hon. M.J. ATKINSON: It is interesting that the member for Bragg asked that question, because I should have thought that the same defect that would exist if the Chief

Justice administered the oath to Mrs Anne Bampton would also have existed for Master Rice and Master Norman, who are District Court Masters. Whether the Chief Justice intends to re-administer the oath to them I do not know.

Clause passed.

Clause 4 and title passed.

Bill reported without amendment.

Bill read a third time and passed.

MINING (ROYALTY) AMENDMENT BILL

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services) obtained leave and introduced a bill for an act to amend the Mining Act 1971. Read a first time.

The Hon. J.D. LOMAX-SMITH: I move:

That this bill be now read a second time.

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

Leave granted.

This Bill simply provides for section 17 of the *Mining Act* to be amended to exclude extractive minerals from the *ad valorem* royalty rates set out in that section and to provide for extractive minerals to pay a unit royalty as prescribed by regulation and for section 63 be amended to provide for the portion of the royalty to be contributed to the Extractive Areas Rehabilitation Fund (EARF) to be set by regulation and also to enable the Minister to make payments from the EARF for the purposes of funding compliance activities including salary, various overheads and on-costs.

Following on this, regulations will be made that set a contribution rate to the EARF that can fully fund the rehabilitation necessary to achieve desired environmental outcomes and to keep pace with changing costs and needs. To allow industry time to make the necessary commercial arrangements eg changes to contract prices for extractive products these regulations will not come into force until 1 July 2005.

The background to these amendments is as follows:

The extractive industries comprise those mining activities that provide material for the construction industries (eg road making, dwelling and commercial building). Extractive minerals, as defined in the *Mining Act 1971* include sand, gravel, stone, shale, shell and clay as used for construction activities. Some related products used for specialised purposes eg cement, lime and glass manufacture are not classed as extractive minerals.

Because of the unique features of extractive mining, the *Mining Act 1971* treats mining for extractive minerals differently in some respects from other forms of mining. In particular it provides for separate mining leases called extractive mining leases and for a fund called the Extractive Areas Rehabilitation Fund (EARF) to provide for certain rehabilitation costs to be funded by part of a royalty on extractive mineral production. Generally, rehabilitation of other forms of mining are underwritten by financial assurances such as bank guarantees, taken out by the miner and held by the Government.

Section 63 of the *Mining Act 1971* establishes the EARF. Under this section, the Minister is empowered to spend EARF funds for the following purposes:

- The rehabilitation of land disturbed by mining operations for the recovery of extractive minerals and;
- The implementation of measures designed to prevent, or limit, damage to or impairment of, any aspect of the environment by mining operations for the recovery of extractive minerals and;
- The promotion of research into methods of mining engineering and practice by which environmental damage or impairment resulting from mining operations for the recovery of extractive minerals may be reduced.

Contributions to the EARF come from the royalty paid on extractive production. Presently, the royalty is set under section 19 of the *Mining Act 1971* at 2.5% of an assessed "mine gate" value, ie as an approximate average of the various extractive mineral products. The assessed value is set by the Minister for Mineral Resources Development and is presently \$8 per tonne. The assessed value has not been increased since 1994.

The market value of extractive mineral products varies greatly depending both on the specific product (eg sand, gravel and rock) and the quality or grade of the product. These factors make the setting of an assessed value a complex and somewhat arbitrary exercise. The mine gate price of the various extractive products varies greatly from about \$3 per tonne to over \$30 per tonne.

The royalty on extractive mineral products is presently 20 cents per tonne (ie 2.5% of \$8). Under section 63 of the *Mining Act 1971*, 50% of this must be contributed to the EARF and the remaining 50% goes to general revenue. Therefore 10 cents per tonne of extractive product is contributed to the EARF.

The EARF commenced operation in 1972 with a contribution rate of 5 cents per tonne and this was doubled to 10 cents per tonne in 1981 as a result of an increase in the assessed value. Although in 1994 legislative changes were made which resulted in the present 50/50 split in the disbursement of the royalty occurring, the contribution rate to the EARF did not change. Under this arrangement, 10 cents per tonne or about \$1M per year is contributed to both the consolidated fund and the EARF. Since the fund commenced over \$25M has been contributed to the fund and over \$21M has been spent on more than 1000 separate rehabilitation projects. The balance of the fund has always been kept positive but the estimated value of projects under consideration is usually equal to or greater than that balance. Nevertheless it should be noted that projects have been developed at the rate that the fund can pay for them rather than at the rate that disturbance has been accumulating.

The EARF contribution rate has not kept pace with either inflation or the rising standards or rehabilitation demanded by society. It has estimated that a substantial unfunded liability for rehabilitation exists. However, it is unlikely that this liability would ever need to be funded at any point in time. Quarries tend to have long operating lives. For example, the Stonyfell quarry has potential reserves for several centuries. Consequently, a strategy to manage this liability downwards has been developed.

Another issue is the ambiguity regarding the scope of rehabilitation work that were intended to be covered by the EARF when Parliament passed the *Mining Act* in 1971. The *Hansard* records do not give an unequivocal view, however, the fund has come to be used for virtually all rehabilitation activities, including earthworks.

While there are differences in the attitudes of extractive miners to the use of the fund for rehabilitation, it can be generally stated that quarry operators have come to rely on the fund to pay for all their rehabilitation needs and that few have made any financial provisions of their own for rehabilitation.

As a result miners have tended to defer rehabilitation until the end of the life of a quarry rather than undertaking progressive rehabilitation as practicable and including it within their normal mining operations. This probably means that the costs of rehabilitation are increased. In addition cross-subsidization of miners who have poor rehabilitation practices by those who have better practices appears to occur. Thus the Government has become heavily involved in the business of directly managing rehabilitation of quarries through its administration of the EARF. This creates a situation where those responsible under the *Mining Act 1971* for undertaking rehabilitation (eg leaseholders, private mine owners and quarry operators) can abrogate that responsibility to Government.

These issues led to a discussion paper entitled "Funding of Rehabilitation in the Extractive Industries of South Australia" being released in April 2003 seeking comment from the industry and public on options for funding rehabilitation in the extractive industries. A good response from industry and other stakeholders was received to this paper. It was apparent that there was strong support for an EARF-style funding arrangement to be continued but that the issues I identified earlier in this speech were also apparent to respondents.

Following extensive discussions with industry and in particular the Extractive Industries Association a model for funding rehabilitation in the extractive industries was developed which had three principal features.

The first of these features has been to clarify the ambiguities in the scope of the EARF. I have approved revised guidelines for operation of the EARF in which there is a clear definition of the scope of works for which EARF funding can be used. At the same time accountability for undertaken rehabilitation back has been shifted back to those who should bear the responsibility. Those who are undertake progressive rehabilitation will be rewarded. More satisfactory environmental outcomes will eventuate.

In addition the revised guidelines protect those already in the industry who might be unable to afford the new responsibility because their mine is near to closing or in similar circumstances. Fair

play will be achieved through a panel, which will assess and recommend on EARF funding for projects. This panel will be independently chaired and have representation from industry, as well as Government.

The EARF will also support rehabilitation required because of changes in community standards, which continue to improve, and where circumstances change – such as the encroachment of housing. As members would appreciate, due to the long lives of quarries and the necessity that they be located relatively close to their markets (cities and towns) they are more likely to be affected by changes in community standards for rehabilitation than other forms of mining. For example, housing now surrounds quarries near Adelaide that were in rural areas when they commenced operations. This means that higher standards of rehabilitation are frequently required but these are through no fault of the miner.

The second key feature is to ensure that the funding available keeps pace with the actual needs for rehabilitation in the industry.

A unit rate royalty on production is favoured over an ad valorem royalty as it is considered to be both fairer and simpler to manage. An ad valorem approach would require a continuation of the present “assessed value” of extractive product. In order to properly fund rehabilitation, adjustments would be required to either the ad valorem rates or the assessed value. Such adjustment could result in anomalies such as a rate greater than the standard 2.5% on some products or an assessed value that is higher than a reasonable mine-gate value. As I noted earlier assessed values cannot fairly reflect the value of extractive products given the disparate nature and wide range of mine-gate values of these products.

Unit royalties on extractive minerals are widely used in other States and Crown Law advice confirms that the *Mining Act 1971* can be validly amended to apply a unit royalty to extractive minerals.

It is proposed that the *Mining Act 1971* be amended so that the contribution rates can be prescribed in the regulations to the Act rather than being included in the Act itself. This approach, together with the use of a unit royalty, will facilitate making adjustments to the EARF contribution rate when required. The panel referred to earlier will play a key role in ensuring that the contribution rate is kept in line with actual requirements.

The contribution rates that will be proposed have been carefully calculated based on the actual costs of in-scope components of projects that have been funded from the EARF. Thus both increases in CPI and standards of rehabilitation since 1972 have been taken into account. The rate proposed will be (including the present 10 cents/tonne to be paid to Government revenue) is 35 cents/tonne. These funds are needed to ensure that:

- Liabilities for future disturbance are funded as the need accrues.
- Funds are accrued to cover liabilities for past disturbances not presently funded due to the failure to increase EARF contribution rates overtime.
- The community is protected where company failures and failures of rehabilitation after surrender of Extractive Mineral Leases or revocation of Private Mines result in rehabilitation costs which cannot otherwise be funded.

The third key feature of the proposal is the recognition by industry of the importance of regulating the environmental performance of the industry and the agreement that a portion of the EARF contribution should be put aside to provide for additional government resources to enforce mining operations plans.

The approach outlined will:

- Reduce the direct involvement of Government in funding and managing rehabilitation projects so miners will bear more responsibility and accountability for the environmental disturbances they create. There will be more rehabilitation activity and consequentially better environmental outcomes.
- Protect the community from unfunded rehabilitation liability resulting from business failure and failure of rehabilitation projects.
- Ensure that contributions to the EARF will keep pace with inflation and any other relevant cost pressures.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Mining Act 1971*

4—Amendment of section 17—Royalty

This clause amends section 17(2) of the *Mining Act 1971* to provide that, in relation to extractive minerals, royalty will be equivalent to the prescribed rate (to be prescribed by the regulations) as assessed at the mine gate.

The clause also inserts a new subsection (2a) into section 17, which allows the prescribed rate referred to above to be fixed according to either the weight or the volume of the extractive minerals.

Finally, the clause amends section 17(8) to exclude extractive minerals from that provision.

5—Amendment of section 63—Extractive Areas Rehabilitation Fund

This clause amends section 63(2) of the *Mining Act 1971* to provide that a prescribed percentage (to be prescribed by the regulations) of royalty is to be paid into the fund, rather than the current 50%.

The clause also amends sections 63(3)(a) and (b) to enable funds to be expended in compliance costs related to the purposes listed in those paragraphs.

Mr BROKENSHIRE secured the adjournment of the debate.

AUDITOR-GENERAL'S REPORT

Consideration in committee of the Auditor-General's Report.

(Continued from 10 November. Page 877.)

In committee.

The CHAIRMAN: The committee is now considering the Auditor-General's Report in respect of the Minister for Transport, Minister for Urban Development and Planning, and Minister for Science and Information Economy.

Mr BROKENSHIRE: In relation to the Passenger Transport Board, the audit on page 2 identified an opportunity to improve controls over the recording of ticket revenue and also made mention of the opportunity for improvement in relation to subsidy schemes. It went on to say that there needed to be clearly defined procedures for regularly reporting progress with implementing procedures as well.

On the first point, given that passenger transport is already heavily subsidised in South Australia, obviously it is important to ensure that we have good controls over ticket revenue recording. Can the minister advise whether she and her department are confident that processes have been put in place to improve that procedure?

The Hon. P.L. WHITE: As I understand it, the comment in the Auditor-General's Report was in relation to monitoring of licensed ticket vendors. Since the Passenger Transport Board has been abolished (that change happened in December 2003 and those functions were brought into the Department of Transport and Urban Planning through the guise of the Office of Public Transport), attention has been paid to that particular aspect of monitoring those ticket vending functions.

Mr BROKENSHIRE: I take it the minister is satisfied with what has been put in place?

The Hon. P.L. WHITE: My chief executive is satisfied and that provides me with some level of comfort.

Mr BROKENSHIRE: The audit also found the need for the establishment of clearly defined procedures for regularly reporting progress when implementing procedures, and that is a difficult area of any agency but obviously one that is important if staff are to understand what procedures are required and how they are implemented. I gather that the CEO also feels comfortable that that has been addressed?

The Hon. P.L. WHITE: Yes; I think my chief executive has some confidence in the work that has been put in place to address issues such as those. It is important that, as the honourable member states, staff be aware of procedures and that there be regular reporting and monitoring of those procedures. The department has recently put in place an audit and governance committee across the whole department and is formalising arrangements for the governance of that for a whole range of procedures across the whole department. The functions of the Office of Public Transport are included in that exercise. From that change I think we will see more rigorous monitoring as we expect from those functions within government.

Mr BROKESHIRE: The Auditor-General's Report in Part B Volume 4 on page 1231, under the section entitled Passenger Transport Board Functional Responsibility and Structure, refers to the period 1 July 2003 to 31 December 2003. Specific areas of audit attention included grants and subsidies, including the new Access Cab contract. Only today one of my colleagues raised a concern with me about time delays with clients for Access Cabs. I have also heard of university students with regular bookings having to wait for half an hour to an hour for Access Cabs to arrive, as well as stories about different facilities that accommodate people with disabilities where they still wait quite a long period of time for Access Cabs. With the new Access Cab contract, what initiatives have been put forward to try to address this problem?

The Hon. P.L. WHITE: As the member knows, a new procedure was implemented some 12 months ago where a new centralised booking agency for Access Cabs was put in place, and that arrangement has been monitored for performance. The results show that a much better performance is in place now. Every booking by a disabled or immobilised person who needs an Access Cab must go through that centralised booking agency. That gives a better control for the public over making sure that the person is picked up first of all, picked up in a reasonable time, and that the service is good. The performance indicators show that the vast bulk of jobs is picked up within the required time. It also sets in place a rule whereby those bookings get precedence over other work. Those cabs are allowed to do other work if they do not have bookings, but they must give precedence to the work that comes in from disabled people who require Access Cabs.

I, along with the Premier, am a member of the Premier's Taxi Council. Other improvements are being looked at currently to find ways in which we can ensure that a good service is provided to everybody in the community. Obviously, from time to time, complaints are made, but the level of complaints is down on what it was. There is room for improvement. The government wants to make sure that we have the very best transport service for disadvantaged people, as this particular group of people is. We will be continuing to work on measures that, at the end of the day, offer the best possible service that can be offered to these constituents.

Mr BROKESHIRE: On that point, members of the community who are eligible for Access Cabs receive a booklet of vouchers or tokens on a periodic basis. For much of the time these people access cabs either to go to medical appointments or university or work. That is standard, and that is fine. The problem often comes when they live in a suburb and need an Access Cab just to go to the doctor, but it grabs quite a lot of their voucher, as I understand it, and then limits them in being able to travel distances to Adelaide, for example, for recreational purposes. I think that the CEO

probably knows a little about what I am getting at here. I wonder whether this has been raised with you and whether or not you would look at a different system so that people will not be disadvantaged with their number of tokens or the cost relationship around that. I think that, in part, it gets back to the cost relationship because of the subsidy, and it often gets grabbed for a short trip to the doctor and then limits them for pleasure trips. I think you know what I am saying there, so I would appreciate some feedback on what you think about that.

The Hon. P.L. WHITE: I think the honourable member is under a misconception that a single trip to the doctor can cost a passenger more than one voucher. It cannot; it still requires only one voucher. What he might have meant is that, for short trips to the local doctor or the shops, passengers may feel that they are using their voucher as a low-cost fare. I believe that is what the member was implying. The 'bonus on time' system that is afforded to taxi operators gives them an incentive to pick up on time. So, the difference between the problems that existed under the previous system where people would be waiting a long time and using their vouchers for small trips has now narrowed.

Mr BROKESHIRE: The Auditor-General's Report states that expenses for ordinary activities for the year amounted to \$126.3 million, of which \$108.1 million (86 per cent) relates to payment to service contractors. Does that include private bus tenders?

The Hon. P.L. WHITE: Yes.

Mr BROKESHIRE: I thought so. I note that you were not the minister at the time, or even the shadow minister, but when the former Liberal government set up the outsourcing of private contracts for public bus services we were criticised by the then opposition. A significant amount of money is still going into that area, so I wonder what the minister's thoughts are about this outsourcing concept and whether she intends to continue with that or, given that the minister owns the buses, the depots and so on, whether she intends to go the way in which the minister and her department have gone with the recent purchase of brand-new Caterpillar graders and backhoes and go back to government ownership and management.

The Hon. P.L. WHITE: As the honourable member knows, you cannot unscramble an egg. When the previous government contracted out the bus services what also changed was the capacity to manage those buses. Obviously, those staff are no longer within my department, so he knows he is having a bit of a try-on. However, I am pleased that he mentioned the insourcing of the plant, because that has been a tremendous success. The current Rann Labor government is saving, we estimate, about \$6 million a year by purchasing that equipment. It is purchased predominantly from South Australian distributors.

Mr Brokenshire interjecting:

The Hon. P.L. WHITE: As the honourable member states, some of the equipment is particularly good, and indeed it is. It is modern equipment—

Mr Brokenshire interjecting:

The Hon. P.L. WHITE: The honourable member says that he would like to drive some of it around his farm. If any of it goes missing around his area, I will come looking for him. This equipment is particularly good, and I am glad that he acknowledges it. It makes sense because it is saving the government money. With some of that money that is being saved—we estimate \$6 million or so per annum—we are able to do things such as put extra people on our outback mainte-

nance gangs. Quite frankly, we are able to drive the government dollar for the benefit of the South Australian community. I am glad that the honourable member recognises the prudence of that move by the state government, because the previous deal by the previous Liberal government did not make sense: it ended up costing us money. Our government has taken action; we have new equipment; people are happy with it; even the shadow minister is happy with the equipment; and the result for the South Australian public will be a higher standard of facilities for all.

Mr BROKENSHIRE: Will the minister provide a cost analysis of how the government intends to save this \$6 million a year by insourcing rather than outsourcing?

The Hon. P.L. WHITE: I cannot see a problem with that. My Chief Executive Officer assures me that his figures are correct. On that basis I feel confident that he feels confident! He can support that for the honourable member.

Mr HAMILTON-SMITH: It is delightful to be asking the minister a question about science and information technology. I know that it may not seem important, but I think it is the most important subject of all the matters before the government. Science and technology is the future. My question relates to the Auditor-General's Report and the budget and, in particular, to Bio Innovation SA and Playford Capital, which come under the minister's portfolio. Correct me if I am wrong, but it does not seem to me that either entity is listed as an administered item in the budget papers or consequently picked up in the Auditor-General's Report. I gather that Playford Capital and Bio Innovation SA are reflected in the overall budget papers?

The Hon. P.L. WHITE: Did the honourable member say that they are not?

Mr HAMILTON-SMITH: No. I gather that they are picked up within the departmental budget. I note, for example, that the Venture Capital Board is listed as an administered item. Of course, there are many administered items. It just seemed to me that, for openness, accountability and visibility it would be better, since they are both statutory bodies, both have their own boards and both have their own money to manage that, in effect, they are administered items. Does the minister intend next year to ensure that they are in the budget papers as administered items and, therefore, in the Auditor-General's Report as an administered item so that there is some visibility? It is a little hard to get much out of the Auditor-General's Report in respect of those two agencies at present because they are not so tagged.

The Hon. P.L. WHITE: I will be kind to the honourable member and not ask him from what page in the Auditor-General's Report he derives that question.

Mr HAMILTON-SMITH: There is not one, minister.

The Hon. P.L. WHITE: That is my point. Why did the honourable member ask the question? I will be generous to the honourable member. A change is afoot. I understand that, currently, those entities do form part of the DFEEST budget. I will come back to the house if I get this wrong, but that work is currently being done to present Bio Innovation SA as an administered item, as are other authorities or agencies of a similar nature. I understand that that is happening, but I will come back to the house if I have got that wrong.

Mr HAMILTON-SMITH: I thank the minister in regard to Bio Innovation SA. I assume that Playford Capital might also be an administered item next year?

The Hon. P.L. WHITE: I will check that and let the honourable member know.

Mr HAMILTON-SMITH: Thank you. That will enable me to quote a page number when next we meet.

Mr BROKENSHIRE: Just going back to the minister's comments about not being able to unscramble an egg, it is possible to unscramble the egg. It is possible to go back to the old MTT days. I have seen this government going backwards in other areas, so it is possible. Given the minister's earlier remarks about the outsourcing of private bus tenders, clearly she must be comfortable that it is value for money and cost effective or, if not, there is an option.

The Hon. P.L. WHITE: I am sorry; what was the last part of the honourable member's question?

Mr BROKENSHIRE: Clearly, this outsourcing is cost effective for government because, if it was not cost effective, there is an option to go back to insourcing.

The Hon. P.L. WHITE: Once you have scrambled the egg you have removed your management capability of running a function, and you have got private operators in place that have sunk costs into their facilities and capacities and it is a totally different equation. That is absolutely obvious. For the honourable member to suggest the opposite means that he is either being tricky or playing games. Exactly what is the honourable member's point?

Mr BROKENSHIRE: My point is clear: that it was a great decision of the former Liberal government. Given that I understand the minister is about to go to tender call for the outsourcing of the bus contracts (in fact, perhaps tenders have been called), is the minister confident that there will be reasonable interest in the tenders?

The Hon. P.L. WHITE: Well, that is a very easy question to answer. Yes, I am confident that there will be reasonable interest in the tenders. We have gone out to tender. Tenders have closed and we are in the evaluation stage. Obviously, while no member of this house would expect me to disclose commercial in confidence information to the house, I can say that there has been significant interest. We know that already. Perhaps the honourable member would like to keep a keener eye on the media and, in particular, *The Advertiser* pages where he might discover these things.

Mr BROKENSHIRE: I thank the minister for her advice. I have a fairly good idea, but I did not know the date that it closed. It is interesting to see that there is still good, keen interest out there. I had heard a rumour that one or two companies were not all that happy but, of course, I thank the minister for her frank remarks this afternoon. It confirms the fact that the outsourcing has been an exceptionally good bonus for the government—Liberal or Labor.

Talking about bonuses, I refer now to revenue and note 46 about the Community Road Safety Fund, and it shows that \$38.7 million has gone across to the Community Road Safety Fund. Can the minister confirm that that \$38.7 million is brand new money, net increase money, and that that \$38.7 million is not a bit like daylight saving where you take an hour off the bottom and you put it on the top? Can the minister confirm that that is \$38.7 million of brand new, additional net increase money as a result of the setting up of the Community Road Safety Fund and that there has been no removal of any part of that \$38.7 million from the agency as a result of this money coming across to the agency?

The Hon. P.L. WHITE: I can confirm that that \$38.7 million figure was totally raised by speed camera revenue.

Mr BROKENSHIRE: Thank you for your partial answer minister. To complete the answer, the key part of the answer that I was looking for is the \$38.7 million brand new,

additional net increase funding to your agency, or has some money, namely, possibly, up to the whole \$38.7 million, been removed from other treasury funding allocations to your agency?

The Hon. P.L. WHITE: I can confirm for you that a significantly higher amount of money is being spent on road safety than was the case with the previous Liberal government. In fact, during the year, the department spent \$57.9 million on road safety related initiatives, of which only \$38.5 million came from speed camera revenue. So, a substantial amount of money—and you will find that on page 1281 of the Auditor-General's Report—is being spent on road safety related initiatives directly.

Mr BROKENSHIRE: As you know minister, I am a very patient member of parliament, so I am happy to wait to have the detail provided at an appropriate time, because whilst I respect your capacity I do not expect you to have every dollar line at your finger tips, but I would like a response brought into the parliament to show exactly whether the whole of that \$38.7 million is additional money to your department, or whether part of, or all of that has been taken off of the global funding that comes from Treasury. To put it in simple terms: the sales pitch to the South Australian community was that every dollar of revenue from expiation notices and traffic offences and so on, would be going into police and transport road safety initiatives, and when I am out in the community, the community thinks that this is all brand new and additional net money, and I would like to know whether or not it is, so I am wondering if you could come back with a detailed answer please.

The Hon. P.L. WHITE: The point that I am making to the member is, we are spending a lot more than what is coming from the fund. There is \$38.7 million coming from the fund but that is not all the government spending. It has been a substantial increase on last year and the year before. We are now spending \$58 million on that, so the honourable member can try and paint this picture and that picture, but the important bottom line for the people of South Australia is, we spent \$58 million in this last financial year on road safety related initiatives.

The CHAIRMAN: The time has expired for consideration of the Auditor-General's Report relating to the Minister for Transport, Minister for Urban Development and Planning, Minister for Science and Information Economy.

We will now move to consider the Auditor-General's Report in relation to the Minister for Agriculture, Food and Fisheries, Minister for State/Local Government Relations, Minister for Forests.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I move:

That the time for moving the adjournment of the house be extended beyond 5 p.m.

Motion carried.

The Hon. R.J. McEWEN: I move:

That the sitting of the house be extended beyond 6 p.m.

Motion carried.

Dr McFETRIDGE: My question is to the minister in his role as the Minister for State/Local Government Relations, and referring to Auditor-General's Report, part B, volume 4, page 1 289. Can the minister explain to the house why the Office of Local Government was restructured and incorporated into the Department of Trade and Economic Develop-

ment for only 60 days? The Auditor-General's Report states that the Office of Local Government was transferred to the Department of Trade and Economic Development from the Department of Transport and Urban Planning on 1 May 2004, only to be transferred back to the Department of Transport and Urban Planning on 30 June 2004.

The Hon. R.J. McEWEN: I thank the member for Morphett for the question. It is a good one. The Office of Local Government is a stand-alone office and has been moved around the place a number of times for administrative convenience. At the time we were going through the restructuring of the department to form the new Department of Trade and Economic Development of which a component is the Office of Regional Affairs. Given that there are some matters that the Office of Regional Affairs deal with that have some relevance to the Office of Local Government, particularly the fact that the regional development boards are partnerships, there was some debate about whether for that reason and not for many others they might sit more closely together.

At about that time, a ministerial restructure meant that I moved over to take up Primary Industries but kept State/Local Government Relations. Then the Office of Local Government would not have been sitting within that department under the one minister. So further discussion about that led to what seemed to then be an obvious conclusion to leave it where it was and to retain the reporting lines that they had previously.

It did not do anything for the Office of Local Government itself. It is autonomous. Its main role is liaising with local governments through the Local Government Association. The administrative convenience that would have been achieved by it moving across was no longer a benefit once there had been a ministerial reshuffle.

Dr McFETRIDGE: A supplementary on that: did it cost anything to do that or was it just an administrative—

The Hon. R.J. McEWEN: It was not actually being physically relocated, so there was no reason why there would have been considerable expense.

Dr McFETRIDGE: Another question relating to Auditor-General's Report part B, volume IV, page 1187, 'Audit Communications to Management'. What assurance can the minister give the house that the operating performance of the Local Government Corporate Services, the LGCS Unit Trust, is significantly improved so that the recovery of the \$683 000 loan can be made in January 2006? The Auditor-General has reported, as follows:

... recovery of the loan in January 2006 is doubtful unless the operating performance of the LGCS [Unit Trust operating as e-councils] is significantly improved in the foreseeable future. The matter was raised in a management letter to the Chief Executive Officer and the recommendation made [by the Auditor-General] to the Board to consider a provision for doubtful debts.

The Hon. R.J. McEWEN: I thank the member for Morphett for the question. I will need to take that question on notice. It is certainly a well-researched question and I think it deserves the credit of a well-researched answer. I will take it on notice and bring back an answer to the honourable member.

Mr WILLIAMS: Minister, the opposition has checked the Auditor-General's reports going back as far as the year 2000. This report is the first in that set where the Auditor has not approved and issued only a qualified statement for PIRSA. The Auditor-General raises concerns with discrepancies and an inability to provide reconciled statements. For

instance, cash at bank as reported in the financial statements totals \$100.912 million, compared with cash at bank as recorded by Westpac which totals only \$95.718 million, a discrepancy of \$5.194 million. Additionally, the department's general ledger cash at bank account is stated at \$98.012 million.

How does the minister explain these three different totals for the same cash at bank amount? And in particular, how does the minister reconcile the fact that the Auditor-General notes in his report on page 1057, as follows:

In 2002-03 Audit reported to the department that the net monthly movement bank reconciliation methodology used by the Department to reconcile cash at bank was not appropriate.

The Hon. R.J. McEWEN: I thank the member for MacKillop for the question. The discrepancy relates to bank account reconciliation differences that were first identified in June 2004. This is one of those horrible moments where you have been keeping in your chequebook stubs what you believe to be your account, and suddenly you get something from the bank that has a very different number.

Mr Williams: Not the shoe box—

The Hon. R.J. McEWEN: Yes, not the shoe box. Bank reconciliations are of an administrative nature and discrepancies are corrected routinely when they are first identified. Given that PIRSA only became aware of the discrepancy in June this year, it immediately went about the task of locating the source of the discrepancy and correcting it.

In undertaking this task, PIRSA officers worked extensive hours over June, July and August in an attempt to locate all the differences in time to lodge the financial statements with the Auditor-General. However, during this period it became evident that the differences occurred over several financial years dating back to March 1999 when the department was first established, and to correct it would have required a considerable amount of work involving the reconstruction of bank reconciliations and cash flow statements.

Subsequent to lodging the financial statement on 11 August, the Auditor-General's Department verbally advised PIRSA that, unless the discrepancy could be resolved in time for publishing the Auditor-General's report or his supplementary report, the statement would be qualified. Obviously, we did not achieve that objective, so therefore the statement was qualified. The Chief Executive of PIRSA received written confirmation of the audit qualification from the Auditor-General on 29 September.

We are now in the process (and it is a considerable task) to reconstruct the books, going all the way back to March 1999. We have had to bring in external resources to assist the department in this regard. We have given an undertaking to the Auditor-General that we will complete that task by February. We do not believe there is anything untoward in this. It took quite some time to establish with Treasury what it believes to be cash at bank.

Obviously, we have looked at our ledger and what Treasury believes we have got and what we believe we have got, and there is a discrepancy. We believe that this is just to do with an accounting error, or perhaps a compounding of a few errors over time. In undertaking this, that is the approach we are taking, notwithstanding that we accept that we must identify and rectify this issue. We cannot be in a situation where there is a significant discrepancy between those two numbers.

Mr WILLIAMS: In relation to the separate figures I identified in my earlier question, how can the committee be assured that, in fact, nothing untoward has happened in the

department? The Auditor-General's Report, in other areas and in other departments, has highlighted and uncovered transactions which are illegal (to use the Auditor-General's term) in nature.

The Hon. R.J. McEWEN: As I have already indicated to the member for MacKillop, we are confident as to the exact explanation. That is why we are putting so many resources into it. However, I make it very clear that PIRSA does not engage in any practices to transfer unspent funds to the administration of trust accounts to avoid budget responsibilities. I can give the member an unequivocal guarantee that that has not occurred. I have certainly made sure of that. We have a very good team at the senior level, as the member for MacKillop knows, and that team does a fantastic job. They have reassured me that nothing of this nature has occurred.

Mr WILLIAMS: Minister, in my experience I certainly agree with your statement that there is a good team in PIRSA. That certainly was not in question. Has there been any impact on the minister's department from the carryover policy that has been installed since the change of government in 2002, and have any funds been returned to Treasury under that policy?

The Hon. R.J. McEWEN: I can reassure the member that we have no difficulty working within the policy. We actually find it to be a very healthy policy. We have returned funds, but we have then put the position to Treasury that there was a legitimate need for those funds and have had them returned for that purpose. So, the process is a very good one in terms of addressing at the end of the year whether or not for some reason you have not committed funds fully within the time. In so doing, you obviously return those funds, and then you put in a claim as to why they should be returned. We have found that to be a healthy practice, and we have had no difficulty with it. Yes, we have returned funds, and yes, they have come back to us for the legitimate purpose for which they were originally allocated.

Mr WILLIAMS: In relation to the funds that have been returned, have you been able to make a legitimate claim and the funds have been returned to the department for its use?

The Hon. R.J. McEWEN: For example, where there has been an ongoing commitment, such as FarmBis, and the funds are rolled over, the money has been returned and then given back to us. If it has been recurrent expenditure, obviously the recurrent expenditure will be recurring in the next budget, anyway, so it is actually funded in the next year's allocation. The way in which that is dealt with is to identify that recurrent expenditure in the next appropriation. However, where it is a specific project and there are carry-over funds, they have been returned.

Mr WILLIAMS: To be quite honest, minister, that raises a whole series of questions. The opposition holds a document which was forwarded to us anonymously and which highlights the difficulties of another department working under this carryover policy. The minister's answer probably raises more questions in my mind than it answers. The document I have read says that the difficulty departments encounter is that, under the policy, with any expenditure program that does not end on 30 June, funds for that program beyond that date are automatically returned to Treasury. So, departments have to virtually ensure that every program they are running ends on 30 June. My understanding of the policy is that any funds returned are returned on condition that they are subtracted from the next year's budget allocation, and they are left in the department only if the funds allocated to the department in that next year are expended.

The Hon. R.J. McEWEN: Our experience has been that, as long as you can demonstrate a commitment and that, along with returning the funds, you claim the funds back against that demonstrated commitment, it is simply a matter of closing off one set of books and bringing them back in the next set of books, because a demonstrated commitment has been carried forward. We have not found it a difficulty in that regard.

Mr WILLIAMS: I refer to page 1058 of the Auditor-General's Report under the heading 'Payment of royalty moneys into the Treasury bank account'. Will the minister explain something that I find a little confusing? My reading of the Auditor-General's remarks is that it was identified that there was non-payment of royalties from mining activities over a long period of time and that that amounted to some \$98 million. He goes on to suggest that the department transferred some \$340.5 million in royalties to the Consolidated Account, but in the accounts as shown here it is stated that only \$75.177 million was transferred (that figure comes from page 1090).

The Hon. R.J. McEWEN: Although this obviously is the responsibility of my cabinet colleague minister Holloway, I can advise that the \$304.5 million relates to Consolidated Account transactions that occurred between 1 March 1999 and 30 April 2004, including mineral and petroleum royalties and gas franchise fees, less payments made pursuant to legislation. The government's banking is organised such that, while individual agencies have an account in their own name, all accounts are part of a group and are recognised as one government account. In this instance, the money was transferred from PIRSA's sub-account to the Treasury sub-account.

The transfer between sub-accounts and the government's accounts had no impact on the Consolidated Account. The Consolidated Account recognises that receipts were received in the government's account irrespective of which sub-account the money is deposited into. Accordingly, the Consolidated Account recognises receipts of \$75.2 million for the 2003-04 financial year. All accounts have been correctly recorded by PIRSA and Treasury in the financial year in which the transaction occurred. I would like to stress that this transaction is an administrative arrangement, not an irregularity, and processes are in place so that the transfers occur in a timely manner in the future.

Mr WILLIAMS: I refer to page 1060. Can the minister outline the total expenditure increases in his department of \$6.3 million, including an increase in employee costs of \$6.2 million, despite falling staff levels in real terms?

The Hon. R.J. McEWEN: I am happy to provide a more detailed answer to the member for MacKillop, but I can say that wage increases and a change in the way in which long service leave is calculated has meant that, on the surface, it looks as though you are spending more to get less. However, I will prepare a more detailed answer for the member.

Mr WILLIAMS: On page 1075 it talks about targeted voluntary separation packages. It seems that there was a payment of \$70 million in the 2003-04 year and \$66 million in the previous year. How many employees were involved in the payment of the \$70 million in the 2003-04 year?

The Hon. R.J. McEWEN: I am not sure whether the honourable member's bifocals are lining up. If the member looks at TVSPs and reads across in a straight line, he will see a figure of \$1.452 million, and there is a footnote at the bottom in relation to that. The number of people involved is 18.

Mr WILLIAMS: The minister is correct. That question was prepared for me. Is the minister aware that the number of employees in his department now receiving over the 'fat cat' (to use the Treasurer's and the Premier's terminology) salary of \$100 000, which the Treasurer and the Premier—particularly the Treasurer—vowed to decrease, has in fact increased from 31 to 36 in one year? Is the minister also aware that 'fat cats' in his department (and, again, I use the terminology used by the Treasurer) now account for \$4.763 million, and can he assure the committee that he has sought justification from the executives of the department for these increases in numbers and costs?

The Hon. R.J. McEWEN: I call no-one in the department a fat cat. I think that all my senior staff are appropriately rewarded for the fantastic effort they put in. Obviously, the difference between 31 and 36 is five. My understanding is that one was a position that had been filled part-time the year before, so the full year effect took it over \$100 000. The second was a position that was vacant the year before. Two were transfers from DBMT, and one was a person who went from just below the threshold to just above the threshold. So, that accounted for five. One was bracket creep, in effect; two were positions that were transferred across; and two others were positions that existed for one part of the year and the full year effect took it over \$100 000. The other position was vacant and, once filled, had a full year effect. I believe that explains the five positions going from 31 to 36.

Mr WILLIAMS: I refer to page 1058 where, under the heading 'Payroll', it is stated:

The audit of the Department's payroll processing identified the following internal control weaknesses:

The second dot point is 'Overpayments of allowances'. Can the minister detail what that refers to and what strategies have been put in place to recover any overpayments?

The Hon. R.J. McEWEN: There are two parts to that question. One is in relation to two overpayments (a specific matter) and the other is more general. What have we done in terms of the internal processes to avoid mistakes such as that? Yes, two mistakes were made and two individuals were paid \$16 000 more than they were entitled to. There was assumed to be a right under an allowance; the right had changed but the allowance continued to be paid. There was just a mistake about authorising that. In one of those two cases the \$16 000 has been repaid and the matter is closed. In the second case we are still in the process of recovering the money.

The CHRIS system was implemented during the 2002-03 financial year. In the first full financial year of CHRIS 2002-03, the focus was on increasing systems knowledge and introducing systems improvements and controls. Audit identified inaccuracies in the year-to-date totals of the CHRIS system generated reports compared to the sum of individual payments. This systems issue was resolved by DAIS in July 2004. As a result of the identification of the overpayments of allowances, improved controls have been implemented to prevent future overpayments. As I indicated, the recovery of the overpayments of allowances identified is already under way.

To address the issue of management time off in lieu, a policy has been developed and is soon to be implemented. A post-implementation review will be conducted later in the year to assess the success of the implementation. Systems improvements have been identified and are currently being implemented to improve the data capture and leave taken being verified against the CHRIS records.

Mr WILLIAMS: I draw attention to page 1059. The table at the bottom shows administrative restructure expenses of \$5.1 million in the previous financial year and \$8.5 million in the year prior to that. Can the minister give details of what restructuring has taken place in his department over those last two years which has required the payment of \$13.6 million?

The Hon. R.J. McEWEN: I thank the member for the question. In fact, part of the answer is close to his heart because, with the transfer of sustainable resources to DWLBC, there were some issues around exactly what was being transferred, etc. Two of the issues included an area around Loxton and the Upper South-East dry land salinity and flood management scheme. So, as a legacy of some of that, it has taken some while and there have been some negotiations, and that is really what those numbers allude to.

Mr WILLIAMS: Can the minister give any more detail?

The Hon. R.J. McEWEN: I am happy to get back to the member with a more detailed report in terms of exactly what numbers we are talking about and even why there was some argy-bargy around the numbers. But, be assured that we let go of nothing until we are actually convinced that the other party is entitled to it.

Mr WILLIAMS: I like the way the minister works. On the same page under 'Administered Items, Management Plans for Livestock Industry Funds', five industry funds are listed which were set up under the appropriate legislation (the Primary Industry Funding Schemes Act). The Auditor-General highlights the fact that the act obliges there to be management plans for those funds, and I note that it appears that those management plans have not been developed and put in place. What moneys, if any, have been collected by each of those funds in the previous financial year; and what moneys have been expended and distributed from those funds, and under what criteria?

The Hon. R.J. McEWEN: There are in the Auditor-General's Report the exact numbers for which the honourable member asked, so we will give the page reference. However, the more general issue that the member has alluded to is whether or not we have done what we should have in terms of those plans, and the answer is no. I can indicate that PIRSA is working with industry to develop five year management plans during 2004-05. These plans are required by the Primary Industry Funding Schemes Act 1998 and should have been in place at the time each of the funds was listed in the Auditor-General's Report. I do not really want to go over the history of who the minister was at the time, but we acknowledge that there was a deficiency then. The work is dependent on contributions from industry and, as such, has taken longer than anticipated to complete.

I refer the honourable member to page 1088, where the table shows administrative revenue for each of those funds—sheep, grain, cattle, pigs, fisheries, the Langhorne Creek Wine Industry Fund, etc. Across the page it shows the Riverland wine industry, McLaren Vale, Adelaide Hills, the Apiary Fund (that is a contentious one, I might add, for another reason), marine scalefish, etc. So, across the top is the administrative revenue and administrative expenses, and the administrative surpluses or deficits are at the bottom. So spanning those two pages I think is the information that the honourable member is asking for. If he wants any further information and lets me know at a later date, we will give that to him.

Mr WILLIAMS: The minister is correct. The Auditor-General mentions that quite a bit of effort has gone into reconciling the three figures from the department's figures

and the bank figures where I started my first question. On page 1057 under the heading of Cash At Bank Reconciliation Methodology, the Auditor-General says that the department has established a project team specifically to address that purpose. On page 1058 under the heading of Completeness of the General Ledger, the Auditor-General states:

The Department advised it has established a dedicated project team to resolve this issue by 28 February 2005.

Is that one and the same project?

The Hon. R.J. McEWEN: Yes; that is right. I think that we have a total of four people working on it internally and two external consultants working with us. It is a big job. We have had to go back and totally reconstruct the whole thing back to March 1999.

The CHAIRMAN: The time for consideration of this aspect of the Auditor-General's Report having expired, we move to matters relating to the Minister for the River Murray, the Minister for Regional Development, the Minister for Small Business, and the Minister for Consumer Affairs.

The Hon. R.J. McEWEN: I would like to acknowledge, on the record, the support of Steve Archer as part of that process. He is a very good operator.

Mr WILLIAMS: My questions concern regional development. I refer to Part B, Volume 4, page 1219, to the heading entitled Program 5: Regional Development. It is incredibly difficult to extract much more than that one paragraph from the Auditor-General's Report referring specifically to regional development, so the only reference I will make to the report will be under that particular heading. I would like to ask the minister a number of questions about the regional development part of her portfolio. Firstly, can the minister inform the committee if the regional development infrastructure fund is still in existence? If so, what is the status of that fund? How many funds are appropriated for that purpose in 2003-04? Will the same amount be appropriated in the current year?

The Hon. K.A. MAYWALD: The regional development infrastructure expenditure on grants and loans as published in the Auditor-General's Report for the 12 months ending 30 June 2004 increased by 58 per cent from \$1.625 million in 2002-03 to \$2.570 million in 2003-04.

Mr WILLIAMS: Can the minister give the committee some detail on the types of projects which were completed using those funds or the types of projects that those funds were utilised for? The raw figures do not give the committee much understanding of what sort of purposes the funds from the regional development fund are being applied to. I think it is important, particularly for rural members, in assisting projects in their area if we have finer detail to give them an insight into how they can assist projects in their electorates.

The Hon. K.A. MAYWALD: The total commitment on the regional development infrastructure grants and loans for the 2003-04 financial year was \$2.57 million, as I said, which included \$1.6 million towards projects approved under the new guidelines and assessment criteria. Those new projects are expected to generate about 190 jobs and \$4.7 million in direct capital expenditure. The projects that I refer to are \$1 million to assist the Whyalla City Council in the construction of a commercial fishing harbour in the Fitzgerald Bay, primarily associated with the offshore farming of yellowtail kingfish as part of the government's enterprise zone policy for the Upper Spencer Gulf; the Port Broughton boat harbour where \$400 000 was applied to assist the District Council of Barunga West in the substantial upgrade of Port Broughton's

boat ramp facilities to the benefit of commercial and recreational fishing; the waste water reuse scheme in Port Lincoln where \$200 000 was granted to assist the city of Port Lincoln to expand the usage of reclaimed water on its reserves and playing areas thus freeing up 200 megalitres of higher standard potable water for economic development; the Limestone Coast Phylloxera Treatment Facility received \$40 000 to assist the Naracoorte-Lucindale Council to provide a permanent heat disinfestation facility to minimise the risk to viticulture of phylloxera being spread in South Australia.

Mr WILLIAMS: At least one of those is in my electorate and has been very handy and important. The other area of interest to me is the review of the regional economic development boards, the independent review and proposed restructuring. Is the minister able to give the committee any details of that review's progress and how we might find the setup of the boards over the next period?

The Hon. K.A. MAYWALD: The review is currently underway. The consultant who was employed to actually undertake that review has undertaken broad consultation with the boards, councils and other people who are stakeholders within the regional development framework, and with MPs, who are very important stakeholders in this process. The information on that is being collated. I understand that a draft report is pending, and we will review that by the end of the year and make an announcement early next year on how we intend to proceed following the information that we get from the consultation period.

Mr WILLIAMS: Can the minister assure the committee that, following her assessment of the report on that review, even if a decision is taken to change substantially the number of regional economic development boards, the total funding package will be similar to what has been applied to that purpose in recent years?

The Hon. K.A. MAYWALD: It is my view that the review will be completed and we will consider all the options for future governance and consult, as the honourable member would understand, with the partners, and then the budget process will determine ongoing funding. I will certainly be in there fighting to ensure that regional development gets its fair share.

The Hon. R.G. KERIN: Because a lot of the minister's portfolios, particularly the River Murray, come within DWLBC, it makes it a little difficult. From reading the Auditor-General's Report about the valuation of Murray-Darling Basin assets, it appears that there is a move to include within our balance sheet or within the department's register of assets the South Australian share of those assets. Will the minister confirm that that is where we are heading?

The Hon. K.A. MAYWALD: All the assets under the commission's control are included in the commission's financial statements; they are not included in the Department of Water, Land and Biodiversity Conservation statements, because the assets are controlled by the commission, not the department. The proper recognition of these interests of the jurisdictions involved in the commission has been the subject of much debate. Arguably, the commission's assets that are located in South Australia are assets of the state. However, the state has also contributed to the construction, operation and maintenance of commission assets in the upstream states, and the state expects to receive a service from those assets.

It is appropriate to recognise the value of the state's interests and entitlement in the whole of the commission's operations. The commission has reviewed the entitlement of

the various jurisdictions to the equity of the commission and has recommended the principles for the allocation of the equity of the commission. These principles have been approved by the commission subject to confirmation by the various jurisdictions. The commission's proposals have not been confirmed by the jurisdictions at this stage. Currently, different jurisdictions take different approaches to the recognition of their interest in the commission. Until there is agreement on the principles, DWLBC is not in a position to reflect the state's equity in the commission in the department's financial statements. The commission's finance committee will give this matter further consideration during this financial year. It is noted, however, that all the commission's assets are shown in the commission's financial statements, and the South Australian interest is noted in the DWLBC accounts.

The Hon. R.G. KERIN: The dairy farmers that are left in the Lower Murray are concerned that they are being asked to sign off on contracts when they are not sure about the dollars on which they are signing off. Is there any indication of when there may be some scope of what the actual sign off dollars will be for those dairy farmers?

The Hon. K.A. MAYWALD: I do not have that detail at hand, so I will take the question on notice and come back to the leader.

The Hon. R.G. KERIN: It shows the money that is outgoing from the NAP. It is less than last year, but it is split into two lots, so it is a little hard to reconcile. During the estimates it was pointed out—and fairly so—that a lot of money was supposed to move in the last couple of months of the year. Of course, the budget papers were prepared before the 30 June deadline. Can you give us a bit of an update on whether we finished up far behind with our funding going out for projects under NAP or whether in fact, as was hoped, the last couple of months saw most of the money that was committed not spent but allocated and passed on to the project proponents?

The Hon. K.A. MAYWALD: We received significant sums of money just prior to the end of the financial year that were not distributed to organisations. However, we do not have all the detail here of all those distributions. I will consult with the Minister for Environment and Conservation and come back to you with a complete answer.

Mr HAMILTON-SMITH: I refer to the minister's small business portfolio and, generally, to the budget line information mentioned in the attachments to the Auditor-General's Report, particularly at pages 1179 and 1180. The minister does not really have a department, but what is the size of the small business component that answers to the minister? Basically how many people are in that section now and how much money is allocated to them as a branch—the small business branch or section, if you like—of the department?

The Hon. K.A. MAYWALD: As that is a budget Portfolio Statement question, I will get that information for the honourable member. It is not within the Auditor-General's Report as a separate item that has been audited: it is part of the overall budget of the department. However, I will provide that information to the honourable member as soon as possible.

Mr HAMILTON-SMITH: How does the Auditor-General audit the small business part of government's operations if you do not know how much money your own small business section is spending? Could the minister explain how that is funded? How big is it and how is it audited?

The Hon. K.A. MAYWALD: The Auditor-General audits the overall Department of Trade and Economic Development. If he looks at page 1 214 of the Auditor-General's Report, the honourable member will see that a number of programs are identified. Program three mostly refers to the Office of Small Business.

Mr HAMILTON-SMITH: We will not have an argument about pages. On page 1 180 I see a number of executive remuneration schedules that show how much the 'fat cats', as the Treasurer likes to call them, are paid. How many people are paid \$100 000 or more within the small business portfolio?

The Hon. K.A. MAYWALD: I am advised that only one is paid more than \$100 000.

Dr McFETRIDGE: I place on the record that I do not have any questions for the Office of Business and Consumer Affairs. The reason is that that matter comes under the Attorney-General's Department and that has not yet reported.

Mr HAMILTON-SMITH: Money was spent previously on the Centre for Innovation, Business and Manufacturing (CIBM). That has closed. I take the point that an amount of money has been put into business enterprise centres, but has the government's closing down of CIBM and forming the business enterprise centres (BECs) been a successful venture? Does the minister feel that the government is getting value for money? You have saved quite a bit by closing CIBM, but we have lost a lot of services. I wonder whether we are delivering services on the ground at the same rate and as effectively with this new structure as we were before with the old structure.

The Hon. K.A. MAYWALD: As part of the process of downsizing the DBMT (and that included the closure of CIBM), it was determined to undertake a review of the BEC process. The BECs are not a new animal: they have been around for some time. The review is currently under way. As a result of the closure of CIBM, the government has also entered into an agreement with the Adelaide City Council to establish an Adelaide BEC, which will be opening in the not too distant future. The BEC review will identify any gaps in services that may be there, and they will be addressed as part of the review process.

Mr HAMILTON-SMITH: It was recently reported that, over the last couple of years, the number of small businesses in South Australia had declined quite significantly compared to some other states. I wonder whether the government has funded a strategy to deal with that.

The Hon. K.A. MAYWALD: By way of clarification, where was that reported?

Mr HAMILTON-SMITH: It was reported by the ABS. It was a matter of considerable discussion. In fact, I had a meeting with officers of the minister's department to discuss it. There was something like a 7 per cent decline over the last two years in the number of small businesses when, in fact, other states had gone forward. Victoria had gone substantially forward. Has the government developed a specific strategy to deal with that ABS finding?

The Hon. K.A. MAYWALD: As part of the BEC review, we are looking to identify the areas where there may be gaps in services to small business, and to identify clearly the needs of small business and to determine whether or not the programs that we have in place through those BECs are providing the appropriate support to businesses in South Australia. It is an extremely important area and, coming from a small business background, it is an area about which I feel very strongly. The Small Business Development Council has identified a number of projects that it would like to embark

upon on in the new year. Subject to the processes that are required through the budget, we are looking at different programs for next year that will address a number of those issues.

The ACTING CHAIRMAN (Ms Thompson): There being no further questions, that concludes questions on this part of the Auditor-General's Report. Thank you all.

We will now proceed to matters relating to the Minister for Families and Communities, Minister for Housing, Minister for Ageing and Minister for Disability.

Mrs REDMOND: I thank the minister for so promptly getting here when we managed to jump the queue slightly. I refer to part B, volume 2, page 554, Agency Audit Reports. About half way down the page there is a heading of Family and Youth Services (FAYS) Financial Operations, and I am referring to the first paragraph of that:

Internal audit reviewed a number of aspects of FAYS, now named Child Youth and Family Services, business operations, including a number of suspected frauds, which have highlighted breakdowns in internal controls and financial management practices within FAYS.

I have a series of questions about that particular paragraph. Firstly, could the minister advise how many suspected frauds, and by how many officers?

The Hon. J.W. WEATHERILL: Four frauds by four FAYS officers, all under police investigation.

Mrs REDMOND: How much money and/or value of goods or services was involved; in total, not per case?

The Hon. J.W. WEATHERILL: That is still under investigation as to the precise figures and, of course, as you might be aware, probably it would be unwise to talk about the actual dollar amounts because it may be that the matters that can be proved to a criminal standard that the police would be seeking to establish may perhaps differ from what is suspected, and it may not necessarily assist the prosecution if we were to speculate about actual numbers.

Mrs REDMOND: Can the minister advise how senior or junior were the officers involved, and have they been stood down with or without pay?

The Hon. J.W. WEATHERILL: I will answer the second part of the question first. One employee was suspended without pay in early May 2003 and resigned on 23 May 2003; another was still employed but suspended without pay in July 2003; another was suspended without pay on 11 July 2003 but resigned on 23 July 2003; another was terminated prior to the investigation. None of the officers are at executive level, but I do not have the precise classification.

Mrs REDMOND: That is what I was getting at. In light of that, I note that those resignations and suspensions were well back last year and, presumably, they only occurred after the fraud came to light and, therefore, there was some action occurring. Can the minister advise therefore, how long it is anticipated, and I know that they are police matters, but has the department or the minister got any idea of how long the investigations are going to take before they are brought to some, at least, prosecution stage?

The Hon. J.W. WEATHERILL: No, we do not. I am told that it is not useful to speculate about that by the police, but the anti-corruption branch of SAPOL is dealing with each of those cases and they are at different stages: some are under investigation; some are with the DPP for prosecution; and others are less advanced. In relation to one, there is not likely to be a trial before mid 2005. Another case is likely to go to

trial in early 2004 but with the remaining two it is difficult to speculate.

Mrs REDMOND: Just referring to the other part of that paragraph that I highlighted. It uses the term that the audit had highlighted breakdowns in internal controls and financial management within FAYS, and that is actually internal audit rather than, as I understand, these papers, the Auditor-General's audit. Could the minister advise what breakdowns in internal controls were identified by that audit and what steps are being taken to address the shortcomings identified?

The Hon. J.W. WEATHERILL: The essential difficulty is the operation of the advance account which is a cash account, so that is the particular topic and the breakdown that is concerned. It is worth pointing out that these particular cases were found as a consequence of a DHS initiated audit. So there was a process that began since we have come into government of, essentially, beefing up the internal audit processes which have uncovered these matters. Unfortunately in some cases, the frauds have, sadly, been going on for many years. So, in a sense our response has been twofold: first, is to initiate the audits that uncovered these matters; and second, given that they were uncovered, we then moved to the next stage of our response which was to commence a project called the CYFS Financial Accountability Project, which commenced on 27 February 2004 to address financial control weaknesses identified in a range of areas as a consequence of this audit process. That project is resourced by four staff seconded from Internal Audit and Finance Services of DHS. A formal project plan and management framework has been implemented to address financial control issues based on the priorities that have been established for us by the Auditor-General.

Mrs REDMOND: Thank you. That was going my next question because I guess it ties those two things together. I am aware of the Financial Accountability Project. We have the situation where, as the minister said, the fraud was identified and he has set up the project. Can the minister provide the house with an assurance that things have already been put in place to ensure that nothing in the way of a fraud like this can happen again? Has the problem, the leak, been stopped; and, if so, what were the improvements that the Financial Accountability Project actually introduced rather than simply explored?

The Hon. J.W. WEATHERILL: The response was subsequent to the audit establishing that the fraud had occurred. So action was taken straight away once the audits revealed this weakness. The project really goes further into a much broader set of general practices around financial management. The particular response to the advance account was essentially to accept that it is a vulnerable account because it is dealing in cash. Most other transactions tend to be paid through some other form of transaction, so it is a very vulnerable account. The notion is to provide a much more ongoing review so that it is regularly audited.

That issue is also likely to be taken further in the CYFS Financial Accountability Project. The priorities in that project are: develop and improve financial systems and controls; central post processing checking of advance accounts, which is what I have just mentioned; policies and procedures to increase the control over the use of advance accounts in cash in FAYS. The initial responses ahead of concluding that project are really to engage in a much more regular review of the transactions in relation to the advance accounts.

Mrs REDMOND: Still on that topic, it seemed to me when I read that section that external audit, that is the

Auditor-General's audit, reached the view that control over FAYS financial operations and activity is unsatisfactory. That is what it states, but that seems to have been formed after internal audit identified the problems and established the Financial Accountability Project. How could the Auditor-General reach that conclusion—if in fact the problem was identified, you set up the project and appropriate steps were taken to redress it, how do you then get the Auditor-General making a comment that the financial operations and activity are unsatisfactory?

The Hon. J.W. WEATHERILL: I think it is basically a timing issue. The Auditor's remarks should not be taken as a commentary on the steps that are now being taken. On page 555 there is a detailed commentary on the steps that are now being taken. It mentions:

In response the Department indicated that a range of practical issues constrained its response to the issues. . .

Further, the Department indicated that following the approval of an additional budget allocation of \$16 million the full 2004-05 budget has been allocated to cost centres. This budget has been reconciled with DTF allocations and stringent reconciliation protocols have been implemented. An internal and external project team, including members of DFC Internal Audit is currently reviewing and revising budgetary control practices to ensure they are consistent with Departmental Budgetary Control Policies and Procedures. Also, detailed reporting directly from Masterpiece is being made available to cost centre managers who will be required to report on variances on a monthly basis.

The essence is that the Auditor-General was commenting on the situation as it pertained. Later in his report he talks about the things that we are doing and they, of course, are only part way through being implemented.

Mrs REDMOND: I would still express concern that in the third paragraph under that heading of 'Family and Youth Services', the last sentence states:

As a consequence, it is External Audit's view that control over FAYS financial operations and activity is unsatisfactory.

I will not ask you to comment further on that.

If we could move on to page 555 under the heading 'Planning processes', it says in the first paragraph:

. . . Audit was unable to identify a documented strategic plan for FAYS or business plans for all FAYS business units/service units for 2003-04.

Do you agree that it is part of the Auditor-General's function to receive and assess strategic plans of the department as part of the audit process?

The Hon. J.W. WEATHERILL: It is good commercial practice to ensure that a strategic plan is informing individual business unit plans. That is, I suppose in a sense, at the heart of a number of the criticisms that were made of the agency, both implicitly in the Layton report and in particular in the workload analysis report, and in our response, where we frankly acknowledge that the agency had lost its way and that it needed a new strategic direction. That has been facilitated very much by the additional money, for a start, to make sure that it has the resources to be able to do things and, secondly, a very clear framework which has been set out in Keeping Them Safe.

CYFS, the new agency, has acknowledged the importance of a formalised strategic plan. The CYFS strategic plan will include key performance indicators, and individual business unit plans are currently being developed. The other thing that is critically important is that it needs to be understood that this was in the period 2003-04, before the agency had the benefit of our response to the Layton review and, indeed, the additional money.

Mrs REDMOND: I appreciate what the minister has said about good commercial practice, and I have no quarrel with that. However, the essence of my question was really directed at whether the minister agrees that it is appropriate for the Auditor-General to be the person to assess whether strategic plans are in place and whether they are appropriate and sufficiently far-reaching.

The Hon. J.W. WEATHERILL: If the Auditor-General was commenting on a child protection policy, that would be unusual. The only point I presume he is making is that any agency, for example, if it is the Economic Development Board, presumably will have a strategic plan. You would expect that, whatever the particular objectives of an agency, that should be influencing and informing business plans, which then ultimately guide expenditure, which is the prime concern of the Auditor-General. So, I do not know whether he is speaking so much about the quality or extent of a strategic plan, but rather, in a generic sense, the existence of one.

Mrs REDMOND: If we move further down on the same page, page 555, in relation to budgetary control, it states:

In 2003-94 the Department identified significant concerns with the budgetary position of FAYS and past practices

The matters raised by the department 'confirmed fundamental breakdowns... over financial transactions processed by FAYS in 2003-04'. Can the minister advise whether the department, on becoming aware of those concerns, advised him of its concerns and, if so, what actions he instigated to address the problem and when?

The Hon. J.W. WEATHERILL: This is very much bound up in the whole part and parcel of what I suggested earlier. Essentially, what was happening is that an under-resourced agency, which had lost its way, especially in the disaggregation of the Department of Families and Communities from its umbrella organisation (DHS), better resourced and ensured that there was a sensible budget that was applicable for the agency. We did something that really should have been the practice; that is, we allocated particular budgets to individual cost centres and required them to be reconciled against Treasury allocations and, indeed, strict protocols about the balancing and reconciling of budget variations in relation to those cost centres.

So, the money was being held centrally and there were no effective controls in relation to each cost centre (that is, each district office, fundamentally). That is the change that has now been put in place. It is fairly obvious that that will cause a greater degree of financial scrutiny over the spending decisions of the individual cost centres.

Mrs REDMOND: Minister, still on that issue of budgetary control, on page 555, paragraph 3 of that section, which starts 'In reviewing the matters identified', it states:

... the budget management practices adopted within FAYS following the identification of the problems reflected a significant departure from established Departmental budgetary control procedures.

Can the minister explain why the department was able to introduce something that was 'a significant departure from established departmental budgetary control procedures'? After they had identified a problem, how come they did not address it in an appropriate way in accordance with the Auditor-General's requirements?

The Hon. J.W. WEATHERILL: The fundamental problem is that there was essentially a \$16 million black hole in the agency, and we have gone through that at length. This was the great legacy of the DHS. It was this conglomerate

organisation where we basically had the health portfolios robbing the housing and CYFS portfolios, with great unfunded holes within the FAYS budget process. It took us some time to unravel that mess, but we finally did unravel it and we were able to allocate these agencies the money they needed to operate.

The unusual process was that they were spending with only a notional budget, without actually being allocated sufficient money to do their job. The difficulty for these protection agencies is that they have statutory responsibilities—they are required to do certain things for which they incur costs. Of course, it is highly unsatisfactory for people to go on spending money they do not have, but that was the crazy situation we had got into in DHS under the previous government, and it took some time for us to unravel that. Thankfully, in the last budget, we have been able to put FAYS (CYFS as it is now known) on a much more sustainable footing to allow it to engage in what would be regarded as more orthodox budgetary processes.

Mrs REDMOND: Minister, even if I accept what you have said—and I do not necessarily accept all of it—I still do not understand why, in unravelling this so-called mess, the department did not follow established departmental budgetary control procedures to the satisfaction of the Auditor-General.

The Hon. J.W. WEATHERILL: The problem is under-funding: people cannot make bricks without straw. They cannot do their job if you do not give them the resources to do that, and that was the fundamental problem. The poor old FAYS officers who had to work under these extraordinary circumstances were put in an untenable position. It was a disgrace that they were put in that position, and we have relieved that burden from them. That is a question that the member needs to direct to her colleague the member for Finniss because he was content for such a situation to exist. It took us a while to unravel it. We have unravelled it and we have fixed it.

Mrs REDMOND: I refer to page 556 under the heading 'Payment to the Crown Solicitor's Trust Account'. The first paragraph states:

In June 2004 the department received funding, from the Department of the Premier and Cabinet, with respect to a specific FAYS initiative.

On what date in June 2004 did FAYS receive that funding?

The Hon. J.W. WEATHERILL: On 17 June.

Mrs REDMOND: Did the minister expect that that money would be expended between 17 June and 30 June on a specific FAYS initiative?

The Hon. J.W. WEATHERILL: I was not aware of the lodging of that money in our account at that date.

Mrs REDMOND: On page 556 the Auditor-General went on to say that the payment of those funds by the department to the Crown Solicitor's Trust Account did not comply with the requirements of the Public Finance and Audit Act 1987. Was the minister aware of the existence of the Crown Solicitor's Trust Account?

The Hon. J.W. WEATHERILL: I suppose, being a lawyer, I assumed there would be a Crown Solicitor's Trust Account in there at some stage, but I certainly was not aware of it for these purposes—for purposes associated with my agency. I would not have imagined that I would have very much to do with it, given that the agency for which I was responsible at that time was found within the Department of Human Services, and the particular subagency, I suppose, within that was called FAYS. I do not think it would have been at the forefront of my attention whether or not there was

a trust account and to what extent it would have had anything to do with our activities.

Mrs REDMOND: Was the minister aware of the payment of unspent moneys into that account for specific initiatives?

The Hon. J.W. WEATHERILL: No.

Mrs REDMOND: Still referring to page 556, the Auditor-General then said:

In my opinion, it is not an authorised purpose of the Crown Solicitor's Trust Account to hold the unspent funds of departments in a manner that is not transparent and accountable. . .

I have a series of questions about that statement. First, does the minister agree with the Auditor-General's opinion?

The Hon. J.W. WEATHERILL: It is not for me to express a view about that. It seems to me that that has been canvassed at length by the Treasurer in his response to that report. It is the Auditor-General's opinion, and I understand that the Treasurer has acknowledged and supported, in broad terms, the appropriateness of the Auditor-General's findings in relation to these matters. I have no reason to depart from any comments he has made to the house.

Mrs REDMOND: Does the minister agree that the Auditor-General is, in fact, expressing a legal opinion in stating the following:

In my opinion, it is not an authorised purpose of the Crown Solicitor's Trust Account to hold unspent funds of departments in a manner that is not transparent and accountable. . .

The Hon. J.W. WEATHERILL: There is a broader question that, I think, the Treasurer has canvassed at length, and that is that I do not think this can be considered disconnected from the obligations that are contained within the Treasurer's instructions to seek approval for carry-overs, which in a sense this becomes. Secondly, the flow-on consequence of that is that it caused the accounts of the relevant agency at the time to be presented to this house, which did not accurately represent the position of the relevant agency. So, I think the openness and accountability question referred to in the passage you cite is really directed at those broader matters, and I would not seek to substitute my inadequate legal opinion for that of the Auditor-General.

Mrs REDMOND: Can the minister explain then in what manner was the way in which the funds were transferred and then sent back to the department not transparent and accountable?

The Hon. J.W. WEATHERILL: We are really in the territory of the way the Treasurer has dealt with this in the house and, as I understand it, he has said that this has had the effect of circumventing a Treasurer's Instruction which obliged us to seek carry-over authorisation for moneys that were not spent at the end of a financial year. To do otherwise would, essentially, be to cause a situation to occur where the accounts of a relevant agency do not, in fact, reflect the true financial position of the agency, and I think that is the gravamen of the concern of the Auditor-General and, indeed, the Treasurer. It is in that sense that a lack of openness and accountability is complained of.

Mrs REDMOND: I understand the Treasurer's argument about the notification that he sent out in his direction as to what was to happen to unspent funds, but I am confused

about on what basis the Auditor-General says that this transaction was not transparent and accountable. No-one tried to hide the money from the department—it was the department's money to spend on a specific initiative and it was coming back to the department once the department was set up on 1 July. But until then was it not the case that there was no actual account anyway? The department did not exist separately until 1 July, and there seems to me to be nothing that is not transparent or unaccountable about the movement of that fund.

The Hon. J.W. WEATHERILL: The Auditor-General has taken a different view and the Treasurer has supported him in that analysis. Cabinet is of one mind about this matter.

Mrs REDMOND: The point I am making is that the Auditor-General is not the Crown Solicitor, and would it not have been more appropriate to get the Crown Solicitor's legal opinion on whether it was a transparent and accountable transaction?

The Hon. J.W. WEATHERILL: I think what the Auditor-General is driving at is that the accounting treatment of that transaction had the effect of increasing the expenses for that year and, presumably, decreasing the expenses of the next year. If a carryover had been sought it would have had the effect of increasing the expenses of the latter year, thereby showing to parliament and the outside world that there was a different set of financial results for one year as against another, and that would not be a particularly good way of going about presenting your financial position to the community at large.

Can I make a supplementary point? I think the answer I gave is still accurate but, while the transaction that shows in the accounts demonstrates that the money came into the agency's accounts in June, apparently the cheque was received some time in May.

The CHAIRMAN: That concludes the examination of the Auditor-General's Report in respect of the Minister for Families and Communities, Minister for Housing, Minister for Ageing and Minister for Disability.

COMMISSION OF INQUIRY (CHILDREN IN STATE CARE) (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

OATHS (JUDICIAL OFFICERS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

ADJOURNMENT

At 6.18 p.m. the house adjourned until Monday 22 November at 2 p.m.