

## HOUSE OF ASSEMBLY

Monday 4 April 2005

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

### LAND TAX RELIEF

A petition signed by 24 members of the South Australian community, requesting the house to urge the government to provide immediate land tax relief through reform of the current land tax system, was presented by the Hon. Dean Brown.

Petition received.

### QUESTIONS ON NOTICE

The **SPEAKER**: I direct that written answers to the following questions on the *Notice Paper*, as detailed in the schedule I now table, be distributed and printed in *Hansard*: Nos 1 to 3, 6, 10 to 17, 19, 20, 22 to 24, 26 28, 31, 32, 34, 35, 46, 49 to 51, 53, 55 to 57, 67 to 74, 77, to 80, 82, 87, 90, 92, 103, 106, 109, 112, 120, 124, 127, 129, 132, 136, 165, 168, 173 to 181, 183 to 185, 187, 188, 190, 194, 195, 207 to 211, 213, 221, 226 to 229, 238, 240 to 247, 249 to 255, 258, 260, 262, 264, 265, 267, 269, 271, 272, 275, 290, 291, 303, 304, 311, 313, 317, 320 to 324, 327, 330 to 334, 341, 353 to 355, 359, 361, 362, 366, 375, 393 and 434 to 436, 217, 277, 282 to 285, 286, 319, 326, 344, 347 to 351, 356 to 358, 369 to 371, 395 to 397, 438 to 440, 471, 7, 37, 40, 44, 46, 47, 60, 61, 65, 130, 146, 196, 215, 318, 328, 352, 365, 367, 376, 380, 386, 391, 392, 410, 416 to 419, 437, 440, 441, 444, 451, 452, 470 and 613 to 615; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

### HOUSING TRUST RAINWATER TANKS

In reply to **Hon. D.C. KOTZ**.

The **Hon. J.W. WEATHERILL**: The South Australian Housing Trust (SAHT) is very aware of the broad range of issues associated with water conservation and urban waste water management, including stormwater. Many initiatives have been taken by the SAHT to reduce water consumption and to minimise the detrimental effects of stormwater.

Initiatives include:

- the installation of dual-flush toilet cisterns, low-flow shower heads and suds-save laundry troughs;
- the investment during 2003-04 of over \$1 million in reducing the extent of lawn areas around group housing by constructing low water usage gardens. A similar program of investing over \$1 million is being implemented in 2004-05; and
- effective management of stormwater associated with urban renewal projects through the provision of various solutions including wetlands, stormwater detention basins integrated into the open space reserve areas, underground storage tanks, aquifer recharge and detention tanks connected to the roof of individual dwellings.

On the site in question at Hectorville, detention only rainwater tanks of 2 000 litres (approx. 440 gallons) each in capacity have been installed. They were installed to comply with council requirements for stormwater management of the site. To ensure that these tanks are effective in reducing the peak stormwater flows it is necessary that these tanks are empty at the start of a rainstorm. Taps have therefore not been fitted to these tanks as they are designed to slow the discharge, but not store rainwater.

The SAHT is aware that the Government is mandating the use of rainwater tanks in all new dwellings from 1 July 2006. To this end, the SAHT is currently working with a local manufacturer to

develop an appropriately sized rainwater tank that is gravity fed into the toilet cistern, for use in new SAHT dwellings. A tap will also be fitted to the storage tank. On sites where the local council also require a detention tank, provision is being made to install a second separate tank beneath the storage tank.

### DOMESTIC VIOLENCE

In reply to **Mr BRINDAL** (25 November 2004).

The **Hon. J.W. WEATHERILL**: The majority of women who have been subjected to domestic violence are referred to Supported Accommodation Assistance Program funded domestic violence shelters by the Domestic Violence Crisis Service. If there are no immediate vacancies at any of the domestic violence (DV) shelters, women escaping DV situations are immediately accommodated in hotel/motel accommodation to ensure their ongoing safety, and are provided support by the service. The average stay for women in hotel/motel accommodation prior to being placed into a DV supported accommodation facility, based on data from 1 July 2004 to 30 September 2004, was 2.4 days.

### ESTIMATES COMMITTEE A—DESTRUCTION OF FAYS FILES

In reply to **The Hon. R.G. KERIN** (22 June 2004).

The **Hon. J.W. WEATHERILL**: Index cards were not destroyed and are located at State Records, with a CD ROM copy available at Adoption and Family Information Services.

Children, Youth and Family Services (CYFS) is currently in the process of cataloguing records in the archives, including admission records, logbooks and client files. CYFS is taking the initiative to note the contents of existing logbooks so that any information recorded in relation to an individual client can be retrieved on request. The project is being supervised by the CYFS Records Manager and when complete will provide us with a thorough indication of all of the records we have.

Since your question, the *Commission of Inquiry (Children in State Care) Act 2004* has been established which covers this issue under the terms of reference as detailed below:

*Schedule 1 – Terms of reference*

(2) (2) *The purposes of the inquiry are—*

(c) *to determine and report on whether appropriate and adequate records were kept in relation to allegations of the kind referred to in subclause (1) and, if relevant, on whether any records relating to such allegations have been destroyed or otherwise disposed of.*

Therefore this question will be thoroughly and independently investigated as a part of the Inquiry and the Department for Families and Communities will provide any information to the Inquiry as requested.

### AUDITOR-GENERAL'S REPORT

In reply to **Hon. I.F. EVANS** (25 October 2004).

The **Hon. J.D. HILL**: I am advised that:

The difference between consultants and contractors is defined as per Accounting Policy Statement 13, issued by the Treasurer are as follows:

A 'consultant' means a person who is engaged by an entity for a specified period to carry out a task that requires specialist skills and knowledge not available in the entity. The objectives of the task will be achieved by the consultant free from direction by the entity as to the way it is performed and in circumstances in which the engagement of a person under normal conditions is not a feasible alternative;

A 'contractor' means a person who is engaged by an entity for a specified period to carry out a defined task subject to direction by the entity as to the way in which that task is to be performed and in circumstances in which the engagement of a person under normal conditions of employment is a feasible alternative.

### SCHOOLS, STURT STREET COMMUNITY

In reply to **Ms CHAPMAN** (22 November 2004).

The **Hon. J.D. LOMAX-SMITH**: The total project achieved practical completion on 29 November 2004.

\$1.469 million was the expenditure for the current financial year to 30 November 2004.

### SCHOOLS, TEACHER DISCIPLINARY ACTION

In reply to **Ms CHAPMAN** (24 June 2004).

**The Hon. J.D. LOMAX-SMITH:** I provide the following information:

*How many teachers employed at government schools have been deregistered or disciplined by the Teachers Registration Board for improper conduct or disgraceful behaviour toward a child in the past three years? ...I indicate that the Teachers Registration Board reports on an annual calendar basis, so that would be for 2001, 2002 and 2003.*

The following information has been provided by the Teachers Registration Board:

Total number deregistered, government and non-government 2001—6 (3/6 child related), 2002—3 (3/3 child related), 2003—5 (4/5 child related).

*As a supplementary question: how many teachers employed at government schools have been disciplined or dismissed by the Department of Education and Children's Services, or have resigned, prior to disciplinary proceedings being taken as a result of improper conduct in the past three years?*

Teachers in government schools are subject to formal disciplinary action under section 26 of the Education Act. Section 26 (1) outlines the causes for disciplinary action. Section 26 (1) (e) refers to being "guilty of any disgraceful or improper conduct".

I am informed this does not confine the meaning to conduct only in the course of teaching duties, but can include conduct in a private capacity that is relevant to employment as a teacher. So a teacher can be disciplined for misconduct both in a professional and a private capacity. Further, conduct which falls within section 26 (1) (e) covers a broad spectrum of behaviours eg fraud, misuse of government resources, child abuse including sexual abuse and physical handling, interpersonal conflict with staff etc.

I am advised that since the beginning of 2001, three teachers have been dismissed for improper conduct. Fourteen teachers have received formal disciplinary penalties under section 26. There have been eight teachers who have resigned while under investigation or whose teaching contract had lapsed prior to disciplinary action being taken. These teachers will not be reemployed.

### SCHOOLS, CEDUNA AREA

In reply to **Mrs PENFOLD** (22 July 2004).

**The Hon. J.D. LOMAX-SMITH:** The Department of Administrative and Information Services (DAIS) cancelled the March 2004 tender call on 4 June 2004 and existing consultant contracts were not extended into the next phase. The cancelled tender process met all tendering rules and the decision to not accept any tender was in accordance with the Conditions of Tender.

DAIS has since undertaken another procurement system to achieve the required scope, budget and timeline for the project.

Government procurement requirements have been met and the Member for Flinders will be advised of the successful tenderer once the selection process is complete.

### MURRAY RIVER, SOUTHERN TITANIUM

In reply to **Mr WILLIAMS** (23 November 2004).

**The Hon. J.D. LOMAX-SMITH:** The Minister for Mineral Resources Development has provided the following information:

Southern Titanium has defined heavy mineral sand resources in the Murray Mallee area, and has applied for Mineral Leases over eight heavy mineral sand deposits. There are more than thirty similar deposits intersected in the area between Karoonda and Mindarie that have not been defined to an ore reserve status at this point in time.

Whilst the strandline known as Derrick, located near Loxton, has been defined as an economic prospect there has been no application made to PIRSA for a Mineral Lease, and therefore no technical documentation presented to describe what the environmental impacts may be and how Southern Titanium propose to mitigate these.

If and when Southern Titanium does apply for a Mineral Lease, a comprehensive environmental impact assessment process must be carried out before the State can consider granting a lease. The assessment process under the Mining Act involves consultation and input from landowners and the local Council, the community, local interest groups, relevant Government agencies and other stakeholders. As the Derrick deposit lies within the River Murray Basin, the objects of the River Murray Act 2003 and the objectives for a healthy River Murray under that Act must be taken into account before any application for a mining lease can be approved.

Whether or not an Environmental Impact Statement level of assessment of the application would be required, depends primarily on the environmental sensitivity of the area selected for the mining lease application.

### CAMHS, MOUNT BARKER

In reply to **Mr GOLDSWORTHY** (25 November 2004).

**The Hon. L. STEVENS:** The position at Mt Barker Child and Adolescent Mental Health Services (CAMHS) was initially established with one-off funds for 12 months, commencing September 2003. CAMHS provided additional one-off funds to extend the position to 31 December 2004. Recently I requested that the Southern Adelaide Health Service provide further one-off funds to extend the position for another 6 months, until 31 June 2005.

During the next 6 months the recently established Regional Health Service will undertake a population based planning approach to the analysis of health needs across the Southern Region. This analysis will include the mental health needs of all people across the region. The resources required by all health services in the region (including Mt Barker CAMHS) will be considered in the context of the population health needs across the Southern Region.

### SA AMBULANCE SERVICE

In reply to **Hon. DEAN BROWN** (10 November 2004).

**The Hon. L. STEVENS:** Establishing the SA Ambulance Service (SAAS) Communications Centre on Greenhill Road involved the cost of the Audio Management System (AMS) upgrade and the building cost. The AMS upgrade was scheduled for implementation regardless of the move to Greenhill Road and happened to occur at the same time as relocation of the facility.

The AMS project incorporated the replacement of the telephone call-handling and radio dispatch systems in the SAAS, SA Police and SA Metropolitan Fire Service Communications centres. The AMS project was administered by the Department of Justice on behalf of the three agencies, with SAAS's component completed in May 2004.

At the time of completing the SAAS Annual Financial Statements for 2003-04, the SAAS share of the AMS project was unknown. The Department of Justice have since advised this to be \$3.97 million, with the total project cost approximately \$12 million.

The cost of the building works was \$0.966 million. This was paid by SAAS to the Department for Administrative and Information Services and subsequently claimed from SA Police from administered funds in 2003-04.

### AUDITOR-GENERAL'S REPORT—EMPLOYEES' SALARIES

In reply to **Hon. DEAN BROWN** (10 November 2004).

**The Hon. L. STEVENS:** The salaries information applies to the Department of Human Services (DHS). From 1 July 2004, staff were either employed by the Department of Health or the Department for Families and Communities.

In DHS there was an increase of 11 staff in the administrative services officers stream who earned over \$100 000 per annum. Some of these staff have chosen to be untenured under the Public Sector Management Act and some have moved to the \$100 000-plus category due to bracket creep.

There were an extra 10 positions earning over \$100 000 in the executive and medical fields. Five of these positions related to improving services in the families and communities section of the portfolio. One position related to substantively filling an administrative vacancy in the South Australian Housing Trust that had formerly been vacant for some time, with the remaining 4 positions relating to the management of the health portfolio.

### HEALTH FUNDING

In reply to **Hon. DEAN BROWN** (8 November 2004).

**The Hon. L. STEVENS:** The Department of Health is aware of 27 pays occurring in only two country hospitals, Renmark and Waikerie, during 2004-05. Additional funding of \$184 000 has been included within the initial 2004-05 budget for the additional pay at these sites.

### DTF CONTINGENCY FUNDS

In reply to **Hon. DEAN BROWN** (10 November 2004).

**The Hon. L. STEVENS:** Contingency funds are amounts received by the Department, from the Department of Treasury and Finance (DTF) during the year to supplement appropriations. The transactions are ad hoc by nature and comparisons can be misleading from year to year. As part of budget processes DTF sometimes hold funds as a contingency provision until such time as the department can more accurately measure the required amount, or the requirement for funding arises.

The \$20m in 2002-03 is made up of:

- \$12m FBT Employee Remuneration;
- \$6m Sustainable Hospital Funding; and
- \$2m Electricity Supplementation.

The \$113m in 2003-04 is made up of:

- \$35m Salaried medical officers remuneration increases;
- \$31m Supplementary Revenue;
- \$24m Salaried medical officers FBT funding;
- \$8m 200 additional nurses;
- \$6m Sustainable Hospital Funding;
- \$5m Supported Residential Facilities; and
- \$4m Visiting Medical Officers.

#### HOSPITALS, ROYAL ADELAIDE

In reply to **Hon. DEAN BROWN** (8 November 2004).

**The Hon. L. STEVENS:** Previous provisions for funding of the Royal Adelaide Hospital redevelopment were based upon the 1994 master plan assessments, which have been fully reviewed as part of the preparation for Stage 4.

The review has highlighted the following:

- greater infrastructure replacement concerns than were identified in the earlier master plan;
- heightened requirements for post-disaster strengthening and system design;
- greater need for demolition to clear an effective footprint for the new inpatient facility building; and
- escalation has substantially impacted upon the adequacy of previous funding provisions.

Given the complexity of the site it is desirable to take the site planning to a more detailed stage before commitment to the redevelopment plan or optimal staging for the project.

It is appropriate during these further developmental works that the new Central Northern Adelaide Region completes its review of optimal service configurations and that these be inbuilt in the recommendation brought to Cabinet.

It is expected that increased capital investment will be required in this critical health site and government will seek to progress this as soon as possible.

#### MENTAL HEALTH, PATIENTS' ACCESS

In reply to **Hon. R.G. KERIN** (11 October 2004).

**The Hon. L. STEVENS:** The policy to use private hospitals and clinics was intended as a short-term measure to address demands on public beds in the late 1990s, while alternative strategies were developed to more substantially address underlying issues.

The strategy ceased in 2000 as there was no evidence of cost effectiveness or of improved flow of clients through the health system. In fact increased complexities arose adding an additional layer of service provision for clients in the identification of adequate numbers of beds within private agencies and reintegrating them into the public system and the wider primary health care system.

In response, the former Director of the Mental Health Unit, the late Dr Margaret Tobin worked with regional mental health directors to develop longer term practical solutions. A primary strategy involved developing measures designed to improve access of mental health consumers to assessment and crisis intervention services (ACIS). The implementation of the Emergency Demand policy framework also provided a blueprint designed to improve efficiencies throughout a range of emergency settings. This was coupled with significant funding to bolster the number of supported accommodation services and to strengthen the psychiatric disability support sector.

As an ongoing response to address these issues, I am pleased to advise the proposed Action Plan for Mental Health Reform in South Australia places great importance on further developing these strategies, in particular increasing the provision of non-acute services, including supported accommodation places and the development of integrated service models.

#### COMMUNITY HEALTH SERVICES, LOWER NORTH

In reply to **Mr MEIER** (8 December 2004).

**The Hon. L. STEVENS:** Charges have been raised for the provision of services (allied health services such as physiotherapy, occupational therapy, etc) to private patients within private hospitals for some years throughout the Wakefield Region, and indeed throughout the state, with the exception of the Lower North Health Service.

These services are requested by the hospital and, as private patients, these charges can be claimed back from the patients' health insurance fund.

The charges raised by the Lower North Health Service are consistent with those experienced by private patients throughout South Australia.

These charges also apply to private patients in private hospitals.

#### CHILD AND ADOLESCENT MENTAL HEALTH SERVICE

In reply to **Mr SCALZI** (23 November 2004).

**The Hon. L. STEVENS:** Child and Adolescent Mental Health Services (CAMHS) North and South services see all children and youth in crisis within 24 hours of referral. There is no waiting list for these high priority clients. The majority of CAMHS clients have some form of behavioural issue. Waiting times vary from 3 weeks for second priority cases to 6 months (or longer) for the lowest priority cases.

The average waiting times for people accessing Northern CAMHS metropolitan offices ranged from 3 – 9.6 weeks for people assessed as second priority to 26.8 – 70 weeks for those assessed at the lowest priority. Country offices waiting times ranged from 6.7 weeks for people assessed as second priority to 29 weeks for those assessed at the lowest priority. Data is not available from Northern CAMHS to provide an age breakdown of the waiting lists.

Southern CAMHS responds to all crisis (1<sup>st</sup> priority) cases within 24 hours. In most metropolitan areas the waiting times for lower priority cases can reach 6 to 9 months (or longer). Currently there are 209 clients waiting for a service in the metropolitan area, of which 53 are aged 12 years and over. In addition there are 260 clients in the country waiting for a service of which 86 are aged 12 years and above.

#### AUDITOR-GENERAL'S REPORT

In reply to **Mr WILLIAMS** (11 November 2004).

**The Hon. R.J. McEWEN:** I have been advised the details of the restructuring which has taken place over the last two years in Primary Industries and Resources SA (PIRSA) has been reported in the respective years of the Auditor-General's Report in the Notes of the Financial Statements.

I refer to Note 33 on page 1083 of the Auditor General's Report, part of which has been re-stated below and provides a breakdown of the Restructuring of Administrative arrangements for 2003-04 and 2002-03.

Net Expenses from Restructuring Administrative Arrangements

The net revenue (expenses) relating to the restructuring of administrative arrangements recognised in the Statement of Financial Position are shown below.

	2004 \$'000	2003 \$'000
Department of Trade and Economic Development	2 234	-
Essential Services Commission of South Australia (ESCOSA)	(108)	-
Department of Water, Land and Bio-diversity Conservation (DWLBC)	(7 273)	(8 650)
Office of Regional Affairs	-	65
Energy SA	-	80
	(5 147)	(8 505)

The main component of the restructuring over the past two years has related to the finalisation of the transfer of functions and funds associated with the move of the Sustainable Resources Group from PIRSA to the Department of Water Land and Biodiversity Conservation (DWLBC).

An interim transfer of the budget and associated assets and liabilities occurred when the new DWLBC was created and this was subject to further review on a number of outstanding issues.

The outstanding issues included the transfer of funding for Corporate Services, funding for the provision for services from Rural Solutions SA and a reconciliation of funding for the Upper South East Drainage and Loxton Rehabilitation major projects.

The negotiation for the transfer of funding for the provision of Corporate Services was given highest priority as this had been identified in the Auditor-General's report on DWLBC's Financial Statements for 2001-02.

The negotiations on the remaining matters were delayed due to staffing changes, but after a major effort these matters were agreed and finalised during 2003-04 and the necessary restructuring transfers made.

In reply to **Mr WILLIAMS** (11 November 2004).

**The Hon. R.J. McEWEN:** Firstly I would like to point out that the staffing levels for the department did not fall last year. On page 1076 of the Auditor-General's Report, Note 5 indicates that the average full time equivalents for the Department for 2003-04 was 1271.12 compared to 1256.2 in 2002-03. The number of employees actually increased slightly by around 15 average full time equivalents in 2003-04 mainly as a result of the transfer of staff from the Department for Trade and Economic Development in January 2004.

The main component of the increase in total expenditure of \$6.3 million is the increase in employee expenses of \$6.2 million. A breakdown of the components of employee expenses is provided in Note 5 on page 1075 of the Auditor General's Report.

The following table provides the relevant components for the last two years:

Employee costs comprise:	2003-04	2002-03
Salaries and wages	\$'000 70 361	\$'000 66 668
TVSP	1 452	-
Annual leave	998	1 185
Long Service Leave	2 524	2 327
Employment on-costs	13 085	12 072
Board fees	294	266
	88 714	82 518

The main factors contributing to the \$6.2 million increase were:

- the \$3.7 million increase in salaries and wages resulting from enterprise bargaining agreements coupled with slightly higher staff numbers.
- plus \$1 million in associated employment on-costs, for superannuation and payroll tax, and
- \$1.5 million due to a change in an accounting treatment to separately disclose gross TVSP payments in 2003-04 under this category. In previous years, PIRSA has not separately disclosed TVSP payments and receipts, rather they have been netted in the Statement of Financial Position.

#### ESTIMATES COMMITTEE A—VICTIMS OF CRIME FUND

In reply to **Ms CHAPMAN** (18 June 2004).

**The Hon. M.J. ATKINSON:** I have received this advice:

The impression that there has been a decrease of about \$1 million in the compensation payments to victims, from the estimated result 2003-04 of \$11.435 million to the 2004-05 budget of \$10.468 million, is owing to the 2003-04 estimated result being overstated.

The actual compensation payments to victims increased from about \$8.826 million in 2002-03 to \$10.203 million in 2003-04.

The published 2004-05 budget of \$10.468 million is an estimate based on, among other things, compensation payments made 2003-04. It indicates that my department does not expect a decrease in compensation payments rather, it expects an increase. Of course, it is difficult to predict the number of payments because we cannot foresee heinous crimes such as the Bali bombings and the serial murders that have become known as the Bodies-in-the-Barrels Murders.

#### ESTIMATES COMMITTEE A—ABS STATISTICS

In reply to **Ms CHAPMAN** (18 June 2003).

**The Hon. M.J. ATKINSON:** I have received this advice:

The Office of the Director of Public Prosecutions (ODPP), in conjunction with the Office of Crime Statistics and Research

(OCSAR) commissioned a report into the apparently high proportion of matters withdrawn by the prosecution in the 2001-02 financial year in South Australia, in comparison with other jurisdictions.

This report concluded that there are reasons, including the definition and application of the A.B.S. counting rules, that explain the high proportion of matters withdrawn in South Australia. The differences also, in part, reflect different policies and practices in each state.

The higher court outcomes for South Australia recorded in the A.B.S. report reflect:

- Differences in the application of the 'reasonable prospect of conviction' test in deciding whether to prosecute a criminal offence; or
- Whether the ODPP or police prosecutions handle matters before to committal, or both.

The A.B.S. report was compiled from Courts Administration Authority data. At issue in the A.B.S. report for 2001-02 were 265 matters classified by the A.B.S. as 'withdrawn by the prosecution'. The South Australian ODPP questioned the appropriateness of this classification for:

- 97 White Papers, which the ODPP argued should be separately identified; and
- 80 matters where ODPP records suggested an alternative outcome to that recorded by the A.B.S.

The reasons for including on of 97 White Papers in this classification was outside the scope of the report and in part reflects the inconsistency of counting rules between the States. A detailed analysis was undertaken of the 80 matters where the ODPP queried the categorisation of 'withdrawn'. This analysis indicated that:

- In 40 matters all charges in the case were withdrawn but a fresh Information was laid resulting in the generation of a new court file. However, based on the information available on the C.A.A. electronic file, it was difficult to determine that a fresh information had been laid.
- In 17 matters all charges in the case were withdrawn and, while it is possible that a fresh Information was later laid, there was no indication of this in the C.A.A. database. Hence, while the ODPP records indicate that this occurred, there would be no way for the A.B.S. to determine this on the information available on the C.A.A. court file.
- There were two matters entered incorrectly by C.A.A. staff, who sought to correct the error by listing the case as 'not proceeded with' and subsequently re-entering the correct details on a different case.
- There were 21 matters where the ODPP *nolled* or did not proceed with one or more charges, however there were other charges within the same case where another outcome was recorded. It would appear that an incorrect method of finalisation may have been allocated to these cases when C.A.A. extracted the data for the A.B.S.

A full copy of the commissioned report—*Explanations for the High Proportion of S.A. matters classified by the A.B.S. as withdrawn in 2001-02*—is available on the OCSAR web site.

#### ESTIMATES COMMITTEE A—MULTICULTURAL COMPOSITION

In reply to **Mrs HALL** (18 June 2004).

**The Hon. M.J. ATKINSON:** Many groups, particularly those from a non-English speaking background, are still under-represented in key areas of our national and community life including our Parliaments, Government Boards and Committees, our Police and Judiciary. As Minister for Multicultural Affairs I am committed to encourage and increase the diversity on Government Boards and Committees.

As part of this commitment I wrote to Minister's to remind them of our policy and I invited the Minister's to contact the South Australian Multicultural and Ethnic Affairs Commission should they require assistance in finding suitable candidates for consideration. My advice did not seek a direct reply from Ministers although the Premier, the Minister for Education and the Minister for the Environment have written to me seeking suggested nominations.

Multicultural SA have told me that invitations to nominated members to various boards and committees have been received from the following organisations:

- WatchSA
- Queen Elizabeth Hospital Health Services Consumer Advisory Council
- Zero Waste Board

- SA National Parks and Wildlife Council
- State Advisory Committee for Accessible Transport
- SAPOL Multicultural Advisory Council
- Intellectual Disability Services Council

Additional, I am advised that SAMEAC has representatives on the following:

- Governing Council, Adelaide Secondary School of English
- Multicultural Education Committee
- Commonwealth State Migration Committee
- Adelaide Festival Advocates Group
- Culturally and Linguistically Diverse Disability Mental Health Network
- WatchSA
- Australia Day Council
- The Royal Adelaide Hospital Consumer Advisory Council.

#### TRANSLATION SERVICES, ITALIAN COMMUNITY

In reply to **Mrs HALL** (23 November 2004).

**The Hon. M.J. ATKINSON:** I have received this advice:

The State Government is committed to ensuring equitable access to government services. The availability of excellent interpreting and translating services is essential to achieving equitable access to government services for people who speak little or no English. These services are important in all areas of government including hospitals, courts of law, the police and schools.

The State Government provides interpreting and translating services through the Interpreting and Translating Centre (I.T.C.). These services are paid for by the agency, requesting the services.

As far as diabetes is concerned, in August 2000, I.T.C. translated for the Diabetic Association of S.A. 14 facts sheets in 11 languages to be used Australia-wide. The Royal Adelaide Hospital Diabetes Centre uses these fact sheets.

The 14 fact sheets were:

- Travel and Diabetes
- Stress and Diabetes
- Footcare and Diabetes
- Physical Activity
- Complications of Diabetes
- Blood Glucose Monitoring
- Sick Days for Type 1 Diabetes
- Sick Days for Type 2 Diabetes
- Gestational Diabetes
- Insulin and Diabetes
- Hypoglycaemia and Diabetes
- Blood Pressure and Diabetes
- What is Diabetes

The languages in which these fact sheets were translated are:

- Arabic
- Chinese
- Greek
- Hindi
- Indonesian
- Italian
- Polish
- Thai
- Turkish
- Ukrainian
- Vietnamese

I.T.C. has also translated for the Diabetes Centre of the Queen Elizabeth Hospital. The flyer "Diabetes and Healthy Eating" and the survey "Consumer Views on Quality Information" have been translated into Greek, Italian and Vietnamese.

In addition, staff of the Diabetes Centres of both the Royal Adelaide Hospital and the Queen Elizabeth Hospital work with interpreters for consultations with non-English speaking diabetics.

The total number of requests for interpreters for Italian patients, including diabetics, by the two hospitals from I.T.C. for the period of 1 July, 2003, to 30 June, 2004, were:

Queen Elizabeth Hospital	1 172
Royal Adelaide Hospital	1 528

Furthermore, the web sites of Diabetes Australia, [www.diabetesaustralia.com.au/multilingualdiabetes](http://www.diabetesaustralia.com.au/multilingualdiabetes), and the Diabetics Association of S.A. [www.diabetes.sa.gov.au/multilingualdiabetes](http://www.diabetes.sa.gov.au/multilingualdiabetes), contain comprehensive information on diabetes in many languages, including Italian.

#### DEPARTMENTAL FUNDS

In reply to **Hon. R.G. KERIN** (12 October 2004).

**The Hon. M.J. ATKINSON:** I have received this advice:

In or about September 2002, the Treasurer sent a minute to all Ministers entitled "Carryovers from 2001-02". The minute explained the proposed approach to carryovers. It explained that the practice of the previous Government did not improve the transparency of the budget process, and that the new proposal was a better way to proceed.

I support the carryover policy. I expected, and continue to expect, my officers to respect and support the policies of the Government.

#### ATTORNEY-GENERAL'S DEPARTMENT, STAFF

In reply to **Hon. R.G. KERIN** (23 September 2004).

**The Hon. M.J. ATKINSON:** In my ministerial statement of 15 October 2003, I informed this House that the Auditor-General's annual report to parliament showed the Attorney-General's Department employing 124 such employees in the 2002-03 financial year. This is an increase of 48 from the numbers reported in the statements for the previous year.

The 48 employees included in the financial statements for the Attorney-General's Department can be explained. Fifteen employees of the Residential Tenancies Tribunal would have been entitled to remuneration exceeding \$100 000 if they had worked full-time. These employees worked only part-time and they did not, in fact, earn over \$100 000 during the financial year. Five employees from the offices of three ministers were, for the first time, deemed to be within the reporting entity of the Attorney-General's Department.

The Office of Multicultural Affairs was transferred to the Attorney-General's Department, bringing one such employee. One officer, formerly of the Office of Recreation and Sport, was seconded to the Justice Business Reform Unit but his wages were reimbursed by his former office. Two employees were erroneously included: one was from the Legal Services Commission and the other was on leave without pay during the entire financial year. One employee of the Public Trustee was, for the first time, included when the Public Trustee has its own reporting entity.

Finally, the remuneration of 23 employees marginally exceeded the \$100 000 threshold for the first time during 2002-03 owing to the normal public service pay increases. These people are mostly senior lawyers in the Crown Solicitor's office and the Director of Public Prosecutions, who perform the core work of the department—the provision of high level legal services to government and the prosecution of criminals. Hardly fat cats.

The department converted to a new payroll system during 2002-03. The identified errors were caused by inaccurate report design and it is not a reflection of data integrity within the payroll system. These errors do not affect the financial performance of the Attorney-General's Department and will be rectified for future reporting. In future financial statements the department will explain and reconcile the position about officers paid through the department's payroll system and who are referred to in the financial statements of other reporting entities.

It can be seen that the increase in figures is largely about accounting oddities and a group of existing senior staff performing core work whose pay increase took them over the line for the first time.

In the 2003-04 financial year there were 115 employees in the Attorney-General's Department whose remuneration was over \$100 000, which is a decrease from the 2002-03.

#### BAILEE SUICIDE

In reply to **Ms CHAPMAN** (23 September 2004).

**The Hon. M.J. ATKINSON:** I have received this advice from the Chief Magistrate:

The Bail Act 1985 establishes certain police officers and others to be a "bail authority". When a person is arrested, he must be taken into the custody of the officer-in-charge of the nearest police station. The person may then apply to a police officer who is of or above the rank of sergeant, or who is in charge of the police station, for bail. He may be admitted to bail with or without conditions.

When considering bail, the bail authority may be required to take into consideration any medical or other care that the applicant may require. That exercise pre-supposes that there is information of this that is actually given to the bail authority.

A police officer, when acting as a bail authority, is likely to depend upon the arresting officer for information about health issues.

It should be noted that the major question for the police bail authority is whether or not the citizen will attend court when required.

When a person is declined bail by a police officer they must be presented to a court. It is the practice of the Magistrates Court to ask whether the police or anyone else are concerned that the accused may attempt to harm him or herself. If the answer is yes, the accused is remanded in custody until he or she has been examined by a psychiatrist.

The experience of police bail authorities and magistrates is likely to be similar. It is very difficult to know how fragile any particular individual is. Where there is a hint of self-harm, the safekeeping of the person, until medically assessed, is likely to be appropriate. It is the duty of all bail authorities to consider these matters without taking into account the charges with which the accused is to be prosecuted.

### SEXUAL ASSAULT

In reply to **Mr HANNA** (22 November 2004).

**The Hon. M.J. ATKINSON:** I authorised officers to comment on a draft D.H.S. submission to the Legislative Review Committee's inquiry into sexual assault matters. They did so.

### ESTIMATES COMMITTEE B—TRADE AND ECONOMIC DEVELOPMENT DEPARTMENT

In reply to **Mr HAMILTON-SMITH** (18 June 2004).

**The Hon. P. HOLLOWAY:** The Premier has provided the following information:

A total of 11 TVSPs were provided in the Department for Trade and Economic Development during the 2003-04 financial year.

Three TVSPs were provided during the TVSP scheme operating until 8 September 2003.

Eight TVSPs were provided during a second TVSP scheme which operated from 19 January 2004 to 18 June 2004.

### PERFORMANCE INDICATORS

1. **The Hon. I.F. EVANS:** What is meant by the national benchmark for Industrial Relations being eighty percent?

**The Hon. M.J. WRIGHT:** In answering this question, I have assumed that reference is being made to Budget Paper 4 Volume 2, page 6.14, under the table titled 'Performance Indicators'.

Eighty percent is a reference to the national performance indicator for the average time taken to finalise the investigation of a claim or complaint, concerning an alleged breach of a provision of an award, enterprise agreement or relevant industrial legislation (80 per cent of claims finalised within 90 days of the date of receipt by the agency).

### WORKPLACE SERVICES, INSPECTORS

2. **The Hon. I.F. EVANS:** What was the total number of inspectors employed in 2002-03 and 2003-04 and how many will be employed in 2004-05?

**The Hon. M.J. WRIGHT:** I am advised that for 2002-03 the total number of inspectors employed by Workplace Services was 79.

I am also advised that for 2003-04 total number of inspectors employed by Workplace Services was 110.

For 2004-05 I am advised that the total number is expected to be approximately 110.

The honourable member may wish to note that in addition to the above figures, Workplace Services employ persons for the provision of legal, licensing, information and administrative services who are also appointed or authorised under legislation as inspectors.

### GOVERNMENT, REVENUE

3. **The Hon. I.F. EVANS:** Why was there a \$7.6 million revenue windfall in 2003-04 and what is the itemised breakdown of this amount?

**The Hon. M.J. WRIGHT:** I am advised that the \$7.6 million included under Program 3: Industrial Relations in the 2004-05 Budget Papers does not reflect a "revenue windfall".

I am advised that of the total 2003-04 Estimated Result for Other Revenue of \$7.592 million, \$7.181 million relates to the transfer of the Public Sector Workforce Relations Group (PSWR) from the Department of the Premier and Cabinet to DAIS. As the transfer occurred after the publication of the 2003-04 Appropriation Act, the

transfer of funding was reflected as an intra-government grant instead of appropriation in the 2003-04 Estimated Result.

The remaining \$0.411 million of the total \$7.592 million relates to other revenue received by PSWR.

### POLICY, SCIENCE AND INFORMATION

10. **The Hon. I.F. EVANS:** Why did the cost of the Policy, Science and Information sub-program increase by \$3 million in 2003-04?

**The Hon. J.D. HILL:** I have been advised that the Policy, Science and Information sub-program 1.3 has increased from \$9.3 million in 2003-04 to \$12 million in 2004-05, an increase of \$2.7 million.

The majority of this increase in 2004-05 is allocated to strengthen the management controls of water resources in the Mount Lofty Ranges. This initiative will achieve sustainable water use, pollution prevention and protection of water supply catchments by working with the community and industry to implement a range of programs including water quality and pollution risk management programs, and improved production and resource management practices.

### BIODIVERSITY CONSERVATION SERVICES

11. **The Hon. I.F. EVANS:**

1. Why has the Biodiversity Conservation Services budget been reduced by \$1.6 million in 2004-05?

2. Why has the Regulatory Services budget been reduced by \$0.5 million in 2004-05?

**The Hon. J.D. HILL:**

1. It is assumed that this question refers to page 10.16 of the Portfolio Statements where the net cost of the Biodiversity Conservation Services sub-program decreased by \$1.548 million from \$10.937 million in the 2003-04 Original Budget to \$9.389 million in the 2004-05 Budget.

A budget cut has not been applied to this subprogram. Gross Departmental expenditure on existing Natural Science and Research initiatives in 2004-05 is expected to be broadly similar to 2003-04, and the Department will continue to further develop *Naturelinks* projects and Biodiversity planning.

The reduction in net cost from the 2003-04 Original Budget to the 2004-05 Budget is mainly a result of the refinement of the cost allocation methodology used to allocate organisational overheads (support costs) and corporate revenues to sub-programs. As disclosed on page 10.36 of the Portfolio Statements, the Department for Environment and Heritage implemented changes to its program structure during 2003-04 to improve its ability to deliver its programs and address key priority areas. These changes also reflect functional transfers. As a result of these changes, the Department reassessed its cost allocation methodology for program reporting from that used in the production of the 2003-04 Budget papers. Consequently, the 2004-05 Budget is not directly comparable with the 2003-04 Original Budget figures, as they were prepared on a different cost allocation methodology.

For example, subsequent to the production of the 2003-04 Budget Papers, it was determined that the Wildlife Conservation Fund met the accounting criteria of a controlled entity. As such, this Fund is now accounted for in the Department rather than as an Administered Item (as disclosed on page 10.36). This has resulted in changes in both the revenue and expenditure of the Department, in particular to the Biodiversity Conservation Services and Regulatory Services sub-programs.

2. It is assumed that this question also refers to page 10.16 of the Portfolio Statements where the net cost of the Regulatory Services sub-program decreased by \$507,000 from \$1.238 million in the 2003-04 Original Budget to \$731,000 in the 2004-05 Budget.

Again, a budget cut has not been applied to this subprogram. The reduction in net cost from the 2003-04 Original Budget to the 2004-05 is, in the main, caused by the refinement of the cost allocation methodology, with an increase in the amount of corporate revenues being applied to this sub-program, reducing the net cost of services. The recognition of the Wildlife Conservation Fund as a controlled entity has also resulted in some change in both the revenue and expenditure of this sub-program.

## DEPARTMENT OF WATER, LAND AND BIODIVERSITY CONSERVATION

12. **The Hon. I.F. EVANS:** Why has the Departmental budgeted cash and deposits increased by \$50 million and cash and deposits at call increased by \$30 million in 2004-05?

**The Hon. J.D. HILL:** I am advised that:

It is understood that the first part of the question relates to page 10.55 of the Portfolio Statements, where the Administered Items of the Department of Water, Land and Biodiversity Conservation shows that Cash and Deposits at call increased by \$48.134 million from \$14.775 million in the 2003-04 Original Budget to \$62.909 million in the 2004-05 Budget.

There are two main reasons for the variance:

- About \$21.3 million relates to funds received in 2002-03. The majority of this increase was a result of funds received from the Commonwealth for National Action Plan and Natural Heritage Trust programs in 2002-03. These funds were not reflected in the 2003-04 budget estimates as the estimates were prepared before the end of the 2002-03 financial year.
- The balance of the cash increase arose because 2003-04 budgeted expenditure on National Action Plan programs (\$18 million) and Natural Heritage Trust funded projects (\$3.5 million) has been lower than anticipated. Implementation of the National Action Plan was slower than expected due to the need to complete NRM plans and investment strategies and the Commonwealth's requirements in relation to the content of those documents, before allocating funds to program. In addition the implementation of the River Murray Improvement Program was slower than anticipated resulting in a build up of cash of \$3.7 million in 2003-04.

It is assumed that the second part of this question refers to page 10.31 of the Portfolio Statements, where the Department for Environment and Heritage Statement of Financial Performance shows that Cash and Deposits at call increased by \$27.523 million from \$69.918 million in the 2003-04 Original Budget to \$97.441 million in the 2004-05 Budget.

I am advised that there are a number of reasons for this variance, including a budgeted receipt of \$13.697 million in accrual appropriation and a once-off cash injection of \$7.996 million in 2004-05 under the Treasurer's Cash Alignment Policy.

In addition, original budget details for 2003-04 were established prior to the finalisation of the Auditor-General's Report for the 2002-03 financial year. Consequently, the opening cash balance (original budget) does not reflect the 2002-03 audited financial result and causes a variance of approximately \$3.650 million.

Finally, the inclusion of the General Reserves Trust, State Heritage Fund and Wildlife Conservation Fund in the Department's controlled 2004-05 Budget figures, as a result of the Trust and Funds no longer meeting the accounting criteria of an administered item, cause an increase in cash of approximately \$3.083 million.

### NATURE CONSERVATION PROGRAM

13. **The Hon. I.F. EVANS:** Why was there a \$2.3 million reduction in Nature Conservation in 2003-04?

**The Hon. J.D. HILL:** I am advised that:

It is assumed that this question refers to page 10.14 of the Portfolio Statements where the revenue and expenditure for the Nature Conservation Program is detailed.

The question is unclear as to whether it refers to net cost of services or expenditure related to the Nature Conservation Program. However, there is no budgeted reduction of \$2.3 million in either the net cost of service or expenditure in 2003-04 from 2002-03 Actual levels, nor is there a budgeted reduction of \$2.3 million in either the net cost of service or expenditure for 2003-04 Estimated Result from 2003-04 Original Budget levels.

### ROYAL SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

14. **The Hon. I.F. EVANS:**

1. Does the RSPCA incur payroll tax and if so, is this due to the grant monies received to administer the Act?

2. Why has the RSPCA had its funding reduced by \$100,000 in 2004-05?

**The Hon. J.D. HILL:** While the RSPCA is not an entity under the control of the Minister for Environment and Conservation, the RSPCA does not have any special exemption under the *Payroll Tax Act 1971*. I am advised that the RSPCA pays the full 5.5 per cent

payroll tax based on the remuneration paid to all their employees. This obligation arises due to the RSPCA exceeding the salary and wages expenditure threshold applicable under the *Payroll Tax Act 1971*, not revenues received (grant monies) as suggested in your question.

2. It is assumed that this question refers to page 10.28 of the Portfolio Statements where expenditure for the Animal Welfare Services sub-program decreased by \$99,000 from \$840,000 in the 2003-04 Original Budget to \$741,000 in the 2004-05 Budget.

Grant funding for the RSPCA has not been budgeted to reduce in 2004-05 relative to 2003-04. The actual grant payment to the RSPCA totalled \$500,000 in both 2002-03 and 2003-04, and I am advised that \$500,000 is again budgeted for payment in 2004-05. Financial support for the RSPCA is only a part of the expenditure associated with this sub-program.

The reduction in total expenditure for the Animal Welfare Services sub-program from the 2003-04 Original Budget to the 2004-05 Budget can be attributed to the refinement of the cost allocation methodology used to allocate organisational overheads (support costs) and corporate revenues to sub-programs. As disclosed on page 10.36 of the Portfolio Statements, the Department for Environment and Heritage implemented changes to its program structure during 2003-04 to improve its ability to deliver its programs and address key priority areas. These changes also reflect functional transfers. As a result of these changes, the Department reassessed its cost allocation methodology for program reporting from that used in the production of the 2003-04 Budget papers. Consequently, the 2004-05 Budget is not directly comparable with the 2003-04 Original Budget figures, as they were prepared on a different cost allocation methodology.

### ENVIRONMENT PROTECTION AUTHORITY

15. **The Hon. I.F. EVANS:** Has the Environment Protection Authority engaged any consultants or contractors to assess or advise upon how the Authority has managed projects or other matters and if so, who are the consultants, what is the cost of the consultancy and will the reports be released?

**The Hon. J.D. HILL:** I am advised that:

According to financial statements for the EPA for the 2003-04 financial year, two consultancies were engaged for the purpose of assessing or advising on how projects are managed:

- Sexton Consultancies, which was engaged for \$1500 for work relating to the WaterCare Project.

- Tailored Marketing, which was engaged for \$2777 for work relating to the Chemical User's Project. It should be noted that while the consultant was engaged by the EPA, funding was provided by partners of the project.

The resultant reports for both projects have been made available to the respective project partners.

16. **The Hon. I.F. EVANS:** What action has the Environment Protection Authority taken regarding airway diseases at Port Adelaide?

**The Hon. J.D. HILL:** I am advised that:

The EPA is very active in the Port Adelaide region through licensing of industrial activities and implementing monitoring programs to assist in addressing and minimising pollutants. Port Adelaide is an important industrial region for South Australia that has a close interface with local residents. The EPA is cognisant of its responsibilities to ensure economic, social and environmental factors are considered in managing industrial emissions in the region. In particular, industries that require a licence as prescribed by the *Environment Protection Act 1993*, have specific emission targets to which they must adhere.

Monitoring is also undertaken in the region to assess ambient air quality. Presently, the EPA has committed one of its monitoring stations to the Port Adelaide region for a twelve month period to complete data collection to assist with an air quality analysis of the region.

Actions specifically related to airway diseases are best addressed by the Department of Health.

17. **The Hon. I.F. EVANS:** What procedures are in place to establish the employment impact on businesses when the Environment Protection Authority instructs the business to undertake certain action and when the Authority refuses to issue or renew a license?

**The Hon. J.D. HILL:** I am advised that:

Actions undertaken by the EPA in relation to licensing have regard to, and seek to further, the Objects of the Act, which include:

*"10(1)(b) to ensure that all reasonable and practicable measures are taken to protect, restore and enhance the quality of the environment having regard to the principles of ecologically sustainable development [ESD].*

ESD principles include:

*"10(1)(a)(ii) that proper weight should be given to both long and short term economic, environmental, social and equity considerations in deciding all matters relating to environmental protection, restoration and enhancement, and..."*

To meet the challenges set by the Objects of the Act the EPA has developed internal procedures with checks and balances to ensure effective and consistent decision making.

The EPA Board assumes overall responsibility for all decisions and processes to ensure the Objects of the Act are appropriately promoted in EPA decision making. The EPA Board comprises members with varying skills and backgrounds, including representatives of business and is well placed to ensure balanced decision making. The Board has overall responsibility for the governance of the EPA and in sensitive cases, particularly any decision that may have an impact on employment, will play an active role in assessing and deciding on the appropriate course of action.

It is also important to note that the EPA utilises direct negotiation with industry to determine new or revised conditions of licence and aims to ensure sufficient time and appropriate technology is employed. The relevant business is often invited to put forward their own submission as to appropriate actions to meet the requirements of the Act, particularly in situations where significant actions may be needed in order to meet standards or guidelines sought under the Act. This provides industry the opportunity to comply with conditions in a manner that will have the least impact on its operations.

#### NATIVE VEGETATION

19. **The Hon. I.F. EVANS:** Under what circumstances can issues involving the clearance of native vegetation prevent a house or dwelling being built?

**The Hon. J.D. HILL:** I have been advised that there are three scenarios in which issues involving clearance of native vegetation could conceivably prevent a dwelling being built. These scenarios are as follows:

(1) As far as the *Native Vegetation Act 1991* (as in force 25 August 2003) is concerned, issues involving clearance of native vegetation would not prevent a dwelling being built, provided that the property owner could reach agreement with the Native Vegetation Council (the Council) on the location of the dwelling site and the nature and extent of offsetting works (or, alternatively, payment into the Native Vegetation Fund (the Fund)).

Regulation 5(1)(a) under the Act states that clearance of a house site is exempt from the provisions of the Act provided that:

- Development authorisation for the dwelling under the Development Act 1993 has been obtained.
- The vegetation does not form part of a stratum of native vegetation that is substantially intact.
- If the vegetation does form part of an intact stratum, the Council is satisfied that, after taking into account the need to preserve biological diversity and needs of the owner of the land, the proposed site for the building is the most suitable that is available and there is no other practicable alternative that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or more degraded.
- The clearance is undertaken in accordance with a management plan that has been approved by the Council and that results in a significant environmental benefit on the property or a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit.

In the event that the property owner could not reach agreement with the Council on the location of the dwelling site and the nature and extent of offsetting works (or amount of payment into the Fund), Regulation 5(1)(a) would not apply. The owner would then be at liberty to submit a clearance application to the Council.

(2) In the case of an application to build in an existing Heritage Agreement, the Minister for Environment and Conservation must give consent for the construction of a dwelling. It is possible that consent would be withheld on native vegetation conservation grounds. Equally a compromise may be found through negotiation.

(3) Native vegetation issues could prevent construction of a dwelling if the relevant planning authority withheld development authorisation on native vegetation grounds under the Development Act 1993. In such a case the planning authority may take advice from the Native Vegetation Group, DWLBC, or other expert body and any negotiations would be with the planning Authority. If the planning authority gives approval it may still be referred back to the Native Vegetation Council for further advice as in Scenario 1.

#### STATE HERITAGE REGISTER

20. **The Hon. I.F. EVANS:** Which State Government owned heritage listed sites are having their ownership reviewed?

**The Hon. J.D. HILL:** I am advised that:

The State Government presently owns approximately 400 properties listed on the State Heritage Register, plus numerous properties on local heritage registers.

A review on the best long-term management of these properties is currently being undertaken.

#### BIO-REGIONS

22. **The Hon. I.F. EVANS:** How many bio-regions are there within the State waters?

**The Hon. J.D. HILL:** I am advised that:

There are eight (8) bio-regions within the limit of State waters.

#### DEPARTMENT FOR ENVIRONMENT AND HERITAGE

23. **The Hon. I.F. EVANS:** In which areas will the proposed \$5.5 million reduction in Departmental salaries occur in 2004-05 and why?

**The Hon. J.D. HILL:** I have been advised that:

It is assumed that this question refers to page 10.29 of the Portfolio Statements where the Department for Environment and Heritage 2003-04 Budget figure for salaries, wages, annual and sick leave of \$50.685 million and a 2004-05 Budget figure for salaries, wages, annual and sick leave of \$45.150 million gives a difference of \$5.535 million.

This difference ignores other aspects of employee expenditure—such as Long Service Leave, Payroll Tax, Superannuation and Other employee related expenditure. Changes to the presentation of the financial statements during the 2003-04 financial year required that these types of employee expenditure be specifically disclosed.

#### COASTAL DEVELOPMENT WORKING PARTY

24. **The Hon. I.F. EVANS:** What is the purpose of the Coastal Development Working Party formed between Planning SA, the Department for Environment and Conservation and Local Government in the Eyre Peninsula?

**The Hon. J.D. HILL:** I have been advised that:

The purpose of the working party is to develop and implement a project to address the significant coastal development pressures on the Eyre Peninsula. Planning SA is the lead agency within State Government and is coordinating the project. Other agencies, such as the Department for Environment and Heritage and the Office of Infrastructure Development, will provide project input.

The project is consistent with Strategy 4.3 in the *Living Coast Strategy 2004*, namely, to 'establish effective development controls'. Importantly local and State Government plan to work in partnership with the community to deliver this outcome. The project also supports the integrated approach to business that is set out in the South Australian Strategic Plan and aligns with the objectives 'growing prosperity' and 'attaining sustainability'.

#### SCIENTIFIC SERVICES

26. **The Hon. I.F. EVANS:** Why will there be \$1.4 million less be spent on Scientific Services in 2004-05 than was actually spent in 2003-04 and which services will be affected?

**The Hon. J.D. HILL:** I am advised that:

The 2004-05 Portfolio Statements do not report on actual expenditure incurred in 2003-04, and they do not show any significant reduction in the net cost of the Scientific Services sub-program between the 2003-04 Original Budget or Estimated Result and 2004-05 Budget.



### BOTANIC GARDENS

28. **The Hon. I.F. EVANS:** In which areas did the Botanic Gardens overspend its 2003-04 Budget by 25 per cent?

**The Hon. J.D. HILL:** I am advised that:

It is assumed that this question refers to page 10.20 of the Portfolio Statements where the net cost of the Botanic Gardens sub-program increased by 26 per cent from \$6.278 million in the 2003-04 Original Budget to \$7.914 million in the 2003-04 Estimated Result.

The increase in the Estimated Result from Original Budget does not mean an overspending of budget. The Estimated Result for the sub-program reflects changes made to the sub-program's approved budget since the time that the 2003-04 Budget papers were formulated and is the sub-program's most up to date approved budget position.

The Department for Environment and Heritage implemented changes to its program structure during 2003-04 to improve its ability to deliver its programs and address key priority areas. These changes also reflect functional transfers. As a result of these changes, the Department for Environment and Heritage has reassessed its cost allocation methodology for program reporting from that used in the production of the 2003-04 Budget papers.

In particular, with the formation of the Science and Conservation Directorate within DEH and the transfer of some biodiversity functions to the Department for Water, Land and Biodiversity during 2002-03, the costing of associated expenditure has changed significantly in 2003-04. Consequently, the 2003-04 Estimated Result is not directly comparable with the Original Budget figure.

### NATIVE VEGETATION

31. **The Hon. I.F. EVANS:** Why did the Native Vegetation Fund have a nil estimated result in 2003-04 and nil budget in 2004-05?

**The Hon. J.D. HILL:** I have been advised that the Native Vegetation Fund has received an increase in the level of funding for the financial year 2004-05, from \$790,000 in 2003-04 to \$810,000 in 2004-05. These figures appear under the heading of "CASH FLOWS FROM—State Government" on page 10.60 of the 2004-05 Portfolio Statements—Volume 3.

Under the heading "Payments—Grants and subsidies" on page 10.61 of those same statements, the estimated result for 2003-04 is shown as \$668,000. Due to a classification change during 2003-04, the 2004-05 budget and 2003-04 estimated result is shown under 'Grants and subsidies' and not 'Supplies and Services' as in past years.

### WATERPROOFING ADELAIDE

32. **The Hon. I.F. EVANS:**

1. What funding has been allocated to align the Waterproofing Strategy with the Metropolitan Adelaide and Inner Region Volumes Planning Strategy regarding stormwater management policy and will any funding be allocated to stormwater management projects in 2004-05?

2. Will any of the proposed Natural Resource Management funding be used in the Water Proofing Adelaide Strategy and if so, how much in each year of the budget and forward estimates?

**The Hon. J.D. HILL:** I am advised that:

1. The purpose of the Waterproofing Adelaide Strategy is to establish the high-level directions required to secure the city's water supply for the long term. This will include the use of stormwater as appropriate. Waterproofing Adelaide complements those sections of the planning strategy that may be expected to have implications for stormwater management practice. At this stage no funding has been allocated to align these strategies, as the Waterproofing Adelaide Strategy is under development and subject to further public consultation.

In 2004-05, \$3.5 million of state funds have been allocated towards stormwater management projects in metropolitan Adelaide through the Catchment Management Subsidy Scheme. The total value of these projects is estimated at around \$7 million, with local government being the other major contributor.

2. Funding has not yet been earmarked for any specific projects associated with the Waterproofing Adelaide Strategy.

### ENVIRONMENT ENHANCEMENT LEVY

34. **The Hon. I.F. EVANS:** How much revenue from the Environment Enhancement Levy was indirectly transferred to the

Environment and Conservation Portfolio in 2003-04 and much Levy revenue is budgeted to be indirectly transferred in 2004-05, 2005-06 and 2006-07?

**The Hon. J.D. HILL:** I am advised that:

The Environment Protection Authority (EPA) did not directly receive any of the environment enhancement levy in 2003-04 and there is no budgeted amount in 2004-05. Consequently there is no budget line under the EPA, which would contain any such amount. Revenue from the environment enhancement levy is however indirectly transferred to the Environment & Conservation Portfolio via appropriation rather than as a discrete revenue stream.

The environment enhancement levy was originally introduced on 1 July 1990, for a period of five years and was set at 10 per cent of sewerage rates for the purpose of funding SA Water projects that enhanced the environment. The main intention was to reduce the effect of effluent discharged from wastewater treatment plants into the marine and inland water environments.

In November 1994, the levy was extended for a further five years to 1999-2000.

On 12 December 1994 (as part of the EPA review of Fees & Charges Regulations), the levy was increased to provide the EPA (then part of the Department for Environment, Heritage and Aboriginal Affairs (DEHAA)) with funding of a fixed amount of \$594,000 per annum. This equated to 0.5 per cent of levy revenue at that point in time.

On the 14 May 1998, Cabinet approved as part of the 1998-99 budget arrangements, the following amendments to the environment enhancement levy:

- A five year extension of the levy to June 2005;
- A redirection of funding to the then DEHAA
- Converting the \$594,000 allocation to 0.4 per cent of the levy, and
- Increasing the levy from 1 July 1998 from 10.5 per cent of sewerage rates to 11.5 per cent of sewerage rates with the additional 1 per cent revenue being paid to DEHAA. This made the DEHAA component 1.4 per cent of the environment enhancement levy. This equated to approximately \$2.4 million at that time.

From an accounting perspective this funding was no longer shown as EPA revenue.

### KOALAS

35. **The Hon. I.F. EVANS:**

1. Is the koala sterilisation program still in operation and if so, how many koalas are to be sterilised in 2004-05 and at what cost?

2. How many koalas were sterilised in 2003-04 and at what cost?

**The Hon. J.D. HILL:** I am advised that:

1. The Koala Management Program on Kangaroo Island has been in place since 1997. The program has involved surgical sterilisation of Koalas, with translocation of some to suitable habitat in the south-east of South Australia.

In 2004-05, approximately 650 Koalas will be sterilised and most of these will be translocated to the south-east of South Australia. This will reduce Koala densities and feeding pressure in approximately 33 per cent (250 hectares) of high priority habitat for a period of 1 year. A study to monitor the fate of translocated Koalas will also be undertaken.

An additional \$200,000 has been allocated to the Koala Management Program for 2004-05, bringing the total program budget to \$400,000.

2. Major outcomes of the Koala Management Program for 2003-04 included the sterilisation of 145 Koalas; the development of a draft communication strategy for Koala Management in collaboration with the South Australian Tourism Commission; the development of an economic assessment of the costs and benefits of various Koala management options and continuing scientific study of the impacts of koalas.

Funding for the last six years has been \$200,000 a year.

### POLICE, EYRE PENINSULA

48. **Mr BROKENSHIRE:** How many of the announced additional 200 police officers will be located on the Eyre Peninsula?

**The Hon. K.O. FOLEY:** The additional 200 police officers above attrition to be recruited from January 2004 until June 2006 includes 20 relief staff for country and remote areas.

The actual details regarding placement of those staff is a matter yet to be determined by the Commissioner of Police and will depend upon his assessment of areas of greatest need.

49. **Mr BROKENSHIRE:** How many police officers were there in each year since 2001-02 and what is the current number?

**The Hon. K.O. FOLEY:** The Commissioner of Police has advised me that the South Australian sworn full time equivalent establishment was as follows:

Date	Police Establishment (FTE's)
30 Jun 02	3,761
30 Jun 03	3,770
30 Jun 04	3,779
31 Aug 04	3,781

The target for Police establishment at 30 June 2005 is 3 902.

#### SPEED CAMERAS

50. **Mr BROKENSHIRE:** How many speed cameras will be purchased in 2004-05 and what will be the cost?

**The Hon. K.O. FOLEY:** The Minister for Transport has provided the following information:

South Australia Police (SAPOL) is not purchasing any extra speed cameras in 2004-05.

Transport SA will order six digital dual capability Red Light/speed cameras and one portable container 'wheelie bin' camera for SAPOL use in 2004-05.

The cost of the digital dual capability Red Light/speed camera is \$85,000 each (including GST).

The cost of a portable container 'wheelie bin' camera is \$149 200 (including GST).

#### CORRECTIONAL SERVICES, PRISONERS

51. **Mr BROKENSHIRE:** Why did the number of prisoners processed through police holding facilities decrease from 34,951 in 2002-03 to estimated to 23 475 in 2003-04 and why is the target for 2004-05 set at 23 000?

**The Hon. K.O. FOLEY:** The Commissioner of Police has advised the following. The actual 2003-04 number of prisoners processed through police holding facilities was 30,657. The decline in prisoners processed through police holding facilities from 2002-03 is consistent with an overall decline in most offence categories.

The discrepancy between the estimated 2003-04 and the actual 2003-04 figures is due to the estimation being made on manually collected data before any fourth quarter results were available in order to meet the Portfolio Statement publication deadline.

The figure of 23,000, against this indicator, listed under the heading target was based on the early estimation available. It is simply given as an indicator and not a target that SAPOL attempt to achieve.

#### MOBILE DATA TERMINALS

53. **Mr BROKENSHIRE:** How much funding has been allocated to the purchase of new Mobile Data Terminals and was any of this funding used previously to assist budget shortages in Local Service Areas or any other policing area?

**The Hon. K.O. FOLEY:** Total investing funding allocated to the purchase of new Mobile Data terminals is \$6.4 million. The Commissioner of Police has advised that investing funds have not been redirected to recurrent operations.

#### LOCAL SERVICE AREAS

55. **Mr BROKENSHIRE:** Will the budgets for Local Service Areas be increased in 2004-05 and if so, what are the individual details?

**The Hon. K.O. FOLEY:** The Commissioner of Police has advised that SAPOL undertook a thorough budget review for the 2004-05 Financial Year which included zero basing and benchmarking Service budgets. From this process, both Southern Operations and Northern Operations Services received additional funding over and above the original 2003-04 budget allocations.

In total, Southern Operations and Northern Operations Service budgets for overtime, uniforms and supplies and services have increased by \$900k compared to the 2003-04 original budget allocation.

This increase is inclusive of Government Funded New Initiatives totalling \$446k including specific funding for AP Lands Policing and additional officers as part of the phase in of the 200 additional officers.

SAPOL allocated an additional \$454k to Southern and Northern Operations for CPI and increased costs associated with building maintenance, communications, staff travel and other administrative expenses.

#### WORKERS COMPENSATION

56. **Mr BROKENSHIRE:** Was there an increase in Workers Compensation claims and expenses in the South Australia Police in 2003-04 and if so, what are the details?

**The Hon. K.O. FOLEY:** The Commissioner of Police has advised that SAPOL experienced a reduction of 4.25 per cent in the incidence of workers compensation claims. The agency recorded 631 in 2003-04 compared with 659 in 2002-03. 66 per cent of those involved no lost time from work. As SAPOL also recorded a 5 per cent increase in police numbers in that period this reduction should be even more positively viewed.

The cost of managing those claims was \$9.518 million. This is an increase of 4.78 per cent over the cost in 2002-03 of \$9.084 million. This increase is inclusive of movements in the Consumer Price Index and inflation during that period.

#### POLICE BUDGET

57. **Mr BROKENSHIRE:** Was the Government advised in the Police Budget Bilaterals for 2002-03 and 2003-04 of the need for a third helicopter?

**The Hon. K.O. FOLEY:** The State Rescue Helicopter Service is used by SA Police, the Department of Human Services, the South Australian Ambulance Service and the Country Fire Service.

In July 2002 Cabinet approved the seeking of tenders for replacement of the current capability and options for increased capabilities. A submission was initially prepared for consideration by Cabinet in October 2003 but was referred directly to the 2004-05 Bilateral process as the preferred option had funding implications.

The key agency stakeholders had input into the tender process and signed off on the preferred option that was for a third helicopter that would be available for medical retrievals, police surveillance and fire fighting. Approximately 70 per cent of the use of the helicopter service is for medical retrievals associated with transferring patients from rural hospitals to the three main city hospitals.

SAPOL sought additional funds through the 2004-05 Bilateral process in support of the enhanced service associated with a third helicopter.

#### COUNTRY FIRE SERVICE

67. **The Hon. W.A. MATTHEW:** Why was the 2003-04 Country Fire Service estimated result for Cash and Deposits on call \$1.6 million greater than the budgeted amount of \$822,000 and which programs were affected?

**The Hon. P.F. CONLON:** I provide the following information: The estimated result for Cash and Deposits at Call for 2003-04 is \$1.594 million greater than the budgeted amount of \$0.822 million primarily due to the delay in capital projects approved as a carryover of \$2.483 million. These projects were in relation to the provision of Appliances (\$1.065 million), Buildings (\$0.496 million) and Telecommunications/Plant and Equipment (\$0.922 million).

#### GOVERNMENT EXPENDITURE

68. **The Hon. W.A. MATTHEW:** What major types of expenditure are included under 'Employee expenses—other' and 'Supplies and Services—other', respectively, in 2004-05?

**The Hon. P.F. CONLON:** I provide the following information: The major types of expenditure included under 'Other' within Employee Expenses (refer Budget Paper 4, Volume 1, Page 4.71) are:

- \$0.370 million for Workers Compensation expenses; and
  - \$0.086 million for Fringe Benefits Tax expenses.
- The major types of expenditure included under 'Other' within Supplies and Services (refer Budget Paper 4, Volume 1, Page 4.71) are:
- \$9.187 million for Government Radio Network/DAIS contract related expenses;
  - \$9.052 million for Asset Management/Maintenance expenses;

- \$5.610 million for ESAU Administration Charge costs;
- \$5.020 million for Supplies and Services Administration costs (this category includes expenditures relating to volunteer training, staff training, prevention campaigns, travel and uniform costs); and
- \$4.200 million for operational costs (including over \$2.1 million for aerial fire fighting contract costs).

#### MINISTERS, TRAVEL EXPENSES

##### 69. **The Hon. W.A. MATTHEW:**

1. Does the 2004-05 Ministerial budget cover the cost of the Minister's interstate, intrastate and overseas travel and if not, from which budget will this be paid?

2. What were the Ministerial costs of all interstate, intrastate and overseas travel for the Minister and staff in 2003-04 and from which budget lines was this paid?

3. Were any Ministerial travel and accommodation expenses paid by the organisers of any interstate conferences attended by the Minister in 2003-04 and if so, what are the details and if not, who paid these costs?

**The Hon. P.F. CONLON:** I provide the following information:

1. The Ministerial budget covers the cost of the Minister's interstate, intrastate and overseas travel for 2004-05.

2. The costs for interstate, intrastate and overseas travel for the Minister and staff in 2003-04 are as follows:

Interstate total cost \$28 917.18

Intrastate total cost \$4 520.85

Overseas total cost \$42 709.70

These costs were paid from the Ministerial office budget except where travel and accommodation costs for the Media Adviser who attended the 2003 World Police and Fire Games in Barcelona. The South Australian Tourism Commission and 2007 World Police and Fire Games budget met these costs.

3. There were no ministerial travel and accommodation expenses paid by the organisers of interstate conferences that were attended by the Minister in 2003-04. These costs were paid from the Ministerial office budget.

#### EMERGENCY SERVICES ORGANISATIONS

70. **The Hon. W.A. MATTHEW:** Was any consideration given to making the joint South Australian Metropolitan Fire Service/State Emergency Service station at Burra a Country Fire Service station before the upgrade of this facility commenced?

**The Hon. P.F. CONLON:** I provide the following information:

A thorough evaluation of a number of options to provide a co-located facility for the three Emergency Services Organisations (ESOs) was undertaken, including the preparation of conceptual floor plans and cost estimates for construction. The preferred option was to extend the existing CFS facility on Smelts Road in Burra to provide a functional co-located design which served the operational needs of each ESO. This property was previously owned by SA Water and featured a well constructed building positioned on a large portion of land with good access for vehicles. Regrettably, the cost to upgrade this facility would have been in excess of \$0.5m, hence a co-location arrangement for all three ESOs could not be supported.

As you would be aware the SES and MFS currently operate out of a co-located facility on the corner of Smelts Road and Tomkinson Street in Burra. The CFS continues to operate out of their Smelts Road facility and I am advised that all three ESOs enjoy a high level of co-operation.

#### EMERGENCY SERVICES LEVY

71. **The Hon. W.A. MATTHEW:** Will the Emergency Services Levy or any other levy based on property valuations be increased in 2004-05 to offset the 7 per cent budget increase for the South Australian Metropolitan Fire Service and the 13.7 per cent increase for the Country Fire Service?

**The Hon. P.F. CONLON:** The Treasurer has provided the following information:

The Emergency Services Levy (ESL) rates applicable to the 2004-05 assessment year were announced at the time of the 2004-05 Budget on 27 May 2004 and take into account budgeted expenditure for the South Australian Metropolitan Fire Service and Country Fire Service.

The ESL rates applying to owners of fixed and mobile property have not changed since the Labor Government was elected including 2004-05.

While the bulk of expenditure on fire services in 2004-05 will be funded from ESL collections in that year, including government-funded remission costs and pensioner concessions which are paid into the Community Emergency Services Fund, some expenditure on fire services will be funded by utilising accumulated agency cash balances.

There will be no increase in ESL rates or other property-related tax rates for 2004-05 to support the increased expenditure on fire services.

#### METROPOLITAN FIRE SERVICE

72. **The Hon. W.A. MATTHEW:** What computer skills training was provided to the new South Australian Metropolitan Fire Service communications and dispatch staff employed since February 2004, who provided the training and was the training provided before this staff commenced active duty?

**The Hon. P.F. CONLON:** I provide the following information: All applicants and secondees to the South Australian Metropolitan Fire Service's (SAMFS) Communications Centre undertake a two-week (5 days per week) training course before joining their allotted shift. This course familiarises all potential Communications Operators with work practice, operational equipment and BOMS (Brigade Operations Management System)—SAMFS' computer-assisted dispatch system. The training is in the form of lecture style information sessions, hands on experience in a simulated mode of BOMS, the Audio Management System and other associated equipment utilising training manuals that have been designed to assist self-paced learning.

At the end of the two week course, candidates join their allotted shift and continue to improve the required skills closely monitored and mentored by the qualified shift personnel. This probationary term is a nominal one month. After an agreed timeframe the probationary Operator undertakes an assessment that requires a high degree of proficiency. Probationary Operators who can improve their proficiency continue to be closely mentored by shift personnel before undertaking re-assessment.

New and modified equipment and systems are delivered to all Communications Centre staff prior to implementation.

All training, assessments and information sessions are delivered by qualified staff under Training Department guidelines.

#### COUNTRY FIRE SERVICE

73. **The Hon. W.A. MATTHEW:** What was the average cost of a Country Fire Service response in 2003-04 and what were the components of this cost?

**The Hon. P.F. CONLON:** I provide the following information:

As detailed in the SA Country Fire Service (CFS) portfolio statement (refer Budget Paper 4, Volume 1, page 4.70), the estimated result for CFS's average cost per incident for 2003-04 was \$150.

The total net cost of sub-program 1.3 Response Services for 2003-04 was estimated at \$1.185 million. This included:

- Aerial bombing costs of approximately \$265,000;
- Direct major incident costs of approximately \$163,000; and
- Major incident support costs of approximately \$757,000.

#### EMERGENCY SERVICES

74. **The Hon. W.A. MATTHEW:** Are any of the 2004-05 Budget allocations of the Country Fire Service, the South Australian Metropolitan Fire Service and the State Emergency Service for administration and other purposes payable to the Department of Justice and if so, what are the details?

**The Hon. P.F. CONLON:** I provide the following information:

The following are planned for payment to the Department of Justice in 2004-05 for administrative or other specific services for the emergency services sector:

- Emergency services contribution for injury management shared services—budgeted cost for SAFECOM for 2004-05 at \$100,000;
- Asset services project management support staff—budgeted cost for SAFECOM for 2004-05 at \$25,000;
- Strategic services—salary and on-costs for services provided to the SA Metropolitan Fire Service—budgeted cost for 2004-05 at \$90,000; and

Internal audit—services provided to the emergency services organisations by the SA Police—budgeted cost for 2004-05 at \$80,000, which is apportioned equally between the SA Metropolitan Fire Service, SA Country Fire Service, SA State Emergency Service and SAFECOM.

**76. The Hon. W.A. MATTHEW:**

1. What will the total cost of re-equipping all South Australian Metropolitan Fire Service fire-fighters with a new set of protective clothing in 2004-05 and over how many financial years will this be funded?

2. Is a similar re-equipment program in place for the Country Fire Service and State Emergency Service and if so, how much will be spent by each of these organisations and over how many financial years will this take?

**The Hon. P.F. CONLON:** I provide the following information:

1. The SA Metropolitan Fire Service (SAMFS) must provide its firefighters with two sets of structural firefighting personal protective clothing (PPC) to meet occupational health, safety and welfare standards. SAMFS supports industry best practice in the protection of its firefighters and in consultation with the United Firefighters Union, OHW&S representatives and operation staff, have established an agreed specification for performance and design of the PPC.

In the Budget the Government provided the SAMFS \$1.3 million in 2004-05 and approximately \$0.4 million per year over the next three years. These funds will purchase one set of structural firefighting PPC in 2004-05. This consists of a structural firefighting coat and structural firefighting trousers for approximately 1,000 firefighters. A second set of structural firefighting PPC will be purchased over the following three years.

Replacement and maintenance of personal protective equipment, such as helmets, boots and uniforms, are funded through the SAMFS operational budget.

2. The SA Country Fire Service (CFS) intends to re-equip its volunteer firefighters with structural firefighting PPC over a six-year period to specifications developed in conjunction with SAMFS.

Expenditure required for this re-equipment program will be dependent upon the number of volunteers accredited with structural firefighting competencies over the six year phase in period. Based on the current number of CFS firefighters with structural firefighting accreditation and training needs, the cost would be approximately \$338,000 per year.

Funding to equip CFS volunteers with structural firefighting PPC and other personal protective equipment is provided from within the CFS operation budget.

The SA State Emergency Service (SES) does not require structural firefighting PPC as used by the SAMFS and CFS. The SES replaces PPC for its volunteers when it becomes damaged or heavily soiled. Replacements are funded from the SES operational budget.

**77. The Hon. W.A. MATTHEW:** Why is there a reduction in State Emergency Service vehicle replacement and local headquarter capital works in 2004-05 compared to 2003-04?

**The Hon. P.F. CONLON:** As previously detailed in my response to question on notice number 574, that was provided to the Hon Wayne Matthew in a letter dated 11 September 2004, I provide the following information again:

The table below provides details of the capital works program for SA State Emergency Service for 2003-04 and 2004-04:

	2003-04	2004-05
Vehicles	\$ 905,000	\$1,225,000
Capital Works—Building	\$1,119,000	\$ 925,000
Capital Works—Equipment	\$ 325,000	\$ 200,000
Information Technology	\$ 161,000	\$ 223,000
Total	\$2,510,000	\$2,573,000

Although there has been a slight variation in the breakdown of allocations, there has been no reduction in the SA State Emergency Service Capital Program, instead, a slight increase.

The allocation of funds is based on SASES priorities.

### COUNTRY FIRE SERVICE

**78. The Hon. W.A. MATTHEW:**

I. Which Country Fire Service Brigade fire and shed stations will be completed in 2004-05?

2. Which Brigades will receive the 28 emergency response vehicles allocated in the Budget and will these vehicles be painted in the traditional white colour?

**The Hon. P.F. CONLON:** I provide the following information:

The Country Fire Service Brigade fire stations and shed stations to be completed in 2004-05 are:

1. Buildings. Buildings to be purchased or constructed in 2004—2005 are as follows:

- Clare;
- Tanunda;
- Jamestown;
- Strathalbyn;
- Callington; and
- Inman alley.

Major Upgrades or additions:

- Coober Pedy;
- Aldgate;
- Parndana;
- Brukunga Training Centre;
- Kongorong;
- Glencoe West; and
- Haines

Land Acquisition:

- Stirling.

2. The following Brigades will receive emergency response vehicles that were allocated in the budget.

23 appliances are being delivered to CFS Brigades throughout South Australia in the 2004-05 financial year.

Initial appliance allocations are as follows:

- Basket Range;
- Lenswood;
- Balhannah;
- Swan Reach;
- Eastern Districts;
- Hawker;
- Gumeracha;
- Woodchester;
- Monash;
- Quorn.
- Tanunda;
- Burnside;
- Hanhdorf;
- Virginia;
- Coober Pedy;
- Keith;
- Riverton.
- Coonalpyn;
- Norton Summit/Ashton;
- Range/Hope Forrest.
- Eden Hills.

A further two 34's are still to be allocated and all allocations are subject to change without notice.

I have been advised that all appliances will be painted CFS White.

### ABORIGINAL COMMUNITY HEALTH PROGRAM

**79. The Hon. D.C. KOTZ:** Which health facilities will be upgraded and redeveloped under the \$1 million Aboriginal Community Health Program and which Aboriginal communities will be affected by this program?

**The Hon. L. STEVENS:** The Aboriginal Community Health Program forms part of the overall Department of Health Capital Program.

\$380,000 has been allocated for the upgrade of a building to establish a Social and Emotional Well Being Centre for Aboriginal people at Port Pirie.

\$300,000 has been allocated for the upgrade of a building to establish a Social and Emotional Well Being Centre for Aboriginal people at Mount Gambier.

\$200,000 has been allocated for the upgrade of safe houses on the Anangu Pitjantjatjara Yankunytjatjara Lands.

The remaining allocation of \$120,000 will be used for planning projects to be listed in the 10 Year Capital Plan for the Aboriginal Community Health Program.

**ABORIGINAL RENTAL HOUSING PROGRAM**

80. **The Hon. D.C. KOTZ:** What are the specific details of the Aboriginal Rental Housing Program, including all related costs and timeframes?

**The Hon. J.W. WEATHERILL:** The commonwealth, through the Aboriginal Rental Housing Program (ARHP), provides funding to the Aboriginal Housing Authority (AHA) to deliver housing and related services to the Indigenous community of South Australia in rural and remote areas of South Australia. ARHP funds must only be used in areas where there are no effective public or private housing options.

The Indigenous Community Housing Program (ICHP) includes Indigenous Community Housing Organisations (ICHOs) throughout South Australia. The program aims to build community capacity through the facilitation of housing management systems. The AHA is responsible for the development of the ICHP through administering funding and the provision of new housing, housing upgrades, insurance, and community administration assistance. As at 30 June 2004 there were 46 ICHOs overseeing 960 properties.

The ICHP is funded on an annual basis by the Commonwealth Government and grants to ICHOs in 2003-04 totalled \$7.75 million were used for insurance, repairs and maintenance, community administration and capital works purposes.

Expenditures in the ICHP were \$12.94 million in 2002-03 and \$12.3 million in 2003-04. Detailed breakdowns of expenditure from ordinary activities appear below.

	2003 (\$000)	2004 (\$000)
Grants	8,462	7,745
Maintenance	-	14
Staffing costs	2,124	2,344
Depreciation	117	63
Council and water rates	-	-
Business services fees	646	590
Bad and doubtful debts	-	-
Buildings Written Off	-	-
Rent	197	195
Insurance	-	47
Other	1,390	1,299
Total Ordinary Expenses	12,936	12,297

The following targets and estimated results in the ICHP are extracted from the 2003-04 Portfolio Statements tabled in Parliament.

Performance Indicators	2002-03 Actual	2003-04 Target	2003-04 Estimated Result	2004-05 Target
Number of additional houses provided (1)	25	16	18	20
Number of property upgrades completed (2)	69	70	68	72
Percentage of houses meeting current housing standards	87 per cent	90 per cent	92 per cent	93 per cent
Percentage of projects completed within agreed timeframes (3)	72 per cent	91 per cent	75 per cent	78 per cent
Average cost of property upgrades(4)	\$35,000	\$24,000	\$26,000	\$28,000
Average cost of new construction (5)	\$240,000	\$220,000	\$245,000	\$250,000

**ABORIGINAL ECONOMIC DEVELOPMENT**

82. **The Hon. D.C. KOTZ:** Which Minister now has responsibility for the program that assists clients with Aboriginal economic development initiatives and how much Departmental funding was transferred to the new portfolio to accommodate this change?

**The Hon. J.D. HILL:** The Minister for Aboriginal Affairs and Reconciliation has advised:

The Minister for Aboriginal Affairs and Reconciliation still has lead responsibility for assisting clients with Aboriginal economic development initiatives through the Department for Aboriginal Affairs and Reconciliation (DAARE).

To effectively pursue and create economic development opportunities for Aboriginal communities in South Australia, however, requires close linkages with other Ministers and agencies. As an example of this cooperative across government approach, the Minister for Aboriginal Affairs and Reconciliation and the Minister for Industry and Trade are progressing the development of an Aboriginal Economic Development Strategy, which will recognise the importance of developing living and business arrangements that are specifically Aboriginal, as well as the need for Aboriginal people to benefit from mining and other development opportunities. This strategy will sit under the South Australia's Strategic Plan and will support and focus Government efforts in achieving economic development objectives and improving the economic viability of Aboriginal people, communities and ventures.

The strategy will draw together state departmental plans that incorporate Aboriginal economic development initiatives and provides an opportunity for agencies to consider future initiatives. The strategy will respect the principles of self-determination and acknowledge that economic development is a joint effort that can be enhanced by participation in local, regional and national economies.

It is also intended that an Indigenous Economic Development Seminar will be held in early 2005, to publicly showcase a number of successful Indigenous ventures that provide employment, training and other related benefits for Indigenous communities.

Whilst economic development involves the work of a number of agencies, DAARE is working in partnership with the Department of Trade and Economic Development (DTEED) and Primary Industries and Resources SA (PIRSA), to lead the development of the new strategy.

**BUDGET BORROWING COSTS**

87. (4th session) and 450 (3rd session). **The Hon. D.C. KOTZ:** Why have borrowing costs increased by \$4.4 million since the 2003-04 Budget, what is the nature of this expenditure, is this a recurrent increase and if so, over what period?

**The Hon. M.J. WRIGHT:** The \$4.4 million increase in borrowing costs expenditure between 2003-04 and 2004-05 relates to the interest and finance costs for the light motor vehicle fleet. This relates principally to program 9 Support Services to Government. The budget for 2004-05 is higher than both the 2003-04 budget and 2002-03 actual result due to the change in the financing arrangement with the wind-up of the Commonwealth Bank of Australia finance lease. The interest expense relates to payments to the South Australian Financing Authority for the vehicles now owned by the State Government.

**BUDGET EXPENSES**

90 (4th session) and 452 (3rd session). **The Hon. D.C. KOTZ:** What are the specific program details of the \$10.5M expenditure line 'expenses for ordinary activities - other' outlined in the 2004-05 Budget?

**The Hon. M.J. WRIGHT:** The \$10.5m 'Other' expenditure relates to the interest and finance costs for the light motor vehicle fleet which is reflected in Program 9 Support Services to Government. The budget for 2004-05 is higher than both the 2003-04 budget and 2002-03 actual result because of the change in the financing arrangements with the wind-up of the Commonwealth Bank of Australia finance lease. The interest expense relates to payments to the South Australian Financing Authority for the vehicles now owned by the State Government.

#### RECREATION AND SPORTS GRANTS

92 (3rd session) and 456 (3rd session) **The Hon. D.C. KOTZ:**

1. How much funding has been allocated to each of the recreation and sports grants programs, as well as any other grants programs available through the Department of Recreation and Sport in each year 2002-03 to 2004-05?

2. How many grant applications were approved in each of these categories during the same years?

3. What are the details of all Active Club grants approved in each of the 47 State electorates in 2003-04?

**The Hon. M.J. WRIGHT:**

1.

Active Club Program (ACP)

This budget for this program for each financial year is \$2,350,000, allocated over two funding rounds. A notional allocation of \$50,000 is available for each of the 47 electorates per year. These are split over the two funding rounds resulting in a notional allocation of \$25,000 per round, per electorate.

In 2004-05 the budget for ACP is \$2,350,000.

In 2003-04 the budget was \$2,350,000 and the 2 rounds were January 2004 and June 2004. Two hundred and fifty four organisations were offered funding in January 2004 and two hundred and fifty eight organisations were offered funding in the June 2004 round of the program.

In 2002-03 the budget was \$1,880,000 and the 2 rounds were December 2002 and May 2003. Five hundred and twenty nine organisations were offered funding throughout that financial year.

The additional funding of \$470,000 to the program commencing 2003-04 is derived from the Sport and Recreation Fund increased contribution.

Statewide Enhancement Program (StEP)

In 2004-05 the budget for StEP is \$6.673m with 120 applications approved.

In 2003-04 this program was known as the Management and Development Program. The budget was \$6.673m with 124 applications approved.

In 2002-03 the budget for the Management and Development Program was \$6.673m with 153 applications approved.

Community Recreation and Sport Facilities Program

In 2004-05 the budget for the Community Recreation and Sport Facilities Program is \$1.49M with applications to be invited in October 2004.

In 2003-04 the budget was \$3.29M and 41 applications were approved.

In 2002-03 the budget was \$3.39m and 61 applications were approved.

**MOVE IT! Making Communities Active Program (MOVE IT!)**

The Move It! Program was first offered in June 2004. The 2003-04 budget for the Move It! Program was \$1 million. A total of \$752,912 was distributed to 40 projects.

The budget for future funding rounds will be \$500,000 per annum.

2. The answers are provided in my response to Question 1.

3. In the 2003-04 financial year, funding has been approved and allocated in both the January 2004 and June 2004 rounds

Electorate	2003-04
	Allocations per electorate
Adelaide	\$54,300.00
Ashford	\$33,334.00
Bragg	\$44,674.00
Bright	\$54,000.00
Chaffey	\$56,000.00
Cheltenham	\$53,200.00
Colton	\$52,300.00
Croydon	\$12,037.00
Davenport	\$44,000.00
Elder	\$53,500.00

Elizabeth	\$51,506.00
Enfield	\$50,222.00
Finniss	\$56,000.00
Fisher	\$52,900.00
Flinders	\$62,700.00
Florey	\$34,100.00
Frome	\$57,500.00
Giles	\$55,800.00
Goyder	\$62,140.00
Hammond	\$57,800.00
Hartley	\$40,345.00
Heysen	\$54,300.00
Kaurana	\$55,200.00
Kavel	\$60,100.00
Lee	\$54,600.00
Light	\$41,873.00
MacKillop	\$63,800.00
Mawson	\$54,900.00
Mitchell	\$41,844.00
Morialta	\$52,300.00
Morphett	\$53,200.00
Mount Gambier	\$58,100.00
Napier	\$28,343.00
Newland	\$54,000.00
Norwood	\$53,500.00
Playford	\$47,634.00
Port Adelaide	\$53,500.00
Ramsay	\$49,621.00
Reynell	\$53,200.00
Schubert	\$56,600.00
Stuart	\$58,100.00
Taylor	\$46,240.00
Torrens	\$35,559.00
Unley	\$52,000.00
Waite	\$50,793.00
West Torrens	\$55,500.00
Wright	\$27,400.00

#### HOVERCRAFT COST

103. **Dr McFETRIDGE:** What was the sale price of former Department of Fisheries hovercraft?

**The Hon. R.J. McEWEN:** The sale price of the hovercraft was \$30,500 including GST.

#### PATAWALONGA

106. **Dr McFETRIDGE:** What was the cost of providing emergency services personnel to Glenelg in response to the potential flooding of the Patawalonga Lake on Tuesday 3 August?

**The Hon. P.F. CONLON:** I provide the following information:

The SA State Emergency Service (SASES) response to the potential Patawalonga Lake flooding on 3 August 2004 formed part of an overall response to storm and flood incidents across metropolitan Adelaide.

As such, all operational costs formed part of normal response by SASES, however, no specific costs could be allocated to the Patawalonga incident.

The South Australian Metropolitan Fire service (SAMFS) did not attend, but was on standby for assistance. Deputy Chief Officer Mick Smith and Public Relations Officer Bill Dwyer did attend at the scene.

#### OPERATION AVATAR

109. **Dr McFETRIDGE:**

1. How many arrests have been attributed to 'Operation Avatar', what charges were laid and of these, how many went to a court, what fines and sentences were issued and how many were dismissed?

2. How long has 'Operation Avatar' been in operation and how many police officers are assigned to this task force?

**The Hon. K.O. FOLEY:** The Commissioner of Police has advised the following:

1. Operation Avatar 2 commenced as a Task Force on 15 February 2001. In October 2002, the Task Force became a permanent section known as the Avatar Motor Cycle Gang (MCG) section within the Drug and Organised Crime Investigation Branch. Both the Task Force and the Section have been responsible for 496 arrests, 559 reports and 2394 Expiation Notices.

Data on the charges that were laid for all of the 496 arrests is not readily available. In General, the type of offences for which charges were laid included: Drug Offences; Firearms Offences; Property Offences and Traffic Offences

The data required to provide how many of these resulted in fines, court action, sentences and dismissal is not readily available. Given the large number of arrests, considerable time and extensive research would be required to obtain this information.

2. Operation Avatar 2 was in operation for 1 year and 8 months before becoming the Avatar MCG Section. The Section has now been in operation for 1 year and 11 months making a total of 3 years and 7 months.

The Avatar MCG Section has an established strength of 20 positions.

### URRBRAE HOUSE

112. **Mr HAMILTON-SMITH:** What is the budget and schedule for salt damp and other restorative work to the northern side of Urrbrae House?

**The Hon. S.W. KEY:** The University of Adelaide as previously advised has committed \$840,000 to arrest the effect of rising damp on the fabric of Urrbrae House. Funding for this project has been sourced solely from the university's finances.

The State Government has no role in financing the restorative work.

The university is currently in the process of considering its Capital Plan 2005 - 2008 and attempting to appropriately schedule the northern salt damp works at Urrbrae House within capital funds available.

The northern side of Urrbrae House will be the final stage of the restorative work. It is anticipated that the earliest time that the work can commence is in the summer of 2005-06 as the nature of the work requires dry conditions. The house will be closed for a maximum of six months. The work cannot take place during 2005 as the house is fully booked.

### PREMIER'S READING CHALLENGE

120. **Mr HAMILTON-SMITH:** How many books by South Australian authors are on the 'Premier's Reading Challenge' list?

**The Hon. J.D. LOMAX-SMITH:** The Premier's Reading Challenge booklist includes a wide range of authors and titles with the emphasis on quality literature for students from Reception to year 9. The booklist is compiled and updated by an expert panel with extensive knowledge of literature.

South Australia is well known for its high quality authors in the area of children's literature and the booklist panel is aware of including as many South Australian authors and titles as possible. As at 1 October 2004, the Premier's Reading Challenge booklist includes 191 books written by South Australian authors.

The booklist is regularly updated and suggestions of books for inclusion are welcomed from students, educators, authors and publishers.

### OPEN SOURCE SOFTWARE

124.

**Mr HAMILTON-SMITH:**

1. How much did the Government spend on 'open source' software in 2003-04 and what percentage of total software purchases did this represent?

2. Where there any problems, added costs or savings associated with use of this software compared to proprietary software and if so, what are the details?

**The Hon. M.J. WRIGHT:**

1. South Australian Government agencies currently use open source software in a variety of areas of information and communication technology such as web sites, operating systems and personal productivity suites.

As most deployments of open source software in the South Australian Government have been funded by each agency internally,

there is no central consolidated figure available. However, based on survey conducted in 2003-04, the percentage of open source software is relatively small.

2. Given the growing attention globally to open source software as a potential alternative to proprietary software, governments and businesses around the world are conducting trial implementations to establish benefits, identify issues and establish the total cost of ownership for different areas of implementation.

This is the case in the South Australian Government as well, and a number of pilots have been conducted to establish associated benefits and issues. I am advised that reports from local implementations of open source software are generally positive. However, the total cost of ownership has been shown to be both higher and lower, depending on the area of implementation.

Total cost of ownership in particular is a major consideration, as the initial cost of licensing represents only one aspect of the total operational and support costs for software. Other important considerations relate to business continuity (for instance with respect to document and data formats), cost and risk of migration from existing systems, staff training implications and models for ongoing software support.

I am advised that, to date, no large-scale deployments of open source software across the South Australian Government have been performed. Agencies and central information and communication technology bodies are conducting further trials and monitoring developments in other jurisdictions, governments and businesses to inform future directions and procurement. More research will need to be completed before large-scale deployments are made.

### KOALA MANAGEMENT PROGRAM

127. **Dr McFETRIDGE:** What is the total cost of the Koala Control Program in each year since its inception, how many koalas have been sterilized in each year, how many people are employed on the program and by whom?

**The Hon. J.D. HILL:** I have been advised:

1. Since its inception in 1996-97, a total of \$1.835 million dollars has been spent on the Koala Management Program. In the first year, 1996-97, \$335,000 was spent and \$300,000 was spent in the following year 1997-98. In each subsequent year up to 2004-05, \$200,000 a year was invested in the program. In 2004-05 \$400,000 was invested.

2. In 1996-97, 930 koalas were sterilised and in the years subsequent to this 1555, 386, 556, 0, 241, 191, 145 were sterilised giving a total of 4004. Of these 1513 have been translocated to the south east of the state.

3. Two staff are employed by the Department for Environment and Heritage (DEH) on the Koala Management Program. Additional staff for field operations (eg. catching, transport and release) and monitoring surveys (eg. tree condition and koala densities on KI, and suitability of habitat for release) are employed by DEH as required.

### GOVERNMENT FUNDING

129. **Mr HAMILTON-SMITH:** What was the purpose and breakdown of any Government funding provided in 2003-04 to the following organisations - Australian Manufacturing Workers Union, Asia-Pacific Business Council for Women Inc., Business SA, CITCSA, Korean Chamber of Commerce and United Trades & Labour Council?

**The Hon. J.D. LOMAX-SMITH:** The Minister for Industry and Trade has provided the following information:

The South Australian Government, via the Department of Trade and Economic Development, provided a range of program funding to (and in some cases purchases of services from) the following organisations during 2003-04:

- Australian Manufacturing Workers Union
- Asia-Pacific Business Council for Women Inc
- Business SA
- CITCSA
- Korean Chamber of Commerce
- United Trades and Labour Council

Funding details are provided in the following table:

## Purpose and breakdown of funding provided by DTED in 2003-04

Entity	Purpose	Amount (GST inc)
AUSTRALIAN MANUFACTURING WORKERS' UNION	Sitting fees for Elected Member John Camillo to attend 3 meetings of Manufacturing Consultative Committee	\$ 264.00
	Grant to fund the Industry Development Officer - Sept 2003 to Mar 2004	\$ 41,000.00
	First quarterly instalment for Industry Development Grant 2004-05. Grant conditions were for the AMWU to engage the manufacturing unions on matters relevant to state economic development. Previously run in conjunction with the UTLC.	\$ 20,850.00
		\$ 62,114.00
UNITED TRADES & LABOUR COUNCIL	Industry Development Program Grant 2003-04 run in conjunction with UTLC. Grant conditions were for the UTLC to engage with the manufacturing unions on matters relevant to state economic development.	\$ 41,000.00
		\$ 41,000.00
KOREAN CHAMBER OF COMMERCE	Korean Student Fair 2003 (CITCSA Grants Scheme)	\$ 48,400.00
	Purchase of services	\$ 165.00
		\$ 48,565.00

## Purpose and breakdown of funding provided by DTED in 2003-04

Entity	Purpose	Amount (GST inc)
ASIA-PACIFIC BUSINESS COUNCIL FOR WOMEN INC	CITCSA Grants Scheme 2003-04; BM Kuala Lumpur, Penang, Shanghai 19/10 - 01/11-03, Outbound Business Mission (Malaysia and China)	\$ 40,700.00
	Purchase of services	\$ 445.00
		\$ 41,145.00
CITCSA	Operational funds for CITCSA - 2003-004 & 2004-05 Financial years	\$ 440,000.00
	Purchase of services	\$ 1,655.00
		\$ 52,515.00
	CITCSA Grant Scheme 2003-04	\$ 55,000.00
	Transitional funds CITCSA Grants Scheme 2004-05	\$ 549,170.00

## Purpose and breakdown of funding provided by DTED in 2003-04

Entity	Purpose	Amount (GST inc)
BUSINESS SA	Subscriptions & Training Services	\$ 9,373.50
	2003 Export Award Sponsorship - Centre for Innovation, Business and Management, Premiers Award	\$ 11,000.00
	2004 Export Awards Sponsorship - sponsorship of small to medium manufacturer category in 2004 Business SA Export Awards	\$ 8,250.00
	Sponsorship of SABAN project for 12 mths from 1/7-04 - 30/6-05	\$ 121,000.00
	Management of the Industry Cluster Project	\$ 231,000.00
		\$ 380,623.50

**HAND GUN BUY BACK**

132. **Mr BROKENSHIRE:** What were the expenditure details of the Hand Gun Buy Back scheme in 2003-04?

**The Hon. K.O. FOLEY:** The Commissioner of Police has advised me that during 2003-04 South Australia Police incurred an estimated total of \$14.773 million in expenditure related to the Handgun Buyback scheme. This expenditure comprises of \$13.214 million in compensation payments to members of the public and firearms dealers for weapons surrendered in accordance with the scheme, and \$1.559 million (estimated) was incurred in the administration of the scheme. The total administrative expenditure, including indirect expenditure, incurred by South Australia Police in operating the

Handgun Buyback scheme during 2003-04 has not been finalised, with the Commonwealth Attorney-General's Department, at this stage.

Reimbursements from the Commonwealth Government are expected to total \$11.516 million, \$9.708 million being reimbursement for compensation payments plus a further \$1.808 million (estimated) based on a proportionate registered handguns surrendered in South Australia.

The Commonwealth reimbursement for compensation payments was generally 66.6 per cent of the compensation payment or 100 per cent of the compensation payment where a person elected to leave the sport.



**TOURISM EMERGENCY PLAN****136. Mr HAMILTON-SMITH:**

1. How much funding has been allocated to the Tourism Emergency Plan and why hasn't it been released to Tourism operators?

2. What tourism policy changes will be made in conjunction with, or in response to this plan?

3. Will health and emergency services charges associated with this plan be passed onto the Tourism operators and if so, what are the details?

**The Hon. J.D. LOMAX-SMITH:** I provided the Member for Waite with a response to this question on 27 November 2003.

**INDUSTRY INVESTMENT ATTRACTION AGREEMENT****165. Mr HAMILTON-SMITH:**

1. When will a copy of the agreement restricting Industry Investment Attraction operations between the States be released along with any preliminary briefing papers or supporting documentation exchanged between the parties prior to the agreement being signed?

2. What is the scope and objective of the agreement?

3. Which States signed the agreement and why wasn't Queensland a signatory?

4. Has any former South Australian company relocated to Queensland since the agreement was signed?

5. When was the agreement signed, when did it take effect, what is its term and is it planned that the agreement will be extended?

6. Has an impact statement been completed following the commencement of the agreement to measure the effect of the agreement on the State economy and what process is in place to review its effectiveness?

**The Hon. J.D. LOMAX-SMITH:** The Treasurer has provided the following information:

1. The text of the historic Interstate Investment Co-operation Agreement was released by the Victorian Government on 5 September 2003. It has been available since on the Victorian Government media releases website ([www.dpc.vic.gov.au](http://www.dpc.vic.gov.au)).

2. The signatories agree to work together to eliminate unnecessary bidding wars and to restrict the use of financial incentives in seeking investments and major events.

3. Signatories to the Agreement include all states and territories bar Queensland. While I can not speak on behalf of the Queensland Government in explaining its non-participation, media reports suggested that it chose not to enter into the Agreement in order to protect its aggressive investment attraction programs and resultant budgetary impacts in the form of payroll tax.

4. To my knowledge, there are no known cases of South Australian companies relocating to Queensland since the Agreement came into effect. Businesses are not obliged however to notify the Government of their intentions prior to entering or exiting the State.

5. The three year agreement was signed on 5 September 2003 and took effect from that date. The agreement does not contain formal provision for its extension.

6. The agreement provides for annual reporting to State Treasurers on investment attraction activities of each signatory jurisdiction. The agreement also provides for periodic review of co-operation under the agreement.

**EDS, JOB RELOCATIONS**

**168. Mr HAMILTON-SMITH:** Will EDS be relocating jobs from South Australia to Malaysia as part of the company's 'Best Shore Policy' and how much has the Government invested in a specific strategy designed to ensure that South Australia remains competitive for large IT companies?

**The Hon. P.F. CONLON:** I provide the following information:

I am advised the suggestion that EDS would be moving 2,500 jobs from South Australia to Malaysia is not true.

I understand the Executive Director of EDS in South Australia has informed EDS staff that evaluations are taking place about moving some functions to EDS's 'best shore' ITO facility in Malaysia, but that only a small percentage of EDS staff in Adelaide may be affected.

EDS has assured the Government it has no intention of moving anyone out of South Australia and that South Australia is important to their business. I understand Adelaide remains a designated EDS 'best shore' site.

I am advised that of EDS's 2,500 staff in South Australia, up to about 400 staff are associated with SA Government business. A

competitive procurement process for the Government's future information and communication technology (ICT) needs has begun and EDS is competing to continue as a key provider of services for the SA Government. The outcome of the Government's future ICT procurement process will no doubt impact on the distribution of jobs amongst the participants in that process.

In addition to our role as a purchaser of services from companies like EDS, the SA Government continues to support the development of the ICT industry in this State.

We have announced a \$7 million broadband development fund and we are in the process of preparing a State Broadband Strategy. The broad objectives of this program are to assist the roll out of broadband to metropolitan and regional areas where it will assist economic development or broader community outcomes.

The IT Council, which is partly funded by the State Government, has established an IT Skills Committee to develop strategies for training and retaining people with IT skills in South Australia.

Surveys of the ICT industry show that the industry is growing at approximately 10 per cent per annum and that there is continuing demand for people with skills in this area.

Adelaide continues to be very cost competitive for companies like EDS, when compared to the United States, Europe and Japan.

The recent KPMG Competitive Alternatives study found that in areas of software design, web and multimedia, Adelaide has a cost advantage over the United States in excess of 17 per cent. Further, Adelaide was in the top three most competitive cities in the world as surveyed for these activities.

The SA Government is committed to increasing investment in areas of infrastructure to support and achieve the targets in the State Strategic Plan. This includes improving ICT connections and communications and we will continue to support creativity and innovation by the private sector to expand its services in this State.

**IMPORT REPLACEMENT PROGRAMS**

**173. Mr HAMILTON-SMITH:** What will be the investment in import replacement programs in 2004-05 and what specific programs are planned?

**The Hon. J.D. LOMAX-SMITH:** The Minister for Industry and Trade has provided the following information:

I recently announced that the State Government will be boosting resources for the Industrial Supplies Office and re-launching it as part of the National Industry Capability Network.

The new ISO will be called Industry Capability Network South Australia (ICNSA) and will operate with a staffing level of 5 persons within the Department of Trade and Economic Development. Total funding in 2004-05 is estimated at \$509,000.

DTED recently hosted a Major Developments SA Business Briefing which was attended by over 300 delegates to allow major project proponents to meet with suppliers and contractors. The publication of a *Major Projects SA Directory* is a new resource to leverage opportunities from major projects.

The Resources Program operated out of ICNSA will target major projects such as Magnet (One Steel) and Western Mining Corporation expansion. A defence program is providing support to the ASC Pty Ltd bid to consolidate the Air Warfare Destroyer program in South Australia. Additional programs will be developed by ICNSA in consultation with a range of economic development stakeholders, various industry groups and major project proponents for the defence, automotive, resources, services and ICT sectors.

ICNSA will continue to promote supply opportunities of major interstate projects and target global supply chain opportunities generated by the market intelligence available through the ICN national network.

**VENTURE CAPITAL BOARD****174. Mr HAMILTON-SMITH:**

1. How many staff are currently employed by the Venture Capital Board and how many new staff will be hired in 2004-05?

2. Why will employee expenses increase to \$499,000 in 2004-05 and what salaries are currently being paid?

**The Hon. K.O. FOLEY:**

1. 'A total of 6.4 FTEs are currently employed within the Office of the Venture Capital Board (OVCB). There are no plans to employ any additional staff in 2004-05.

2. The OVCB was established as a separate administrative unit from 1 January 2004 and hence the 2003-04 figures are for a 6 month period only. The 2004-05 budget figures are for a full year.

Total annualised salaries and on-costs for the 6.4 FTEs is approximately \$670,000.

175. **Mr HAMILTON-SMITH:** How does the function of the Venture Capital Board differ from the Bio-Innovation SA model in regard to coordinating and developing networking opportunities for private equity firms and investors?

**The Hon. K.O. FOLEY:** The Venture Capital Board model for coordinating networking opportunities for private equity firms and investors is not dissimilar to the Bio-Innovation SA model. The difference is not in the model, but in the market sector both organisations are focused on.

Bio-Innovation SA focuses solely on the biotech sector and in essentially the start up investment phase, whereas the Venture Capital Board's operations are neither market sector nor investment stage specific. The Venture Capital Board's charter is to develop a broad based private equity industry.

The Board's Terms of Reference acknowledge the respective roles of Bio-Innovation SA and Playford Capital, as follows:

'The role and activities of the VCB are to complement and not duplicate the existing activities of Playford Capital, BioInnovation SA, the Science, Technology and Innovation Directorate and the Premier's Science and Research Council.'

176. **Mr HAMILTON-SMITH:** How does the Venture Capital Board plan to facilitate commercialisation opportunities in South Australia's educational and research institutions, what projects are being funded and what results have been achieved?

**The Hon. K.O. FOLEY:** The Venture Capital Board is working in conjunction with the Science, Technology and Innovation Directorate and the three Universities to develop a collaborative model to coordinate the activities of the commercialisation arms of the three Universities, which incorporates world's best practice for commercialisation of R&D out of the universities and other South Australian based research organisations and secures the respective parties' commitments.

There are no plans by the OVCB to fund any projects at this stage.

177. **Mr HAMILTON-SMITH:** What are the purposes and inter-relationships between private equity educational workshops, private equity 'pitch' workshops and private equity forums?

**The Hon. K.O. FOLEY:** The purpose of private equity educational workshops is to provide expert insights into professional private equity firms' criteria and requirements for investment. These workshops will be conducted by industry experts and will be targeted at companies seeking investment from the professional private equity firms, rather than private investors. They will build on the more 'generic' education from the Investor Ready program.

Private equity 'pitch' workshops are where companies seeking private equity have an opportunity to present their business proposal to private equity investors, either to a panel or group of investors or in private individual sessions.

The private equity forum is the format of the successful March 2004 Forum which attracted over 250 delegates from South Australia and interstate. Whilst this Forum has an element of education, it is more about creating an awareness of the importance and value of private equity and creating excellent networking opportunities for investors and investees.

The inter-relationship is quite simply that the Forum delivers awareness and basic education, the educational workshops deliver high quality education and the 'pitch' workshops are aimed at facilitating a deal between investor and investee.

178. **Mr HAMILTON-SMITH:**

1. What is the role of the Venture Capital Board with respect to the activities of Playford Capital and Bio-Innovation SA, together with other business and trade initiatives?

2. Which Minister will oversee the early and middle stages of the venture funding programs?

**The Hon. K.O. FOLEY:**

1. Refer answer to question 175.

2. The Minister for Science and Information Economy specifically oversees the start up and early stage investment related activities of Bio Innovation SA and Playford Capital.

The Venture Capital Board is not a private equity fund and consequently, has no direct input into any private equity investment decisions. However, the Board is charged with facilitating private

equity investment across all sectors and stages of investment, including middle stage investments.

The Minister Assisting the Premier in Economic Development has ministerial responsibility for the Venture Capital Board and the Office of the Venture Capital Board.

179. **Mr HAMILTON-SMITH:** In the event that the Venture Capital Board is wound up, will the start up capital be repaid to the taxpayer as suggested by the Economic Development Board?

**The Hon. K.O. FOLEY:** The Government's \$10 million will be an investment and not a grant. Consequently, recovery of all, or part of the \$10 million, or all and a profit, over the approximately 10 year life of the fund or funds, will be dependent on the performance of the fund or funds that are invested in.

The publicly available Guidelines specify the manner in which any returns from the funds will be distributed to both the Government and private sector investors, as follows:

The fund must make a distribution on the receipt of earnings or the realisation of investments in the following manner:

- (a) first, an amount equal to the *privately sourced capital* committed to a *licensed fund* is to be returned to the private investors until this amount is 'paid'
- (b) if a surplus exists after paragraph (a), an amount equal to the *Government sourced capital* committed to a *licensed fund* is to be returned to the Government until this amount is 'paid'
- (c) if a surplus exists after paragraph (b), an amount equal to the accrued interest on the outstanding balance of the *privately sourced capital*, including 'compounded' or 'capitalised' interest, invested in or provided to the fund is to be returned to the private investors until this amount is 'paid'.
  - (i) The interest rate is to be the 10 year Commonwealth bond rate prevailing on the date the offer of a licence is made by the *Board* and stipulated in the offer document.
- (d) if a surplus exists after paragraph (c), an amount equal to the accrued interest on the outstanding balance of the *Government sourced capital*, including 'compounded' or 'capitalised' interest, invested in or provided to the fund is to be returned to the Government until this amount is 'paid'.
  - (i) The interest rate is to be the 10 year Commonwealth bond rate prevailing on the date the offer of a licence is made by the *Board* and stipulated in the offer document.
- (e) if a surplus exists after paragraph (d), the amount is to be divided between the Government (as to 10 per cent) and the other investors and the fund manager (as to 90 per cent)
- (f) A 'clawback' provision may be required to address the potential 'clawback' of some *privately sourced capital* to be returned to the Government if the fund is not fully drawn down.

## EXPORTS

180. **Mr HAMILTON-SMITH:** Why has the rate of decrease in South Australian export performance over the past two years been much greater than the national downturn as reported by the Bank SA Trends Report of June 2004 and the Australian Bureau of Statistics?

**The Hon. J.D. LOMAX-SMITH:** The Minister for Industry and Trade has provided the following information:

South Australia's exports first entered into a rate of decline in 2001, according to the BankSA *Trends Report* June 2004, when the Opposition was in Government.

Figures recently released from the Australian Bureau of Statistics (ABS) indicate that South Australian exports fell by 2.4 per cent (around \$0.2 billion) in the year to September 2004.

National goods export values increased by 1.5 per cent (around \$1.6 billion) during the same period.

However, South Australia has experienced an export turnaround in the previous seven months. Short-term analysis suggests that export growth is gaining momentum.

Total exports in the three months to September 2004 were 7.7 per cent higher than in the three months to September 2003, with strong growth recorded for wheat, wine and metals and metal manufactures.

Australian goods export values increased by 1.5 per cent (around \$1.6 billion) during the same period.

South Australian export growth has therefore outpaced the national growth in most recent months. The Government expects this trend to continue, due to factors in a number of sectors:

- manufacturing: with an increase in road vehicle exports to the US from Holden

- new wine export markets: recently identified by the Premier in his visit to India
- film and ICT: where South Australia is leading the way, and
- minerals: through increased trade with China.

The *Trends Report*, to which Mr Hamilton-Smith refers, confirms these positive trends:

South Australia's recent solid economic performance is continuing. After flirting with economic stagnation in the mid-1990s, the local economy has rebounded. Even better, much of the growth seen now is laying the foundation for sustainable, longer-term growth - helping secure a promising future for the next generation.

Looking forward, strong global growth should continue to bolster exports in South Australia. The IMF and the OECD are both forecasting world economic growth of around 4.5 per cent during 2004-05 which, if it eventuates, will be the strongest two-year world growth performance since the late 1970s.

### ECONOMIC SPENDING

#### 181. Mr HAMILTON-SMITH:

1. What impact will the proposed \$39M reduction in expenditure on trade and economic activity in 2004-05 have on the level of South Australian exports?

2. What economic impact will the proposed \$32M reduction in expenditure on major project facilitation in 2004-05 have on South Australian exports and infrastructure development?

**The Hon. J.D. LOMAX-SMITH:** The Minister for Industry and Trade has provided the following information:

I refer to the Honourable member's question where he refers to a reduction in expenditure within the Department of Trade and Economic Development. Whilst I cannot source the exact location of the reduction in expenditure I would refer the member to budget paper 4 volume 1 pages 2.30-2.32. Those pages detail a comprehensive explanation for the reduction in expenditure between the 2003-04 budget and estimated result and the 2004-05 budget. It is obvious that the recent restructuring of DTED has compensations in reduced expenditures of a recurrent nature, but equally, a shift in policy in relation to the former Industry Investment and Attraction Fund (IIAF), which has over recent years been a principal source of funding to support the Government's economic development strategy, has seen activity in the fund decrease, and less reliance on the fund by DTED in 2004-05.

Proposed land and improvement reductions in 2004-05 of some \$22.9 million are a result of the transfer of certain stages of the Edinburgh Parks program to the Land Management Corporation (LMC).

The transfer of some previous DTED functions to other government agencies has also reduced proposed recurrent expenditures by some \$10.5 million in 2004-05. These transfers include Business and Skilled Migration to the Department of Premier and Cabinet, and the (former) Centre for Innovation and Business Manufacturing (CIBM) Food Team to the Department of Primary Industries and Resources.

The proposed reductions in expenditure have not resulted in a reduction in trade and economic activities proposed in 2004-05. Rather, they merely reflect a transfer of certain targeted Government assets and projects between DTED and other government departments which are better placed to deliver the range of expected outcomes, where these projects represent core activities for these government departments. This is quite consistent with the recent restructuring of DTED and allows DTED to concentrate on engaging with SA industry to treble South Australia's exports by 2013.

Further efficiencies have been bought about by the Government taking a careful approach to streamlining services and targeting the State's export and infrastructure core activities in 2004-05. The Government's acceptance of key recommendations of the Economic Development Board and the Export Council and the refocussing of DTED are all designed to help industry take the lead role in driving our State's export performance in 2004-05.

Recently the Government announced the Export Council's Export SA Strategy, *Beyond Local, Towards Global: Building South Australia's Export Culture*, which is designed to treble South Australia's exports to \$25 billion by 2013. This strategy represents a major plank in the Government's efforts to create an environment that will facilitate strong export growth in South Australia over a 10 year period.

In the short term, the Export SA Strategy and complementary programs supported by Austrade, have the potential to double the

number of firms engaging in export activities in South Australia by 2006.

The Export SA Strategy calls on industry to play an active role in developing a strong export culture within South Australia. The Strategy also encourages exporters to mentor companies that are exporting or planning to export for the first time.

Official Australian Bureau of Statistics (ABS) figures show South Australia's exports are gaining in momentum in 2004. This is in line with the State Government's target to treble exports by 2013, which shows the Government's export policies are beginning to work.

The ABS figures show that in the three months to August 2004, South Australia's exports were 12.2 per cent higher than in the three months to August 2003, with strong growth recorded for nearly all of South Australia's major commodities.

Since Adelaide was named the number one place to do business in Australia, and the third most cost-competitive city in the world for business, according to the 2004 KPMG survey and combined with South Australia's recent AAA investment rating, South Australia now has the right fundamentals in place for accelerating growth in trade in 2004-05.

### ENVIRONMENT PROTECTION AUTHORITY LICENSING

183. **Mr HAMILTON-SMITH:** Are small businesses consulted in regard to the implementation of EPA licensing arrangements and if so, how?

**The Hon. K.A. MAYWALD:** I am advised that with regard to administering licenses, the EPA makes no distinction as to whether an applicant is a small business or not. The processes for administering licenses are prescribed under the *Environment Protection Act 1993* (the Act), in particular to granting a license and changing conditions. Where the EPA proposes to vary the conditions of a license, it must consult with the licensed party and invite the party to make submissions in response to the proposed variation, in accordance with the requirements of section 46 of the Act.

For the implementation of a new license public consultation is undertaken in accordance with section 39(1) of the Act. Correspondingly a variation of a license condition requires public consultation in accordance with section 46(1) of the Act. On application for a new or varied license the EPA must put in place a public notification inviting comment from interested persons and a minimum of fourteen days must be provided for comment.

### SMALL BUSINESS

184. **Mr HAMILTON-SMITH:** What action has the Government taken to ensure that it does not unfairly compete with small businesses for contracts and what competition neutrality measures are in place to protect business in cases where the Government is both the regulator and a service provider?

**The Hon. K.A. MAYWALD:** In accordance with South Australia's obligations under the *Competition Principles Agreement*, significant government businesses are required to comply with the principles of competitive neutrality. These principles are designed to neutralise any net competitive advantage that a government or local government agency engaged in significant business activities would otherwise have, by virtue of its control by the government or local government, over private businesses operating in the same market.

Competitive neutrality questions how significant government business activities are run and whether they have an advantage from not paying taxes; having cheap government finance; or not being covered by the same regulations as the private sector. Competitive neutrality principles are also relevant when a government agency submits a tender as part of a tendering process in competition with the private sector.

South Australia's approach to competitive neutrality is expressed in the *Government Business Enterprises (Competition) Act 1996* and the supporting South Australian Government Competitive Neutrality Policy Statement, which is available on the Department of the Premier and Cabinet website [www.premcab.sa.gov.au](http://www.premcab.sa.gov.au) (under National Competition Policy, Documents).

The implementation of competitive neutrality principles has been completed for identified significant business activities within the South Australian Government. The focus is now on monitoring ongoing compliance by way of a formal annual review process. Under this review process, which is overseen by the Department of Treasury and Finance, Ministers are required to identify any new

significant government business activities and confirm that existing government businesses continue to operate in accordance with competitive neutrality principles. This information is also reported to the National Competition Council as part of South Australia's Annual Report on the implementation of National Competition Policy.

In addition, Clause 4(2) of the Competition Principles Agreement requires the separation of regulatory functions from operational activities (ie business activities).

*"Before a Party introduces competition to a sector traditionally supplied by a public monopoly, it will remove from the public monopoly any responsibilities for industry regulation. The Party will re-locate industry regulation functions so as to prevent the former monopolist enjoying a regulatory advantage over its (existing and potential) rivals.*

This process has also been completed.

#### 185. Mr HAMILTON-SMITH:

1. Why has business confidence amongst small and medium sized businesses in regional South Australia declined to 10 percent below the national average according to the August Sensis Business Index?

2. Why is it that only 9 percent of South Australian small and medium sized businesses exported in the previous quarter when the national average was 16 percent according to the August Sensis Business Index?

#### The Hon. K.A. MAYWALD:

1. The Sensis Business Index is based on interviews with only 30 non metropolitan businesses in South Australia and does not ask businesses to explain their responses.

This is a very small sample, where a single response can change the percentage outcome for South Australia.

Over the last 3 surveys the national figure for business confidence has had a low of 60 percent and a high of 69 percent whilst the South Australian figure has varied from 52 percent to 61 percent.

When metropolitan and non metropolitan figures for the August survey are combined, South Australia (at 66 percent) is on par with the national level of 67 percent.

In the August survey other States showed significant differences in confidence between metropolitan and regional. In Western Australia metropolitan 65 percent was 14 percent higher than regional 51 percent and in New South Wales metropolitan 64 percent was higher than regional at 51 percent. In relation to both of those examples South Australia regional confidence at 52 percent was higher.

2. The Small Business Index does not ask respondents to explain why they export or why they do not. The variation in percentages from survey to survey may be due to seasonal factors.

In the August 2004 survey, all States and Territories except New South Wales were below the national average of 16 percent.

All States and Territories except New South Wales and the ACT experienced a decline from the previous survey of May 2004.

All States and Territories had higher percentages of exporters in the May 2004 survey compared to the February 2004 survey.

The Small Business Index is based on only 225 responses in South Australia.

### INFORMATION AND COMMUNICATION TECHNOLOGY

187. (4th Session) & 500 (3rd Session) **Mr HAMILTON-SMITH:** Will the tendering limit for information and communication technology goods and services contracts be increased from \$20,000 to \$100,000?

**The Hon. M.J. WRIGHT:** There is no threshold stipulated by Government for which tenders must be called. Individual agencies determine a procurement methodology based on their assessment of value, risk and complexity.

The IT Council and officers of the Department for Administrative and Information Services have established communication channels to exchange views on procurement matters and discuss government agency processes.

### SERVICES SA

#### 188. Mr HAMILTON-SMITH:

1. What is the Government's future business plan for 'Services SA'?

2. How many 'Services SA' offices were established by the former Government, how many offices have been established by the current Government, where are they located and in each case, what were their establishment costs?

3. What has been the total cost of the Services SA project since its inception and what have been the operational costs in each financial year since March 2002?

4. Has the current Government established any 'Services SA' branch outside of the metropolitan area?

#### The Hon. M.J. WRIGHT:

1. Service SA currently provides a single access point to government information and services through an integrated network of phone, face-to-face and online delivery channels. The future business plan for Service SA continues to build upon the service range and the access points available through all three channels therefore enhancing availability and accessibility to government information and services through the Service SA network.

Consistent with developing its existing network and service provision, Service SA is developing an expansion strategy to increase access to services through a broader regional and CBD presence.

I am advised that on finalisation, this strategy will be presented to government for consideration. I understand that extensive consultation has occurred across government regarding the strategy.

2. Cabinet approved the implementation and operational arrangements for Service SA in April 2001. Service SA became the first point of access for South Australians wanting to conduct government financial transactions, access government related informational services or receive referral for more specialised services. I am advised the following:

The former Government established the first three Service SA Customer Service Centres located at:

- Whyalla (operational 3 December 2001),
- Gawler (operational 29 January 2002), and
- Port Lincoln (operational 25 February 2002).

Although the former Government established the Port Lincoln Customer Service Centre, due to the change in Government, Minister Weatherill officially opened the Centre.

The fourth Service SA Customer Service Centre located at Port Augusta was established and opened by the current Government. The Premier Mike Rann officially opened this Centre on 3 September 2003.

The establishment (fitout) costs for each of the four Centres are as follows:

- Whyalla—\$69,000 (minor refurbishment only)
- Gawler—\$439,000 (new site and fit-out)
- Port Lincoln—\$539,000 (new site and fit-out)
- Port Augusta—\$419,000 (new service delivery model and new fit-out)

3. I am advised that Service SA network consists of:

- Four regional Customer Service Centres (CCC)— Whyalla, Gawler, Port Lincoln, Port Augusta.
- Seven Rural Agents—Port Broughton, Port MacDonnell, Wudinna, Yorketown, Peterborough, Keith, Streaky Bay.
- Government Legislation+ Outlet (GLO)—101 Grenfell Street, Adelaide. This outlet provides access to government legislation and other products.
- Customer Contact (call) Centre—13 23 24.
- Website—[www.service.sa.gov.au](http://www.service.sa.gov.au).
- Online shop—[www.shop.service.sa.gov.au](http://www.shop.service.sa.gov.au).
- Property Assist Services (transferred from DEH on 1/9/03).

The Department for Administrative and Information Services has provided the following table which outlines the Service SA operational costs since April 2001 including all above channels and functions.

Year	Comments	Project Costs (\$'000)	Operational Costs (inc dep'n) (\$'000)	Total (\$'000)
2000-01		1,312		1,312
2001-02	Full Year	3,709	2,188	5,897

	Mar 02 –Jun 02 only		1,322	
2002-03		779	5,309	6,088
2003-04	Full Year	563	6,562	7,126
<b>TOTAL</b>		<b>6,363</b>	<b>15,381</b>	<b>20,423</b>

Note: Operational Costs are funded from agency recoveries and appropriation.

4. All four of the Service SA Customer Service Centres are located outside of the metropolitan area in Gawler, Port Augusta, Port Lincoln and Whyalla.

The Port Augusta Centre was established by the current government and officially opened by the Premier Mike Rann on 3 September 2003.

#### VENTURE CAPITAL BOARD

190. **Mr HAMILTON-SMITH:** What discussions have taken place regarding any assistance or investment facilitation by either Playford Capital or the Venture Capital Board to Agrilink Holdings Pty Ltd and PWR Management/Investments Pty Ltd (now Paragon Advisory)?

**The Hon. K.O. FOLEY:** The Venture Capital Board (VCB)/Office of the Venture Capital Board (OVCB) has advised that they have had no discussion regarding assistance or investment facilitation with Agrilink.

Regarding Paragon Advisory, I received a request for financial assistance, dated 11 July 2003 and I declared a conflict of interest. I advised Paragon Advisory that the request would be referred to another Minister. The request was referred to the Executive Chairman of the then proposed Venture Capital Board for consideration and provision of advice to the Premier in his capacity as Minister for Economic Development. The request for financial assistance was not supported and this was communicated back to the Company.

The only direct discussions with the VCB/OVCB have been in regard to Paragon Advisory's interest in participating in the \$10 million SAPE Program via the public 'Request for Proposal' process.

Following a discussion with Paragon, I suggested to Ms Helen Nugent (Chair of Funds SA), that the CEO Funds SA may wish to meet with Paragon to discuss what services they may be able to offer to Funds SA.

#### SCHOOLS, CEDUNA AREA

194. **Mrs PENFOLD:**

1. Who was the successful tenderer for the redevelopment of Ceduna Area School, did the tender comply with Government guidelines, were local businesses invited to tender and was the successful tenderer the only one considered?

2. Why were the plans for stage one of this redevelopment not forthcoming to the school council and the community prior to them being asked to make decisions and what action will take place to prevent this recurring in future stages?

**The Hon. J.D. LOMAX-SMITH:**

1. The Department of Administrative and Information Services (DAIS) cancelled the March 2004 tender call on 4 June 2004 and existing consultant contracts were not extended into the next phase. The cancelled tender process met all tendering rules and the decision to not accept any tender was in accordance with the Conditions of Tender.

DAIS has since undertaken another procurement system to achieve the required scope, budget and timeline for the project.

Government procurement requirements have been met and the successful provider for these works is Chapman Building Industries.

No Ceduna building contractors have DAIS pre-qualifications or have suitable building systems able to undertake the civil services work required for this project.

2. The Stage 1 design (Reception to Year five facility), which went to tender in March 2004, was discussed and negotiated with school and community representatives. This included presentations by the consultant team at the Ceduna Area School to staff and the school council.

When this tender was cancelled and the modular option developed the contractor made adjustments to suit their modular construction method. The modular design retained all spaces previously identified but due to the modular nature of construction (and issues associated with transportation to site) the shape of the spaces was changed. The number of spaces and their proposed function has not altered.

The school principal and assistant principal were shown the Stage 1 plans on their visit to the contractors building yard on 14 July 2004. A complete set of plans was forwarded to the school on 14 September 2004, the same week that DECS officers received these plans.

Following the visit to the contractor's premises, advice was received by DECS that concrete floors in the new facility were required by the school. As a result of this requirement significant additional design works had to be undertaken, costings sought and program adjustments made.

Consultation with the school community regarding future stages has already commenced.

#### SQUARE KILOMETRE ARRAY RADIO TELESCOPE

195. **Mrs PENFOLD:** What action is being undertaken by the State Government to ensure that South Australia remains the preferred site in Australia's bid for the 'Square Kilometre Array' radio telescope?

**The Hon. P.F. CONLON:** I provide the following information:

I understand that since this question was put on notice, a briefing on the current status of the project has been provided to the Honourable Member by the SKA Site Selection Project Director.

Since 2000, the South Australian Government has been an active member of the CSIRO consortium trying to identify Australian sites for the core of the SKA project. South Australia's involvement has been based on the estimated \$400m in economic return to the State if the SKA was sited in South Australia and the fact that, under the site criteria, South Australia was a strong contender.

A new *Request for Proposals for Siting the SKA 1 September 2004* (RFP) has been received from the International SKA Project Office (ISPO) in the Netherlands. On close examination, the new RFP considerably weakens the South Australian case to host the SKA and puts Murnpeowie outside the RFP requirements.

The South Australian Government had identified a possible site at Murnpeowie, north of Leigh Creek, for the SKA core site, based on information previously provided by the ISPO. One of the key requirements was the need for a greater than 3000 km base line with the core site anywhere along the line. This has now changed to a "distance between the core and the farthest station being at least 3000 km." From the Murnpeowie site, the longest east-west distance is less than 2,800 km.

The Government has discussed locating an element of the SKA in New Zealand to achieve the required 3000 km base line, however, technical difficulties mean this option will not meet RFP requirements.

In addition, the previous criteria suggested that the remote stations could be located in regions with greater radio interference than the core site based on the assumption that the interference could be electronically filtered. For technical reasons, the remote stations radiating from Murnpeowie primarily went east into the more highly populated States. The new RFP is requesting a high level of radio quietness even in the remote stations. A reorientation of the array based on Murnpeowie is technically difficult.

Furthermore, under the previous criteria, Australia was planning to present several site options based on various SKA configurations to the ISPO. The new RFP requests that each country identify a single site for international consideration. It is the technical opinion of the Project Director for the SKA in SA that the South Australian bid will now be non-complying and would be inferior to Western Australia's bid. To provide the strongest national bid for the SKA, South Australia has withdrawn from the race and is supporting the Western Australian bid.

There are still considerable business development opportunities for South Australian technology companies to secure work from a successful Australian SKA bid. The Government will continue to work closely with the SKA consortium to maximise the economic, scientific and educational returns to the State from the project.

## LOCAL GOVERNMENT, FUNDING

### 207. Dr McFETRIDGE:

1. Which Local Councils receive funding under the Waste Oil Collection Infrastructure Small Grants Program and how much do they each receive?

2. Which Local Councils receive other State Government funding for recycling waste oil and how much do they each receive?

3. Do any Local Councils receive funding for undertaking the testing of vehicle emissions and if so, what are the details?

4. Do any Local Councils receive funding under the Greenhouse Gas Abatement Program and if not, has any Local Council or Government Department applied for this funding and if so, why was the application unsuccessful?

5. What State Government measures are in place for the reduction in greenhouse gas emissions in South Australia?

**The Hon. J.D. HILL:** I have been advised that:

1. The Local Government Waste Oil Collection Infrastructure Small Grants Program is a component of the Commonwealth Government Product Stewardship for Oil Program. This program is not administered by the State Government.

2. The South Australian Government does not provide assistance for the recycling of waste oil.

3. No funding is provided to local councils for testing of vehicle emissions.

4. The Greenhouse Gas Abatement Program (GGAP pronounced gee-gap) is a Commonwealth program and I am therefore limited in the level of detail that I can provide to answer this question. I will highlight some aspects of the GGAP program on which I have been advised.

Firstly, the GGAP program targets relatively large proposals with substantial emissions reductions. One of the key criteria for proposals is cost-effectiveness, and proposals are assessed on a competitive basis. Proposals are expected to achieve over 250,000 t/yr of reduction in greenhouse gas emissions in 2008-12, the first commitment period under the Kyoto Protocol.

To give you a sense of scale, 250,000 tonnes is roughly four times the abatement achieved in South Australia by the Cities for Climate Protection Program™ - a program that has been actively supported by our Local Councils with 17 participating councils involved covering 75 per cent of the state's population.

There have been three rounds of the GGAP funding. The final round has closed for submissions and the successful proposals for Round 3 are expected to be announced by the end of 2004.

In Round 2 the National Transport Secretariat successfully proposed a national travel behaviour change program involving ACT, Qld, SA and Victoria. South Australia's involvement, managed by the Department of Transport and Urban Planning links to the Travelsmart program involving partnerships with Local Councils. The entire program is expected to cost \$18.3 million with \$6.5 million from the GGAP fund.

It is my understanding that GGAP funding in Round 1 and 2 has been won, in the main, by major industries, power stations and energy companies.

No substantial biosequestration projects have been funded. ForestrySA, with SA and WA partners, applied for funding for low rainfall forestry projects to jointly address greenhouse gas abatement and natural resource management objectives in the first two rounds but, although shortlisted, was unsuccessful.

5. I have been provided with a comprehensive, if not complete, list of programs and strategies currently being implemented by the State Government. Many other measures are being developed and implemented as part of the Greening of Government (GoGo) Framework launched on 22 October 2003. Priority areas within this framework will focus on energy management, travel and fleet management and green procurement.

In line with our commitments under the State Strategic Plan we will be delivering a South Australian strategy for reducing greenhouse emissions and responding to climate change. I expect this strategy will increase the measures underway for reducing greenhouse emissions in order for South Australia to meet the Kyoto Target in the period 2008—2012, as stated in the State Strategic Plan.

Importantly, this strategy will seek to reach outside of state government and involve industry and the community in developing answers to the challenges posed by climate change. Regardless of the environment a state government creates, I believe climate change will force a transition on South Australia. We know that the climate is already changing and we can see increasing international pressure

to reduce greenhouse emissions and move toward what is called a low carbon future.

Change can bring opportunity though, and if we do a good job with our greenhouse strategy, we will be able to position the state to best respond to a future with carbon constraints and an uncertain climate.

As a first step on this pathway, I would like to list many of the measures that are already reducing emissions:

#### Energy Information

The active promotion of renewable energy sources such as solar energy and wind power and energy efficiency by Energy SA. Energy SA operates an Energy Advisory Service that provides general information to the public regarding energy options via an energy information centre, telephone and internet site.

The Government is a contributor to the national Green Power scheme, which provides consumers with a choice of accredited renewable electricity.

#### Energy Supply

Maintenance of the \$500-\$700 subsidy scheme for domestic solar water heating systems.

Administering the Commonwealth Photovoltaic Rebate Program and Renewable Remote Power Generation Program, both of which have excellent uptake in SA.

\$1.25 million has been committed to the SA Solar Schools Program which will allow up to 50 schools and preschools to install solar energy panels.

Solar photovoltaic installations have been installed on the Art Gallery and the South Australian Museum. The Parachilna remote area power supply is also supplemented with a photovoltaic system.

SA Water has built a 2 megawatt mini-hydro facility at the north east Adelaide Terminal Storage, and has identified opportunities for further hydro facilities that will capture power from metropolitan water storage.

The signing of a contract in 2002 between the State Government and AGL for the supply of 32,00 MWh of electricity from the SA Starfish Hill wind farm for a five year period, representing 6.4 per cent of total government electricity use.

Over half the nation's proposed new wind farm developments are in South Australia. And we already have the second highest installed capacity. We have one completed wind farm and about 360 megawatts in the construction phase.

The Government is actively assisting the development of a wind energy industry in South Australia and Planning SA has issued guidelines for developers and development approval authorities to increase certainty in the decision making processes.

South Australian legislation allows for geothermal (hot rock) exploration and production to facilitate development of this sustainable source.

#### Energy Demand

The Government Energy Efficiency Action Plan and the Greening of Government Operations (GoGo) Framework - The Government is committed to reducing its own energy use by 25 per cent by the year 2010. It is adopting energy efficiency measures such as improved building lighting, low power stand-by modes on electrical equipment, and modified air conditioning control, to achieve the target.

The Energy Friends program engages local communities, providing self-audit kits and the training necessary for home energy audits.

The Energy Efficiency Program for Low Income Households funds community based welfare organisations to provide energy efficiency advice and devices to eligible low income households. Compact fluorescent lights, high efficiency shower heads and door draught proofing are being provided.

Business energy efficiency programs initiated by the Government, such as the Grote Street Baseline project, demonstrate ways in which small businesses can improve energy efficiency.

The State Strategic Plan builds on these measures and outlines targets to:

- lead Australia in wind and solar power generation within 10 years;
- increase the use of renewable electricity so that it comprises 15 per cent of total electricity consumption within 10 years;
- extend the Solar Schools Program so that at least 250 schools have solar power within ten years; and
- reduce energy consumption in Government buildings by 25 per cent within 10 years.

Integrated Land Use and Transport

The TravelSmart program which encourages travel behaviour change and promotes alternatives to car travel such as cycling, walking and public transport.

Leading by example by establishing a compressed natural gas (CNG) bus fleet with superior emissions performance.

State Fleet has purchased several Toyota Prius hybrid electric cars that significantly reduce emissions levels and supports a significant fleet of LPG vehicles.

Assisting in the establishment of a bio-diesel plant in Port Adelaide and the undertaking of a bio-diesel trial program for the SA bus fleet.

Adoption of emission standards for new vehicles sold in Australia from 1 January 2006.

The establishment of a four- star energy-rating requirement in 2003 through Planning SA which sets a minimum energy performance requirement for new residential buildings. This initiative is to be followed by the introduction of a five-star energy requirement for new houses by May 2006.

The State Strategic Plan builds on these measures and outlines targets to:

Double the use of public transport to 10 per cent of weekday travel by 2018; and

Increase the energy efficiency of dwellings by 10 per cent within 10 years.

Sequestering Emissions

Supporting the expansion of plantation forestry within the State.

Extending the One Million Trees program so that 3 million trees will be planted in South Australia within 10 years.

#### WATER CONSERVATION

208. **Dr McFETRIDGE:**

1. What is the budget allocation for the State Government's 'Waterwise' initiative in 2004-05, what is the nature and details of each funded project and which community organisations have or will receive assistance under this initiative?

2. How much funding has been spent on marketing and advertising the State Government's water saving and conservation campaign in each financial year since its inception?

**The Hon. M.J. WRIGHT:**

1. The WaterWise project is jointly sponsored by the Murray Darling Association, and the River Murray Urban Users and is completely funded by the Natural Heritage Trust.

2. Last financial year, the State Government undertook a range of marketing and advertising as part of a community education program to assist the community to understand the new permanent water conservation measures.

The advertising focused on the theme of 'Slow the Flow' and encouraged wise water use and compliance with the restrictions. The total cost of the TV, radio and print advertising for 2003-04 was \$560,000.

The overall education campaign, which included a poster/brochure for every South Australian household on how to be water efficient, a water symposium for the nursery industry, web content and displays, cost approximately \$1.02 million.

In 2004-05, the State Government's WaterCare campaign was launched to encapsulate all water-related issues, with broad messages about water efficiency and water quality. This campaign is being coordinated by the Environment Protection Authority.

SA Water is conducting two water efficiency campaigns which include a component of advertising and marketing. These are:

- Beautiful Waterwise Gardens campaign: to address the high use of water in domestic gardens. The campaign includes a garden centre booklet, posters, web pages and print/radio advertising.
- Water conservation campaign: to further encourage compliance with the permanent water conservation measures and offer the community specific hints and tips on how to save water in each area of their home. This campaign is largely being run in the print media. It has included a billing insert to all areas covered by the permanent water conservation measures.

The campaigns will run throughout the summer, with an estimated combined budget of \$350,000.

#### ENVIROFUND

209. **Dr McFETRIDGE:** How many local community groups have accessed small grants up to \$30,000 through the 'Envirofund' program to address local natural resource management issues in each year since 2002 and in each case, who were the recipients, how much State and Federal Government funding did they receive and for what purpose?

**The Hon. J.D. HILL:** I have been advised that the Envirofund is administered by the Australian Government, which includes application assessment and funding distribution.

Details can be obtained from the Natural Heritage Trust website [www.nht.gov.au](http://www.nht.gov.au).

#### HOSPITALS, ANGASTON

210. **Mr VENNING:**

1. With respect to WorkCover claims made by volunteers and staff, respectively, at the Angaston Hospital in each year since 1994—

(a) how many claims were lodged and what was the nature of those claims;

(b) how many claimants were rehabilitated and returned to their respective roles at the hospital, and how many were paid out and unable to return;

(c) how many claimants are still on WorkCover benefits; and

(d) what has been the cost of these claims to Government?

2. With respect to recorded injuries by patients, visitors and tradespersons to the Angaston Hospital in each year since 1994—

(a) how many injuries occurred and what was the nature of those injuries;

(b) how many have been or in the process of being compensated for their injuries; and

(c) what has been the cost of these injuries to Government?

**The Hon. L. STEVENS:**

1.(a)

Type of Claim	No. of claims
Burns	4
Contusion with intact skin surface and crushing injury excluding fracture	6
Disorders of muscle, tendons and other soft tissues, digestive or reproductive systems	4
Dorsopathies—disorders of the spinal vertebrae and intervertebral disc	7
Foreign body on external eye, in ear or nose or in respiratory, digestive or reproductive systems	2
Intracranial injury, including concussion	1
Mental disorders	3
Open wound not involving traumatic amputation	5
Osteopathies, chondropathies and acquired musculoskeletal deformities	1
Other and unspecified injuries	1
Other diseases	1
Other disorders of the eye	1
Poisoning and toxic effects of substances	2
Sprains and strains of joints and adjacent muscles	39
Superficial injury	1
Fracture of vertebral column with or without mention of spinal cord lesions	1
<b>Total Claims</b>	<b>79</b>



1.(b)

Return to Pre-Injury Duties	74
Redeployed into alternative position, alternative position	1
Current rehab—likely to return to pre-injury duties	1
Current rehab—likely to pursue alternative long term options	1
Claim settled	1
Claimant deceased	1

1.(c) The number of claimants still on WorkCover Benefits is 8 (5 medical expenses only, 3 income maintenance payments).

1.(d) The total cost of claims is \$409,362.65.

2.(a)(b) In respect to recorded injuries by patients, visitors and tradespersons to the Angaston hospital since 1994, I advise that there have been 4 incident notifications, the nature of injury are as follows:

- FOI request by son following death
- Anaesthetic syringe re-used
- Right knee arthroscopy
- Infection after cataract surgery

2.(c) The first three matters have been closed and no payment made the final matter remains an open claim and no payments have been made to date.

#### ABORIGINAL RENTAL HOUSING PROGRAM

211. **The Hon. D.C. KOTZ:** How much Commonwealth and State funding under the State Housing Agreement was allocated to the Aboriginal Rental Housing Program in 2003-04, how much of this funding was unspent at the end of this year and what is the total allocation for 2004-05?

**The Hon. J.W. WEATHERILL:** The 2003-04 budget allocation under the Commonwealth State Housing Agreement for the Aboriginal Rental Housing Program (ARHP) was \$12.3 million, comprising:

- \$8.9 million from the Commonwealth Department of Family and Community Services; and
- \$3.4 million from the Aboriginal and Torres Strait Islander Commission.

All allocations made to the Aboriginal Housing Authority (AHA) for ARHP monies were fully spent during 2003-04 financial year. The AHA's audited financial statements identify that \$12.3 million was spent in 2003-04 on this program

The 2004-05 allocation for ARHP is \$12.433 million, and it is anticipated that this will be fully spent within the 2004-05 financial year.

#### INVESTOR READY PROGRAM

213. **Mr HAMILTON-SMITH:** What are the objectives of the Investor Ready program, how much funding has been allocated to the program in each year since its commencement and how many participants have taken part in the program?

**The Hon. K.O. FOLEY:** The Investor Ready Program was transferred to the Office of the Venture Capital Board from the Centre of Innovation, Business and Manufacturing on 1 May 2004. Following the transfer to the Office of the Venture Capital Board the program was reviewed and then refined. Its name was changed to the Equity Ready Program.

The program now provides three different workshops. One addresses the needs of entrepreneurs starting a business, one is for early-stage expansion capital and one is for established companies seeking expansion capital from the formal Private Equity market.

From 1 May 2004 until 30 June 2004 the budget allocation, transferred from the Centre of Innovation, Business and Manufacturing, was \$50,000. The budget allocation for the financial year 2004-05 was \$170,000.

The total number of participants in the program from 1 May 2004 to 30 June 2004 was 15. The total number of participants from 1 May 2004 to 4 November 2004 was 135.

#### DEPARTMENTAL LAND, PORT AUGUSTA

221. **The Hon. G.M. GUNN:** What plans or proposals are there for the disposal of the Departmental land in Port Augusta previously used as a Depot and most recently used by Australian

Plant Hire?

**The Hon. K.O. FOLEY:** A H Plant Hire vacated the premises on 30 September 2004 and has undertaken its reinstatement obligations satisfactorily.

Another private tenant, Clift Transport Services, remains in occupation of a portion of the site on a monthly tenancy basis.

There are currently no proposals for the disposal of this land. A review of Department of Transport and Urban Planning operational requirements will occur over the next few months and any proposal for land disposal will be subject to Department of Premier and Cabinet Circular 114 as usual.

#### PORT ADELAIDE WATERFRONT REDEVELOPMENT

226. **Dr McFETRIDGE:** What are the anticipated rehabilitation and decontamination costs to Government for land sales at the Port Adelaide Waterfront re-development and what income is expected from these sales?

**The Hon. P.F. CONLON:** I provide the following information:

The Land Management Corporation (LMC) will invest \$34 million in land development for the Port Adelaide waterfront redevelopment, of which \$33.61 million is budgeted for remediation works. LMC has also allocated a capped remediation contingency of \$2.24 over the entire project. LMC will contribute a further \$3 million over 10 years to be matched by the Council and project partners towards economic and tourism development for the Port centre.

LMC expects to receive direct returns from land sales of \$80 to \$100 million in current dollars over the 10 to 15 year life of the development.

LMC anticipates additional returns from:

- Development of adjacent sites which the LMC controls; and
  - Development of marinas, subject to Government approval.
- The specific details of these additional revenues are commercial in confidence at this stage.

The project partners' investment is expected to attract further public and private investment in the revitalisation of the Port centre and surrounding region.

#### DEVELOPMENT (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL

227. **Dr McFETRIDGE:** What are the details of any community consultation which has occurred or will occur regarding the application of the certain State Strategic Plan initiatives to be included in the Planning Strategy of the draft Development (Sustainable Development) Amendment Bill 2004?

**The Hon. P.L. WHITE:** The Planning Strategy is reviewed every 5 years. The Development (Sustainable Development) Amendment Bill which will be introduced shortly reflects South Australia's Strategic Plan targets for planning and development.

Community consultation will still be included as part of that process under the proposed new Bill.

#### OFFICE OF THE NORTH WEST

228. **Dr McFETRIDGE:** With respect to the Office of the North West—

- (a) what was the Office's total expenditure in 2003-04;
- (b) who is the current acting Director, what are the responsibilities and what is the remuneration package;
- (c) where is the acting Director's office located;
- (d) does the acting Director have any other Governmental responsibilities or hold any other paid position and if so, what are the details; and



(e) when and where will the Office be officially established?

**The Hon. P.L. WHITE:**

(a) The Office was deemed to be established from 1 July 2004.

(b) There is no acting Director. Patrick Hansen is the substantive occupant of the position Director, Office of the North West. The responsibilities are outlined in the Job and Person specification for the vacancy that appeared in the Notice of Vacancies (2 July 2004) and in The Advertiser. The position is classified at the ASO 8 level.

(c) Currently, the office of the Director, Office of the North West is located at the Parks Community Centre, 2-46 Cowan Street, Angle Park.

(d) The Director, Office of the North West was a newly created position and no employee has acted in this position. Mr Hansen does not currently undertake other Government paid employment. He has stated however that he is an elected member of the City of Port Adelaide Enfield.

(e) The Office location was officially established at the Parks Community Centre from October 2004.

229. **Dr McFETRIDGE:** Has the Director of the Office of the North West been advertised and if so—

- (a) when and how did this occur;
- (b) what was the closing date;
- (c) how many applications were received;
- (d) how many applicants were or will be interviewed;
- (e) who was the successful candidate and when will this person commence; and
- (f) what are the details of the remuneration package and which agency is responsible for this payment?

**The Hon. P.L. WHITE:**

(a) The position was advertised in the Notice of Vacancies on 2 July 2004 and in 'The Advertiser' on 3 July 2004.

(b) The closing date for applications was 16 July 2004.

(c) Four applications were received for this position.

(d) Three applicants were interviewed for the position.

(e) The successful candidate was Mr Patrick Hansen who commenced in the position on 5 October 2004.

Mr Hansen signed his acceptance statement for his ongoing appointment at the ASO-8 classification level with corresponding remuneration. The Department of Transport and Urban Planning is responsible for the payment of the salary.

**PATAWALONGA, SILT**

238. **Dr McFETRIDGE:** What is the cost of storing silt resulting from the clean up of the Patawalonga Lake now situated on Adelaide Airport land at West Beach and when will it be removed?

**The Hon. P.F. CONLON:** I provide the following information:

The silt material dredged from the Patawalonga Lake and Glenelg Harbour is stockpiled on Adelaide Airport land at Tapleys Hill Road, West Beach at no cost to the State Government. Adelaide Airport Limited has recently agreed to forego its first rights option to reuse that material for developments on airport land.

The Office for Infrastructure Development is currently investigating options to use the material in other land rehabilitation projects. The aim is to have the material removed from the Adelaide Airport land by the end of the 2005-06 summer.

**METROPOLITAN FIRE SERVICE**

240. **Dr McFETRIDGE:** What are the names, positions and ranks of the South Australian Metropolitan Fire Service employees who received remuneration packages over \$100,000 in 2003-04 and why did the number receiving this remuneration increase from 5 in 2003 to 25 in 2004?

**The Hon. P.F. CONLON:** I provide the following information:

The undermentioned table lists South Australian Metropolitan Fire Service employees who received remuneration packages valued at over \$100,000 in 2003-04:

Name	Rank	Total Remuneration
Collins JD	Station Officer 2A	\$100,202
Mott IM	Station Officer 2	\$100,500
Roberts DJ	Station Officer 2	\$100,769
Rusinski A	Station Officer 2	\$100,777
Castle TR	Station Officer 2	\$101,318
Wood LJ	District Officer	\$101,326
Uren GS	Station Officer 2	\$101,405

Bryant MA	Station Officer 2A	\$101,584
McIntosh TI	District Officer	\$101,703
Ward BR	Station Officer 2	\$102,173
Grocock TJ	Regional Manager	\$102,360
Rodis GP	Regional Manager	\$103,754
Heinze MC	District Officer	\$104,005
Haynes WR	Regional Manager	\$104,217
Schmerl DA	Acting Commander	\$104,561
Leach JE	Station Officer 2	\$105,501
Goad DM	District Officer	\$106,081
Drohan EA	Commander	\$107,201
Grivell JR	District Officer	\$110,031
Harris JW	Station Officer 2	\$110,526
Bradley JO	Commander	\$111,996
Sedunary RL	Commander	\$122,410
Fisher PB	Station Officer 2	\$123,714
Smith MG	Deputy Chief Officer	\$151,451
Lupton GN	Chief Officer	\$212,247

The number of employees whose remuneration exceeded \$100,000 increased from five in 2003 to 25 in 2004 for the following reasons:

**Twenty-Seven (27) Pays**

Amounts of employees gross earnings, which normally comprise the major part of remuneration as defined in Treasury Accounting Policy Statement 13, are sourced from group certificate totals of each employee, and in 2004 there were 27 fortnightly pays for SAMFS employees compared with 26 in 2003. Gross base fortnightly pay including superannuation for a Station Officer Level 2 in June 2004 was \$2,700. Other higher ranks would have greater increases in remuneration received for this reason. Therefore 11 of the 25 officers were grouped in the remuneration band \$100,000 to \$109,999 simply because of the timing of payroll dates in 2004.

**4 per cent Increase**

All of the employees in the table were covered by the SAMFS Enterprise Agreement, which meant that their gross base earnings per fortnight increased by 4 per cent compared to last year. This fact further added to the 'bracket creep'.

**Additional Time Worked**

Gross fortnightly earnings were impacted in some cases where operational shift staff were required to be recalled on overtime rates in order to maintain minimum riding numbers to respond to incidents. Typically the main reason for such recalls is absenteeism of firefighters or officers due to sickness or work injuries.

**PALMER, WATER QUALITY**

241. **Mr VENNING:** What action will be taken to address the poor quality of water to businesses in the township of Palmer and will these businesses be compensated for the installation of filtration systems should they not comply with health standards?

**The Hon. M.J. WRIGHT:** The Palmer township is supplied with unfiltered River Murray water via the Mannum—Adelaide pipeline. The water is chlorinated to ensure it is microbiologically safe.

Being an unfiltered supply, it is acknowledged the water is subject to discolouration, which can only be effectively removed through filtration. SA Water has been progressively providing filtered water to rural communities through its country water quality improvement program. Palmer is one of the towns earmarked for attention in a future stage of the program. The Project is still in the planning stages with a tentative commencement date in 2008.

With regard to private businesses in Palmer installing their own filtration systems, such systems would typically only improve the aesthetic quality of the water. Therefore should individual businesses choose to do so, it would be at their own cost.

**SHINE SA, SHARE PROGRAM**

242. **Ms CHAPMAN:** Will the recommendation to SHINE SA by the SHARE steering committee to alter the parental consent required of children taking part in the sex education program from written to verbal consent be implemented?

**The Hon. J.D. LOMAX-SMITH:** Currently students cannot participate in the Sexual Health and Relationships Education (SHARE) pilot program without written consent from parents or caregivers. This will continue to be the case throughout the pilot program.

243. **Ms CHAPMAN:** Which schools, other than the fifteen trial schools, are delivering the SHINE SA share program 'Teach it like it is'?

**The Hon. J.D. LOMAX-SMITH:** The Sexual Health and Relationships Education program (SHARE) is being piloted in 15 South Australian secondary schools.

No other schools apart from the 15 trial schools have Department of Education and Children's Services (DECS) endorsement to use the SHARE program.

'Teach It Like It Is', however, is a manual for teachers developed by SHINE SA, has been available for sale from Shine SA since May 2004.

244. **Ms CHAPMAN:** Why are year 7 students at Seaford 6-12 school involved in the share sex education trial contrary to all assurances by SHINE SA that the program was intended exclusively for Year 8, 9 and 10 students?

**The Hon. J.D. LOMAX-SMITH:** SHARE is a three year (2003-05) collaborative pilot project with DECS. Seaford 6-12 School is one of the pilot schools.

The structure of the Seaford 6-12 School has provided an opportunity for a cohort of year 7 students to participate in the SHARE program in both 2003 and 2004.

34 Year 7 students are currently undertaking a modified course, which focuses on the relationships component and is relevant to the development and maturity of this group. The course has been modified in consultation with the SHARE regional coordinator and school counsellor and is delivered in safe, supportive environments. Teachers are involved in monitoring and evaluating student learning and are sensitive and responsive to issues for these young people.

Extensive communication and consultation with parents/caregivers and the School Governing Council occurred before the inclusion of the Year 7 cohort. The school has provided public forums, newsletters, and information and discussion sessions for parents/caregivers to develop community knowledge and understandings about the program.

There has been considerable support provided by the School Governing Council and school leaders throughout the pilot in relation to the Year 7 cohort. There is consistent, continued, enthusiastic support from students, teachers and parents from the school, as well as health and education professionals and researchers.

245. **Ms CHAPMAN:** Why is SHINE SA employing sixteen year olds as peer educators of safe sex in the 'Hear me out: Negotiating for Safer Sex' project when it is illegal for a person to have sex with a person under seventeen years of age?

**The Hon. L. STEVENS:** There are no 16 year olds involved as Peer Educators in the 'Hear me out: Negotiating for Safer Sex' program, which is being implemented by Sexual Health Information Networking and Education (SHINE) SA. The Peer Educators engaged by Shine SA are aged between 18 and 24 years of age.

246. **Ms CHAPMAN:** Has the Department paid out over \$600,000 in 2003-04 to settle claims made by victims of sexual abuse against the Department and if so, what are the details of these claims?

**The Hon. J.D. LOMAX-SMITH:** There have been no such claims made against the government through the Department of Education and Children's Services from any victims or alleged victims of sexual abuse during the 2003/04 financial year.

There has therefore been no settlement of the amount referred to by the honourable member.

#### SCHOOLS, CURRICULUM

247. **Ms CHAPMAN:** Are there any plans to remove physical education from the core curriculum in State schools and if so, what are they?

**The Hon. J.D. LOMAX-SMITH:** There are no plans to remove Health and Physical Education from the core curriculum in South Australian Government schools.

#### SHINE SA, SHARE PROGRAM

249. **Ms CHAPMAN:** Why is there a funding blow-out for the SHINE SA sex education program being trialled in State secondary schools which has costed the Department \$265,000 in 2004-05 and \$265,000 in 2003-04?

**The Hon. L. STEVENS:** There has not been a funding blowout in the Sexual Health and Relationships Education (SHARE) program being trialled in State secondary schools. The funding increase from \$250,000 to \$265,000 represents an indexation of 6 per cent (equivalent of \$15,000), in lieu of the absence of increases in the previous two years. \$265,000 is the amount that has been funded again in 2004-05.'

#### SCHOOL CARD

250. **Ms CHAPMAN:**

1. What justification is there in the guidelines to School Card eligibility that would result in a parent being disqualified because they were not the guardian on the day the child was enrolled?

2. What justification is there in the guidelines for School Card eligibility to have the deductible expenses of depreciation and charity donations to be added to the income of parents in small business?

**The Hon. J.D. LOMAX-SMITH:**

1. The School Card Scheme is to assist low income families to meet educational expenses. For approved School Card applicants attending government schools the School Card grant is paid directly to the school in lieu of the materials and services charge.

For separated families it is not feasible to assess both parents income for eligibility for School Card. Therefore, the parent who has custody of, or is the guardian of the student when the student commences school each year, is assessed. If the student changes custody during the year often the materials and services charges have already been paid or the School Card has been already granted. Any reassessment due to the change in custody would only occur in special cases. Normally, in these situations the schools will waive the charge or contact the School Card Unit for special consideration of the application.

2. Eligibility for School Card is based on an assessment of an applicant's gross income, in order to overcome inequities that might arise from issues such as fringe benefits and negative gearing. Therefore, any donations made by families are not included as an expense. The assessment occurs on the gross earnings of both parents within the family.

To ensure equity when assessing self-employed families, only those items that are strictly related to the business are considered as an expense in deriving an income. As depreciation is a non-cash expense of the business, it is not included as an expense in the consideration of income. However, if the business had purchased a large capital item during the year then the cash cost of that item is included as an expense of the business for that assessment year.

#### VET TRAINING

251. **Ms CHAPMAN:** Why has the Government reduced VET training places in Automotive by 140 places; Building and Construction by 180 places; Engineering and Mining by 300 places; and Utilities (for the gas and water industries) by 180 places?

**The Hon. S.W. KEY:** The figures the Honourable Member is quoting are planning figures from South Australia's Revised Annual VET Plan for 2004. These figures reflect minimum levels for reporting purposes as required by the Australian National Training Authority (ANTA) Agreement, rather than the optimal number of enrolments.

Technical occupations within the industry areas referred to are entered through apprenticeships or traineeships, which are dependent upon employers taking on apprentices or trainees.

It is important to note that the figures quoted in the Annual VET Plan are not quotas or cuts. They represent an estimate of apprentice and trainee take up. In terms of actual enrolments, 2004 data is not available until well into 2005.

The Government does not limit the number of training places available for apprenticeships and traineeships and neither are students prevented from enrolling in the industry of their choice just because of the minimum planning figures.

#### DECS TECH 2001

252. **Ms CHAPMAN:** Will the \$3.5M provided under the DECS Tech 2001 package for training in financial management and IT skills continue as an annual payment given that \$4M will be allocated for the provision of nine district finance officers to support schools in managing school budgets?

**The Hon. J.D. LOMAX-SMITH:** The DECStech 2001 Project concluded in 2001. DECS tech 2001 provided funding to improve Information and Communication Technologies (ICT)

services to schools. There was no designated provision for financial management training.

As part of the e-Learning Program, which replaced DECS tech 2001, \$1m per year for four years is provided as part of the Professional Learning in ICT (PLICT) program. This has been established to provide teachers and leaders with professional development opportunities in ICT.

In addition, the Technology School of the Future also provides a range of professional development programs to enhance ICT skills.

The \$4m referred to by the Honourable Member is the budget provision to support the Department of Education and Children's Services *Strengthening Site Financial Capacity* initiative, which includes the appointment of district financial officers, establishment of Quality Financial Practice Networks and enhancement of financial consultancy services.

#### SCHOOL REPORT CARDS

253. **Ms CHAPMAN:** Will parents be provided with plain language report cards that states achievement against an expected standard; achievement against national standards where available and an assessment of where a child ranks in the class and if not, why not?

**The Hon. J.D. LOMAX-SMITH:** All parents/caregivers can expect regular formal and informal reports on their child's progress from their child's school. Schools are expected to report student achievement information at least annually in relation to the standards and outcomes from the South Australian Curriculum, Standards and Accountability (SACSA) framework.

In terms of the 2004 State Literacy and Numeracy (LAN) test, from the report parents can see if their child is above or below the state average in each of the eight skill bands tested. Parents can also see if their child has achieved or not achieved national benchmark standards for reading, writing and numeracy.

No information can be provided as to where the student ranks in relation to his or her class. However, parents can discuss this information with the students' teacher.

The current parent LAN report cards are greatly improved and have been developed after consultation with parents, teachers and principals. This consultation will continue to occur regularly to ensure ongoing improvements are made.

#### SCHOOLS, UNDERDALE HIGH

254. **Ms CHAPMAN:** Will the two soccer ovals forming part of the Underdale High School be transferred to the developers, Urban Pacific, or be encumbered in any way?

**The Hon. J.D. LOMAX-SMITH:** No land that forms part of the Underdale High School site has or is to be sold to Urban Pacific. The school previously had access to the soccer pitch area to the east of the school site, which was owned by the University of South Australia and forms part of the University land that has been sold.

#### SCHOOLS, McLAREN VALE PRIMARY

255. **Ms CHAPMAN:** Why does the notice at the McLaren Vale Primary School advising of its \$2.5M redevelopment only acknowledge the State Government given that \$2M is provided by the Commonwealth and that the Commonwealth/State agreement requires recognition of both Governments when a project is jointly funded?

**The Hon. J.D. LOMAX-SMITH:** The requirement to recognise the financial contribution of both the Australian and State Government to any jointly funded project is acknowledged by the Department of Education and Children's Services (DECS). In this case, appropriate construction signage that acknowledged State and Australian Government contributions was overlooked by DECS.

Officers of DECS have contacted their Australian Government counterparts to apologise for this oversight. The Australian Government have advised that because the completion date of this project is January 2005, an updated construction sign will not be required.

I am advised that this is an isolated incident and acknowledgment of both the State and Australian government in future projects will be appropriately recognised.

#### MINING, WORKFORCE SHORTAGE

258. **Ms CHAPMAN:** What action has been taken to ensure the chronic workforce shortage in the mining industry will be ad-

ressed before the opening of mines at Prominent Hill, Murray Basin and Kanmantoo over the next three years?

**The Hon. M.D. RANN:** The Minister for Mineral Resources and Development has provided the following information:

The issues that affect employment in the mining industry have been well documented, and include the boom and bust cycles, international competition, and isolated work locations. These factors have led to workers in the industry making career and lifestyle choices that take them out of the industry. There has also been a trend towards young people preferring to study, both at secondary and tertiary levels in areas other than those relevant to the mining industry. This latter trend and low student enrolment has resulted in the scaling down of the mining engineering course at the School of Natural and Built Environments at the University of South Australia from 2006. Given the current resources boom this is not an acceptable trend.

As the Honourable member has pointed out, South Australia has, indeed, a pipeline of new and exciting resource projects that will require a broad range of skilled workers and professionals to fulfil their potential for the State.

The Government has initiated a review of the educational and training options available to the State through a joint study conducted by DFEEST, PIRSA and DTED to increase the supply of graduate mining professionals particularly mining engineers, geologists and metallurgists in the state. Discussions have been held with the Universities and major mining houses including Western Mining Corporation (WMC) and a range of options are being explored including postgraduate degrees in Mining Engineering as an example. Negotiations are at a sensitive stage, however I am confident we can develop a range of options in conjunction with the Universities and Mining Industry which will go a long way to satisfying the demand of the new projects in this State.

Nevertheless, employment issues in the mining industry need to be viewed in a global and national as well as local context. People working in the mining industry tend to be very mobile and therefore it is expected that skilled personnel from outside South Australia will be attracted to work in South Australia when the mines at Prominent Hill, Murray Basin and Kanmantoo commence operations.

In other areas, the Government is taking steps to actively ensure that employment issues in the mining sector are effectively managed in such a way that workforce shortages are minimised.

In July 2003, the State Government released *New Times, New Ways, New Skills*—a ten-point action plan for South Australia's workforce. This included a commitment to develop a Workforce Development Strategy.

Included in the Workforce Development Strategy will be initiatives to develop improved information systems that allow for the identification of likely skills shortages and emerging skills pressures. Also included in the Workforce Development Strategy will be initiatives to improve the retention of skilled workers in South Australia.

In October 2003, the Government announced a 14-point action plan involving \$2.1 million over three years to revive science and mathematics in schools. This is aimed at increasing the take-up of science and mathematics subjects in schools and universities—subjects central to the development of skills required in the mining industry.

Spencer TAFE currently offers a mining-based Pre-Vocational course—The Certificate II in vocational Education—Mining Operations. This course provides fundamental training for mining-related employment, for example as mineral exploration field assistances, pit technicians or underground sample technicians. Pre-Vocational courses will be running in Semester 1, 2005 in Whyalla or Port August (numbers of applicants will determine site) and a lecturer has been secured for this 20-week program. Funds have been sought through Employment Skills Formation, DFEEST, to run an additional Pre-Vocational course in Semester 2, 2005 at Roxby Downs.

Staff at Spencer TAFE are also working with PIRSA to develop educational resources for the Aboriginal people of the Pitjantjatjara Yankunytjatjara Lands. Representatives from PIRSA and Spencer TAFE will be travelling to the APY Lands in February 2005 to assess educational needs and then develop a schedule to deliver the training to these people in the cooler months.

Spencer TAFE ran a 'job readiness' program at Roxby Downs in 2004, which was funded by the Northern Regional Development Board (NRDB) and WMC, NRDB (through SA Works funding) and WMC is currently negotiating funds for this program so it can be repeated in 2005. A total of 10 students from regional SA completed

the program in 2004 and 4 have already secured employment in the mining industry.

#### WATER, RESTAURANT CHARGES

260. **Mr HANNA:** Have any instances or complaints of South Australian restaurants charging for tap water been reported and will the Government consider legislating to prevent this?

**The Hon. K.A. MAYWALD:** The Office of the Liquor and Gambling Commissioner advise me that from time to time patrons of licensed premises complain to the Office about the practice of licensees charging for tap water. No specific complaints have been received recently.

The Office of the Liquor and Gambling Commissioner, in collaboration with South Australia Police and the Drug and Alcohol Services Council, promotes patron safety in licensed premises through a number of strategies, including encouraging licensees to not only provide, but to actively promote, the provision of free access to drinking water.

Restaurant and Catering SA, in its drug and alcohol policy encourages licensees to promote the responsible consumption of alcohol by ensuring that drinking water is freely available.

The Code of Practice under the *Liquor Licensing Act 1997* is currently being reviewed. It is proposed that the revised Code will actively encourage licensees to adopt a house policy promoting the responsible service and consumption of alcohol. Licensees providing free access to drinking water will be part of this policy.

I believe that there is sufficient goodwill within the liquor industry to provide patrons with free access to tap water, underpinned by collaboration with health and regulatory authorities. However, if this becomes an issue, regulation may be considered.

#### LAND, CONTAMINATED

262. **Mr HANNA:** What are the details of those sites in and around Adelaide where the ground is contaminated with toxic waste, how many contractors are paid to investigate these sites and how much are they getting paid?

**The Hon. J.D. HILL:** I have been advised that the EPA has limited information relating to ground that is contaminated with toxic waste as most sites are associated with historical issues which the current *Environment Protection Act 1993* does not specifically address.

There is a wide range of environmental consultants who undertake consulting work on site contamination and an estimated 80 per cent of this work is undertaken by members of the Australian Contaminated Land Consultant's Association SA Inc. The EPA is unable to provide estimated costs, as it does not routinely engage consultants to do such work, which is the responsibility of the owner/occupier of the land. In addition, any investigation would depend on the scope of work undertaken and the range of issues that need to be assessed. Reference to the above Association may provide more appropriate assistance in this matter.

#### SPRINGWOOD PARK ESTATE

264. **Mr HAMILTON-SMITH:**

1. Does the Government intend purchasing part or all of the Springwood Park Estate which has become available as a result of a mortgagee sale by the National Bank and if so, what are the details?

2. Is there any Government proposal to realign the boundary of the Springwood Park Estate to enable the inclusion of tracts of land to be added to the Carrick Hill Estate and the Waite Conservation Reserve?

**The Hon. J.D. HILL:** I have been advised:

1. The Government currently does not intend purchasing all or part of the Springwood Park Estate as the land is regarded as a low priority for acquisition from a biodiversity conservation perspective.

2. There is currently no Government proposal to realign the boundary of the Springwood Park Estate to enable the inclusion of tracts of land to be added to the Carrick Hill Estate and the Waite Conservation Reserve.

265. **Mr HAMILTON-SMITH:** What protections are in place to protect the Springwood Park Estate from subdivision?

**The Hon. P.L. WHITE:** The policies of the Hills Face Zone prevent further land division beyond the existing 5 allotments, that,

is, land division for the creation of additional allotments is non-complying.

Most of the Springwood Park property is located within the Hills Face Zone of the City of Marion Development Plan, with only one small isolated parcel located within an Institutional Zone.

#### COUNTRY THEATRES

267. **Mr HAMILTON-SMITH:** Has there been any occupational health and safety injuries or claims made by staff or members of the public in any of the four country theatres since March 2002 and if so, what are the details and costs of each claim?

**The Hon. J.D. HILL:** I am advised that Mr Martin Hamilton-Smith has sought this information directly from Country Arts SA through a request lodged under the *Freedom of Information Act 1991*, and that Country Arts SA has provided the full details to him in a letter dated 17 November 2004.

#### ADELAIDE FESTIVAL CENTRE

269. **Mr HAMILTON-SMITH:** For each year since 2001-02: (a) what was the per seat subsidy for all performances held at the Adelaide Festival Centre;

(b) how many nights was the Centre not utilised; and (c) how many seats for performances were sold?

**The Hon. M.D. RANN:** I have been advised the following:

	2001-02	2002-03	2003-04
(a) What was the per seat subsidy for all performances held at Adelaide Festival Centre?	\$21.16	\$22.45	\$24.17
(b) How many nights was the Centre not utilised?	4	15	10
(c) How many seats for performances were sold?	66 per cent*	73 per cent*	70 per cent*

\*Note: In each instance, the balance of seats are unsold.

#### ART GALLERY

271. **Mr HAMILTON-SMITH:** What is the reason for the \$2.4M decline in bequests and donations to the Art Gallery in 2003-04 and what action will the Government take to improve this situation?

**The Hon. M.D. RANN:** I have been advised revenues from bequests and donations declined from \$2,798,000 in 2002-03 to \$849,000. However, in 2002-03, the Art Gallery was the recipient of a generous bequest from the late Mrs Mary Overton. When compared with 2001-02 (\$910,000), bequests and donations in 2003-04 only decreased by 6.7 per cent

#### HISTORY TRUST

272. **Mr HAMILTON-SMITH:** What action will the Government take to address the resource constraints which have contributed to the backlog in the maintenance of up-to-date details in the History Trust's collection's database?

**The Hon. J.D. HILL:** I have been advised:

The particular instance, reported in the Auditor General's report, of a backlog in entering data into the collection's database at the Migration Museum, reflected a temporary staffing constraint that has since been resolved.

#### SOUTH AUSTRALIAN FILM CORPORATION

275. **Mr HAMILTON-SMITH:**

1. Why has a risk management strategy for the SA Film Corporation still not been implemented?

2. Why has a Policies and Procedures Manual for staff still not been implemented despite assistance being engaged for this purpose?

3. Does the Government have a strategy for decreasing production loans to film producers in favour of investments and unsecured loans and if not, why has this shift occurred?

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

1. I am advised that the risk management policy has been implemented. The SA Film Corporation's 2004-2006 Risk Management Plan was adopted by the Board at its strategic planning day on 14 October 2004.

2. Likewise, the Policy and Procedures Manual has been implemented. Staff have access to the manual on the newly-established internet facility via their workstations. This allows updates to be

made on a regular basis to ensure that staff are working with the most current procedures and proformas.

3. There is no strategy to decrease production loans (managed by the SA Film Corporation as the 'producer support scheme') in favour of investments or loans. It should be noted that the SAFC does not provide any unsecured loans.

The producer support scheme is relatively new, and funding for this initiative has been increased. In addition, those producers who repay their loan are now able to roll over the loan for continued cashflow assistance.

This strategy aims to increase support to producers.

#### AMBULANCE VOLUNTEERS

##### 290. Dr McFETRIDGE:

1. What is the estimated value of work undertaken by ambulance volunteers and what funding do they receive?

2. How will ambulance volunteers be treated and supported under the new funding regime provided by the Department?

3. How will country hospitals on Eyre Peninsula be expected to fund additional ambulance services without an increase in funding to accommodate this?

##### The Hon. L. STEVENS:

1. It is estimated that the current level of service provided by ambulance volunteers amounts to a saving of \$20-25 million.

During 2003-04, volunteer ambulance officers were dispatched 14,000 times and conducted 10,855 ambulance carries which represents 7 per cent of total ambulance carries.

Volunteer ambulance carries are charged at the same rate as those conducted by the career service. As there are no salaries and wages costs, the volunteer ambulance service is profitable and the surpluses are made available for capital expenditure and the provision of support for the volunteers of South Australian Ambulance Service (SAAS). These funds are administered, on behalf of the volunteers, by the Country Ambulance Service Advisory Committee (CASAC).

The SA Government provides 50 per cent funding for the ongoing replacement of all country ambulances including those operated and maintained by volunteers.

2. The move to the Department of Health has not altered the way in which ambulance volunteers are treated and supported. SAAS will continue to fund volunteer recruitment, retention and support activities to ensure sufficient volunteer resources for ambulance service provision and delivery.

3. Country hospitals receive budgets through the Department of Health, including a provision for ambulance services. Any adjustments to these budgets are made by the Department of Health.

Where the SAAS increases fees, or introduces new funding regimes, discussions are held with a number of SA Government stakeholders to determine the impact on the public hospital system and the necessary budget adjustments are made between SAAS and the Department of Health.

SAAS is beginning to work more closely with Health and key stakeholders to ensure that any adverse budgetary or workload impact is taken into account in the decision making process.

#### ASBESTOS CLAIMS

291 (4th session) and 339 (3rd session) **Dr McFETRIDGE:** How many compensation potential claims are likely from former workers of the South Australian Railways, Electricity and Water Services Departments and the Department of Transport due to asbestos exposure and how many claims are pending?

**The Hon. M.J. WRIGHT:** I am advised that generally speaking the latency period for asbestos related diseases is between 20 and 50 years.

I am advised that TransAdelaide, and the Resi Corporation for Electricity, have obtained actuarial evaluations to estimate the potential number of asbestos related claims. I am advised that SA Water has not been named as the primary employer in any asbestos claim to date and as such no actuarial advice on asbestos claims has been sought.

I am advised that the estimated potential number of claims resulting from the asbestos exposure of former workers of the South Australian Railways and Electricity Departments is 77. I am further advised that the number of claims that are currently pending is 19.

#### GAMING MACHINE NUMBERS

303 (4th session) and 503 (3rd session) **Dr McFETRIDGE:** What effect will the proposed reduction in poker machine numbers

will have on the financial viability of South Australian National Football Clubs?

**The Hon. M.J. WRIGHT:** The question from the Member for Morphett refers to the proposal in the *Gaming Machines (Miscellaneous) Amendment Bill 2004* to reduce gaming machines in hotels and clubs including the South Australian National Football Clubs. As the Member would be aware, the Bill was a matter of conscience and the Parliament has seen fit to make amendments that exempted all Clubs, including the South Australian National Football Clubs from the reduction in gaming machine numbers.

#### SOUTH AUSTRALIAN SPORTS INSTITUTE

##### 304 (4 session) and 511 (3rd session) **Dr McFETRIDGE:**

1. Have any athletes from any South Australian Sporting Institute tested positive for any banned substances in the last 12 months?

2. What are the details of any Departmental program to educate coaches, officials and athletes on drug education in sport in 2004-05, which organisations have been allocated funding and how has been allocated?

##### The Hon. M.J. WRIGHT:

1. Only one SASI athlete has tested positive to a banned substance in the past twelve months. The athlete was a weightlifter and tested positive for the presence of Cannabis.

2. In respect of funding for drugs in sport education, the Office for Recreation and Sport (ORS) currently funds the following related initiatives through the Statewide Enhancement Program (StEP).

\$30,000 was allocated to Sports Medicine Australia (SA Branch) (SMA) to provide a professional and accessible service to the South Australian sporting community on matters relating to drugs in sport, and to encourage an environment that provides fair, safe and healthy participation. Through this grant, the South Australian Drugs in Sport Project is funded by the ORS and operates through a collaborative approach between SMA and the Australian Sports Drug Agency who have a senior officer located within the offices of SASI.

The Drugs in Sport Project address the following identified issues within the sporting community:

- Appropriate administration, notification and safe use of medications.
- Eradication of doping practices including the use of banned performance enhancing substances and methods.
- Safe and sensible use of permitted supplements and other performance related substances.
- Safe and sensible use of alcohol within the sporting environment, especially as it relates to recovery from performance and injury.
- Restriction of athlete exposure to the ultimate consumption of tobacco and any illicit substances, particularly where junior athletes are concerned.

The primary target group of the project is the elite and sub-elite sporting community, which includes State, national and international athletes, their support personnel (State coaches, administrators, sports medicine and sport science personnel), SASI, State Government and relevant umbrella organisations.

All SASI squad programs and High Performance Scholarship athletes receive a compulsory Drugs in Sport lecture and briefing annually as part of their scholarship induction process. This is delivered by the Drugs in Sport Project team.

The key strategies of the project are:

- To assist organisations adopt, develop, implement, promote and evaluate policies, codes of conduct, procedures, roles and responsibilities designed to address concerns relating to drugs in sport.
- To assist in the development, implementation and evaluation of drugs in sport education and training programs.

\$32,000 has been allocated to the ORS for the conduct of an athlete drug-testing program to assist the Government in meeting its legislative obligations. This program is to provide conducted in conjunction with the Australian Sports Drug Agency.

#### MORPHETTVILLE BETTING AUDITORIUM

311 (4th session) and 528 (3rd session) **Dr McFETRIDGE:** What action is being taken to enable the betting auditorium at Morphettville to operate with more certainty in relation to betting or wagering times?

**The Hon. M.J. WRIGHT:** Following an industry request and subsequent consultation with industry stakeholders a Ministerial

Direction regarding the operating hours for the Morphettville Betting Auditorium was issued to the Independent Gambling Authority.

That Ministerial Direction allows the Authority to approve the conduct of on-course totalisator betting at times other than in conjunction with a race meeting:

- (a) by the South Australian Jockey Club at its premises at Morphettville Racecourse, Morphett Road, Morphettville, South Australia between 10.00am and 11.00pm Sunday to Friday except:
- (i) during race meetings conducted by a licensed metropolitan racing club at a metropolitan racecourse unless the South Australian Jockey Club has written agreement to open from the relevant racing controlling authority a copy of which has been provided to the Liquor and Gambling Commissioner.

For the purposes of part 2) a) i. of this Direction: 'during race meetings' is defined as being an hour prior to the advertised starting time of the first race until half an hour after the advertised starting time of the last race.

'race meetings conducted by a licensed metropolitan racing club' are defined as race meetings that the metropolitan racing club conducts in its own right and not race meetings conducted under an arrangement for another racing club and for the avoidance of doubt any race meeting transferred from a non-metropolitan racecourse is not considered to be a race meeting conducted by a licensed metropolitan race club.

- (ii) at any time on any public holiday except between the hours of 10.00am and 6.00pm on Easter Monday when a race meeting is scheduled for Oakbank racecourse on that day.
- (b) by the South Australian Jockey Club at its premises at Morphettville Racecourse, Morphett Road, Morphettville, South Australia between 10.00am and 6.00pm on Easter Saturday when a race meeting is scheduled for Oakbank racecourse on that day; and
- (c) by any licensed racing club during a period when a race meeting has been scheduled by the licensed club if that meeting is cancelled due to unforeseen circumstances.

Any change to the actual opening hours of the auditorium requires the South Australian Jockey Club, as licensee, to obtain the approval of the Independent Gambling Authority.

This Ministerial Direction enables the betting auditorium at Morphettville to operate with more certainty. With the approval of the Independent Gambling Authority and the agreement of the other racing codes the Morphettville Betting Auditorium is now permitted to open 10am to 11pm Sunday to Friday (except public holidays other than Easter Monday when a meeting is held at Oakbank).

#### RACING, TAXATION REVENUE

313. **Dr McFETRIDGE:** How much Government taxation is derived from the Racing Industry, including payroll tax?

**The Hon. K.O. FOLEY:** For the 2003-04 financial year, the actual tax collections from the racing industry, including the SA TAB, were \$9.79 million (\$2.80 million excluding SA TAB). This total includes on-course totalisator tax, off-course totalisator tax for SA TAB, gaming machine tax from gaming operations of racing clubs, land tax, emergency services levy and payroll tax.

#### PATAWALONGA

317. **Dr McFETRIDGE:**

1. What action has the Government taken to mitigate any likely reoccurrence and damage arising from the flooding of the Patawalonga Lake?

2. Have the key actions and recommendations of the GHD Report been implemented and if not, when will this occur?

**The Hon. J.D. HILL:** I have been advised that GHD was engaged by the State Government as an independent consultant to review the circumstances surrounding the inundation on 27 June 2003.

The GHD report made several recommendations to mitigate any likely recurrence and the damage arising from the flooding of the Patawalonga Lake. Funds have been allocated in the 2004-05 budget to enable implementation of those recommendations. I am advised that those recommendations are being implemented progressively,

and the necessary works should be completed by the end of this financial year.

In addition to funding the implementation of the GHD report, the State Government has made a substantial contribution to the establishment of a pumping station near Shannon Avenue, Novar Gardens that will reduce the risk of flash flooding.

#### CONSUMER RIGHTS

320. **Dr McFETRIDGE:** How much did the Department spend on printing, design and publication of material outlining consumer rights and issues (excluding expenditure allocated to the design, creation and updating of the website) in 2003-04 and how much is allocated in 2004-05?

**The Hon. K.A. MAYWALD:** I have received this advice:

In the 2003-04 financial year the Office of Consumer and Business Affairs (OCBA) spent \$62,600 on the printing of materials outlining consumer rights and issues. These brochures, information sheets, flyers, posters and booklets are designed inhouse and in some instances, for example short runs or tight timeframes, information sheets are printed inhouse.

A considerable portion of this money (approximately \$18,000) was spent on the reprint of OCBA's peak consumer booklet 'The Smart Consumer'. This comprehensive guide provides an array of information on topics such as bait advertising, contracts, warranties, refunds, shop breakages, bag inspections, buying a mobile phone, and renting residential property. The publication has been widely distributed throughout the community and the 2003-04 reprint culminated in 30,000 copies being distributed to all University of South Australia and Flinders University students. OCBA still has approximately 10,000 copies for distribution.

The remainder of the money spent focused on:

- product safety issues such as:
  - banned and dangerous goods;
  - household furniture;
  - bathing aids for babies;
  - reduced fire hazard clothing;
  - standards for sunglasses; and
  - standards for disposable cigarette lighters;
- residential tenancy issues such as:
  - how to apply to the Residential Tenancy Tribunal
  - what happens at a Residential Tenancy Tribunal hearing
  - advertising and letting fees to assist with calculating tenant contributions
  - repairs and maintenance of rented premises; and
  - general tenancy information given to tenants at the commencement of a tenancy;
- identity theft and the importance of keeping your birth certificate safe;
- buying or selling a home;
- how OCBA helps consumers deal with their complaints and disputes;
- scams, how to spot and deal with them; and
- Registration Office weddings.
- recreational services — safety codes

OCBA has allocated \$32,500 for the printing of consumer rights materials in the 2004-05 financial year. Topics of focus will include:

- a reprint of the new 'Buying and Selling a Home' brochure
- real estate reform
- building and renovating
- cooling-off periods for used cars
- vendor finance
- computerised gambling
- product safety for children and babies
- safety when using trampolines
- a reprint of existing tenancy information.

The above priorities may change as other topical or pressing consumer issues arise.

321. **Dr McFETRIDGE:** How are consumers who are unable to access or use a computer able to access information on their consumer rights?

**The Hon. K.A. MAYWALD:** I have received this advice:

The Office of Consumer and Business Affairs provides, in addition to the large amount of information available to consumers on the website, a number of different options to gain consumer information.

Publications

A broad range of booklets, information sheets, brochures, refrigerator magnets and signs, numbering in excess of 60, are available for distribution from points such as the Adelaide and regional offices of OCBA, the ServiceSA offices, various Government Departments, council offices and libraries, Member of Parliament (State and Federal) offices, information centres and other sources directly or indirectly involved with OCBA (eg real estate agencies).

Events, Presentations and Training Courses

OCBA presents information on a variety of topics in differing formats, tailored to suit the audience. Presentations are given to schools, other education facilities, community groups, businesses, Business Development Boards and trade bodies. Presentations given to groups representing those other than consumers focus on the rights of consumers and the responsibilities of business in relation to their dealing with consumers.

OCBA supports the seminar series run by SA Homebuyers Incorporated, which seek to educate consumers about avoiding the pitfalls of buying or building a home. OCBA also participates in events such as Housing Week and regional field days. In all it is normal for approximately 300 events, presentations and training sessions to be conducted annually.

Telephone advice lines and front counter visits

OCBA's primary form of communication of information about consumer issues is through its telephone advice lines and counter interviews. In 2003-2004, consumer affairs officers responded to 108,325 calls, an increase of 5 per cent on the previous year. Regional callers can call the metropolitan office number, or one of the regional offices, for the price of a local call. Ninety per cent of calls are answered within 60 seconds. Virtually all of these calls are new queries because once a caller has been assigned an officer, subsequent calls are made to the officer's direct line (these calls are not included in the figure of 108,325). The phone service does not direct calls to recorded messages; all calls are answered by consumer affairs officers.

The public may also attend in person for advice at OCBA offices in Adelaide, Mt Gambier, Berri, Pt Augusta, and by appointment at Whyalla, Port Lincoln and Port Pirie. In 2003-2004, counter enquiries for fair trading advice increased by 14 per cent to 12 514 visits over the year.

Calls about residential and retail tenancies are recorded separately. A further 86,000 calls and in-person interviews (excluding bond lodgements and returns) were handled in the Tenancies Branch in the last financial year.

Media

The media is a useful avenue for communicating key OCBA messages to consumers. During the last financial year OCBA achieved the equivalent of \$2.56 million of free media exposure through stories and articles that featured in the electronic and print media.

OCBA's profile of regular radio interviews includes 11 commercial and community stations:

- 5AA—weekly
- ABC—fortnightly
- Radio Adelaide—fortnightly
- 5EBI (ethnic)—weekly
- 5PBA (northern metro suburbs)—fortnightly
- ENA (Greek)—fortnightly
- 5RPH (visually impaired)—monthly
- Coast FM (southern suburbs)—monthly
- Fresh FM (youth)—fortnightly
- 5DN—fortnightly
- 5SE (South-East regional)—weekly

In addition, OCBA provides regular media comment as issues arise. Together, these approaches provide an almost daily presence on metropolitan or regional radio. Targeted campaigns, supported by media interviews in metropolitan and regional areas, are conducted to alert consumers to matters of concern identified by the Office.

By the use of these closely related combined strategies incorporating educational activities, publications and media exposure, OCBA provides a multiplicity of ways for consumers, without access to a computer, to gain information on their consumer rights.

#### FAIR TRADING

322. **Dr McFETRIDGE:** Why will the targeted number of compliance visits to monitor fair trading decline to 5000 in 2004-05?

**The Hon. K.A. MAYWALD:** I have received this advice:

Consumer protection is achieved by balancing a number of components including:

- A strong policy and legislative framework
- Education of consumers and traders
- Advice and conciliation of disputes
- Compliance monitoring
- Enforcement (prosecution and disciplinary action)

There has been a steady increase in 2003-04 in the number of consumer/business disputes and complaints handled by the Consumer Affairs Branch and this number is expected to remain higher than previous years.

Compliance monitoring can be undertaken through desktop audits or site visits. The role of compliance monitoring is also affected by education campaigns (which may reduce or increase the need for compliance monitoring in subsequent years).

In 2003-04, the target number of visits was 5,000 but the actual number was 6,739. This reflected a very active program and included some unscheduled visits arising out of issues that arose from time to time during the year.

At this stage, it is still estimated visits will be on target at 5000 for 2004-05. Whilst compliance monitoring visits are likely to decline (from actual visits in 2003-04, though not from targeted visits in 2003-04) this simply reflects the balance of the above components of a consumer protection program but not necessarily a decline in overall outcomes. Prosecution levels, for example, are likely to remain the same in the 2004-05 year.

#### CONSUMER AFFAIRS PROGRAM

323. **Dr McFETRIDGE:** How many full time, part-time and contract staff, respectively, are currently employed under the consumer affairs program?

**The Hon. K.A. MAYWALD:** I have received this advice:

The Consumer Affairs Program described in the annual report of the Attorney-General's Department is primarily discharged by the Consumer Affairs Branch of the Office of Consumer and Business Affairs.

There are currently 60.5 FTEs in the Consumer Affairs Branch of OCBA, of whom five are part time and one is weekly paid. There are no contract staff employed by the Branch. Of the 60.5 FTEs, ten staff are assigned to the regional offices and provide a full range of services on behalf of the whole of OCBA. The remaining 50.5 FTEs provide the following services: telephone advice, dispute resolution, compliance and marketplace monitoring, trade measurement and product safety.

#### CONSUMER AND BUSINESS AFFAIRS, COMPLIANCE AUDITS

324. **Dr McFETRIDGE:**

1. Will the actual number of compliance audits in 2004-05 differ from the target result and if so, why?
2. Is the compliance audit program still expanding and if so, why is the target number of compliance audits not reassessed accordingly?

**The Hon. K.A. MAYWALD:** I have received this advice:

The occupational licensing audit program commenced in the Office of Consumer and Business Affairs in December 2001. It was introduced in conjunction with a streamlined renewal system that significantly reduced paperwork and 'red tape' for occupational licensees. As well as reducing paperwork for licensees, the streamlined renewal system also reduced routine clerical processing for OCBA staff and allowed the reallocation of resources to more effective compliance checking work, for example: checks of advertisements to ensure that traders are licensed; credit checks of licensees; criminal record checks of licensees; and financial audits of some licensees' (such as land agents) trust accounts.

The compliance audit program is reviewed six monthly to plan activities that will be undertaken during the following six month period. Consideration is given to the effectiveness of previous checks, areas of significant consumer complaints or potential detriment, and the amount of checking that each regulated industry has recently undergone.

The estimated target of compliance audits for 2004-05 is 9,000 and at this stage the result is not expected to be significantly different from this figure. However, the final number of checks undertaken depends on their nature. For example, a check of an advertisement takes much less time than an audit of a conveyancer's trust account.

OCBA is not currently expanding its audit program but plans to do so in the future when the proposed reforms to regulation of the real estate and security industries come into operation.

#### ATLAS PROJECT

327. **Dr McFETRIDGE:** How will the \$3.5M capital investment allocated to the ATLAS project in 2004-05 be spent, why has additional expenditure been allocated in forward years and why has this expenditure been allocated under Budget Statement 3 rather than the Capital Investment Statement?

**The Hon. M.J. WRIGHT:**

*How will the \$3.5M capital investment allocated to the ATLAS project in 2004-05 be spent*

The projects making up Stage 2 of the program are focused on:

- the move to land dealings in South Australia to be carried out electronically
- analysis of current systems supporting the Valuer-General's valuations
- development of IT infrastructure and strategy for the evolution of the Land Ownership and Tenure System (LOTS) to better support government and community needs

*... why has additional expenditure been allocated in forward years*

The additional expenditure allocated for the ATLAS Program in forward years is shown in the 2004-05 Budget Statement (Budget Paper 3) as being for Stage 3, the next stage of the Program to continue the reform.

*... and why has this expenditure been allocated under Budget Statement 3 rather than the Capital Investment Statement?*

The 2004-05 Capital Investment Statement (Budget Paper 5) deals with capital investment for 2004-05 only. The 2004-05 Budget Statement (Budget Paper 3) addresses forward estimates of expenditure for both operating and investing initiatives. Accordingly, forward estimates for the ATLAS Program are placed within this Budget Paper.

#### ANIMAL WELFARE SERVICES

330. **Dr McFETRIDGE:** Has the reduction of \$99,000 in animal welfare services affected funding support to volunteers and volunteer agencies supporting the RSPCA and other animal welfare agencies?

**The Hon. J.D. HILL:** I am advised:

The Government provides a \$500,000 per annum grant to the RSPCA for the enforcement of the *Prevention of Cruelty to Animals Act 1985*. This grant has been maintained at \$500,000 for the 2004-05 financial year.

#### COAST PROTECTION BOARD, BUDGET

331. **Dr McFETRIDGE:** What is the estimated budget in 2004-05 for the Coast Protection Board in both regional and metropolitan Councils?

**The Hon. J.D. HILL:** I am advised that in 2004-05 the Coast Protection Board has an estimated budget of \$420,000. These funds are provided to assist regional councils in protecting the coastline, including through foreshore erosion and flooding protection works, beach replenishment and environmental management. Funds are provided as a grant, usually up to 80 per cent of the cost of the works.

A separate Department for Environment and Heritage budget of \$4.191 million is for metropolitan councils coast protection works, including cliff stabilisation, rock protection to the foreshore and sand management with drift fencing and short groynes. Major sand replenishment along the metropolitan beaches is also included and carried out through the Department.

#### HERITAGE PLANNING

332. **Dr McFETRIDGE:** What education programs are provided to Local Government to assist with heritage planning and how much has been allocated in the 2004-05 Budget?

**The Hon. J.D. HILL:** There are two main programs provided by the State Government to assist Local Government in heritage planning, with almost \$400,000 allocated in the 2004-05 financial year, this is part of \$2.9 million funding allocated for heritage conservation and management by the State Government.

Firstly, the State Government provides funding assistance for a Heritage Advisory Service for Local Councils. In 2004-05, \$372,000

has been allocated towards providing heritage advisers for 22 Councils throughout South Australia and for expanding the service to cover more Council areas.

The principal roles of the heritage advisers are to:

- Provide advice to Council on Development Applications concerning State Heritage listed places, which would be normally referred to Department for Environment and Heritage (DEH) staff in Adelaide.
- Assist Council with the formulation of local heritage policy, including the listing of local heritage places and the establishment and administration of Historic (Conservation) Zones.
- Create local awareness and responsibility for the care of State and local heritage places.
- Provide a free advisory service to owners to assist in the care of State and local heritage places.

The second program is the provision of Heritage Planning Seminars for Local Government. In the 2004-05 budget, \$20,000 has been allocated towards providing two heritage planning seminars. One is planned in Kadina for the Copper Coast Councils in March 2005 and another in Port Lincoln for Eyre Peninsula Councils in April 2005. Previous seminars have been held in Naracoorte, Clare and Goolwa.

The Heritage Planning Seminars are practical courses involving a wide range of professional people closely associated with heritage planning, including state government staff (DEH & Planning SA), planners, heritage advisers and consultants.

#### VOLUNTEER CONSERVATION PROGRAM

333. **Dr McFETRIDGE:** Has any specific funding been allocated to Councils for the Volunteer Conservation Program in 2004-05 and if not, why not?

**The Hon. J.D. HILL:** I am advised:

The Volunteer Conservation Program has been incorporated into the State Heritage Fund, administered through the Department for Environment and Heritage. It was incorporated into this Fund for administrative efficiency in dealing with a number of small grants.

#### DOG AND CAT MANAGEMENT BOARD

334. **Dr McFETRIDGE:** What relationship and control has the Minister and the Office for Local Government Relations has over the Dog and Cat Management Board?

**The Hon. J.D. HILL:** The Dog and Cat Management Act states:

11. Ministerial control  
11. (1) Subject to subsection (2), the Board is subject to the control and direction of the Minister.

(2) No Ministerial direction can be given to suppress information or recommendations from a report by the Board under this Act.

(3) A direction given by the Minister under this section must be in writing and may only be given after consultation with the Local Government Association (LGA).

(4) If the Minister gives a direction under this section, the Board must cause a statement of the fact that the direction was given to be published in its next annual report.

In addition, the Minister and the LGA each nominate four of the eight ordinary members of the Board. The Chair is jointly nominated by the Minister and the LGA.

The Office of Local Government has no specific responsibility in relation to the Board unless a council fails to meet its responsibilities under the Act. In this case, section 32A of the Act applies, namely:

32A Failure on part of council to discharge responsibilities

32A (1) If, in the opinion of the Board, a council fails to discharge its responsibilities under this Act, the Board may refer the matter to the Minister to whom the administration of the Local Government Act 1999 has been committed (with a view to that Minister taking action in relation to the council under that Act).

(2) If a matter is referred to the Minister under subsection (1), the Minister must ensure that a written response, setting out the action that the Minister has taken or proposes to take, is provided to the Board within 28 days after the referral of the matter to the Minister.



### OFFICE FOR VOLUNTEERS

341. **Dr McFETRIDGE:** How many full-time, part-time and volunteers currently work in the Office for Volunteers and what were the respective details in 2003-04?

**The Hon. M.D. RANN:** I have been advised at present there are eight full-time and one part-time positions in the Office for Volunteers.

In 2003-04 there were eight full-time and two part-time positions.

The Office for Volunteers does not have a specific volunteer program for work within the office.

### SOUTHERN SOCIAL PLANNING ALLIANCE

353. **Dr McFETRIDGE:** Has any funding been allocated to the special purpose payments of the Southern Social Planning Alliance in 2004-25 and if not, why not?

**The Hon. J.D. HILL:** I am not aware of any special purpose payments provided to the Southern Social Planning Alliance. However, I have been advised that the Southern Social Planning Alliance is managing a balance of funding that was provided by the Department of Human Services and has not requested additional funding.

### YOUTH ADVISORY COMMITTEE

354. **Dr McFETRIDGE:** What is the role of the Youth Advisory Committee, why was only \$160,000 of the \$250,000 allocation expended in 2003-04 and will the difference be carried forward in 2004-05?

**The Hon. S.W. KEY:** The role of the Youth Advisory Committee is to support and promote the contribution of young people to the community and provide them with opportunities to participate through involvement in local government events and decision-making.

Young people who sit on Youth Advisory Committees:

- provide representation on local youth issues;
- provide advice to elected members;
- consult with young people on issues relevant to them and their local community;
- lobby community decision makers on local issues; and
- promote a positive image of young people in their local communities.

The Office of Youth currently funds 68 Youth Advisory Committees. This includes five Indigenous Youth Advisory Committees.

In 2003-04, \$250,000 was allocated to fund Youth Advisory Committees. However, only \$160,000 of allocated funds was expended to June 2004, as a number of committees did not meet annual reporting requirements, which is a condition of funding.

Youth Advisory Committees that successfully expend funding and complete reporting requirements will receive their funding entitlement in line with their funding agreement. No carryover request is required for this program. Sufficient funds exist in the 2004-05 budget to allow all potential requests by Youth Advisory Committees to be met.

### LOCAL GOVERNMENT TRAINEES

355. **Dr McFETRIDGE:** Why is the estimated budget result for Local Government Trainees only \$168,000 in 2003-04 when the initial target was \$385,000, is the difference carried forward in 2004-05 and how many more youth traineeships will be employed within Local Government?

**The Hon. S.W. KEY:** The Government Youth Traineeship Program provides young South Australians with an opportunity to enter Local Government through a traineeship.

The initial 2003-04 budget estimate was based on the 2003-04 Government Youth Traineeship Program funding an average of 55 places at an average incentive payment of \$7,000 per placement within an initial overall target of 500 for the program.

The estimated budget result provided in the 2004-05 budget papers for 2003-04 of \$168,000 was based on an expectation of 24 placements being finalised by 30 June 2004 at an average incentive of \$7,000 per trainee.

The actual number of trainees placed as at 30 June 2004 was 28 and funded at an average incentive of \$7,500 per trainee, resulting in a total funded sum of \$210,000 with the majority being placed from Mid-March to June 2004.

As at 20 December 2004, we have received 33 funded requests for a trainee as part of the 2004-05 intake and 13 trainees have been placed.

Based on indicative demand, funding of \$375,000 for 50 traineeships within Local Government is being put aside in 2004-05, as part of the overall program target of 500 traineeships based on an average incentive payment of \$7,500.

Therefore 23 more youth trainees than last year are expected to be employed in Local Government in 2004-05.

### LOCAL GOVERNMENT, GRANTS AND SUBSIDIES

#### 359. **Dr McFETRIDGE:**

1. Why has there been \$633,000 reduction in expenditure for grants and subsidies in 2004-05 to service providers such as Business Enterprise Centres and Regional Development Boards which are funded and operated jointly by Local Governments?

2. Which agencies will be affected by the reduction in these grants and subsidies and in each case, how much will they receive?

3. How will local Business Enterprise Centres and Regional Development Boards be affected by these reductions?

**The Hon. K.A. MAYWALD:** I have received this advice:

1. Budget Paper 4 Volume 1, Department of Trade and Economic Development, Program 3—Small Business shows a decrease in grants and subsidies from \$1.768 million to \$1.135 million (\$633,000).

This decrease reflects the cessation of grant and subsidy provision, by the former Centre for Innovation, Business and Manufacturing within the then Department of Business, Manufacturing and Trade, to individual companies to assist with business development issues.

2. The enterprise development funding referred to in (1) was not part of any South Australian Government financial contribution to either Business Enterprise Centres or Regional Development Boards (RDBs). Neither organisational network will therefore be disadvantaged by the budget reduction.

3. Not applicable. Note however that the RDBs have each received an additional \$50,000 discretionary funding over the past few years and a further \$50,000 per RDB has been provided for the 2004-05 financial year to assist RDBs develop programs aimed at small to medium businesses (SMEs) and/or export development. Both these payments are over and above the agreed State Government funding under the respective RDB Resource Agreements.

### MARINE PROTECTED AREAS

361. **Mr HANNA:** When will the Government's program to protect areas of outstanding ecological significance through the establishment of marine protected areas be completed?

**The Hon. J.D. HILL:** I am advised:

The Government of South Australia is committed to the establishment of the South Australian Representative System of Marine Protected Areas (SARSMPA) to protect and conserve areas of ecological significance. Importantly, this commitment has been included in the South Australian Strategic Plan—*Creating Opportunity* as Target 3.5 to establish 19 multiple-use Marine Protected Areas (MPAs) by 2010.

However, the establishment of the MPAs is not the end of the process. Following their dedication, it will be important to manage and monitor these MPAs to ensure the ongoing protection of the highly diverse and important habitats, flora and fauna.

### NATIONAL WHALE RECOVERY GROUP

#### 362. **Mr HANNA:**

1. How many National Whale Recovery Group meetings has the State Government sent representatives to in the past 3 years?

2. What is the State Government's policy commitment towards protecting all five of the endangered whale species and their habitats in South Australia?

**The Hon. J.D. HILL:** I am advised:

1. The State Government was represented at a meeting of the National Whale Recovery Group in 2003 and is currently working as part of that group to review draft recovery plans for the five whale species listed as threatened under the *Environment Protection and Biodiversity Protection Act 1999* (i.e. southern right, humpback, blue, fin, and sei whales).

2. The Government of South Australia is fully committed to the conservation of our marine environments, as well as the fauna and flora that depend on them for their survival.

The Government's *Living Coast Strategy* launched on 15 July 2004 articulates the Government's environmental policy directions for sustainable management of South Australia's coastal, estuarine and marine environments. It encompasses a range of Government environmental initiatives and programs and sets out the policy directions that the State Government will be taking over the next five years to help protect and manage South Australia's coastal areas, estuaries and marine ecosystems for their conservation and sustainable use.

The Government is actively progressing these initiatives. In particular, the establishment of the South Australian Representative System of Marine Protected Areas (SARSMPA) to protect and conserve areas of ecological significance has been included as one of the Government's key targets within South Australia's Strategic Plan—*Creating Opportunity*, specifically the establishment of 19 multiple-use Marine Protected Areas by 2010.

The recently released *Blueprint for the South Australian Representative System of Marine Protected Areas* articulates the Government's commitment to conserve and protect species that are rare, threatened or have special needs and their associated habitats. Clearly, this includes the five species referred to.

The first of these representative Marine Protected Areas (MPAs) that will be established is the Encounter MPA in the waters of Backstairs passage. The Encounter MPA is a temporary and permanent home to a number of rare and endemic species, including largest breeding colony of Australian sea lions in the world on The Pages Islands. Importantly, the waters of Encounter Bay are also a significant aggregation area for Southern Right Whales, which are frequently recorded travelling through the proposed MPA during their seasonal migration.

Members, may also care to note that the Great Australian Bight Marine Park was specifically established to protect the biological diversity of the Bight while providing for ecologically sustainable use of the Park's natural resources. The Head of Bight is a significant breeding and calving area for the endangered Southern Right Whale, and the rare Australian Sea-lion also breed in colonies at the base of the Bunda Cliffs. Unique marine plants, animals, and sediments found nowhere else in the world are present in the Marine Park.

#### MEDICAL RESEARCH INSTITUTE OF SA

366. **Mr HAMILTON-SMITH:** What are the details of the Medical Research Institute of South Australia's organisational restructure and how has this impacted the State's Research Policy?

**The Hon. P.L. WHITE:** As there is no organisation called the 'Medical Research Institute of South Australia', there is no organisational restructure nor any impact on State Government policies.

#### GOVERNMENT VEHICLES

374. **Mr VENNING:**

1. Is the Manager of the Office of the Upper Spencer Gulf, Flinders Ranges and Outback entitled to unlimited use of a Government vehicle and if so, what salary sacrifice and payments are made each month?

2. Has a Government vehicle been allocated to the Port Augusta regional office?

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

1. The Manager of Regional Ministerial Offices makes use of a Government vehicle from time to time, within the appropriate guidelines.

2. A vehicle has been allocated to the Regional Ministerial Offices and is attached to the Office of the Upper Spencer Gulf, Flinders Ranges and Outback.

#### CLEAN SEAS GROWOUT PTY LTD

375. **Mr HANNA:** Does Clean Seas Growout Pty Ltd currently hold a lease and licence under the Aquaculture Act 2001 for marine finfish aquaculture at on the former SARDI site in Boston Bay at Port Lincoln and if so, why is this not registered under Section 80 of the Act and if not, is it lawful for this aquaculture activity to continue?

**The Hon. R.J. McEWEN:** Australian Tuna Fisheries Pty Ltd, a fully owned subsidiary of Clean Seas Growout Pty Ltd, currently hold a fully valid aquaculture licence and lease for 5h of the 20h site previously licensed to SARDI. These approvals allow for the farming

of marine finfish on this site. Across the aquaculture industry a number of associated hold licences and leases.

In accordance with Section 80 of the Aquaculture Act 2001, details of this aquaculture site including licence/lease number, licence/lease holder and licence/lease type can be found on the Atlas of South Australia. This website, developed to provide a common access point to maps and geographic information about South Australia in an interactive atlas format, provides a spatial representation of aquaculture sites. The aquaculture data is updated monthly by PIRSA Aquaculture and is accessible through the PIRSA website.

In addition, a hard copy version of the Aquaculture Public Register is available at the PIRSA Aquaculture office, level 14, 25 Grenfell Street, Adelaide. The register contains copies of all aquaculture licences and leases and environmental monitoring reports. This is available for viewing during normal office hours.

#### GOVERNMENT POLLS

393. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

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

#### LUCAS, Hon. R.I.

434-436. **Mr KOUTSANTONIS:** How many written representations from the Hon R I Lucas MLC on behalf of South Australian constituents have been received since March 2002?

**The Hon. M.J. ATKINSON:** None.

#### TRANSPORT INSPECTORS

217. **The Hon. G.M. GUNN:** How many transport inspectors are currently employed by the Department, are they instructed to work co-operatively with the rural sector and if not, what are their instructions and is it the aim of the Department to enforce the law in a stringent manner?

**The Hon. P.L. WHITE:** Currently there are 75 Transport Inspectors employed by Transport SA.

The inspectors are employed across the following areas:

- Transport Safety Compliance Officers (Road) - 31
- Transport Safety Compliance Officers (Marine) - 10
- Passenger Transport Inspectors - 5
- Vehicle Roadworthiness Inspectors - 18
- Vehicle Identity Inspectors - 11.5

All authorised officers within Transport Safety Regulation, Transport SA are encouraged to work with rural communities and industry groups in achieving compliance with relevant legislation.

The vehicle inspectors are instructed to follow a consistent balanced approach in the application of standards across the whole state. They are asked to consider primarily road safety but also operators' needs and community transport needs when making decisions.

Officers are trained and indeed encouraged to use discretion, with respect to the administration of various Acts, where that discretion is likely to result in a greater level of compliance with legislation.

#### BARRIER HIGHWAY, MAINTENANCE

282. **The Hon. G.M. GUNN:** What maintenance and major works do the Department of Transport have planned for the Barrier Highway between Giles Corner and Cockburn?

**The Hon. P.L. WHITE:** The State Government is delivering over \$1.25 million worth of road improvements on the Barrier Highway in 2004-05. These improvements include resealing of the road surface, shape correction and shoulder re-sheeting.

Works between Cockburn and Mingary were completed in September 2004 and included 0.5km of shoulder sealing, a full-width overlay for 0.3km and 4km of shape correction.

Fifteen kilometers of shoulder re-sheeting improvements are planned for the section of road from Ucolta to Terowie this financial year. Over 7000 cubic metres of shoulder material has been crushed and stockpiled for these improvements that are to be completed by June 2005.

Finally, resealing works are also programmed for eight sections of the Barrier Highway. Measuring a total distance of approximately 29km, the works will cost \$860,000.

### TRANSPORT INSPECTORS

283. **The Hon. G.M. GUNN:** Are Transport inspectors instructed to be particularly vigilant in carrying out their duties with respect to persons involved in the export of hay and how are they monitored to ensure that their actions are not considered to be unreasonable?

**The Hon. P.L. WHITE:** Transport Compliance Officers treat vehicles used in the transport of hay no differently than other load carrying vehicles operating in the State.

In order to ensure that this level of vigilance is applied both fairly and consistently, officers undergo intensive on and off the job training.

Furthermore, the actions of officers and any subsequent reports that result from those actions are subjected to a thorough adjudication process by senior officers prior to a transport operator being prosecuted.

Where a transport operator considers that an officer has acted unreasonably, the operator may report the incident, wherein the matter will be thoroughly investigated and the operator informed of the outcome.

### POLICE, DRUG TESTING

284. **Mr VENNING:** Does the Government intend purchasing equipment to enable Police to test drivers for the presence of drugs and if so, when, from whom will it be purchased and what is the anticipated cost?

**The Hon. P.L. WHITE:** The Commissioner of Police has advised that this issue is currently being examined by the South Australia Police and the Department of Transport and Urban Planning.

Recent technological advances have seen the development of testing procedures that can detect a range of drugs through the use of saliva samples.

Once legislation is passed, all procurement activities associated with the purchase of any such equipment will be in accordance with the Government's procurement policies. The Government is committed to ensuring that the procurement of all equipment is conducted with rigour, probity and accountability.

### TRAIN SERVICE SUBSIDY

286. **The Hon. G.M. GUNN:** What was the cost of subsidising Adelaide's passenger train service in each year since 2001-02 and what subsidies applied to each rail service during the same years?

**The Hon. P.L. WHITE:** The cost of train and tram services in Adelaide each year is operating cost plus capital minus revenue. This equates to:

\$79.00 million in 2001-2002

\$78.62 million in 2002-2003

\$81.04 million in 2003-

and is broken down as follows:

Year	Cost of rail service	Minus estimated rail revenue	Plus capital	TOTAL
2001-02	\$88.883 million	\$11.690 million	\$1.811 million	\$79.00 million
2002-03	\$88.918 million	\$12.493 million	\$2.197 million	\$78.62 million
2003-04	\$90.879 million	\$13.160 million	\$3.320 million	\$81.04 million

The information is not currently available for each rail service.

### INFORMATION TECHNOLOGY TENDERS

277. **Mr HAMILTON-SMITH:**

1. How many tenders were received for the provision of information technology services to the 'Development of the Gaps to the Trumps' project and how many were received from South Australian companies?

2. Has the tender contract been or likely to be awarded offshore to an Indian company and if so, what measures has this company taken to be consistent with the Australian Industry Participation National Framework and include the provision of goods and services sourced from South Australia, Australia and New Zealand?

3. Is the Government concerned about information technology contracts going offshore and has any assessment been made on the impact to the local information technology industry?

**The Hon. P.L. WHITE:** My department called an open tender for the provision of IT Services for the Development of the GAPS to the Transport Regulation User Management Processing System (TRUMPS) Project on 30 August 2004. Nine tenders were received with five having operations in South Australia. The successful tender/s will have local operations in South Australia.

In addition, the Minister for Infrastructure has provided the following information:

The market invitation documents for information and communication technology (ICT) infrastructure, released as part of the SA Government's Future ICT Service Arrangements program, do not exclude offshore provision of services, software or hardware. To ensure that the Government's expenditure delivers the best value, however, the documentation indicates a strong preference for service delivery from within Australia.

It is expected that the procurement of computer and telecommunications hardware and software through the Future ICT program will have a significant offshore component, as there is little or no local production capability appropriate to the Government's requirements.

There will, however, be a strong local presence in the service component of Future ICT procurement in order to meet the day-to-day business needs of Government agencies.

The Future ICT procurement process also encourages the major vendors to partner with local companies to enhance their opportunity to compete for business.

The impact of the local ICT industry is expected to be minimal, given that the Government is not seeking offshore provision of ICT infrastructure and services where capability is available locally.

The SA Government continues to support the development of the local ICT industry in this State. The IT Council, which is partly funded by the State Government, has established an IT Skills Committee to develop strategies for training and retaining people with IT skills in South Australia.

The SA Government is committed to increasing investment in areas of infrastructure to support and achieve the targets in South Australia's Strategic Plan. This includes improving ICT connections and communications and we will continue to support creativity and innovation by the private sector to expand its services in this State.

### AGENTS INDEMNITY FUND

319. **Dr McFETRIDGE:** With respect to the Agents Indemnity Fund:

- when was the Fund established and why;
- what is its estimated forward expenditure in 2004-05;
- why did claims against the Fund increase from \$1.7M in 2002 to \$2.8M in 2003;
- how many claims were made in 2002-03 and 2003-04, who were the claimants and what were the basis of the claims made;
- how many claims are expected in 2004-05;
- how many claims were made against defaulting conveyancers, mortgage financiers and land agents in 2002-03 and 2003-04, who were they and what are the details of each

- individual claim;
- (g) what action is being taken to educate consumers and prosecute offenders in relation to defaulting conveyancers/mortgage financiers and land agents;
- (h) is it likely the number of claims against the Fund will decline and if so, why;
- (i) how many current claims are there and how long does the average claim take to be processed; and
- (j) what other course of action is available to an unsuccessful claimant, what advice is generally given by the Department in these circumstances and does this include legal advice?

**The Hon. K.A. MAYWALD:** I have received this advice:

- (a) The Agents Indemnity Fund (*the 'Fund'*) was established under an amendment to the repealed *Land Agents, Brokers and Valuers Act 1973* that was passed on 3 December 1986. The existence of the Fund was continued under the *Land Agents Act 1994* and *Conveyancers Act 1995*. The Fund comprises of money standing to the credit of the fund derived from the interest that accrues on consumers' money held in agents' and conveyancers' trust accounts.

The Fund exists to provide compensation for persons whom have suffered financial loss as a result of fiduciary default of a land agent or conveyancer and whom have no reasonable prospect of recovering the full amount of that loss other than from the Fund.

Payments made from the Fund are in a variety of circumstances including the cost of investigating complaints against agents or sales representatives, the cost of processing claims and the cost of administering the Act.

Funds such as this one reflect the fact that consumers often place large sums of money on trust with certain types of professionals, and that ordinary civil remedies may be insufficient to compensate consumers if that money is the subject of a defalcation by the trustee (land agent or conveyancer).

- (b) It is estimated that \$16.8M will be expended from the Fund in 2004-05. Of this, \$13.5M has been quarantined for a particular type of payment out of the Fund that will not occur until 21 December 2004, relating to G C Growden Pty Ltd. As at 30 November 2004, the Fund had already paid out \$871,000 for claims against Property Management Specialists Pty Ltd and G C Growden Pty Ltd (Growdens).

A further \$800,000 will be expended from the Fund in relation to the following:

- Appointment of Audit Examiners (Random Audit Examination Program)
- Appointment of Administrators and Liquidators
- Consumer Education
- Administrative duties performed by the Office of Consumer and Business Affairs (OCBA)

The remaining \$2.4M relates to individual claims made against the fund and the continuation of claims made against Growdens relating to investments prior to 1 June 1995.

- (c) The majority of claims against the fund, in both 2002 and 2003, arose from the actions of G C Growden Pty Ltd.

In 2001-02, Growdens investors initiated a class action against the insurers of G C Growden Pty Ltd. Many investors did not lodge a claim against the Fund until after the resolution of the class action. This occurred in the later part of 2001-02. Accordingly, there were fewer Growdens claims in that year.

However during 2002-03, OCBA received and paid a steady flow of Growdens claims throughout the year. This accounts for the sudden increase in payments made in 2002-03.

- (d) In 2002-03, 183 claims were made against the Fund all of which were paid in relation to the affairs surrounding Growdens. However, in 2003-04 only 18 claims were paid, 16 of which related to Growdens. This reflects the fact that two District Court decisions in August 2003 severely restricted the eligibility of Growdens investors to claim on the Fund. These decisions have effectively been reversed by the *Land Agents (Indemnity Fund - Growdens Default) Amendment Act 2003* which came into effect on 1 September 2004.

The non-Growdens claims were as follows:

2003-04		
Mountford Pty Ltd	Staff theft	\$1,543.38
Di Iulio	Agent theft	\$100,000.00

- (e) OCBA expects that there will be approximately 650 claims made against the Fund in relation to Growdens in 2004-05. This estimate could however increase to over 1,000 depending on the number of claims submitted in relation to Growdens investments. The reason that the figure is not able to be ascertained is that OCBA cannot be sure how many mortgages were defaulted upon and how many eligible claimants will submit claims, until the end of when the claims period stipulated in the *Land Agents (Indemnity Fund - Growdens Default) Amendment Act 2003* expires.

OCBA has already paid 73 claims relating to the winding up of Property Management Specialists Pty Ltd with another 11 outstanding.

OCBA estimates that in 2004-05, there is the potential for the total number of claims to exceed 1,100.

- (f) It must be noted that the only mortgage financier against whom claims may now be made against the Fund is G C Growden Pty Ltd. Claims against mortgage financiers became statute barred on 1 June 1995, and therefore only monies invested prior to that date can give rise to that claim. GC Growden Pty Ltd is an exception that has been recently extended by virtue of the *Land Agents (Indemnity Fund - Growdens Default) Amendment Act 2003*.  
G C Growden Pty Ltd

Claims have been submitted by hundreds of investors as a result of investments made in mortgage loans brokered by Growdens and secured over property with inflated valuations. In most cases the borrower defaulted on the mortgage and the secured property was sold, realising less than the amount that was originally invested. Claimants are claiming for the difference between what they invested and what they recovered after the sale of the property.

From June 2002 to November, 253 claims have been paid out in relation to Growdens.

Jason De Iulio

Mr De Iulio lodged a claim for compensation after \$100,000 was misappropriated by Mark Hunt, who was employed as a sales representative of Century 21. This was a once-off occurrence. Mr De Iulio was compensated by the Fund. Mr Hunt's whereabouts are unknown to OCBA and Police, although he is believed to be overseas.

Property Management Specialists (in liquidation)

Property Management Specialists Pty Ltd (PMS) was employed by landlords to screen tenants, lodge bonds and collect rent. Before the company entered into liquidation in mid-2002, money that was lodged in the PMS trust account was misappropriated. The claimants are landlords, who are claiming for lost rent, and also bond money that has not been lodged with the Residential Tenancies Branch, resulting in the landlord having to reimburse the tenants their bond money.

No claims in relation to this matter were paid out as at 30 June (though some have been paid subsequently).

In total, 201 claims were made against defaulting conveyancers, mortgage financiers and land agents in 2002-03 and 2003-04.

- (g) OCBA released a consumer advice publication titled, *'The Smart Consumer Guide'*. The guide outlines the rights and responsibilities of a consumer and will assist the consumer in making wise purchasing decisions. OCBA has also provided funding for the Real Estate Institute of South Australia and the Australian Institute of Conveyancers that both provide a public advisory service.

In relation to the prosecution of offenders, OCBA has the ability to both suspend the licences of companies and individuals as a result of consumer losses and pursue individuals and directors for monies lost through default, via rights of subrogation.

Disciplinary action against the PMS (in liquidation) and its directors has been commenced by OCBA.

A prosecution against Mr Graeme Growden by the Commonwealth and State DPPs was abandoned several years ago on the basis that Mr Growden was found mentally unfit to plead

OCBA also performs targeted and random audits of trust accounts and will take action (warning/disciplinary action/prosecution) if breaches of trust account procedures are identified. The Commissioner is currently in the process of

disciplining and/or prosecuting five land agents/conveyancers (in addition to PMS) for matters relating to the handling of clients' money.

- (h) After 21 December, no claims in relation to Growdens investments will be eligible. In turn, there will be a significant decline in the number of claims being paid out of the Fund in 2005-06 (unless, because of appeals, those claims have not yet been paid). Growdens has been the most significant liability on the Fund since its inception.
- (i) There are currently several hundred Growdens claims being assessed. There are no other current claims on the Fund. Once a claim has been received, it is investigated to ensure that in accordance with the Act, the claimant has suffered financial loss as a result of fiduciary default of a land agent or conveyancer and that the claimant has established that they have no reasonable prospect of recovering the full amount of that loss other than from the Fund. On completion of this, the claim is assessed and recommended to the Commissioner. Payment from the Fund will only occur once approval from the Commissioner (or his delegate) has been given.

Each claim on the Fund is different. Most of the time is spent investigating the claim as each claim involves many differing complexities. With the Growdens claims for example, lengthy delays have been experienced due to court and Parliamentary processes. The most recent court appeals in relation to Growdens ceased the processing of associated claims for 6 months.

- (j) The present structure of the Fund is that it is a fund of last resort. It is unlikely that there will be other courses of action available to an unsuccessful claimant. There is a 3-month appeal period as prescribed under the *Land Agents Act 1994* within which a challenge to a refused claim may be made. Appeals are heard by the District Court. OCBA suggests that any unsuccessful applicant seeks legal advice and representation. OCBA does not provide a legal service for this purpose, as the Commissioner has a role to protect the Fund from claims that do not meet the statutory criteria and to provide claimants with legal advice would constitute a conflict.

### RECREATIONAL SERVICES

326 & 340. **Dr McFETRIDGE:** Why are recreation and sporting committees being charged \$1,200 to lodge and register a code of conduct and a further \$250 to register as a provider when there is no real reduction in insurance premiums?

**The Hon. K.A. MAYWALD:** I have received this advice:

The fees set for the lodgement of codes under the *Recreational Services (Limitation of Liability) Act 2002* go part-way to cost recovery in relation to the assessment of codes.

Codes may be lodged by recreational service providers (companies or incorporated associations) or peak bodies representing particular recreational services.

A registered code has the effect of replacing a recreational service provider's common law duty of care towards consumers. A code must set out in detail all of the things that a provider will do to provide an adequate level of protection for consumers. It must be carefully worded to ensure that nothing is omitted. A public consultation process on the code is mandated by the Act. The cost to Government in placing an advertisement in the Advertiser to enable the public to make a submission on a code is approximately \$800. The remainder of the lodgement fee is applied to the assessment of the code and public submissions, the maintenance of a register of codes and liaison with the code developer. The prescribed fee falls well short of meeting the costs to Government in assessing the code.

The \$250 fee to register an undertaking to be bound by an existing code reflects a contribution to the cost of administering the register of undertakings and liaison with the subscriber.

The Government cannot control the setting of premiums by insurers. What Government can do is provide an legislative environment in which insurers can be more certain about the likely number and cost of incoming claims. The South Australian Government has done this with the passage of this Act.

### BUS SHELTERS

344. **Dr McFETRIDGE:** Why is the State Government no longer providing expenditure for bus shelters?

**The Hon. P.L. WHITE:** The ownership and maintenance of bus shelters is the responsibility of Local Government and most metropolitan Councils have individual contracts with a private company, which provides and maintains some shelters within their Council area in return for advertising rights on those shelters.

Previously the Government provided limited funding to Councils to assist with the installation of some shelters. This was provided on the basis that ownership and responsibility for ongoing maintenance of the shelters was vested with Council.

### DRAFT DEVELOPMENT (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL

347. **Dr McFETRIDGE:** What information has been provided to Councils by the Minister and the Office for Local Government on non-legislative matters that underpin the operation of the planning system in South Australia in relation to the Draft Development (Sustainable Development) Amendment Bill 2004?

**The Hon. P.L. WHITE:** It is not clear to what the Honourable Member refers when he talks about "non-legislative matters" underpinning draft legislation.

If the Honourable Member would like to explain his question, I will be happy to answer it.

348. **Dr McFETRIDGE:** Was a formal joint State/Local Government review of the planning system undertaken and agreed to prior to the preparation of the Draft Development (Sustainable Development) Amendment Bill 2004 and if not, why not?

**The Hon. P.L. WHITE:** The consultation draft Development (Sustainable Development) Amendment Bill implements key planning recommendations of the Economic Development Board's report *A Framework for Economic Development in South Australia*. In particular, the draft Bill seeks to promote a greater emphasis by local government on local strategic policy making and the preparation of development policies that implement the State's Planning Strategy. The draft Bill also promotes more efficient and timely development assessment. These measures complement the targets of the South Australian Strategic Plan.

The Local Government Association was provided with the opportunity to comment on the draft Bill before it was placed on public consultation. Regional briefings for local government on the draft Bill were conducted during the two months consultation period.

I have had several meetings with the Local Government Association regarding the effectiveness of, and improvements to, the state's planning system.

349. **Dr McFETRIDGE:** What analysis has been undertaken by the Office for Local Government and the Minister in assessing the infrastructure benefits in relation to the Draft Development (Sustainable Development) Amendment Bill 2004?

**The Hon. P.L. WHITE:** There has been extensive consultation, which has enabled the government to review that part of the draft of the Bill.

350. **Dr McFETRIDGE:** Has any statistical information been collated regarding problems with the current system and the need to implement those changes proposed in the Draft Development (Sustainable Development) Amendment Bill 2004 and if so, what are the details?

**The Hon. P.L. WHITE:** The last time the Act was reviewed was by the Systems Improvement Bill, 2001 by the former Government. While that Bill made provision for such a regulation the former Government failed to implement it. Consequently, this issue has been raised by stakeholders in the consultation on the Sustainable Development Bill.

### METROPOLITAN OPEN SPACE SYSTEM PROGRAM

351. **Dr McFETRIDGE:** Why is the allocation for the Metropolitan Open Space System Program in 2004-05 less than the 2003-4 estimated result?

**The Hon. P.L. WHITE:** The Metropolitan Open Space System Program is funded from the Planning and Development Fund. The major expenditure of the Planning and Development Fund is in the

provision of open space (including MOSS) and public place grants to local government.

The income of the Fund is received from open space levies applied to subdivisions of less than 20 allotments (levies on subdivisions of greater than 20 allotments are received by councils).

In recent years actual income has been in excess of budget and therefore the budget in each year has been less than the actual expenditure in the proceeding year. The pattern recurred again in the 2003-04 estimated result compared with the 2004-05 budget.

#### BLACK SPOT PROGRAM

356. **Dr McFETRIDGE:** Why is the 2004-05 budgeted figure for the State Black Spot Program—Safer Local Roads \$120,000 less than the 2003-04 estimated result?

**The Hon. P.L. WHITE:** The establishment of a State Black Spot Program was announced on 11 July 2002 and funded for in the 2002-03 and following budgets. The program is available for both State and Local Government roads and represents an important partnership by State and Local Government to address high-risk crash locations on South Australia's roads.

In 2003 a new joint funding arrangement was established. This new initiative, "Safer Local Roads Program", secured 25 per cent of the total of the new state allocation for black spot upgrades for local roads; Local Governments also are contributing to these projects.

This approach saw a 25 per cent contribution by Local Government in 2003-04 which has subsequently increased to 33 per cent in 2004-05, demonstrating the importance of this program to SA's local councils.

It is important to understand that the Safer Local Roads Program, part of the State Black Spot Program, has seen an overall increase of \$0.100 million in 2004-05 (\$2.43 million) over the 2003-04 (\$2.33 million) program.

The State Government reiterates its commitment to Road Safety and the State Black Spot Program is just one of many interventions necessary to ensure human loss and injury on our roads is reduced.

#### STATE BICYCLE FUND

357. **Dr McFETRIDGE:** What additional programs will be implemented by the \$210,000 increase in the State Bicycle Fund in 2004-05?

**The Hon. P.L. WHITE:** The State Bicycle Fund is administered by the Department of Transport and Urban Planning and all South Australian Councils may apply to it for funding suitable cycling initiatives. These include the development of Local Area Bicycle Plans and the implementation of cycling networks by the construction of bicycle routes of either on-road bicycle lanes or off-road bicycle paths. The Fund provides up to \$ for \$ subsidy funding. The 2004-05 Fund gave highest priority to funding projects that increase cycling safety.

There has been an increase in funding available to Councils from \$200,000 in 2003-04 to \$408,000 in 2004-05. The increase has allowed 19 Councils to receive an offer of subsidy funding for a total of 38 projects. This is an increase of 3 more Councils to receive funding and 14 more projects being delivered than in the previous year. Projects will be delivered in both metropolitan and regional areas.

Councils successful in receiving funding this financial year were Adelaide, Prospect, Salisbury, Mitcham, Port Adelaide Enfield, West Torrens, Marion, Unley, Onkaparinga, Gawler, Victor Harbor, Barossa, Murray Bridge, Grant, Barunga West, Light, Mt Barker, Mt Gambier and Tatiara. The State Government works in partnership with Local Government via the State Bicycle Fund to increase cycling within our communities, as well as to improve the safety of those cycling for the health, environmental and social benefits that increased cycling will deliver.

#### DRAFT DEVELOPMENT (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL

358. **Dr McFETRIDGE:** How does the Minister and the Office for State/Local Government Relations propose to resource and fund rural Councils and their communities if the proposals in the Draft Development (Sustainable Development) Amendment Bill 2004 are adopted?

**The Hon. P.L. WHITE:** The Government has made some budget provision for this purpose.

#### GAWLER, TRAFFIC COUNT

369. **The Hon. M.R. BUCKBY:** What were the results of the traffic count of vehicles in Murray Street, Gawler, on 24 August 2004 and why was my request for a similar traffic count on 3 June denied?

**The Hon. P.L. WHITE:** The results of the seven day average daily traffic volume count of 23-29 August on Murray Street, Gawler, north of Horrocks Place and adjacent to the railway crossing near Union Street, were 15,270 vehicles per day. Of this, 581 vehicles per day were commercial vehicles.

The Honourable Member's request of 3 June was related to the section of Murray Street south of Horrocks Place. As you were advised in written correspondence in response to your request, this section of road comes under the care and control of the local Council and therefore traffic counts at this location are the responsibility of Council.

#### TRANSPORT TICKETING SYSTEM

370. **The Hon. M.R. BUCKBY:** Will the new public transport ticketing system have the capability of accepting both notes and coins and if not, why not?

**The Hon. P.L. WHITE:** The Office of Public Transport tries to encourage people to purchase public transport tickets through the extensive network of License Trader Venues, most bus depots and staffed railway stations.

My Department is monitoring options to upgrade or replace the existing ticketing system.

There are no current plans to change the ticketing system.

#### FARE EVASION

371. **The Hon. M.R. BUCKBY:** What plans are there to reduce fare evasion on the Gawler Central Line?

**The Hon. P.L. WHITE:** Fare evasion is an issue that affects the whole AdelaideMetro system and while the Department of Transport and Urban Planning monitors fare evasion across the whole system, it does not have any region specific plans for the reduction of fare evasion.

As a result of an article that appeared in The Advertiser the Executive Director of the Office of Public Transport requested that service providers maximise inspections for a period. Service providers responded with the following advice:

- Serco General Manager advised that they had increased inspectors.
- Torrens Transit already maximised the inspectors they have in place.
- Transiplus already maximised the inspectors they have in place and recently hired another 3 people.
- SouthLink has already increased their ticket checking and has been receiving feedback from customers noting the increased vigilance.
- TransAdelaide will be putting on another 5 inspectors to check tickets on their services and advising their current inspectors to step up their checks.

The Department of Transport and Urban Planning will continue to monitor fare evasion throughout the AdelaideMetro system.

#### GOVERNMENT POLLS

395. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

**The Hon. P.L. WHITE:** No polls were undertaken over the past 12 months in relation to the Transport portfolio.

396. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

**The Hon. P.L. WHITE:** No polls were undertaken over the past 12 months in relation to the urban development and planning portfolio.

397. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

**The Hon. P.L. WHITE:** No.

#### LUCAS, Hon. R.I.

438. **Mr KOUTSANTONIS:** How many written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents have been received since March 2002?

**The Hon. P.L. WHITE:** Since March 2002, with the exception of Freedom of Information applications, there have been no written representations to the transport portfolio within Department of Transport and Urban Planning, from the Hon R I Lucas MLC on behalf of South Australian constituents.

439. **Mr KOUTSANTONIS:** How many written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents have been received since March 2002?

**The Hon. P.L. WHITE:** My Department has advised that a thorough search on available systems has found that there has been no such representation from Hon. R. Lucas.

440. **Mr KOUTSANTONIS:** How many written representations from the Hon R I Lucas MLC on behalf of South Australian constituents have been received since March 2002?

**The Hon. P.L. WHITE:** No written representations from the Hon R.I. Lucas have been received by the Department of Further Education, Employment, Science and Technology or myself.

#### BUSINESS ENTERPRISE CENTRES

471. **Mr HAMILTON-SMITH:** Does the Government have to reduce the number of Business Enterprise Centres from nine to six and if so, what are the details, and how much funding will be provided to these Centres over the next three years?

**The Hon. K.A. MAYWALD:** I have received this advice:

The report of the Steering Committee reviewing the existing small business delivery model has made a series of recommendations regarding the composition and funding of a new BEC network.

I have commenced consulting with relevant parties on the recommendations and they will be given an opportunity to respond to the report before any decision is taken by government.

#### DEVELOPMENT ACT

7. **The Hon. I.F. EVANS:** What are the new inspection requirements and expiation fees to be introduced for breaching the Development Act 1993 and associated Regulations?

**The Hon. P.L. WHITE:** The Draft Consultation Bill includes the power to introduce Regulations to enable the expiation of offences. Feedback on this power and on building inspection requirements, during the consultations on the Bill during 2004, has been taken into consideration in the drafting of the final Bill.

#### SOUTH ROAD UPGRADE

37. **Mr BROKENSHIRE:** How much funding has been set aside for the planning and consultation for the South Road upgrade between Grange and Torrens Roads?

**The Hon. P.L. WHITE:** The Premier announced on 29 March a total commitment of \$43.0m to upgrade the section of South Road between Port Road and Torrens Road. Funding for planning and consultation has been included in the Treasury forward expenditure estimates.

#### ROADS, OUTBACK

40. **Mr BROKENSHIRE:** What improvements are going to be completed on outback roads in 2004-05 and how much from Minor Works will be spent on these roads?

**The Hon. P.L. WHITE:** Improvements to outback roads for 2004-05 are to include the re-sheeting, shaping and forming of

approximately 85 kilometers of the Tea Tree to Yunta Road, and 45 kilometers of the Innaminka to Lyndhurst Road (Strzelecki Track). This Government has managed to offer increased funding to outback roads for 2004-05. The 2004-05 State Budget commits \$6.0 million to outback road minor works and \$5.77 million to the maintenance of outback roads.

#### COMMUNITY ROAD SAFETY FUND

44. **Mr BROKENSHIRE:** How much revenue was collected for the Community Road Safety Fund in 2003-04 and how much is expected to be collected in 2004-05?

**The Hon. P.L. WHITE:** Income into the Community Road Safety Fund in 2003-04 was \$38.76 million. Year to date to 31 December 2004, \$15.458 million has been raised and with appropriation from Treasury it is expected that total revenue from the Community Road Safety Fund will be \$58.5 million in 2004-05.

#### TAXI AND SMALL VEHICLE INSPECTORS

46. **Mr BROKENSHIRE:** Will the number of taxi and small vehicle inspector staff be increased to accommodate the target of 50,000 inspections in 2004-05 and if not, how will this target be achieved?

**The Hon. P.L. WHITE:** It is anticipated that the target number of 50,000 taxi and small vehicle inspections, as indicated in the 2004-05 budget papers, will be met without the need for any increase in the number of Passenger Transport Inspectors. There are currently five Passenger Transport Inspectors who should be able to perform approximately 10,000 inspections each per year. These inspections can vary in time by a factor of 10:1 but on average they should be able to do 10,000 each.

#### ROAD SAFETY REFORM PACKAGE

47. **Mr BROKENSHIRE:** What are the full details of all measures from Phase One and Two of the Road Safety Reform Package?

**The Hon. P.L. WHITE:** To meet South Australia's Strategic Plan target to reduce road fatalities by 40 per cent by 2010 for its part the State Government has progressed road safety reforms that include:

- Demerit points for camera-detected speeding offences
- Use of red light cameras to detect speeding offences
- Loss of licence for second or subsequent drink-driving offences between 0.05 and 0.079 blood alcohol concentration
- Mobile random breath testing at limited times
- Minimum period of six months on a learner's permit
- Period on provisional licence (P-plate) extended to two years, or 19 years of age
- Strengthening of the theoretical testing requirements for learner drivers by expanding questions to include road safety matters
- Introduction of 50 km/h default speed limit
- Reduction of 110 km/h speed limit to 100 km/h on 1114 kms of rural arterial roads
- Mass Action Program—application of road safety engineering treatments to lengths of roads
- Roadside Hazard Program—identification, assessment and treatment of roadside hazards
- Safer Roads Program including shoulder sealing, overtaking lanes and black spot programs
- Enhanced Safety Camera Program—red light camera replacements and purchase of new cameras
- Fatigue signage, rest area maps and public education campaigns
- Road Safety Demerit Point Brochure
- Stronger road safety links developed with Local Government
- Implement an Advanced Traffic Management Scheme (ATMS)
- Enhanced road safety communication campaigns including greater focus on localised messages, enforcement and integration particularly in regional areas
- Drink drive reforms including full time mobile Random Breath Testing and immediate loss of licence for Blood Alcohol Concentration 0.08 and above
- Loss of licence for excessive speed
- Graduated Licensing Scheme
- Demerit points for driving whilst using handheld mobile phone
- Draft legislation for drug testing of drivers/riders.

### VEHICLE REGISTRATION RENEWALS

60. **Mr BROKENSHIRE:** Is there any plan to review the process of issuing reminder notices for car registration renewals and if so, what are the details?

**The Hon. P.L. WHITE:** A recent review of policy regarding unregistered/uninsured vehicles has led me to the view that it would be beneficial to reintroduce a process to remind the owner that registration has expired and has not been renewed. I have therefore instructed my department to reintroduce the practice of issuing a second reminder notice for expired vehicle registrations.

### SOUTH-EAST RAIL NETWORK

61. **Mr BROKENSHIRE:** How many meetings has the Government had with the Victorian and Federal Governments and the private sector regarding the reopening of the South East Rail Network?

**The Hon. P.L. WHITE:** In December 2003 this government announced its commitment to work with the Victorian and Federal Government and the private sector to reopen the South East Rail Network.

Since that time, my Department has attended meetings involving the Victorian Government Department of Infrastructure on four occasions and the Commonwealth Department of Transport and Regional Services on five occasions. Meetings involving my Department and private sector bodies have occurred on ten occasions and the companies or bodies represented have included the Australian Railroad Group, Gateway Rail, Pacific National, Port of Portland, AusPine Ltd, Green Triangle Regional Plantations, Woakwine Group, Scott, Australian Rail Track Corporation, ABB Grain Ltd, Bovis Lend Lease and the SA Freight Council.

The State Government is committed to the reopening of the rail network and will continue to work with the private sector as well as the Victorian and Commonwealth Governments.

### LOW LOADER OPERATIONS

65. **Mr BROKENSHIRE:** When will the review of the process for low loader operations commence, how long will this review take, and will this review consider truck and length combinations and the state of the roads on which these vehicles travel?

**The Hon. P.L. WHITE:** The standard of the road and bridge system varies throughout the state and changes with time. Consequently, much of the road system in South Australia is not constructed nor has the capacity to accommodate oversize and overmass low loaders which in many cases significantly exceed the maximum statutory mass and dimension limits at which general travel for heavy vehicles is allowed.

Low Loaders operate under Road Traffic Act exemptions subject to conditions to protect the road system infrastructure from damage and to ensure that road safety is preserved.

Representatives of the heavy haulage industry in South Australia have made a submission to my department seeking a review and possible freeing up of operating conditions relating to the travel of Low Loaders.

I expect that some issues can be resolved quickly, other may take some time and some may not be negotiable.

Officers from my department recently met with representatives from the heavy haulage industry and as the first stage of the review are in the process of identifying and developing appropriate routes networks for the operation low loaders.

I must emphasize that while I will actively pursue efficiency improvements for all sectors of the transport industry I have a responsibility as Minister for Transport to ensure that the interests of all road users are balanced against the needs of industry and the community in general.

However, while I am not able to be specific in regard to how long the review may take, I can assure the Hon member that truck and length combinations and the state and capacity of the road network in relation to Low Loader operation will be an important consideration.

### ROADS, BOWER BOUNDARY

130. **The Hon. G.M. GUNN:** Will the Bower Boundary Road where it joins the Morgan/Burra Road through to Sedan be upgraded as a by-pass for heavy vehicles and if so, when will this occur?

**The Hon. P.L. WHITE:** The Bower Boundary Road is the responsibility of the Mid Murray Council and the Regional Council of Goyder.

The State Government has no future proposals to upgrade the Bower Boundary Road as a bypass for heavy vehicles. There is an existing heavy vehicle route via Kapunda through to the Mid North that provides adequate freight movement in the region.

### WAITE CAMPUS

146. **Mr HAMILTON-SMITH:** What is the Government's vision for the Waite Campus and what State Government funding is currently being provided to SARDI and other partners at the campus?

**The Hon. S.W. KEY:** The Waite Campus of the University of Adelaide is a world-renowned research and education cluster for plant biosciences, viticulture, wine and environmental services.

The key research and education agencies based at the Waite are the University of Adelaide, South Australian Research and Development Institute (SARDI), Commonwealth Scientific and Industrial Research Organisation (CSIRO), Australian Wine Research Institute, PIRSA and the Department of Water, Land and Biodiversity Conservation. These key agencies have established a number of Cooperative Research Centres and special centres. The Campus has been further strengthened by the establishment of the new Australian Centre for Plant Functional Genomics.

#### Government's vision

The State Government, through *STI<sup>10</sup> - Mapping the Ten Year Vision* has identified the State's universities, the Waite Precinct, the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and the South Australian Research and Development Institute (SARDI) as leaders in science, technology and innovation in South Australia.

An initiative of the *STI<sup>10</sup> Vision* is the Adelaide Innovation Constellation. Five precincts will be linked in the Constellation as zones of innovation, providing greater focus to regional economic development and showcasing distinctive capabilities and industry linkages. The Waite Campus has been identified as one of the five innovation precincts.

#### State Government funding

Over the last 10 years the South Australian Government has invested approximately \$50 million into research infrastructure at the Waite Campus.

Most recently Bio Innovation SA has provided funding for the Australian Centre for Plant Functional Genomics (ACPFPG) totalling \$1.75 million:

- Research grant deed (\$750,000)
- Capital Works grant deed (\$1 million)

A Bio Innovation SA initiative provided the Adelaide Integrated Bioscience Laboratories (AIB Labs) with:

- Infrastructure grants (\$69,000).

#### ATTACHMENT 1

The following is a list of research and development organisations that are referred to as the Waite partners:

The University of Adelaide, Schools of:

- Agriculture and Wine
- Earth and Environmental Sciences

The Commonwealth Scientific and Industrial Research Organisation (CSIRO) Divisions of:

- Plant Industry
- Land and Water
- Mathematical and Information Sciences

The Australian Wine Research Institute (AWRI)

Primary Industry and Resources South Australia (PIRSA)

South Australian Research and Development Institute (SARDI)

Commonwealth Scientific and Industrial Research Organisation (CSIRO)

Department of Water, Land and Biodiversity Conservation

Australian Centre for Plant Functional Genomics Pty Ltd

Australian Grain Technologies Pty Ltd

Bio Innovation SA

Cooperative Research Centre for Viticulture

Cooperative Research Centre for Australian Weed Management

GRDC Centre for Functional Genomics in the Growth and End Use Quality of Cereals

Molecular Plant Breeding CRC

Provisor Pty Ltd.



### TRANSPORT INSPECTORS

196. **Mrs PENFOLD:** Will transport inspectors again be adopting a zealous and vigilant approach during this year's harvest season?

**The Hon. P.L. WHITE:** The significant increase in heavy vehicle movements in grain areas during the grain harvest season, creates an increased risk to all road users. In the interests of road safety, Transport SA will again be focusing educative and compliance efforts during the current grain harvest season on heavy vehicles, in particular, overloading, roadworthiness, route compliance by heavy combination vehicles (e.g. B Doubles and Road Trains) and vehicle configuration.

Transport SA mounted a similar extensive heavy vehicle compliance operation prior to and during the 2003-04 grain harvest season resulting in a marked reduction in the level of non-compliance by farmers and grain transporters. The operation was considered a huge success by both the transport industry and Government alike, receiving positive comments from sections of the industry including AUSBULK, the Australian Wheat Board, Smith's Transport Tumbly Bay and Quick as All Transport Port Lincoln.

In conjunction with South Australian Police, Transport SA intends to mount another significant operation from mid November until mid January 2005, focused on route compliance by heavy combination vehicles (e.g. B Doubles and Road Trains), overloading and vehicle roadworthiness. This joint operation is to ensure a safe, efficient and legal movement of grain during the harvest period.

To reduce levels of intrusion during the busy days of harvesting and transporting grain to silos, a pre-harvest communication strategy was developed and Transport SA operational staff conducted a series of briefings and information sessions for farmers and grain transporters. These sessions were well attended at regional venues including:

- Cleve Agricultural Field Days—10-12 August;
- Booleroo Agencies Wudinna—23 August;
- Charra Agricultural Bureau—10 September;
- Mt Hope Agricultural Bureau—14 September;
- Riverland Training Centre, Waikerie—18 September;
- Eudunda Agricultural Bureau—21 September;
- Spalding Agricultural Bureau—5 October;
- Various Pt Lincoln Transport Operators—11 October;
- Barossa Valley Agricultural Bureau—18 October;
- Mid North AUSBULK sites—18 October;
- Various Ceduna Transport Operators—18 October; and
- Loxton Club—11 November.

The sessions focused on vehicle mass and dimensions, load restraints, fatigue management, code of practice for agricultural machinery, roadworthiness and vehicle registrations.

20 Transport SA officers plus SAPOL personnel will be involved in the operation which will commence in the western part of the State and progress east as harvesting progresses.

Given the importance of harvest to the farmer, compliance officers are to apply discretion where it is warranted and the formal cautioning system (that has been successfully applied in the past two seasons) will continue to be applied.

Transport SA, is working in partnership with the farming community and transport industry in ensuring safe roads for all users.

In addition the Government has accelerated its gazettal of heavy vehicle routes to reduce the need for single vehicle permits and provide a more streamlined regulatory environment for heavy vehicle operators. To date, some 20 per cent of routes previously subject to single vehicle permits have been designated.

Transport SA advises all road users to drive with additional care during the grain and grape harvest periods and that in the interest of road safety, all drivers observe the road rules, be patient and courteous. Road users are advised to wait for overtaking lanes as often as possible.

### ICT INDUSTRY

215. **Mr HAMILTON-SMITH:**

1. What are the concerns of the ICT Industry in relation to the Industrial Law Reform (Fair Work) Bill 2004 and what action is currently being taken to assess the impact the Bill might have on the ICT Industry?

2. Are the concerns of the ICT Industry in relation to the limitation of liability in contracts with the Government justified and will the issue of risk assessment and risk sharing on an equitable basis between the contracting parties be reviewed?

3. Are the concerns of the ICT Industry in relation to commercialisation of intellectual property caused by the default position of copyright ownership being assumed by the Crown justified and will a more flexible approach by the Government in contracting with the ICT Industry be considered?

**The Hon. P.L. WHITE:**

1. The Australian Information Industry Association has been reported asserting that the section in the Industrial Law Reform (Enterprise and Economic Development—Labour Market Relations) Bill (formerly the Industrial Law Reform (Fair Work) Bill) that allows the Industrial Relations Commission to declare a contractor as an employee is undesirable from an employer's perspective because it adds a layer of complexity and limits flexibility.

This section of the Bill simply underlines existing powers of the Industrial Relations Commission and provides a mechanism for greater certainty by declaring the status of a worker.

The IT Contractors and Recruiters Association are further reported to be concerned about the ability of industrial inspectors and union officials to inspect work sites which could include private homes that also serve as workplaces and that the Bill will make this State an unattractive destination for self employed persons to relocate.

The State Government believes that the Bill is only seeking to ensure greater fairness for all people, particularly those workers who may be unaware of their rights. Officials of employee associations can and do play a key role in informing employee members of their rights. An official exercising this power must not unreasonably interrupt the performance of work at the relevant workplace.

2. Government undertakes a risk assessment approach to liability and the issue of risk sharing is considered with every contract. Treasurer's Instruction 26 currently provides for a set of principles which permit the capping of supplier liability in information technology and telecommunication contracts. An equivalent instruction does not exist in relation to non-IT contracts. Capping liability in effect places the financial responsibility for negligent contractor behaviour on government and public revenue for costs and expenses incurred above the financial cap. For this reason, government in the public interest will, as a matter of principle, continue to seek supplier liability that is uncapped.

3. Government practice in relation to copyright ownership is dealt with on a case by case basis. Depending on the circumstances government may seek full copyright ownership, a lesser right such as a perpetual royalty free right to use and reproduce or may not assert any interest in IP ownership at all.

### LAND TAX

318. **Dr McFETRIDGE:**

1. What was the total Land Tax revenue raised in 2002-03, how much revenue is likely to be raised in 2003-04 and have all accounts been issued?

2. How many additional accounts for Land Tax were issued in 2003-04 for properties previously exempt or below the tax free threshold in the previous year?

**The Hon. K.O. FOLEY:**

1. Actual land tax collections for 2002-03 consisted of \$66.8 million collected from government entities and \$90.6 million from private land owners. In 2003-04, land tax receipts consisted of \$80.3 million collected from government entities and \$117.5 million from private land owners. All land tax bills for 2003-04 have been issued.

2. Revenue SA has advised that an additional 19,121 taxpayers were billed in 2003-04 compared to 2002-03 comprising ownerships that were previously below the \$50 000 site value threshold or where ownership changes meant that land became liable because it became part of a larger aggregated landholding that was taxable, or because the new owner was not eligible for exemptions which the previous owner may have been able to claim.

### COMMUNITY SERVICES FUND

328. **Dr McFETRIDGE:** Why have payments for volunteer support, community grants, research and development from the Community Services Fund been reduced in 2004-05, how much and what percentage of this reduction relate to volunteer support and community grants and is this reduction included in the \$2.1 million Community Emergency Services Fund savings reallocated to fund emergency services initiatives in 2004-05?

**The Hon. P.F. CONLON:** I provide the following information:

There has been no cut to the base funding for volunteer support, community grants, research and development from the Community Emergency Services Fund in 2004-05 from 2003-04. The appearance of a reduction in payments is due to the 2003-04 Budget being inflated by carryovers from 2002-03 of \$0.758 million.

When these carryovers are excluded, there has been an increase in base funding from 2003-04 to 2004-05.

#### NATURAL DISASTER MITIGATION PROGRAM

352. **Dr McFETRIDGE:** What programs are envisaged for Local Government under the \$700,000 natural disaster mitigation program in 2004-05?

**The Hon. M.D. RANN:** The Natural Disaster Mitigation Program is considered to be the most significant component of the reforms proposed in the COAG review: *Natural Disasters in Australia—Reforming mitigation, relief and recovery arrangements*. The program aims to contribute to safer, sustainable communities that are better able to withstand the effects of natural disasters through projects and works that address natural hazards and their impacts at state, regional and local levels.

South Australia has successfully renegotiated its share of the 2004-05 funding pool from the original allocation of \$700,000 to over \$1.6 million in Commonwealth grants. When the contributions by the South Australian government and local councils are included, \$5.318 million in mitigation projects will occur as a result of this program.

In October I recommended fifteen projects to the Commonwealth Minister for funding consideration. Unfortunately approval by the Commonwealth government was delayed until January this year due to the federal election and the associated caretaker period.

I am pleased to advise that all fifteen projects proposed by South Australia were accepted.

The Local Government projects and their total value are:

- Central Local Government Region; SafeSA Community emergency risk assessment (\$270,000)
- City of Mitcham; Bushfire risk assessment study (\$81,000)
- City of Playford; Edinburgh Parks flood mitigation works (\$585,000)
- City of Pt Adelaide Enfield; LeFevre Peninsula risk study (\$180,000)
- City of Salisbury; Little Para River overflow channel (\$300,000)
- City of Salisbury; Parafield Airport west drain upgrade (\$250,000)
- City of West Torrens; Adelaide Airport drain upgrade (\$2,622,000)
- Goyder Regional Council; Flood and fire mitigation in Goyder (\$240,000)
- Outback Areas Community Development Trust; Oodnadatta Airport upgrade (\$240,000)
- Adelaide Hills Council and the Onkaparinga Water Management Catchment Board; Upper Onkaparinga River flood risk assessment (\$75,000)

Other projects and their value are:

- CSIRO and State government departments; development of a digital elevation model (\$261,000)
- DAIS and Riverland councils; rural property identification system (\$80,000)
- PIRSA; post disaster carcass disposal system study (\$9,000)
- SA Fire and Emergency Services Commission; community facilitators forum (\$27,000)
- State Flood Warning Consultative Committee; State flood risk assessment and updating flood warning development plan (\$98,000)

Applications for the 2005-06 round of the Natural Disaster Mitigation Program closed on the 25 February 2005.

#### TRAVELLER'S AID SOCIETY

365. **Mr HAMILTON-SMITH:**

1. Why was the Traveller's Aid Society, which has operated in the Adelaide Railway Station since 1920, given such short notice to vacate its premises and will this be extended?

2. Has the Society been offered any alternative location and are there any other sites within the station precinct which could be considered?

**The Hon. P.L. WHITE:** The site currently occupied by Traveller's Aid is required to accommodate the overflow and expansion of essential electronic surveillance equipment, control equipment, and cabling for the Adelaide Railway Station. The Passenger Information Display System (PIDS) and Close Circuit Television (CCTV) surveillance system of TransAdelaide is currently located in an equipment room located immediately adjacent to the western side of the concourse stairs, North Terrace. This equipment storage room has reached capacity. The PIDS/CCTV room adjoins the Traveller's Aid Society office. This area is considered highly suitable for the required expansion of storage space. There were no other suitable areas within the Adelaide Station for either this equipment or for the relocation of Traveller's Aid Society.

Although TransAdelaide required the site as soon as possible they initially extended the arrangement to the end of January 2005 and then again to the end of March 2005 to accommodate the Traveller's Aid Society's requirements.

TransAdelaide located an alternative site for Traveller's Aid Society in the North Terrace underpass (known as Shop 3). TransAdelaide has approached the CEO of DAIS to see whether a suitable lease could be negotiated on behalf of the Traveller's Aid Society. A lease has been agreed and will commence on 1 April 2005. I am advised that this is a satisfactory outcome for all parties. In addition, TransAdelaide has offered to assist Traveller's Aid Society to move.

#### PARLIAMENTARY SUPERANNUATION BOARD

367. **The Hon. G.M. GUNN:** Has Mr Stephen Cheng made application to the Parliamentary Superannuation Board for a spouse's pension or other benefit from the Parliamentary Superannuation Fund held in respect of the late Donald Allan Dunstan, a deceased scheme member and if so, what decision has the Board made?

**The Hon. K.O. FOLEY:** The Parliamentary Superannuation Board is responsible for the administration of the superannuation schemes established by the *Parliamentary Superannuation Act 1974*. As the Board deals with the entitlements of persons under the Act, the Board does not reveal any information in relation to its dealings with persons who may or may not have an entitlement under the Act. This is consistent with the Parliament's decision to require confidentiality in relation to a person's entitlements and or benefits under the Act.

In the circumstances I am unable to provide the honourable member with an answer to his question.

#### MUNDULLA YELLOWS

376. **Mr HANNA:** With reference to the press release issued on 22 November 2004 regarding Government funded research into the causes of Mundulla Yellows—

(a) has the research included chemical testing of soil and groundwater by plant or environmental toxicologists and if so what are the details;

(b) how many of the nine research scientists are plant or environmental toxicologists;

(c) were the study sites tested for herbicide residues and if so, were any of these sites located in South Australia; and

(d) has the routine use of root absorbed herbicide on public land been investigated by the researchers as a potential cause of Mundulla Yellows?

**The Hon. J.D. HILL:** I have been advised that:

The research team at the Victorian Department of Primary Industry's Institute for Horticultural Development at Knoxfield has made very significant progress towards understanding the causes of the Mundulla Yellows syndrome, which is affecting native vegetation in South Australia and interstate.

The researchers have undertaken extensive testing of soil and foliage and are closely looking at groundwater chemistry in relation to Mundulla Yellows. They have examined symptomatic trees and compared them to healthy trees and the data they have collected has provided strong evidence to support the hypothesis that Mundulla Yellows is linked to environmental factors other than herbicide.

The strength of this program has been the multi-disciplinary nature of the research. A wide range of biotic and environmental factors have been studied to determine the cause of the syndrome. Where expertise was required beyond the core membership of the research team, additional experts were consulted. Thus, herbicide

toxicity was considered during the preliminary phases of the project and, although none of the nine research scientists comprising the team are plant or environmental toxicologists, discussions were held with toxicologists regarding symptoms of herbicide toxicity and techniques for testing for herbicide residues.

The research team decided not to test for herbicide residues, and the routine use of root absorbed herbicide on public land is not being further investigated. A number of results led the team to this decision. Strong relationships have been detected between the expression of Mundulla Yellows and aspects of soil chemistry other than herbicide residues. A summary of these findings has been publicly released and posted on the Department for Environment and Heritage website. Significantly, the team has study sites in undisturbed native vegetation that have never been sprayed with or exposed to herbicides and are displaying Mundulla Yellows symptoms. Furthermore, the team has induced and reversed Mundulla Yellows symptoms without the use of herbicides. Given these findings, the significant costs and technical challenges associated with testing for herbicide residues in soil, and the fact that there is already work being undertaken in South Australia in relation to herbicide and Mundulla Yellows, the team considered it was not scientifically prudent to pursue this further.

The research team is currently preparing its findings for publication in peer-reviewed journals, which will enable full scientific justification of the direction and outcomes of their research. Meanwhile, the research continues and I look forward to ongoing advancement in our understanding of this challenging natural resource management issue.

#### SUSTAINABLE ENERGY

380. **Mr HANNA:** Will there be any grants in 2005 for research and development in the area of sustainable energy and if so, when and how much will be allocated?

**The Hon. P.L. WHITE:** To date, the State Government has awarded five grants for research and development in the area of sustainable energy in 2005.

Following a public call in September for applicants under the Sustainable Energy Research Advisory Committee's (SENAC) 2004-05 funding round, the State Government has awarded \$193,500 to five sustainable energy research projects with a total combined value of \$646,000.

The research projects are:

- Electric Water Heater Restrike Disabler
- Automotive Dual Fuel Control and Data Logging Systems Test and Trial
- Energy Efficient Air Conditioning System utilising gas heating and multi stage evaporative cooling
- Commercialisation and Demonstration of UniSA's Roof Integrated Solar Heating System
- Innovative Commercial Refrigeration Systems for Stationary and Transport Applications incorporating Phase Change Materials.

Funding of \$5,890 will also be provided to develop a business case for a Sustainable Energy Industry Innovation Support Centre, bringing the total funding for new projects in 2004-05 to \$199,390.

Further details were provided in response to a question from the Member for Napier on 28 February 2005.

#### GOVERNMENT POLLS

386. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

**The Hon. K.O. FOLEY:** On the basis that polls are an analysis of public opinion on a subject, usually by selective sampling, I am advised that the Department of Treasury and Finance has not conducted any polls in the last 12 months.

391-392. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

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

#### LAND TAX

410. (Previous Session) **Dr McFETRIDGE:** What was the total Land Tax revenue raised in 2002-03, how much revenue is likely to be raised in 2003-04 and have all accounts been issued?

How many additional accounts for Land Tax were issued in 2003-04 for properties previously exempt or below the tax free threshold in the previous year?

**The Hon. K.O. FOLEY:**

1. I am advised that the total revenue raised in 2002-03 was \$157.4 million, which consists of \$90.7 million for private taxpayers and \$66.7 million for Government entities.

The total estimated revenue raised in 2003-04 was \$203 million, which consists of \$121.7 million for private taxpayers and \$81.3 million for Government entities. It should be noted that for 2003-04 an estimated result as at the May Budget can only be provided until the actual results are published.

For the 2003-04 financial year, RevenueSA began issuing land tax accounts on 22 October 2003 and completed issuing these accounts on 8 January.

Further accounts are issued in the event that a taxpayer fails to pay by the due date of the initial account. Throughout the remainder of the 2003-04 financial year a number of individual accounts were sent where a taxpayer's land ownership details were under review and rebilling was required.

2. I am advised by RevenueSA that for the 2003-04 financial year, approximately 20,000 additional land tax accounts were issued. Processing of exemptions, including for principal place of residence and primary production land, reduced that number of additional accounts to 14,000.

I am advised that additional land tax accounts result for a number of reasons, but primarily because of the site value of the property exceeding the tax free threshold for the first time. There are however a number of reasons for additional accounts occurring.

I am further advised that to determine the number of additional land tax accounts issued in 2003-04 for properties previously exempt or below the tax free threshold in the previous year would involve RevenueSA identifying and examining the individual circumstances of the 14,000 additional accounts. This would be a difficult and resource intensive exercise.

#### GOVERNMENT POLLS

416-419. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

**The Hon. K.A. MAYWALD:** I have received this advice:

For the purpose of this question, a poll has been defined as—an analysis of public opinion on a subject usually by selective sampling, it can be distinguished from a questionnaire or other means of determining client satisfaction with a particular government service or services or questionnaires, which are designed to determine whether a particular service or regulation is understood.

There have been no polls taken by or on behalf of the Department of Water Land and Biodiversity Conservation in the last 12 months.

The Department of Trade and Economic Development has not conducted a poll in the last 12 months.

The Office of the Liquor and Gambling Commissioner has not conducted any polls in South Australians over the last 12 months.

The Office of Business and Consumer Affairs has not conducted any polls over the past 12 months.

#### LUCAS, Hon. R.I.

437. **Mr KOUTSANTONIS:** How many written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents have been received since March 2002?

**The Hon. L. STEVENS:** A search of records held by both the Office of the Minister for Health and the Department of Health has found that no written representations have been received from the Hon. R.I. Lucas MLC on behalf of constituents since March 2002.

Both the Minister and the Department have received several Freedom of Information requests from the Hon. R.I. Lucas MLC, but there are no indications that these requests are on behalf of constituents.

### ABORIGINAL COMMUNITIES, RETICULATED WATER SUPPLY

440. (Previous Session) **The Hon. D.C. KOTZ:** How much funding will be spent on the delivery of reticulated water supply in 2004-05 and what projects have been identified for that expenditure?

**The Hon. J.D. HILL:** The Minister for Aboriginal Affairs & Reconciliation has provided the following information:

The total funds to be spent on the delivery of reticulated water supply to the Aboriginal communities covered under the most recent State-Commonwealth Bilateral Agreement is approximately \$2.442 million. Spending in 2004-05 is expected to be this sum, dependent in part on confirmation of funding from the Commonwealth Government.

The breakdown of this expenditure is below.

Maintenance (State Funding):

- Maintenance of water supply infrastructure to 18 rural and remote Aboriginal Communities—\$450 000.

Capital Projects (Commonwealth Funding):

- Kalka Stage 2—total replacement of the Kalka Aboriginal Communities' water reticulation and storage network—\$650 000;
- Mimili Water Storage Tank Compound Upgrade—replacement of ground storage tanks, an overhead tank, the transfer pumping system and installation of UV disinfection—\$714 000;
- Raukkan Water Supply Upgrade—rectification of problems within the water reticulation system and upgrade of the water treatment plant (project partially complete as at 1 July 2004)—\$153 000.

Water Regulation (Joint State/Commonwealth Funding)

- Introduction of SA Water as the supply authority to 18 rural and remote Aboriginal communities—\$475 000.

### DEPARTMENT OF ABORIGINAL AFFAIRS AND RECONCILIATION, PROJECTS

441. (Previous Session) **The Hon. D.C. KOTZ:** Are all Departmental projects expected to be completed in the 2004-05 financial year and what component will be Commonwealth funding?

**The Hon. J.D. HILL:** The Minister for Aboriginal Affairs and Reconciliation has provided the following information:

The Department for Aboriginal Affairs and Reconciliation anticipates that all projects will be fully completed during the 2004-05 financial year, with the exception of the transmission system for the State/Commonwealth funded Central Power Station being constructed on the Anangu Pitjantjatjara Lands at Umuwa.

It is anticipated that Commonwealth funds of approximately \$4.8 million along with State funds of \$1.138 million will be spent during 2004-05 in completing the construction of the power station and initial work on the transmission system. A further \$5.187 million in State funds will be available to complete the project during the 2005-06 financial year.

The only other project involving joint Commonwealth and State funding is one to provide a water and effluent supply authority for rural and remote Aboriginal communities at a cost of \$475,000 in 2004-05, with \$250,000 being provided by the Commonwealth and \$225,000 by the State. This project is recurrent and it is anticipated that all funds will be used during the 2004-05 financial year.

In addition, there are various capital infrastructure project in remote Aboriginal communities fully funded by the Commonwealth during 2003-04 that had approximately \$4.3 million in funds remaining as at 30 June 2004, which will be spent during 2004-05 in completing the outstanding works.

### ABORIGINAL AFFAIRS

444. (Previous Session) **The Hon. D.C. KOTZ:** What are the Minister's current responsibilities given that the whole Aboriginal Affairs program is no longer under this portfolio?

**The Hon. J.D. HILL:** The Minister for Aboriginal Affairs and Reconciliation has provided the following information:

In May 2003, the Premier launched the *Doing it Right* policy statement on Aboriginal Affairs. This declared the Government's commitment to Aboriginal families and communities to take a new approach and adopt a new way of doing business to make real gains and improvements in the health and wellbeing of Aboriginal people.

The Department for Aboriginal Affairs and Reconciliation (DAARE) and I are working closely with Ministers to ensure their

awareness of the principles of *Doing it Right* and to act upon their responsibilities to Aboriginal South Australians.

The Rann Government does not believe that sole responsibility for improving the health and wellbeing of Aboriginal people in this State resides with one Minister. On the contrary, it calls upon all Ministers and agencies to incorporate the principles of *Doing it Right* into their program design and service delivery, and into their use of allocated budgets, to reduce and redress the significant levels of disadvantage experienced by Aboriginal South Australians.

*Doing it Right* signalled the Government's resolve to work hand-in-hand with Aboriginal communities, agreeing upon realistic and measurable outcomes, benchmarks and targets and monitoring the effectiveness of all Government programs and services towards achieving those outcomes and targets.

As Minister for Aboriginal Affairs and Reconciliation, I am pleased to note the commitment and collaboration being shown by a number of Government agencies to improving the health and wellbeing of Aboriginal South Australians. While many challenges remain, I anticipate reporting continued progress.

### LUCAS, Hon. R.I.

451. **Mr KOUTSANTONIS:** How many written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents have been received since March 2002?

**The Hon. J.D. LOMAX-SMITH:** A search of correspondence databases held on behalf of the Minister for Education and Children's Services and those of the Chief Executive and Executive Directors of the Department of Education and Children's Services showed no record of any written representations from Hon. R.I. Lucas on behalf of South Australian constituents since March 2002.

452. **Mr KOUTSANTONIS:** How many written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents have been received since March 2002?

**The Hon. J.D. LOMAX-SMITH:** The South Australian Tourism Commission has advised it has not received any representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents.

A search of correspondence database held on behalf of the Minister for Tourism showed no record of any written representations from Hon. R.I. Lucas MLC on behalf of South Australian constituents since March 2002.

### ICT COUNCIL

470. **Mr HAMILTON-SMITH:** What base level of funding will be provided to ICT Council of South Australia over the next three years and how much of this funding will be provided for in the form of grants or programs?

**The Hon. P.L. WHITE:** The level of ICT Council core and project funding for the next year will be determined by the Council's ability to comply with the conditions of their grant deed for this financial year. These conditions impose agreed performance criteria relating to core and project activities. The ICT Council has been reporting against these criteria in accordance with an agreed reporting schedule.

It has been agreed with the ICT Council that future funding, if any, will be weighted towards the provision of project or non-operational funding.

### FAMILY AND YOUTH SERVICES

613. (Previous Session) **Mr HANNA:**

1. How many residences does FAYS currently rent in what was previously known as the 'Save Our Students Village' and how many 'Guardianship of the Minister' children are placed there by FAYS?

2. Are these residences purpose built homes and if so, how many bedrooms and bathrooms do these each have?

3. How many of those residences house foster carers, how many children do they supervise, what financial support do these carers receive and from whom do they receive it?

4. How many of these residences are operated by residential and youth workers employed by FAYS and at what cost?

5. Why did FAYS put in place an interim system allowing foster carers to live in their residences rent and utility free until 31 May 2004 and what changes took place thereafter?

6. Are foster carers restricted to supervising only 3 children in each home and if so, why?

7. Does FAYS intend selling the residences to the SA Housing Trust and rent them back and if so, why and will the foster carers then have to pay rent, and will it be economically viable with only 3 children in each home?

8. Does FAYS intend replacing these foster carers with residential and youth workers and if so, why and what will be the cost?

**The Hon. J.W. WEATHERILL:**

1. On 12 February 2004, the SOS Kinderdorf organisation notified the then Family and Youth Services (FAYS) of their board's decision to cease operations on 12 March 2004. At that time, the SOS Childrens Village was utilising seven of the eleven houses it owned to accommodate 24 children and young people under the Guardianship of the Minister. From March 2004, FAYS rented nine of the houses to maintain the children and young people in their community. On 21 June 2004, FAYS purchased the 11 houses.

2. The houses were built by SOS Kinderdorf in 1996-97 for domestic use. Each house has:

- five bedrooms, one of which has an en-suite bathroom
- two bathrooms (one with a toilet), and
- a separate toilet.

3. Currently, five of the houses accommodate a total of 15 children (three per house) and an individual foster carer. The foster carers receive the Foster Care Subsidy in line with individual child assessments.

4. Children, Youth and Family Services (formerly FAYS) staff two of the houses, which accommodate a total of eight children (four per house). The staff are rostered over seven days at a projected operational cost of \$960,000 per annum. A number of service delivery models are currently being formulated. Once implemented, these will influence service delivery and the children that are subsequently placed in the Village.

5. The goal of the interim arrangements was to maintain the children within their community and as far as practicable with the carers with whom they had formed attachments. The safety and wellbeing of the children was a paramount consideration. These arrangements continue to remain in place.

6. The current CYFS policy is to approve foster carers for a maximum of three children to provide an appropriate level of care and protection for the children. Exceptions to this may occur where larger sibling groups need to be accommodated.

7. There are no plans for the sale of the houses at this time.

8. There are no plans to replace the current five carer model houses with an expanded model of staffed houses.

## ABORIGINAL EDUCATION

**614. Mr HANNA:**

1. Did the State Education Five Year Plan which expired in 2003 address non-attendance as a reason for poor education outcomes for Aboriginal students and if so, how and if not, why not?

2. How has the need for increased employment of Aboriginal people in schools been addressed?

3. Did a system wide study of what has and has not been achieved in terms of educational outcomes for Aboriginal students occur and if so, what are the details and if not, why not?

4. Have the guides produced by the Department's Aboriginal Education Section for teachers on contextualising education in relation to Aboriginal students been implemented and if so, what are the details?

**The Hon. J.D. LOMAX-SMITH:**

1. Whilst the honourable member's question refers to a State Education Five Year Plan, the nature of the question suggests that it is in relation to the Plan for Aboriginal education in early childhood and schooling 1999-2003.

The 'Plan for Aboriginal education in early childhood and schooling 1999-2003' addressed the attendance of Aboriginal students through early intervention within a formalised early childhood structure, inclusive curriculum design and delivery particularly in relation to literacy and numeracy, the involvement of Aboriginal parents and communities in educational decision-making, the increased employment of Aboriginal people within the department, and coordination and strategic planning that promotes and progresses Reconciliation.

Statistics show a slow but steady increase in Aboriginal student attendance for the duration of the Plan, from 77 per cent in 1998 to 82 per cent in 2004.

2. Aboriginal employment is being addressed by the on-going development and implementation of the DECS Aboriginal Employment Plan, which follows the directions set by the OCPE Indigenous Employment Strategy for the Public Sector.

As at the 30 June 2002, there were 328 employees in DECS identified as Aboriginal. As at 30 June the number was 348. This number represents 1.3 per cent of the DECS workforce and the Aboriginal Employment Strategy aims to increase Aboriginal employment in DECS to at least 2 per cent, to meet the standard outlined in the South Australian Strategic Plan.

As part of the Government's strategy to increase the number of permanent employees in DECS, negotiations between DECS and the AEU resulted in conversion to permanency for 41 Aboriginal Education Workers, based on the number of hours per week worked at that time.

3. System wide evaluation occurs in the following ways—

- The Department is required through Commonwealth Indigenous Education Strategic Initiatives Program (IESIP) funding agreements to evaluate and report annually on educational outcomes for Aboriginal students and children, Aboriginal employment and organisational and structural processes. IESIP incorporates such things as State Literacy and Numeracy results, attendance, retention, curriculum and professional development for staff. The targets as identified in the IESIP funding agreement are all linked to the former 'Plan for Aboriginal education in early childhood and schooling 1999-2003', and currently the 'DECS Priorities for Aboriginal Education'. The Aboriginal Education Unit coordinates the collection and collation of this information, which in turn forms the basis for the Aboriginal Education input to the DECS Annual Report.

- The Social Inclusion Initiative has representation from Aboriginal Education staff, and is also collecting information for a system wide evaluation of the educational outcomes for Aboriginal students.

- A review and consultation process in relation to the 'Plan for Aboriginal education in early childhood and schooling 1999-2003' occurred with all Aboriginal Education personnel in January 2004. Areas that required further action have been incorporated into the 'DECS Priorities for Aboriginal Education'. These priorities are attendance and retention, Aboriginal employment, inclusive curriculum, Aboriginal involvement in educational decision-making, early childhood and Aboriginal languages.

There has been a gradual improvement in educational outcomes for Aboriginal students. The most significant change has been the improvement in the number of students across all year groups moving into the higher assessment bands of the literacy and numeracy tests from 2001 to 2004.

SACE Stage 2 completions for Aboriginal students in DECS schools in were the highest ever with 66 students completing their SACE in comparison to 47 from the previous year.

4. Aboriginal Education offers a range of professional development programs under the 'Constructing Futures' banner. This is a series of workshops covering issues such as cultural awareness/understanding, countering racism, and pedagogical leadership. A component of 'Constructing Futures' is a workshop titled 'Contextualising Teaching and Learning'. This workshop focuses on a contextualised teaching approach, and highlights successful practices for educators of Aboriginal learners. The feature of a contextualised teaching approach is that at all stages of the learning process, the learner can see a clear link to the end point and purpose so that learning becomes a meaningful task.

Workshops are followed up with support from Aboriginal Education district teams in relation to pedagogical approaches for site-based educators. In 2004, professional development programs offered by Aboriginal Education were accessed by 4,200 staff within DECS.

## HOMESTART

615. **Mr HANNA:** Why has the 'additional function' clause allowing for the financing of construction of regional workforce accommodation been added to the HomeStart Regulations, and were any other Government agencies considered as an alternative finance provider?

**The Hon. J.W. WEATHERILL:** *HomeStart* Finance's powers relating to regional rental accommodation were added to its regulations on 15 January 2002, as a result of identified shortfalls in the availability of rental accommodation for workers in some regional areas, notably around Naracoorte. The Local Government Financing Authority, acting through local councils, has also been given consideration as a provider of this form of finance.

### PAPERS TABLED

The following papers were laid on the table:

By the Speaker—

Adelaide City Council—Report 2003-04

Police Complaints Authority—Report 2003-04.

### SPEAKER'S REMARKS

**The SPEAKER:** I have become aware of the intention of the government to move against me. I accept that it is the government's right to do so, even though it is without precedent. I will save the government that trouble. I will simply state that it is grossly improper. This is the first occasion upon which there has been any call by the head of government to remove a Speaker in the history of any parliament similar to those we have in Australia. When governments turn on the Speaker of the house, they have not lasted long. The last and only occasion in the House of Representatives was when Frances Cope, the ALP Speaker in the Whitlam government, who resigned in February 1975, did so in consequence of a difference with the government of the day. But let me go back a bit.

An unsolicited letter of 13 February 2002 came to me from the Leader of the Opposition, now Premier. Despite my protestations at that time about the gratuitous offerings in some of the elements that letter contained and other propositions put to me, nonetheless it stated the now Premier's (I believe perhaps foolishly) sincere opinion on page 2 and I quote:

Instead of offering instability, I believe that you as Speaker could work constructively with the government that I lead. I want to place in writing central commitments made to you yesterday afternoon in my office. I am committed, as are my Labor colleagues, to supporting you as Speaker in the House of Assembly for the full term of this parliament. My commitment and the commitment of my colleagues is to support you for the full term and to enter into an agreement with you to secure stability.

The Premier and the Deputy Premier have recently publicly insulted and defamed me and, through the efforts of their spin doctors and media minders, in particular Melvin Mansell of the Adelaide *Advertiser*, to criminally defame me in a series of editorials and articles, which were reckless in that they were not well researched, unfounded, unprofessional, malicious and, for that reason criminal, they provided through the orchestrated campaign the means by which it has become possible for the Premier and Deputy Premier to now attack and tear down the straw man they constructed.

The central issue in all this is the grossly misleading assertion that I publicly raised the problem of allegations that a member of Parliament is a paedophile. I made no such claim. That was made by Melvin Mansell's *Advertiser* itself. It began on 2 March, when Nigel Hunt contacted me to ask me about claims made by Craig Ratcliffe on web sites late last year and repeated by him to *The Advertiser* early this year that there is a paedophile in state parliament and that he (Craig Ratcliffe) was very concerned that his life had been threatened following the death in suspicious circumstances

of someone else, namely Shaine Moore, whom he knew and whom he believed had been murdered.

I responded honestly to Nigel Hunt's unsolicited inquiries to my office on 1 March. That information coming into my office from a few of the very many people claiming knowledge about the activities of paedophiles in general was of concern to me because, of the few people who spoke about parliament's problem, more than half had been killed. Since then, Shaine Moore's death has been declared a murder.

*The Advertiser's* Nigel Hunt did not discuss with me any other part of the article he wrote. In particular, he did not discuss the activities and haunts of homosexuals around Adelaide, yet that was a substantial part of the article and may have given the mistaken impression to some readers that I raised it (I did not) and that I had done so in a homophobic manner, which is nonsense. Nigel Hunt's article appears to have led some people, who have good memories, to have made a connection between an MP who is a minister and about whom the Premier and Deputy Premier had many months earlier referred to in an answer to inquiries made to them about police investigations of another minister, apart from the Attorney-General.

I recall on one occasion a question in the house from the member for Bragg to the Deputy Premier, which resulted in Hansard's picking up and recording the Deputy Premier's remark, which I never heard at the time and which the member for Bragg appears not to have heard either (at least, she never took exception to it at the time), that he, the Deputy Premier, would have her investigated by police for renovation work undertaken in her office which he, as Treasurer, had to authorise himself anyway.

In my opinion, this is an unfortunate constitutional administrative arrangement in law wherein government ministers have control over electorate offices, their staff and services of all members of parliament, whether non-government members or government members, and may use the knowledge they have of non-government members to make such unfortunate threats and allegations for political reasons, or any other reason whatsoever. I have always strongly believed for that reason that such arrangements should be managed by a committee of the parliament, as such a committee would be answerable to each and all members, whereas ministers are not because they get their commission from the Governor as part of the executive, not parliament itself.

Throughout this time, since learning of these allegations about an MP being a paedophile, I was apprehensive in the first instance and was inclined to think that it ought to be simply dismissed, unless there was some other indication that the allegation had wider substantiation if perchance it was to come from more than one source and, more importantly, if the other source was not acting in collusion but independently. To my dismay, I was to shortly hear from others that such was the case.

One part of the dilemma for me was knowing how tentative and insecure the victims of paedophilia are about speaking out. They are very tentative and often feel guilty of offences they have never committed. The other part of my dilemma then became one of trying to avoid compromising the position of responsibility to uphold the parliament's dignity and reputation and yet, on the other hand, determine at the same time the way forward which would be safe for all parties, including those who were the subject of the allegations. I knew my duty. I particularly remembered the way in



which the Labor Party had joined the attack on former archbishop (and, at that time, governor-general) Peter Hollingworth that he knew about the problems in his patch and on his watch. He was vilified for failing to do what was considered in retrospect to be appropriate things and, instead, do what was considered to be inappropriate things.

More recently, I have vivid memories of the way in which the government, especially the Deputy Premier and Premier, vilified South Australia's former archbishop Ian George for committing what were regarded as sins of a similar nature—that is, it was alleged that he did not do appropriate things and otherwise did inappropriate things for which he was publicly ridiculed and ostracised by members of the ALP, particularly those ministers. I never had any intention of allowing the same to occur on my watch here in parliament and was quietly, and as quickly as possible, bringing some of the people who had made the allegations to the point where they might pluck up enough courage and confidence and swear the truth of those allegations, enabling them to be more carefully investigated.

But they were being 'bumped off'—that is, murdered and viciously assaulted—quicker than I or the people who were helping me could get them to write down their allegations and then swear that what they were saying was true. Of course, I told Nigel Hunt that they should be protected from murderous acts. At no time have I ever said that they were being murdered or violently bashed into serious long-term mental dysfunction at the hands or the instigation of any MP. That was an improper speculation made by government ministers and their specialist spin doctors to the press across the length and breadth of the state to try to show me in a bad light. In retrospect, I believe it was another deliberate red herring contrived by them, just like the one about homosexuals and their haunts, to discredit me.

Let me return to Craig Ratcliffe. The timing of his disclosures, and the substance of those disclosures, was nothing about which I had any prior knowledge whatsoever, and I would have done all in my power to prevent it at the time, knowing how dangerous and damaging to a proper outcome it would be. I believe he did it out of frustration that in his opinion nothing, or too little, was happening to deal with the matter, and that he, too, might be murdered before justice would be properly done. Remember, Ratcliffe is a victim of paedophilia and even though as a young man he had an affair with a young lad many years ago, which he broke off, he never lied about it. He admitted his guilt and accepted the sentence which was handed out to him. More particularly, if we want to understand the nature of such crimes, to whom else would we go than somebody who had been involved?

Within a couple more months or so I believe the matter could have been sensibly and properly resolved, according to law, if the insatiable appetite which the media has for such salacious material, which they used to beat up the prurient interest which they get from a significant but a minority of the population in their audience, had been averted. That I could not undo what Craig Ratcliffe and *The Advertiser's* Nigel Hunt had done by starting the scrum and the frenzy, as well as the way in which the executive government staff has abused it, with the assistance of long time friend and supporter of Mike Rann, the Premier, that is, Editor Mansell of *The Advertiser*, to criminally defame me, has been appalling to me. Yet I have been deliberately and unfairly made the substance of the story in a way designed to justify the specious arguments and slanderous remarks aimed at

removing me from public office. In law, that has been criminal defamation.

Part of the ridiculous process has been to impose an artificial time line of today, whereupon incontrovertible hard evidence will have to be provided to fit in with the government's desire and determination to see me off today. One presumes that their argument will now be that no crime has been committed simply because the ridiculous time line in procuring the evidence has not been met, in their opinion. Yet considering the interference to the process by those who will happily oblige the government by delaying and deferring collection of further evidence and examination and proper treatment of the information which I have been able to provide, I am not surprised.

I have no responsibility for Wendy Utting's letter. I do not dispute what she has sworn to be the truth, nor could I or should I. But, for me, the very important work I have been doing has resulted in getting the government, over the last three years since May 2002, to commission the Layton report, to change the law and remove the statutory limitations on time lines for those committing the offence of paedophilia and increase the sentencing penalties for that crime and, more recently, to get the Mullighan inquiry on foot. But they have been dragged kicking and screaming against it all the way, in spite of now prating about what they have done, without acknowledging their initial reluctance to do it, after it had been put in place, almost as though it was their own initiative. I strongly commend them on what they have done, in principle, to date, but very much regret that they have spitefully decided to pay me back for doing precisely what the Speaker is required to do, yet preventing me, and indeed meddling and messing about in my attempt to get it done, in order, I believe, to do me a mischief by effectively frustrating that process.

The most outrageous thing of all, which disturbs me most about the information which has come in to my office is not the matter of paedophiles in South Australia's parliament but what appears to be the related and organised activities of those paedophiles in high public office—that is, the judiciary, the senior ranks of human services portfolios, some police, and MPs, across the nation, especially within the ranks of the Labor Party. Yet you only have to recall in recent years the investigations, charges and successful convictions against such people as Darcy, Liddy, Wright, Wells, a former senator, and other current and past MPs in Queensland, New South Wales and Victoria to understand my concern. They have not acted alone or in isolation, it seems to me. Equally, it seems to me, they cleverly recruit their victims not from amongst the churches' young groups and surf life saving clubs and boy scouts these days. There is a new group of youngsters they prey on—those involved in other action-type sports requiring body contact in coaching and skills development, if not in the action of the sport itself.

Notwithstanding problems with victim confidence and fears about the processes in South Australia, this is my reason for now referring the information to the Australian Crime Commission. It is grossly improper. It is not about homosexuals, heterosexuals or bisexuals in consenting acts between adults in private. Paedophilia is as serious, uncivilised and criminal as slavery and child labour. It is a stinking blot on the progress of developing our civilisation in an open and free social framework which is meant to encourage ethical behaviour and moral conduct in dealing with others. We dealt with slavery and forced child labour in the 19th century: it is time we dealt with this one in the 21st century.

This is a big problem which nobody can get any pleasure from attacking. Paedophiles of the kind to which I am referring here are the most gracious and beguiling of people in the community and are able to manipulate the opinions of others and attract their favourable attentions more effectively than most. It is not surprising that we find them in the jobs and roles of leadership. Their guile and cunning enable them to conceive of ways to organise their activities so that they are almost impossible to prevent, detect and prosecute. By virtue of the very nature of the offence there will never be a bloody knife, a smoking gun, a paper trail of bank accounts or telephone calls, or a bruised torso or injured limb as hard evidence. The victims are the least powerful of all victims of crime in our society. The perpetrators always profess, pronounce and proclaim their innocence more loudly and cunningly than other criminals. They obscure their nefarious activities behind other smokescreens more effectively than almost all other criminals.

Removing me will not remove the stain or the shame, yet it seems the ALP requires a sacrifice in the quid pro quo for what it has yet to deal with within its own ranks and what it has been compelled to do in addressing the wider problem. Equally, there are elements within the Liberal Party who are willing to put political expedition above principle and ethics who cannot believe their luck in the unfortunate way events have unfolded in my attempts to protect parliament; because, in seeing my removal from office, they believe I would be so shamed that I would deliver the seat of Hammond to them without their having to do anything about it. Yet my reading of the mood of the public is one of strong support to root it out, notwithstanding that every one of us, like me, does not want to believe that we personally have to address this issue because it is so 'blah', 'aah' and so 'yuck', yet we must. And they tell me when they see me, 'Good on you. Keep it up. Don't give up until we have dealt the final blow to these criminals.'

They have made it plain to me that the practice of paedophilia is not a form of love but the most foul form of social, emotional and psychological butchery which can be perpetrated on any other human being. Parliament's problems remain, regardless of how I go, but go I know I will, and I will not stop the work that is to be done. It is not love. It is a crime, and it is the most stinking crime of all because it crashes lives before the flower of life is even open. Distorted values of this attack on me are not on my conscience and, accordingly, and with those remarks and a plea to everyone in this chamber to address the issue which now confronts it, I advise the chamber I will go to the Governor now and resign. I invite the member for Fisher, as Deputy Speaker, to take the chair.

#### CHILD PROTECTION

**The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.D. LOMAX-SMITH:** I am pleased today to be able to bring to the house confirmation that a significant initiative within the education portfolio, which forms part of the state government's child protection reform program, Keeping Them Safe, has commenced. The Teachers Registration and Standards Act 2004 enables the minister to direct the Teachers Registration Board to obtain information about past criminal convictions of all currently registered teachers.

The new legislation came into operation last Thursday and, following consultation with the Chair of the new board, I issued a formal direction in accordance with clause 3 of schedule 2 of the Teachers Registration and Standards Act 2004 on Friday 1 April 2005. I seek leave to table this direction in the house. The previous government's limited introduction of police checks of teachers in 1997 did not give the board the power to update checks upon renewal of registration. This means that about two-thirds of currently registered teachers have never been screened. I am pleased to advise that, with funding of \$700 000 from the government, the retrospective checks on all 35 700 teachers across sectors has now commenced. This will ensure that we have a clean slate on which to implement the firmer protective measures provided for under the new act. I have requested that the board undertake the checks as a matter of priority. This work is an important component of a suite of initiatives implemented by this government that will safeguard children in the school environment and ensure South Australians can have the utmost confidence in the fitness, quality and professionalism of the state's teachers.

#### PUBLIC WORKS COMMITTEE

**Mr CAICA (Colton):** I bring up the 212th report of the committee on the South Australian Forestry Corporation New Corporate Office, Mount Gambier.

Report received and ordered to be published.

#### NATURAL RESOURCES COMMITTEE

**Mr RAU (Enfield):** I bring up the report of the committee on the Eastern Mount Lofty Ranges catchment area.

Report received.

#### SPEAKER, ELECTION

**The Hon. I.F. EVANS (Davenport):** Sir, I rise on a point of order. Section 34 of the Constitution Act states that, on the Speaker's resignation, the house should immediately proceed to elect a new Speaker. Can you please give us a ruling? I understand that the Speaker has resigned, and we should immediately proceed to elect a new Speaker.

**The DEPUTY SPEAKER:** I thank the member for his point of order. That matter is being dealt with, and will happen in due course. We are just waiting for the Clerk to finalise a few matters.

#### QUESTION TIME

##### MENTAL HEALTH, FUNDING

**The Hon. R.G. KERIN (Leader of the Opposition):** My question is to the Minister for Health. Why is the South Australian government now spending less than any other state per capita on mental health? Mental health advocates say that South Australia now spends the least in the field. The Mental Health Coalition has released figures showing that South Australia was the third highest spending state in 2001-02, but now spends the least amount.

**The Hon. L. STEVENS (Minister for Health):** Let me reiterate the government's commitment to improving mental



health services in this state. We have a long way to go, and the reason that we have a long way to go is the neglect of the previous government over the last decade. However, the government has made progress. Recurrent spending in mental health services is \$20 million per annum greater than when we took office. As well, we have an \$80 million capital works program in place to rebuild facilities right across our metropolitan public hospitals. Two of those facilities—one at Flinders Medical Centre, the Margaret Tobin Centre, and another situated at the Repatriation Hospital—have already started. In relation to that building, it is an example which perfectly typifies the point I was making about the neglect of the previous government.

The building of the Margaret Tobin Centre at Flinders Medical Centre was first announced by the previous government in 1998. It was supposed to take two years to be completed. Well, what do you know? When we got to government it had not even started. In fact, not enough money was set aside in the forward estimates to even begin the project. It is this government that has taken the moves to actually put that capital program in place and started it; it is this government that already has increased recurrent funding by \$20 million per annum; and it is this government that will see through the redevelopment of mental health services in this state. We know we have a long way to go, but we are committed to doing it. We have started something that members opposite were never able to do.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! The members for Finnis and Bragg are out of order!

## OUTBACK INFRASTRUCTURE

**Ms BREUER (Giles):** My question is the Minister for Tourism. Given that the South Australian Tourism Plan 2003-08 has as one of its objectives to position Adelaide as the gateway to the Outback, what initiatives have been taken in the state's Outback to improve facilities and attractions so that visitors can better enjoy their Outback experience?

**The Hon. J.D. LOMAX-SMITH (Minister for Tourism):** I am delighted to respond to the honourable member's question. We have made considerable inroads into Outback tourism infrastructure in the past two weeks. This builds on our 2003-08 tourism plan, which was a joint plan with industry, communities and regional development boards, as well as local councils. We particularly wanted to recognise that there were economic and social advantages for our regional areas in having increased and improved tourism infrastructure. The plan acknowledges that, while there are many accessible Outback experiences, there are still ways of improving access and infrastructure to both inform and support those visitors who do reach regional areas.

I am delighted to say that in the last two weeks we have launched a range of infrastructure projects which were part funded by local government and tourism operators but, in particular, benefited from state government grants totalling \$2.5 million. Many of these projects were in the member for Giles' electorate and improved facilities at Port Augusta, Coober Pedy, the Flinders Ranges and Woomera. We went through the Outback and Flinders Ranges following the trail taken by—

**Mr BRINDAL:** I rise on a point of order. While the minister is hardly ever worth listening to, I cannot hear her nonetheless.

**The DEPUTY SPEAKER:** Order! There is no need for members to unfairly reflect on others.

**The Hon. J.D. LOMAX-SMITH:** I will try and speak louder for the member for Unley because clearly his hearing is failing him. I would like to point out that the number of infrastructure projects in regional South Australia was significant, and we launched a range of activities with local government, particularly in the member for Giles' electorate. Of particular significance was the \$1 million upgrade which we supported for the Australian Arid Lands Botanic Garden in Port Augusta, which improved both landscaping and information and interpretive signage, as well as fencing to promote the area.

There was also the \$400 000 Wadlata upgrade, which completely upgraded the entrance and the layout of the centre making it more attractive. In addition to information in the centre, an interpretative visitor information centre was developed with maps and interesting information relating to travel in the Outback, (which is perhaps where the member for Unley is going). On top of that, Aboriginal tourism was supported through the Iga Warta upgrade, an Aboriginal cultural camping site near Nepabunna in the Flinders Ranges. This is a very significant site because it offers high grade Aboriginal experiences with cultural tours as well as camping and on-site catering. In addition, the Visitor Information Centre was opened at Coober Pedy amounting to \$230 000. This is an important site because the council collaborated with the SATC to invest in this infrastructure, which will promote treks along the Oodnadatta Track as well as important opal mining visitation.

I was particularly impressed by the Woomera Heritage Centre, which we launched. This investment by the Australian government relates to the defence industry where much of the scientific and historic equipment not only has been tidied and reorganised but has also been displayed with high quality films and interpretative material. Significant upgrades have been going on for the last two years in Marree amounting to \$640 000. In addition, some fabulous work has been done at the Oodnadatta Racecourse (which has just enjoyed the Oodnadatta races with nearly 10 000 people, I understand, going to that area) with a \$300 000 redevelopment.

Members from regional areas will understand that regional development in tourism infrastructure does not only support jobs and visitors' experiences, but they are also very much community building events. The infrastructure that has been part of this investment has also been value added because many of the local people have invested their labor in building these sites. So, it is truly a joint enterprise supported by the Outback Areas Community Development Trust, the federal government, the state government and, in particular, local residents who have committed to supporting much development in the Outback ahead of the 2005 Great Australian Cattle Drive.

## TRAM LINE

**The Hon. R.G. KERIN (Leader of the Opposition):** My question is to the Minister for Transport. Has the government commissioned a major study looking into the impact that any extension of the tram line from Victoria Square to the railway station on North Terrace would have on city traffic? It has been raised with the opposition that any extension of the tram line down King William Road would have a major impact on traffic in the city.

**The Hon. M.J. Atkinson:** You are a time and motion genius.

**The Hon. P.F. CONLON (Minister for Transport):** If I understand the question, it is, would building a tram line make any difference to traffic?

**The Hon. M.J. Atkinson:** That is the question; you have got it.

**The Hon. P.F. CONLON:** I have some news for the Leader of the Opposition: I think building a tram line will have some impact on traffic.

**The DEPUTY SPEAKER:** Order! The minister will resume his seat.

**The Hon. R.G. KERIN:** I rise on a point of order, sir. The minister could not have been listening. The question was: has he commissioned a study on the tram line?

**The DEPUTY SPEAKER:** Order! The minister will focus on the question, which related to a study.

**The Hon. P.F. CONLON:** Once again, we have the Leader of the Opposition trying to throw a bit of verballing into the explanation but not wanting it talked about. He wants to get a comment on the record but he does not want it responded to. Let me assure the Leader of the Opposition that building a tram anywhere is likely to have effects upon traffic and transport. For example, people might come to buy tickets and catch the tram—that is something that happens quite a lot with trams!

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. DEAN BROWN:** I rise on a point of order under standing order 98. The question was a very straightforward one; the minister is clearly trying to debate it and I ask you to uphold the standing order.

**The DEPUTY SPEAKER:** I uphold the point of order. The minister needs to answer in relation to a study.

**The Hon. P.F. CONLON:** I will, sir. I will bring back an answer for the Leader of the Opposition as to the studies of the Department for Transport and Urban Planning. I will bring back a full, well-researched answer that provides him with all the detail he needs to understand what trams do.

**Mr BROKENSHIRE (Mawson):** I have a supplementary question. Can the minister confirm whether he will be announcing an extension of the tramline through King William Street in the next two to four weeks?

**The Hon. P.F. CONLON:** I will say, on this very difficult supplementary question, just wait and see.

*Members interjecting:*

**The DEPUTY SPEAKER:** Members for Hartley and Finnis! The house will come to order! Members who want a timetable can get one from the minister afterwards.

#### HOSPITAL AT HOME PROGRAM

**Ms RANKINE (Wright):** My question is to the Minister for Health. What is the Hospital at Home program, and has this program expanded under the Rann Labor government?

**The Hon. L. STEVENS (Minister for Health):** I thank the honourable member for this question, and am pleased to inform the house about the progress of the Hospital at Home program. This program provides hospital services to people in their own homes. This means that clinical care is provided for people who are stable enough to be safely managed at home in comfortable and familiar surroundings. Medical supervision and duty of care still remain the responsibility of

the health unit, and this ensures that individuals receive the same quality of care they would receive if they were at a hospital. Hospital at Home provides acute, sub-acute and post-acute care, and services include medical, nursing and allied health care. This includes chemotherapy, transfusions of blood products, wound care, removal of sutures, and administration of antibiotics or other therapeutics. People are referred to the program directly by the emergency department outpatient clinic or a hospital medical officer.

This program maximises community-based health care options, supports early discharge from hospital and offers people a choice about where their care is provided. The program ultimately helps free up hospital beds and is also having a big impact on activity levels, which have continued to increase over the past few years. In fact, since 2001-02 the number of Hospital at Home episodes of care have increased by over 1 700. This means that more people are receiving the health care they need without being admitted to a hospital. It also means that Hospital at Home has now become a normal part of hospital services.

What started out as innovative practice in the early nineties has now become integrated into health services as we continue to put people and their needs at the centre of the health system. Hospital at Home enables people to move out of the hospital system more quickly and, in some cases, to avoid admittance to hospital altogether. This government pledged to improve health services for the people of South Australia, and the Hospital at Home initiative is just another area where we continue to do just that.

#### SOUTH AUSTRALIA, AVERAGE WAGE

**Mr HAMILTON-SMITH (Waite):** Will the Premier explain how his economic development policies have resulted in a stagnant average weekly earnings growth and a take-home pay for South Australians that is significantly lower than in all other states including Tasmania? ABS figures just released show that from November 2002 until November 2004 the average South Australian wage decreased from \$662 to \$658 while the national average increased from \$702 to \$766. The average worker in South Australia earned only \$658 per week while the average worker in Tasmania earned \$699; Queenslanders earned \$723; Victorians earned \$779; in New South Wales the average wage is \$805 per week; and in the ACT it is \$909.

**The Hon. M.D. RANN (Premier):** Some political parties do 'ave 'em, and we know who it is. Let me talk about our economic record.

*Members interjecting:*

**The Hon. M.D. RANN:** No, he doesn't want to hear about the economic record. I thought that was what the question was about. Let me tell members about the economic record. There have been 1 100 jobs per month since this government was elected. Compare that with their eight sorry years.

**Mr BROKENSHIRE:** On a point of order, it was a specific question, and I draw your attention to standing order 98 and ask that you rule that the Premier answer the specifics of the question.

**The DEPUTY SPEAKER:** The Premier has a little bit of latitude, but he should not go beyond what is reasonable in answering a question about wage rates.

**The Hon. M.D. RANN:** Okay: 1 100 jobs a month—

**Mrs REDMOND:** On a point of order, despite your immediate ruling, the Premier continued to address the issue of the number of employees, not the wage rates, as per your instruction.

**The DEPUTY SPEAKER:** As I said, there is some latitude, as long as the Premier does not start talking about things way beyond employees and wage rates. I will listen carefully.

**The Hon. M.D. RANN:** I understand the embarrassment of members opposite when I compare our record to theirs. The highest number of people in jobs in the state's history was recorded last month, according to John Howard's figures through the ABS: the lowest unemployment in more than a quarter of a century, so the highest levels of business confidence that we have seen. I am happy to compare our economic record against their government's any day of the week.

*Members interjecting:*

**The DEPUTY SPEAKER:** The member for Morphett! The member for Hartley! Members on both sides should uphold the standing orders. It is not just one side: both sides are required to do so.

#### EDUCATION, ALLEGED SEXUAL OFFENDER

**Ms CHAPMAN (Bragg):** Will the Minister for Employment, Training and Further Education confirm whether a teacher convicted of sexual offences against three female students in an Adelaide secondary school during the period 1971 to 1973 has been removed from his position with TAFE SA at the Regency Park campus and, if not, why not? I have received advice that a male teacher who worked at Unley High School from 1971 to 1973 was dismissed after being convicted of improper sexual conduct with three female students. The man has recently been reported to be working again in the SA education sector with TAFE SA at the Regency Park campus.

Hundreds of school children are now undertaking TAFE studies as part of their secondary education and TAFE is also subcontracted to provide vocational training to school students. These are matters I have reported to the Teachers Registration Board.

**The Hon. S.W. KEY (Minister for Employment, Training and Further Education):** The honourable member's question raises very serious issues about making sure that we have not only young people but everyone feeling safe and secure in their employment, their education and their training situation. I understand that the shadow minister did raise this issue on radio and has previously written to the Teachers Registration Board. One of the things I need to bring to the house's attention is that TAFE employees are not covered by the registration board, so I have asked TAFE to seek advice, first, on whether SAPOL has information about the person concerned, as to whether that person does have a criminal history. Secondly, through crown law, TAFE has sought advice on what action might be taken in relation to this matter.

I also reassure the house that my advice is that the employee is not in a classroom situation or in a lecturing role that involves contact with students, particularly younger students. I would be more than happy to keep the member advised of developments once I have received that advice.

**Ms CHAPMAN:** I have a supplementary question. In the light of this, what actions has the minister taken to protect

against any persons employed at TAFE colleges being free of criminal records?

**The Hon. S.W. KEY:** On becoming the minister responsible for this area, particularly TAFE, I asked TAFE to ensure adequate child protection measures, in addition to measures in relation to sexual harassment and other equal opportunity issues, so that we have a proper process within TAFE. Advice has been sought on the matter I raised earlier, namely, that TAFE employees are not covered by the Teachers Registration Board. However, they need to be answerable for their behaviour, and a code of conduct is expected of them. I am sure that the member for Bragg is pleased to hear that overall measures have been taken and that we are looking at a process in regard to new employees covered by the TAFE Act and those employed on an hourly casual or more part-time basis. We have taken a whole of systems approach to the matter, and I would be more than happy to brief the member on that process.

#### SPEAKER

**The DEPUTY SPEAKER:** Before calling for the next question, the reason for the delay in the matter relating to the Speaker is that he indicated that he wished to deliver a message to the Governor, and the chair is awaiting confirmation of that. According to our rules, it is not necessary that he do so, but he wanted to and, out of courtesy, I think we should allow it and obtain evidence that he has done so. In fairness, I think that he should be allowed to come back to the house to participate in the proceedings, if he so wishes.

#### TEACHERS ENTERPRISE BARGAINING AGREEMENT

**Ms CHAPMAN (Bragg):** My question is to the Minister for Education and Children's Services. Why is the government leaving it until late April before giving a formal response to the teachers' enterprise bargaining claim, the current agreement having expired on 31 March 2005?

**The Hon. M.J. WRIGHT (Minister for Industrial Relations):** Discussions and deliberations about enterprise bargaining negotiations often take some time. They can be quite complex. They relate not only to wages but also to non-wages conditions. Deliberations have been going on for some time and will continue until the parties can reach an agreement.

#### ADELAIDE SYMPHONY ORCHESTRA

**Mr HAMILTON-SMITH (Waite):** My question is to the Minister for the Arts. Following the release of the Orchestras Review Report 2005 by Mr James Strong, will the government commit to contributing an appropriate share of the necessary additional funds to maintain the current size of the Adelaide Symphony Orchestra? Will the government support the other recommendations in the review?

**The Hon. J.D. HILL (Minister Assisting the Premier in the Arts):** I thank the member for his important question about the Adelaide Symphony Orchestra. One of the recommendations made by Mr Strong that the government certainly will not support is that the size of the orchestra should be substantially reduced to 56 members. That would absolutely gut the ASO, which is one of Australia's leading orchestras. It would make it impossible for us to run *The Ring*, for exam-

ple. It would make it impossible for South Australia to have an orchestra which would be the cornerstone of our festival. So, we are absolutely, implacably opposed to that particular recommendation, and I am very pleased to see that the federal minister, minister Kemp, has ruled that out as an option.

As to the other recommendations, the government, of course, is prepared to work through those with the orchestra and with the federal government, and I hope we can do so in a constructive manner. That raises the question of funding. The member asked about the proportion of funding we would be prepared to put in. For the benefit of the house, in 2004, the federal government put \$4.475 million into the ASO, and the state government put in \$1.365 million. That was in furtherance of an agreement reached some years ago between the state and the federal government as to proportions of funding for the orchestra. The federal government puts in 76.6 per cent of all funding, and the state government puts in 23.4 per cent. Across all the orchestras in Australia, the federal government contributes about 78 per cent, and the states contribute about 22 per cent. So, we are above the state average in terms of the proportion we are putting in.

I draw to the attention of the house that the amount of money that is put into South Australia by the federal government is pretty low compared with its contribution to all other state orchestras. In 2004, the commonwealth government, for example, contributed \$8.7 million to the Sydney Symphony, \$8.3 million to the Melbourne Symphony, \$5.2 million to the Queensland Orchestra, \$5.2 million to the WA Symphony, \$4.5 million to the Tasmanian Symphony, \$4.08 million to the AOBO and \$3.679 million to Orchestra Victoria, which is Victoria's second orchestra. Apart from the AOBO and Orchestra Victoria, we get the lowest amount of funding going to any of the state orchestras, yet we arguably have one of the best orchestras in the country—certainly, it is in the top three.

We are prepared to talk to the commonwealth government about funding, but the commonwealth government has to be prepared to put in additional funding to support the orchestra because, after all, it is a commonwealth orchestra. This was an ABC orchestra, which was cut apart from the ABC; it is a commonwealth institution. The commonwealth government cannot just sit on its hands and say that it is now a state responsibility. I hope the opposition will support the government in its calls on the commonwealth to fund this orchestra, rather than criticising the state government, as the member opposite has been doing, for its stance and letting the federal government off the hook.

**Mr HAMILTON-SMITH:** My question is again to the Minister Assisting the Premier in the Arts. How then does the government intend to deal with the \$2.3 million debt at the Adelaide Symphony Orchestra, and does the minister include the hundreds of millions of dollars of additional federal funding through the GST as federal funding?

**The Hon. J.D. HILL:** The member is really a joker. The debt is, in fact, the orchestra's debt: it is not a state government debt. This is a debt that is owned by the orchestra itself, and the orchestra is a commonwealth instrumentality: it is owned by the ABC. The state government is not going to take responsibility for debts that are established by commonwealth instrumentalities. However, there are recommendations in the report about how that debt ought to be dealt with, and I strongly support the commonwealth's recommendation that the debt should be removed from the

head of the orchestra. As I have said before, we are prepared to work with the orchestra and the commonwealth, through those recommendations, including the recommendation as to the removal of the debt.

### ROAD ACCIDENT STATISTICS

**Mr VENNING (Schubert):** Can the Minister for Transport inform the house whether the Police Commissioner is able to release statistics in relation to road accidents and fatalities, obviously of a general nature and not referring to any particular accident? Given the latest road toll in the state and the government's move to introduce drug driving legislation, it would be a good time to release these statistics. The community has a right to know why so many people are dying on our roads and how often drugs, or any other factors, including road conditions, contribute to these deaths.

*Members interjecting:*

**The DEPUTY SPEAKER:** The member for Schubert was commenting. The Minister for Police.

**The Hon. K.O. FOLEY (Minister for Police):** Sir, the question was whether the Minister for Transport would ask the question of the Commissioner of Police. Obviously, as police minister, that question is appropriately directed to me. I will certainly pass on the member's question to the Police Commissioner and ask him for his response on that matter, and I will look at it in regard to what added comment is necessary from the government.

I think the honourable member's question is a good one, in that the tragedy on our roads is both confronting for the government and, obviously, for all members of the house, extremely distressing. We are continually increasing penalties and adding to speeding detection and drunk driving detection—and, in due course, drug detection, and I acknowledge the member's interest in that matter. We are ever increasing the advertising and the message we are putting out. Good work has been done by Sir Eric Neale and there has been continual improvement on our roads but, tragically, in the month of March, that seems to have mattered little to what has occurred on our roads, and that is distressing and extremely worrying for all of us.

The Commissioner and I have had a number of discussions—as has the Minister for Transport, the Premier and the cabinet—about what we need to do in the future, and I think everything needs to be put on the table. We need to look at the issue of demerit points; we need to look at the issue of speeding fines; and we need to look at the issue of detection, be it of drugs, alcohol or speed. What we all know is that it is young men in particular aged 25 years and under who are using excessive speed, having excessive alcohol and, clearly, are under the influence of drugs.

One of the great tragedies that I find unbelievable, but it is true, is that such a large percentage of people who are killed on our roads in cars do not wear seatbelts. I think the commissioner mentioned to me that in as many as 35 per cent of road deaths people are not wearing seatbelts. People killed on motorbikes are not wearing helmets. If the message has not got through that wearing a seatbelt is both safe and smart, we will never get a message through. But, for some reason, people are continuing to ignore the most basic and simplest thing. I suppose, as parents with young children who are driving, we have a responsibility to ensure that our children are taught properly, drive properly and understand the dangers of speeding and the necessity to wear a seatbelt.

The month of March has been tragic, and I think it is something that we must do more about, and we will. I wish we could find the answers quickly to what is a tragedy that is beyond all levels of government to sufficiently address, quite frankly.

#### SPEAKER, NOMINATION

**Mrs HALL (Morialta):** Has the Premier committed his government to any specific arrangements to encourage the member for Fisher to accept the nomination of Speaker and, if so, will they be made public, as was the Compact for Good Government signed with the former speaker, the member for Hammond?

**The Hon. M.D. RANN (Premier):** I have just gone over to speak to the Deputy Speaker for the first time on this issue.

*Members interjecting:*

**The Hon. M.D. RANN:** No, it is the first time I have spoken to him on this issue. I have just let him know that I am very happy to move his nomination for Speaker. I think he would be an outstanding Speaker, just as he was, I thought, one of the great—

*Members interjecting:*

**The Hon. M.D. RANN:** I think members will remember that it was Rob Kerin and Dean Brown who signed an agreement with Peter Lewis, and I have a copy of it here. One thing I will say about the member currently occupying the chair is that he was an outstanding minister for TAFE. In fact, I remember saying at the time he was minister for TAFE that I thought he was the second best minister for TAFE in the history of this state.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! The chair is always happy to help the member for Morialta. I do not have any arrangement with anyone in relation to any matter in here.

#### HOUSING, MURRAYLANDS

**The Hon. R.G. KERIN (Leader of the Opposition):** What plans has the Minister for Housing put in place to ensure that a lack of housing does not result in missed employment and industry opportunities in Murray Bridge and the surrounding areas? The Murraylands Regional Development Board and local government have for some time identified that 3 000 to 4 000 new jobs can be created in the region in the next couple of years if the problem of a lack of housing is addressed urgently. There is concern that the government's housing strategy does not address the issue.

**The Hon. J.W. WEATHERILL (Minister for Housing):** I thank the Leader of the Opposition for his question. It is a very timely one, because it gives us an opportunity to mention to the house that the State Housing Plan specifically addresses the question of regional housing. It is worth a read. Some have taken the opportunity of reading it, and I think those who have done so have been repaid by the experience. For the first time in this state a comprehensive state housing plan has been created which does not just look at social housing but which also purports to provide the way forward over the next five to 10 years for the whole of the housing sector. We have specifically identified the pressure points that exist in terms of regional accommodation, especially as they relate to the provision of housing to workers. We know that there are special pressure points in the South-East and Barossa areas, and I think the honourable member identified the Murray Bridge area in his question.

What we have done as part of this plan is to free up for the first time \$145 million of investment into this endeavour. We have created an affordable housing innovation fund, which seeks to bring together a whole range of players—the private sector, local government and state government agencies—to collaborate in an attempt to make a contribution to this affordable housing crisis. It is difficult in that, as a state government, while we have some of the levers in our gift, we do not have all of them. Indeed, we would be pleased if we had a commonwealth government that regarded its commitment to affordable housing as more than just interest rate policy. It would be good if we had a commonwealth government that took seriously its commitment to affordable housing and was prepared, like almost every national government in the world, to play a role in urban development and housing policy. There is almost no national government that takes a smaller role in national affordable housing policy than our present federal government. We are seeking to encourage the commonwealth government, through the pleadings of every state and territory at a national level, to participate in this process.

I have been very pleased at the way in which the state housing plan has been received. Wide sections of the business community and, certainly, local government and, indeed, the welfare sector, have hailed this as the most serious attempt in a decade to make a contribution to reduce this very difficult issue that faces us. We acknowledge (and we discuss this in some detail in the plan) that there is a crucial relationship between the provision of affordable housing and the successful operation of a community. Ensuring that there is affordable housing near the jobs that we want people to work in is obviously critical in that regard.

I welcome the Leader of the Opposition's question. The State Housing Plan points out the directions. There is much more work to be done, and I invite all those who are expressing concerns to the Leader of the Opposition to contact the Affordable Housing Innovations Unit within the Department for Families and Communities. We will seek to build a solution to these issues.

#### SOUTHERN CROSS REPLICA

**Mr HAMILTON-SMITH (Waite):** My question is to the Minister Assisting the Premier in the Arts. Why is the *Southern Cross* replica aircraft still sitting in the hangar at Parafield, when the minister advised the house on 11 October 2004 that it would be transferred to the HARS group by 31 December 2004; and what has been the cost to taxpayers to store the damaged *Southern Cross* replica aircraft at the Parafield hangar during the delayed tender process?

**The Hon. J.D. HILL (Minister Assisting the Premier in the Arts):** I thank the honourable member for his question. I guess he hopes that persistence will eventually pay off. I must say that, of all the issues facing the parliament of South Australia and the people of South Australia, the whereabouts of the *Southern Cross* aircraft is not high in the priorities. However, I inform the house that the Historical Aircraft Restoration Society Incorporated has been successful in securing the ownership of the *Southern Cross* replica aircraft. Under the terms and conditions for transfer of ownership of the aircraft, HARS has undertaken to own and operate the aircraft from South Australia, to repair it to airworthiness licence standards and to fly it regularly in this state. HARS has established an incorporated association in South Australia to operate the aircraft.

The Auditor-General has reviewed the process undertaken to transfer ownership and operation of the aircraft, as the honourable member requested. A letter detailing his findings will be provided as part of a general audit of Arts SA. An audit has been undertaken of the aircraft's spare parts, equipment, log books and other relevant documentation in preparation for the handover of the aircraft. A draft deed is currently being negotiated between HARS and Arts SA, and once that deed is signed HARS will send a team of engineers to Adelaide to assess the damage to the aircraft and then prepare a repair plan. Ownership of the aircraft will pass to HARS once an approved repair plan is in place.

The honourable member also asked a question about the cost of storage. I believe that either he or another member has put a question on notice in relation to that. I have signed off an answer, and I would expect in due course that information will be provided to the parliament.

**Mr HAMILTON-SMITH:** I have a supplementary question. The minister has repeated the information given to the house in October 2004. He has not answered the question: why has the aircraft not been removed (as he said it would be) in December—

**The Hon. P.F. CONLON:** I rise on a point of order, sir. It was described as a supplementary question, but it sounded like a vague point of order. It is not any sort of question at all, sir.

**The DEPUTY SPEAKER:** In relation to supplementary questions, it should not be seen as a mechanism to get extra questions by the back door, if you like. If it is relevant and related as a follow-up point and the minister wishes to respond—

**The Hon. J.D. HILL:** I am happy to try to answer the question. This is taking time, because there are complicated issues to do with the contract between the parties. We are doing it as quickly as we can. It is of no great point. The aircraft is damaged. It is sitting there. Eventually, it will be passed over to the new organisation, which will repair it and put it up into the air.

## ROADS, BAROSSA VALLEY

**Mr VENNING (Schubert):** Is the Minister for Transport aware of the appalling condition of the Barossa roads; and what is the government's long-term strategy in relation to a program that will see these roads upgraded before they fall into such a bad state that they could be assessed as being unsafe? The constant expansion of the Barossa and the wine region in general is placing enormous pressure on roads throughout the region. There have been patch-up jobs for years. They are an eyesore and extremely dangerous.

**The Hon. P.F. CONLON (Minister for Transport):** I am aware of many appalling things in the Barossa, not only in need of repair but also urgent replacement. But I understand the local sub-branches have the matter in hand.

*Members interjecting:*

## SPEAKER, ELECTION

**The DEPUTY SPEAKER:** Order! The Clerk has indicated that he has a letter from the Speaker. I will now hand over to the Clerk and I will resume my seat.

**The CLERK:** Honourable members, I have been informed that the following letter has been delivered to His Excellency the Governor's Deputy.

Greetings,

May it please Your Excellency to learn that, in order to avoid an acrimonious and damaging debate in the House of Assembly, which would otherwise have occurred as a result of the criminal defamation to which I have been subjected in recent time arising from the public allegations about a paedophile in the house, I have chosen to resign as Speaker. I wish the parliament well in its deliberations to advance the true welfare of the people of this state and assure you and Her Excellency of my continuing best endeavours in that course.

Sadly,

Peter,

Speaker

2.35 p.m. 4 April 2005

**The Hon. M.D. RANN (Premier):** It is now necessary to proceed to the election of the Speaker. I move:

That the Hon. R.B. Such take the chair of the house as Speaker.

**Mr HANNA (Mitchell):** I move:

That Mr Mark Brindal take the chair of the house as Speaker.

**The CLERK:** As there are two nominations, both members proposed may address the house, as may the movers and seconders and any other member.

**The Hon. R.B. SUCH (Fisher):** I will make a brief statement. The circumstances in which we find ourselves today are rather unfortunate. The reality is that we have to elect another Speaker. I am willing to accept that nomination, as I have already indicated. I can assure the house that there has been no deal and no arrangement. In fact, apart from saying 'Hello' to the Premier a few minutes ago, I have not spoken to the Premier or the Treasurer in three weeks. I have not spoken to either of them in three weeks on any matter whatsoever. There is no undertaking on their part or on mine to do anything other than that I will do the job to the best of my ability, and I will do it without fear or favour. As I have a strong sense of being willing to avoid injustice, that is what I will do. Members know that, since I have been Deputy Speaker, I have always acted fairly and in an impartial way, despite the fact that at times I have come under considerable pressure. I reiterate: I have no compact, no understanding, no arrangement, no informal or formal arrangement with the government to support them or to not support them, and I will act, as I have always done, on the merits of the situation. Nothing has changed since March 2002.

In terms of other issues, I am very keen that this parliament maintain its standing in the community—that we enhance it, in fact—because at the end of the day we are here to represent the people of South Australia, to act honourably and ethically and to represent them effectively: that is exactly what we are here to do. I commit that, if I am elected, I will undertake, with the support of members, vigorous reform of this place, because I think that we have a challenge before us, not simply in relation to what people may call constitutional matters but in terms of the proceedings of this house: the standing orders and the sessional orders. Our parliament needs to advance in that regard, in relation to the way we handle ourselves, the hours we sit, and so on: we can do a lot better than what we are currently involved in.

So, I offer myself to the parliament, as I say, on the basis that there is no deal. If anyone can show to the contrary—and people are free to ask any person on this side or the other side—but there is no arrangement with anyone about anything.

**Mr BRINDAL (Unley):** May I start by addressing the house and saying I offer myself for the position without hubris or dishonour to the member for Fisher. He and I entered this chamber on the same day and I have long had some regard for him. However, I do so because it is not a matter—

**An honourable member:** Turn your phone off!

**Mr BRINDAL:** It is off. As I said, I have no animosity towards the member for Fisher but this is to be a vote of this house. I am aware that members on either side of the chamber may well have discussed this in their party room, as is their right, but we are met here as 47 members of parliament to vote for a speaker and it is right and proper that parliament should have a free choice in this matter. If the member for Fisher wins he will have my total support. If I were to be successful—and I doubt it, because I can count—

**The Hon. M.D. Rann:** It is a test case for Unley.

**Mr BRINDAL:** It may well be a test case of Labor preferences.

**An honourable member:** We will give you second preferences!

**Mr BRINDAL:** Thank you. Edmund Burke, who was a great champion of the parliament, once wrote, ‘A state without some means of change is a state without any means for its own conservation.’ This matter, which we have had to discuss in the past few weeks, has—rightly or wrongly—resulted in the resignation of the speaker and it has profound implications for this chamber which will not be finished when we place a new speaker in the chair. The people of South Australia have a right to have confidence that whoever occupies the position of speaker following the resignation of Mr Speaker Lewis is doing the best and fairest that they can to uphold that which Mr Speaker Lewis committed himself to uphold, the dignities and principles of this place.

I do not think, in seeing Mr Speaker Lewis resign today, there would be one person churlish enough not to admit that Mr Speaker Lewis has been an exemplary speaker of this house in many of his endeavours in the running of this chamber. He has done his best. That, I am sure, would be the object of the member for Fisher; it would also be my object. I place my candidacy forward because there can be no question that a deal has been done with me because, after all—

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

**Mr BRINDAL:** The Deputy Premier says (and I will close on this), ‘No deal was done with my party.’ He is quite right. He would also know that, despite overtures I have had over some months on various matters, I have yet to finalise a deal with the Labor Party. I therefore ask the house to accept me.

**Mr HANNA (Mitchell):** I wish to briefly state that we have two excellent nominations for speaker. The member for Fisher has had the opportunity to show that he is capable of being a fine, impartial speaker in the chair and the member for Unley also, through his countless points of order, has revealed to us fully his passion and his knowledge of the standing orders. This consistent poacher would make a very fine gamekeeper.

**The CLERK:** There being two members who have accepted nomination, there must be a ballot, pursuant to standing order 8. Members are required to write the name of their chosen candidate on the ballot slip being distributed.

The house then proceeded to a ballot.

**The CLERK:** There being 26 votes for the member for Fisher, 20 votes for the member for Unley and one informal vote, I declare the member for Fisher to be elected as Speaker of the house.

The Hon. R.B. Such was escorted to the dais by the mover and seconder of the motion.

**The SPEAKER (Hon. R.B. Such):** I thank members for their support. Irrespective of whether or not they voted for me, I will treat them equally, without fear or favour. I pay tribute to the former speaker. As the member for Unley said (and I apologise to him, as I did not realise he was seated when I spoke), the former speaker made some very good rulings and, although it is an unfortunate situation, I pay tribute to a lot of the good work he did as speaker.

I look forward to the responsibility of being Speaker. I would like to see members of parliament acknowledged collectively at a much higher level in our community, and the responsibility falls on all of us to work together to earn that respect. Sadly, members of parliament are not always held in the highest regard, yet I do not know of one member in this place whom I can honestly say does not work hard and put in, and I would like to see that acknowledged in the community. I would also like to see the reform process undertaken with goodwill from everyone here. I think that we can organise ourselves a lot better so that we can have a genuinely family friendly parliament and, more importantly, be more efficient and effective in the way we deal with bills and, recently, I drafted some proposals for all individuals and groups within the parliament to consider.

I thank members most sincerely for their support. I acknowledge the unfortunate circumstances that have arisen. I was always loyal to the speaker, and I never sought to put myself in this position. However, events have occurred, and I accept this position and will do my very best to serve not only the parliament but also, importantly, the people of South Australia.

**Honourable members:** Hear, hear!

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

That the sitting of house be suspended until the ringing of the bells.

**The SPEAKER:** I understand that I have to appear before the Lieutenant-Governor before we proceed to consider the matter of Deputy Speaker and Chairman of Committees.

Motion carried.

*[Sitting suspended from 3.35 to 3.47 p.m.]*

**The SPEAKER:** It is now my intention to proceed to Government House to present myself as Speaker to His Excellency the Governor’s Deputy, and I invite members to accompany me.

At 3.48 p.m., accompanied by a deputation of members, the Speaker proceeded to Government House.

On the house reassembling at 4.08 p.m.

**The SPEAKER:** Accompanied by a deputation of members, I proceeded to Government House for the purpose of presenting myself to His Excellency the Governor's Deputy, and informed His Excellency that, in pursuance of the powers conferred on the Assembly by section 34 of the Constitution Act, the House of Assembly had this day proceeded to the election of a Speaker, following the resignation of the former speaker, and had done me the honour of election to that high office. His Excellency has been pleased to reply as follows:

To the honourable The Speaker and members of the House of Assembly, I congratulate the members of the House of Assembly on their choice of the Speaker.

(Signed) Bruno Krumins  
Governor's Deputy

I indicate to the house that, following my appointment as Speaker, the position of Deputy Speaker, Chairman of Committees is now vacant.

#### CHAIRMAN OF COMMITTEES, ELECTION

**The Hon. I.F. EVANS (Davenport):** Mr Speaker, I am happy to nominate the member for Playford.

**The SPEAKER:** The chair will accept that nomination. It has been moved by the member for Davenport that the member for Playford be appointed Chairman of Committees and it was seconded by the Minister for Infrastructure. Is that motion seconded?

**Honourable members:** Yes, sir.

**The SPEAKER:** Are there any other nominations? Those in favour of that nomination say aye, against no.

Motion carried.

**The SPEAKER:** The house congratulates the member for Playford on his elevation to that highly respected position.

#### STANDING ORDERS SUSPENSION

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

That so much of standing orders be suspended as would allow the introduction and passage of a bill through all stages to waive some parts of parliamentary privilege temporarily.

**The Hon. DEAN BROWN:** Point of order, Mr Speaker. We have not had our one hour of question time yet, and standing orders require that we have one hour of question time.

*Members interjecting:*

**The SPEAKER:** Order! The member for Finnis is making a point of order.

**The Hon. DEAN BROWN:** Under standing orders, we have a right to one hour of question time, and it would be unprecedented for the government to interfere with that one hour of question time to introduce legislation for which it has not sought prior—

**The SPEAKER:** Order! If the member for Finnis wishes he can oppose the suspension. That would be the correct way to do it.

**The Hon. DEAN BROWN:** I point out, Mr Speaker, that there has been no notification to the opposition that the government wishes to suspend question time to allow the suspension of standing orders.

*Members interjecting:*

**The SPEAKER:** Order! I accept the motion. Is it seconded?

**Honourable members:** Yes, sir.

**The SPEAKER:** There being an absolute majority of the whole number of the members of the house present, and I have asked if it is seconded; does the honourable member wish to speak in support of the proposed motion?

**The Hon. M.J. ATKINSON:** I think it is necessary to urgently deal with the risk that a member of either house of parliament may proceed to name a current member of parliament or a former member of parliament or a police officer as a child sex offender without any substratum of fact. Secondly, and I think more importantly, it is about ensuring that the police investigation of the former speaker's allegations and the former speaker's volunteer staff's allegations are fully investigated and that parliamentary privilege is not used to obstruct—

**Mr WILLIAMS:** I rise on a point of order, Mr Speaker. I thought we were debating the suspension, and I think the Attorney-General is debating something which might come before us at a later time.

**The SPEAKER:** Order! The Attorney needs to speak to the merits or otherwise of the suspension.

**The Hon. M.J. ATKINSON:** There is an urgent need for the police to investigate allegations of child sex offences and the police should be given the authority to do so as rapidly as possible by the parliament.

*Members interjecting:*

**The SPEAKER:** Order! The Deputy Leader, the member for Finnis.

**The Hon. DEAN BROWN (Deputy Leader of the Opposition):** The opposition opposes the suspension of standing orders to interfere with question time. It has long been a tradition—

*Members interjecting:*

**The Hon. DEAN BROWN:** Just sit there and listen. It has long been a tradition of this parliament that we know of that any move to interfere with or to shorten question time through a suspension of standing orders requires formal notification to that effect by the government two hours beforehand, which would have been at 12 o'clock. In fact, there has been no notification that the government wished to interfere with question time today to allow this motion to proceed. So, it would appear that the conventions of this parliament have been thrown out of the window today and that no longer does two hours' notice need to be given to interfere with or to shorten question time. Therefore, I oppose the suspension of standing orders moved at this time.

The house divided on the motion:

AYES (24)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Foley, K. O.	Geraghty, R. K.
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.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	Wright, M. J.

NOES (21)

Brindal, M. K.	Brokenshire, R. L.
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NOES (cont.)

Brown, D. C. (teller)	Buckby, M. R.
Chapman, V. A.	Evans, I. F.



## NOES (cont.)

Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
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.	

Majority of 3 for the ayes.

Motion thus carried.

**PARLIAMENTARY PRIVILEGE (SPECIAL  
TEMPORARY ABROGATION) BILL**

**The Hon. M.J. ATKINSON (Attorney-General)** obtained leave and introduced a bill for an act to temporarily remove any bars arising from parliamentary privilege to the exercise by police officers of their usual investigatory powers in relation to certain documentary material claimed to provide evidence of alleged criminal sexual misconduct; to temporarily remove any protection arising from parliamentary privilege for certain allegations of criminal sexual misconduct or related criminal misconduct if made in the course of parliamentary proceedings; and for other purposes. Read a first time.

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

That this bill be now read a second time.

The bill arises out of public claims by the member for Hammond that he or his assistants possess documents that evidence, or might evidence, criminal sexual misconduct by a member of parliament or others. The member for Hammond has asserted that parliamentary privilege prevents police officers from exercising their usual powers over the alleged documents. There is no doubt that parliamentary privilege is fundamentally important to the proper functioning of parliament. The principle has been well established since it was promulgated as Article 9 of the Bill of Rights 1688.

It is in the public interest that parliament should be able to carry out its functions to the fullest extent and that is why parliamentary privilege exists. There is a public interest in ensuring, however, that police investigations into the extraordinary allegations of the member for Hammond and his assistants are not impeded by claims of parliamentary privilege. The bill is intended to ensure that parliamentary privilege will not impede the police investigations that are now underway, and which have clearly been frustrated by the claims of the member for Hammond that, although he allegedly holds material relevant to the allegations, he cannot, or will not, make them available to police because of parliamentary privilege. This bill will, therefore, ensure that a search warrant can be executed without breaching parliamentary privilege. Let me repeat that so that the opposition is clear on what it is voting against: this bill will ensure that a search warrant can be executed without breaching parliamentary privilege.

Furthermore, the bill will ensure that the subsequent use in any criminal proceedings of any document obtained under such a warrant is not in any way impeded by parliamentary privilege. Any such search will not involve any officer of SAPOL against whom allegations have been made, nor will any subsequent investigation.

The bill also deals with a second matter. As members will be aware, allegations were published by people who have

been assisting the member for Hammond in the precincts of this parliament using facilities belonging to the parliament. Those allegations named a member of parliament and a former member of parliament.

*Dr McFetridge interjecting:*

**The Hon. M.J. ATKINSON:** Clearly, the member for Morphett thinks it is a joke that a former member of this parliament may be named, with no substratum of fact, as a child sex offender. But I can recall the member for Morphett raising more than one matter in this house without any substratum of fact and subsequently being proved to be wrong and tendering no apology to the parliament.

The allegations have no apparent basis, unless the member for Morphett's grunt was meant to signify that he knows some basis for these allegations. To date, those allegations have not been reported in the media. All right-thinking persons would recognise that it would be totally inappropriate and irresponsible to disseminate further such scurrilous material—maybe the member for Morphett is not in our ranks on that point.

Members would be aware of the conventions that have grown up in parliaments around the world that are modelled on the parliament at Westminster. Those conventions have been adopted by this parliament. One of them is the convention that scurrilous allegations such as those that were published by the people assisting the member for Hammond would not be uttered by members of this parliament under the protection of parliamentary privilege. To do so would bring this parliament into disrepute and weaken the basis of the privilege itself by shaking public confidence in the parliament. The very fact that this scurrilous material has been published from within this parliament suggests that we can no longer take for granted that these fundamentally important conventions will be observed by all members of parliament. Accordingly, the bill will protect the personal reputations of the persons concerned—and they are not just members of parliament.

*Dr McFetridge interjecting:*

**The Hon. M.J. ATKINSON:** Yes, the member for Mawson knows that they are not just members of parliament—

*Mr Brokenshire interjecting:*

**The Hon. M.J. ATKINSON:** Sorry, the member for Morphett. I understand the member for Mawson would not want to associate himself with the position of the member for Morphett. It will protect the dignity and integrity of the parliament by ensuring that similar allegations cannot be made in the course of the proceedings of this parliament or in a published report of the proceedings of this parliament with the protection of parliamentary or other privilege. Members can make them but they will have to stand by them. It should be noted by those listening to the debate here in parliament, and in particular the media, that the bill once passed will have effect from 2 p.m. this day, 4 April 2005. That is to say, it is a deliberately and consciously retrospective enactment.

Any publication of any statement or allegation of sexual misconduct while the bill is debated therefore will not be protected by parliamentary privilege. The bill provides furthermore that, if an allegation is made after it comes into operation, the Presiding Officer of the house concerned must ensure that the *Hansard* record and any draft of such record is amended before it is circulated or published, so as to remove any words by which a person is named or may be identified. This is by any standards an extraordinary measure.

The circumstances that have occurred are themselves extraordinary.

This measure, although unprecedented in South Australia, is not without precedent in Australia. Members may be aware that in the late 1990s the parliament of New South Wales passed legislation that made provision for the waiver of parliamentary privilege to enable an inquiry to determine whether there was any basis for allegations made by a member of parliament. While there is no doubt, therefore, that the measures proposed in the bill are exceptional, they are not without precedent. I commend the bill to the house.

**The Hon. G.M. GUNN (Stuart):** In rising to speak, I indicate that I am not the lead speaker in this matter. The Attorney-General indicated in his comments that this is an extraordinary piece of legislation. Not only is it extraordinary but never in the history of this parliament has it been necessary to take away one of the fundamental rights of a member of parliament, that is, to act without fear of threat, intimidation or blackmail or to be coerced, threatened or induced to vote in a particular way or not to raise a matter in this parliament. This parliament is here as the final protector of the rights of individuals. Members of parliament are given a great privilege.

They are given the privilege, first, to be elected to this place; secondly, to raise issues of public importance; and, further, to raise issues that could not otherwise be raised in public but in the public interest they are given that right. With few exceptions, members of parliament have exercised that right with care and caution, as they should. Before anyone uses parliamentary privilege to character-assassinate or to damage another individual, they must give very careful consideration and must be aware of the consequences of doing so. The house has the power to censure them if they disagree, and I recall one occasion when that happened.

The house has the power to carry a resolution in relation to that matter. But at the end of the day, once you go down this Mugabe-style path of legislation, where will it end? I give members a clear example. When the opposition first raised the State Bank issue in this parliament, we were condemned. We were publicly ridiculed and accused of being irresponsible, of damaging the economy of South Australia. They said that we would cause a run on the bank, that we should keep quiet and that we should be ashamed of ourselves. What was the result? A calamity! Using the criteria here today, you could stop members of parliament, such as the member for Morialta, who asked the first question, because it would not be in the public interest. Clause 9 of the Constitution Act, which is a well-crafted document, relates to the privileges of parliament. It provides:

The parliament may, by any Act, define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Legislative Council and House of Assembly, and by members thereof respectively: provided that no such privileges, immunities, or powers shall exceed those held, enjoyed, and exercised on the twenty-fourth day of October, 1856, by the House of Commons, or the members thereof.

Has the House of Commons passed a motion of this nature? Have those excellent committees of the House of Commons passed a resolution calling on the house to put in place a provision to take away one of the fundamental rights of democracy—parliamentary privilege? Any member of parliament who abuses parliamentary privilege normally does not survive the next election.

**The Hon. M.J. Atkinson:** Well, that is a great check, isn't it?

**The Hon. G.M. GUNN:** It is all very well for Her Majesty's chief law officer. He and his colleagues have abused parliamentary privilege more than anyone else. In recent times, I was a victim of their scurrilous behaviour of telling untruths. They got the Parliamentary Library to concoct a story about my parliamentary superannuation, trotting it out to the electorate and giving it authenticity.

**The Hon. M.J. Atkinson:** No privilege attached to do that! You could have sued. Why didn't you? Because it was true!

**The SPEAKER:** Order! The Attorney-General is out of order!

**The Hon. G.M. GUNN:** It was not true. The Attorney-General is the last one to talk about suing people.

*Members interjecting:*

**The SPEAKER:** Order! The Attorney-General and the member for Giles are out of order! The member for Stuart has the call.

**The Hon. G.M. GUNN:** I have every right to use this as an example, because it was a scurrilous misuse of parliamentary privilege. The facilities of this parliament—

**The Hon. M.J. Atkinson:** But it was true.

**The Hon. G.M. GUNN:** It was not true. It was a fictitious document. It was inaccurate and misleading. To this day, the individuals have not had the courage to come forward and say who they were—but we know which group they came from. This is the government that talks about a code of conduct. If there is a government or a political party that has abused the system, it is the Labor Party. It has conducted witch hunts and scurrilous campaigns against members on this side without a skerrick of truth being involved. I have fought two elections when scurrilous material has been circulated about me.

I will give another example. The wife of the former member for Adelaide was not a member of this chamber, but she was named in this place by the now Minister for Health. I remember saying from the chair: 'Be very cautious going down this track.' It was untrue and misleading. On another occasion, this house took steps to protect the member for Playford, the now Deputy Speaker, in relation to his upholding his parliamentary privilege—and quite right, too—with the full support of members on this side.

*Members interjecting:*

**The SPEAKER:** Order!

*Mr Hamilton-Smith interjecting:*

**The SPEAKER:** Order! The member for Stuart has the call. The member for Waite does not have the call.

*Members interjecting:*

**The SPEAKER:** Order! The member for Waite and the Attorney-General are out of order.

**The Hon. G.M. GUNN:** The Attorney-General—

*Members interjecting:*

**The SPEAKER:** The member for MacKillop, the member for Waite and the Attorney-General! This is a very important debate. The member for Stuart has the call and he is entitled to be heard in silence.

**The Hon. G.M. GUNN:** It is very well for the Attorney-General to interject. He talks about the fact that we should see people. I suggest to him that he knows full well what happened to a former member in this place and the disgraceful way in which he was treated in relation to being sued. That was one of the most disgraceful treatments, next to the way Pauline Hanson was treated by the courts in Queensland. Every member of this parliament should read very carefully

the comments of the appeal judge and people will not be quite so keen to go down this track. I have no time for the politics of Pauline Hanson and the irrational arguments she put. However, I believe that in a democracy all shades of opinion are entitled to be heard.

When you create a situation where you are going to deal with one issue, you can create it whenever you want to. Whenever the government comes under great public pressure, you can create a set of circumstances. That, in itself, is very dangerous. Parliamentary privilege has evolved over hundreds of years. Our democratic process has been put in place and revolves around parliamentary privilege. Oppositions could not do their job effectively without parliamentary privilege and the ability to raise issues. In a modern society, oppositions are at a great disadvantage. Governments are surrounding themselves and providing themselves with massive resources—spin doctors and other individuals to focus the media's attention, to mould the media, and to deliberately put on a particular spin.

Look at what is happening in the United Kingdom at this very moment. I suggest that members go to the parliamentary library and read what the spin doctors in the Blair campaign are attempting to do to the conservative candidates. They are endeavouring to infiltrate secretly and put a completely different spin on what has been said. The only way people can correct a lot of this material is by the use of parliamentary privilege. This particular measure is aimed at the member for Hammond. Can I say on another occasion some years ago the now Deputy Premier made certain statements about documents that he had as the shadow spokesman for the opposition, which obviously greatly annoyed premier Olsen and his minders, and a statement was made that they were going to send police down to Parliament House to try to find the documents. I happened to hold a position, and my comment was that there will not—

*Mr Hamilton-Smith interjecting:*

**The Hon. G.M. GUNN:** You might give me a bloody go!

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

**The SPEAKER:** Order! The member for Stuart has the call. He should ignore the Attorney-General.

**The Hon. G.M. GUNN:** On that particular occasion I was asked whether I was going to allow the police to come to Parliament House, and my comment was, 'No way will the police come to Parliament House and go rifling through members' offices', and nor should they. We have had the disgraceful situation in the Queensland parliament, where the IAC (or whatever it is called) rifle through the offices of members of parliament, unbeknownst to them, in the middle of the night, because the Queensland government has been so foolish and unwise as to give unelected bureaucrats powers. We know that bureaucracy dislikes the parliament. They particularly dislike backbench members of parliament who have the audacity and effrontery to ask questions and to challenge them. They get somewhat terse about it. I often have interesting discussions with them. But there is one fundamental difference between them and the people who sit in this place, that is, we are elected and they are appointed. The public of South Australia can get rid of us by voting us out. If they do not like what the member for Hammond has done—and I do not like a lot of what the member for Hammond has done—the electorate will have a chance to vote the member for Hammond out of office in about 11 months' time. Let me say this to government: you created this situation.

**The Hon. M.J. Atkinson:** What about the four people who were damaged forever? What about them and their families?

*Members interjecting:*

**The SPEAKER:** Order! The members for MacKillop and Morialta are out of order!

*Members interjecting:*

**The SPEAKER:** Order, the members for Mawson and Waite! The member for Stuart's time is ticking away.

**The Hon. G.M. GUNN:** Unfortunately, this matter has been brought on in haste. Some of us only saw it at quarter past 12 this afternoon. It has been rushed into the parliament. Does the government really believe that it will get this bill through this parliament this afternoon? Is the government going to get this bill through the upper house? Does the Attorney-General not believe that there is another way to solve this problem? None of us in this place want to see the characters and lives of innocent people ruined by scurrilous activity. But, remember this, the government set up the Mullighan inquiry; it had to be dragged to it. There has been great public debate in relation to this issue.

It was this government which elected the member for Hammond as the speaker. Government members are the people who gave the member for Hammond their second preferences to have him re-elected to parliament, not the Liberal Party. The Liberal Party tried to have the member for Hammond's election overturned. Nevertheless, we now have a situation which this government created. Now the government is trying to be born again, and it wants nothing to do with the consequences. The government cannot have it both ways. What you cannot do is tear up the rules and deny ordinary members of parliament. Who will be the next member of parliament to be subjected to this sort of legislation? When a government of the day—hopefully, it will not be this government or anyone sitting in this place—creates the precedent, who will be next?

As someone who believes in democracy, Mr Speaker, and who holds the high office you do to ensure that there is fair play, surely you cannot countenance this sort of behaviour. When will this legislation expire? The act will expire on a date to be fixed by the government by proclamation. When is that going to be? Will it in 2010, or is the government going to sunset it? Is it going to be at the time of the next election? When? That is a fair and reasonable question, which the Attorney-General must answer. If the Attorney-General was fair dinkum, there is no need to have this legislation beyond the next election. If he believes in this legislation, the moment the writs are issued, this should expire.

*An honourable member interjecting:*

**The Hon. G.M. GUNN:** Of course, it should not. If unfortunately it did, why would you want it to continue on the statute book after the writs are called? The parliament will not sit. Parliamentary privilege does not exist. There is very limited parliamentary privilege outside this place. Why is it necessary? This bill has objectionable clauses in it. Therefore, I believe that—

**The Hon. M.J. Atkinson:** Where were you on Friday?

**The Hon. G.M. GUNN:** I was out in the electorate.

**The Hon. M.J. Atkinson:** Don't you know what happened on Friday?

**The Hon. G.M. GUNN:** Unlike the member, I listen to the ABC; I have the ABC turned on. I heard that some statements had been made. I have not actually seen the statements, but—

**The Hon. M.J. Atkinson:** You would feel differently if it was you who was named.

**The Hon. G.M. GUNN:** For the benefit of the Attorney-General, who sits here in self-righteous indignation, he can hand it out but he cannot take it. He is the person in his little group of villains who has circulated on two occasions scurrilous untrue statements about me; and he thinks it is funny. He has his mate from the shop assistants' union, and the person who was meant to benefit from it has been given a paid government job to have a paid Labor Party candidate up there full-time in the seat of Stuart. Now, if the Auditor-General was doing his job, he would look at that, too, instead of going around trying to character assassinate other people. The Auditor-General ought to look at that matter, if you please, in fair play and decency. There are two reasons we have given for tearing up the rules: full-time paid Labor Party candidates paid for by the taxpayers of South Australia. So, don't talk to me about what is fair and reasonable.

Members opposite have torn up every rule. There are other ways of handling this. There are other ways in which the Attorney-General can handle it—that is, by sensible discussion—but to try to push this legislation through the parliament within a few hours is fundamentally wrong. It is against all the principles that these parliaments stand for; that is, legislation should not be rushed through the parliament. It should be considered and measured and people should have a chance to discuss it and be aware of what the parliament is debating. The government should not suddenly come in here at the last minute, drop it on us, use its numbers to suspend standing orders and step on people's rights, which have been enshrined in the Constitution and in the process of the parliament for generations. They are there to ensure democracy is not trampled on. I oppose the bill.

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

**The SPEAKER:** Order! The Attorney-General is out of order.

**The Hon. I.P. LEWIS (Hammond):** I could hardly believe my eyes when I got back into this chamber after having been to His Excellency the Governor's Deputy to hand in my resignation to find presented to me this scurrilous proposition to suspend the privilege of parliament. I do not understand what it is the government feels threatened by and how many members on the other side are squirming in their shoes. I do not understand why they believe that it is legitimate for them to dispatch to the history books practices and conventions which are over 400 years old. If it is fear that in some way or other the material that I have will not go where it ought to go—to Ted Mullighan and the Australian Crime Commission—

**The Hon. M.J. Atkinson:** The South Australia Police.

**The Hon. I.P. LEWIS:** Well, as I understand the Attorney-General's interjection, he now understands my concern about that, because there are two police officers, in consequence of the protests raised through my office, who are currently being investigated, if not charged.

**The Hon. M.J. Atkinson:** It is not a protest: it is a baseless smear.

**The Hon. I.P. LEWIS:** That is not what I call a smear.

*Members interjecting:*

**The SPEAKER:** Order! The house will come to order. This is a very serious matter.

*Mr Hamilton-Smith interjecting:*

**The SPEAKER:** Order! The member for Waite is out of order. It is not appropriate for people to engage in a dialogue.

The member for Hammond has the call and is entitled to be heard.

**The Hon. I.P. LEWIS:** I pointed out these concerns not only to the Attorney-General but also to other members and staff members of government opposite over a year ago. And, more recently, the fact that there are police who have done things which they should not have done, and left undone those things which ought to have been done, who have not taken seriously the complaints and sworn statements that have been brought to their attention by concerned citizens, to the extent that the Attorney-General's assertion, that in some way or another I have been mistaken in the approach that I have taken to try to get attention for, what is, if not corruption, the beginning of it, and to force the issue which the government was not otherwise prepared to address, and in the process of doing so not only am I vilified and required to sacrifice myself in the office that I held, which you now enjoy, but more than that, it now wishes to engage in an exercise that is unprecedented—to retrospectively remove the operation of a privilege which protects the rights to freedom of speech and, in consequence of doing so, not just for members of parliament but for all members of the public, open and accountable government.

If there are members over there who fear the truth of what might otherwise be said, let me reassure all of them, I am not going to name any one of them. It was never my intention to do so. However, if they feel guilty, it is about time they fessed up. They should not be attempting to cover up by legislating to prevent scrutiny of what has gone on, and don't tell me that it hasn't. The Attorney-General, on the very first day after the Nigel Hunt report on 2 March, was on radio propped up in his wild allegations defaming me criminally by none other than Deputy Commissioner of South Australia's Police Force, Madeleine Glynn. That is an outrage. For her to allow her office and standing to be politicised in that fashion on 891—and the story changed slightly as the day went on when they realised the idiocy of what they were doing, because if they had checked with Nigel Hunt or with me I never said anything about homosexuals, heterosexuals, bi-sexuals, or anything else.

I simply said to Nigel Hunt in response to his inquiries that the few people who had drawn my attention, or that of my office, to what had happened, regardless of their lifestyle, were being bumped off. More than half of them now that had that information are either dead or incapable of communicating. I told Nigel Hunt that they should be protected. Yet I was vilified by the Attorney-General and other members of the government and their staff members, plumping up the media to believe that I was muddled in some way or other, and jumbled in my thinking. I was not, and they pushed Deputy Commissioner Madeleine Glynn into the role of politicising the police force by supporting the Attorney-General, cheek by jowl, side by side, in the rotten exercise of criminally defaming me, and continued to do so.

But I am not going to name anybody, and there is no need for any member of the government to think that they have anything to fear but their own conscience. The truth. If there is a fear here it is in the government's mind about the truth of the matter and, what is more, I was not aware of what happened here on Friday. I was way out of telephone range for anything other than a satellite telephone. To my mind, to draft a piece of legislation that is so bloody-minded and particular in its preamble as to further defame me and in doing so suggest that I have been involved in some activity that is nefarious, criminal, improper or which does not serve

the public interest is, indeed, crook as hell. It has not happened in any other parliament, not of the kind we have here—or I thought we had here, I believed we had here—until this moment.

If you want to make it retrospective and you believe you have it right, well, it will be retrospective whether you do it now or in two weeks' time. In that two weeks you enable the community to express its view about the desirability of waiving parliamentary privilege in a particular way. This is worse than what Hitler did in the run up to the burning of the Bundestag in Germany prior to the second world war—

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

**The Hon. I.P. LEWIS:**—where he justified doing that on the grounds of accusing the communists of burning the parliament, and taking the powers unto himself completely as dictator to do what he claimed was in the public interest. Like hell it was! It was in the interests of the National Socialist Party, otherwise known as the Nazi party. Then, having done it, he was able to indulge the most extreme and outrageous exercise of power against the interests of individuals.

You do it once, one little bit, and you will do it a little bit more. You will set the precedent and you will not know where the line is. This proposition has crossed the line. I have not had time to study it; I would like to take it and give it to a constitutional lawyer and ask them their thoughts on such a piece of legislation. The very structure of the legislation itself, as I have said, is unprecedented both in content and in the particularity to which it addresses itself. It does not in any sense leave any member of this parliament, or any member of the general public, in a position where they can feel secure in future listening to what a member of the general public might tell them in their electorate office or in this place. For if it is seen to be against the interests of the government, or any member of the government, then the government will use this as a precedent to retrospectively make the interview and the notes and substance of that interview public. It will use this to waive privilege to expose the person telling the member of parliament about their concern and waive privilege to the member of parliament for listening to it or attempting to do something about it in ways which I do not think the government has begun to understand in its, as I said, scurrilous attempt in the first instance to try to sheet home to me something which will enable them to, in law, accuse me of.

The bill does that already; it is an accusation levelled at me. The whole damn thing is rotten in that respect. No other member of parliament has ever been subject to that in the history of this parliament to my certain knowledge, and it is my firm belief that if these basic constitutional principles upon which our democracy depends are to be set aside peremptorily without notice in this fashion, or even set aside at all, then democracy literally goes out the window.

You cannot be sure that the government will not make anything you do today unlawful tomorrow. You cannot be sure that anything you listen to today will not be a crime tomorrow. You cannot be sure that, if you set out to investigate alleged corrupt behaviour of any public official anywhere, you will not have that investigation made criminal tomorrow. That is the thrust of this legislation, and it may be the hot headed, pig-headed desire of some people on the front bench to achieve it in this instance to further vilify me in the belief that by so doing they will trap me into having committed a crime retrospectively and be able through that process to drum me out of parliament as a criminal.

It was bad enough to be vilified through the theatrical approach that was taken by the government over the past month, leave alone to now be confronted by this kind of crap. I wonder whether this would stand the scrutiny of the High Court. I am damn sure that it would not stand the scrutiny of the Privy Council: it would be thrown out. But I equally wonder if Their Honours in the Supreme Court would not throw it out, in spite of the fact that I believe I was dealt a grave injustice by the attitude taken by some of their number in attempting to destroy parliamentary privilege and hang me out to dry when Chris Sumner was Attorney-General, when Don Dunstan and his little mate Steven Wright defamed me in the *Advertiser* and had Dunstan's support after the action to protect parliamentary privilege had been taken over by the Attorney-General.

He had Dunstan's support to attack me in the Labor Party's state council and pass a motion in that council—an unelected body that has nothing to do with this parliament—which then directed the Attorney-General, who is supposed to be an independent, unbiased chief law officer in the land, not to proceed to the High Court appeal against the decision of the full bench of the South Australian Supreme Court; who did not understand that parliamentary privilege is not a sword, even if they claimed I was using it as one. I was not.

I simply asked the question: how come John Clifton, who owned the land, tried to exercise the responsibility of his father's will—he had responsibility for the execution of that will—to share it house by house amongst the four children and was prevented from doing so for years. The only thing left to him was to get a court order and set aside the will and sell the property. Steven Wright bought the property and within three months had subdivided the bloody stuff and got in on the market. Scurrilous! And they said that I used parliamentary privilege as a sword because I sought to defend myself against the attacks that were made by the *Advertiser* against me for raising it in parliament as a question to the then minister.

My question was quite simply: tell me how he did it so that others can go the same path. The minister at the time refused to do so and dismissed my inquiry as, I think, insincere. It was very sincere. After being defamed, I took the matter to the District Court and won, but then, on the basis that privilege was involved, because I refused to reveal my sources—and I know what the Labor Party is like now if I did not before: they are a vindictive bunch of little cusses. They are spiteful in the extreme without cause. What did they do? They decided to encourage Steven Wright to take the point of parliamentary privilege on appeal, after they got the Supreme Court to believe the legitimacy of their arguments, to prevent the matter from being tested in the High Court by directing as a party what the parliament and the state's first law officer should do.

**The Hon. M.J. Atkinson:** I was on your side.

**The Hon. I.P. LEWIS:** I acknowledge that and I thought I could trust you.

**The Hon. M.J. Atkinson:** I got done.

**The Hon. I.P. LEWIS:** By people who put the party's interests ahead of the public interest. There is no question that they abused the courts in that process and then abused the trust that, until that time, the parliament had in the first law officer. That is now gone. I no longer believe the Attorney-General, whoever it may be from time to time, to be worthy of that responsibility. It ought to be left to someone who is accountable to members of parliament, that is, duly elected representatives accountable in every particular, not just for

their commission in office. The Attorney-General is not accountable to the parliament in that fashion, whether he is in this house or the other. To my mind, that power ought to be held by the President of the Legislative Council, not the Attorney-General.

In any event, if this measure passes, it will be the second time that the Labor Party has done me over and hung me out to dry in one day and the third time in my life. It hurt enough to be knocked off for \$65 000 quite unjustly, where it left me nowhere to go, after the state council directed Chris Sumner, and he accepted that direction and did not proceed with the High Court appeal. That was the cost. I came to understand what privilege meant, what it ought to mean and where it ought to be exercised by members of parliament, in the same way as the member for Stuart, in his inimitable way, has explained the position to us in the course of his remarks.

I look forward to the contributions other honourable members will make to this debate. Parliamentary privilege is not something to be set aside. It is not there for us to do with as we please. It is there for the public, and we hold it in trust. Without that power, parliament is a mockery of reality.

**Mr HANNA (Mitchell):** History is made today in this parliament in two respects: first, we have seen the resignation of the Speaker, Mr Lewis, and, secondly, we see an attempt to undermine centuries of parliamentary privilege—a privilege essential for any democratic parliament to operate. This is an absolutely unprincipled attack on the privileges of members of parliament. Although it might be dressed up as a means of protecting reputations and rights, it is actually an attack on the freedom of speech that members of parliament in Westminster democracies have enjoyed for hundreds of years. This is an unprincipled move, unprecedented in the nearly 150 years of history of this parliament, and it is unprecedented in terms of the hundreds of years of the English parliament.

Parliamentary privilege is something like a boat, and it is protective of us. If you start putting holes in it the thing sinks. There is very much a slippery slope argument to be applied here, because, if you start tampering with it and making exceptions where do you end up? There is something special about the relationship we have with our constituents. Currently, they can rely on the confidentiality between them and us. They can come to us with documents and stories that are protected. What is more, we can advance their cause because we can say things in here that we cannot say anywhere else. That is the purpose of parliamentary privilege. There are remedies—

*Members interjecting:*

**Mr HANNA:** Mr Speaker, shall I wait until they are finished? There are remedies for fixing the problem. There are remedies of censure in respect of members. There are even extreme remedies which have been practised in the past. There are examples in British history of the House of Commons censoring *Hansard* where there were utterly inappropriate comments made. But the basic principle remains that the freedom of speech of members of parliament needs to be protected. We know what happens if this legislation is passed. It means that, for fear of our defamation laws which apply out on the streets, no member in here will be willing to name public officials who are guilty of any kind of sexual conduct that attracts a criminal penalty. It is not just about paedophiles; it is not about rape. It could be about teenage sexual intercourse; it could be about sexual harassment; it could be about someone in this building sexually

harassing another—and we will not go into the examples but I think most of us here know them. It is a disgrace.

For the record, let me go back to what freedom of speech we have at the current time but, before I do, we need to bear in mind the two things that this act does. First, it picks out one member of parliament and it says the police can come and search his office and take away papers: they can take away anything they want in respect of the search they go there for. As I say, this is unprecedented. Speaker Gunn did the right thing, even at the request of the premier of the day himself, as I understand it, for police to come in here and raid members' offices.

**The Hon. M.J. Atkinson:** Who let Sam go through our letterboxes?

**Mr HANNA:** That would be an absolute disgrace. The bill does another thing. It says, more generally, that we cannot refer to—

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

**The Hon. G.M. GUNN:** The Attorney-General has implied that I allowed people to go to members' letterboxes when I was Speaker. That is untrue and unparliamentary and I did no such thing. I ask for an unqualified withdrawal and apology.

**The SPEAKER:** I did not hear the remark, but if the Attorney—

*Members interjecting:*

**The SPEAKER:** Order! If the Attorney made that reference or comment, I ask him to withdraw it.

**The Hon. M.J. ATKINSON:** Mr Speaker, I made no reference to the member for Stuart.

*Members interjecting:*

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

*Members interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Order, the member for MacKillop and the member for Bright!

*Members interjecting:*

**The SPEAKER:** The house will come to order! The member for Bright and the member for Morphet! The chairperson did not hear the remarks so cannot pass judgment. The member for Mitchell has the call.

**Mr HANNA:** Thank you, Mr Speaker. I said the second thing this bill does is it applies to all members, and it means that you cannot refer to another member in respect of sexual misconduct. That is the wording of the bill—sexual misconduct or any related criminal matter. So if, for example, in the halls of this building, a member indecently touched another, it would be inappropriate—not just inappropriate but you would also be risking the laws of defamation—to come in here and say, 'That member indecently touched another member.' In my submission, that is exactly what you should be able to do but, since there are absolutely no proper processes in this place to deal with that sort of issue, for centuries it has been considered something that members have to sort out between themselves and, because there is no established course of complaint even in such things, it could be appropriate in extreme circumstances to actually name the culprit in a case such as that for fear of its not getting redressed in any other venue.

Let us think about the fact that this is not legislation just for today. This is not just about Peter Lewis. This is going to apply for some time. No expiry date is mentioned in this bill. What does it mean when one day one of the major parties has

control of both the lower and upper houses and they want to go a bit further and remove the protection of members to name other members or make allegations which are in their own judgment in the best interests of their constituents? What if it is about the leaking of public documents, for example?

Another story I could tell is the story of the water contract which was leaked. I am sure there are members on both side of the house who do not want me to go into the details of how a document that could only just fit into a briefcase was leaked through a member of parliament to another member of parliament. But it should be appropriate to tell that full story, should there be good public policy and good grounds, for the sake of the South Australian community and for the sake of accountability, if it was considered necessary in the judgment of a member to tell that story. But what happens now if a political party says, 'Well, we don't want any more leaking. We will remove the protection members of parliament currently have to name names in adventures such as that—in scenarios where perhaps there has been some illegality, or some impropriety at least, in the obtaining of documents.'

If the protection against routine defamation law is removed in a case like that, no-one will dare to tell the story. This place is about getting things out in the open. It is the very purpose of parliament that we come into this place and tell people's stories and debate things and, if need be, we can attack the government verbally. That is the beauty of this democracy. To start taking away those rights is absolutely outrageous and unprincipled. What this bill attempts to do is to puncture a hole in a principle in order to ensure a particular tactical outcome. I know there is the personal argument in all this. Of course, no-one wants to be named in relation to a matter of sexual misconduct. This place relies on the goodwill and judgment of members. If they do not exercise it, there is a remedy, apart from what the House of Assembly or the Legislative Council does to one of their members, and that is the judgment of the community, and the media have an important role to play in that.

The member for Stuart, a former speaker, is absolutely right in saying that there is a remedy. People who misuse their parliamentary privilege do not last. With the highlighting effect of the media, they will not last when they are seen to abuse their privilege. That is exactly what happened to Franka Arena nearly 10 years ago in the New South Wales parliament. She made allegations about public officers in respect of paedophile activity; there is no question that it had a devastating effect. There was an inquiry, and it found that there was no basis to those remarks, and she paid the full political price. She was virtually hounded out of the parliament; there is no question about that. So, yes, it is a serious matter. I can understand, from that passionate motivation, why the government might want to bring this in, but it is not just about getting a tactical outcome today.

If this legislation comes in, we have to live with it, and we have to live with the precedent that future parliaments, perhaps under the control of a single party, will have. It is not outlandish to think that a major party will have control of both houses of parliament: it happens now in the federal parliament. Because it suited the Liberal federal government on a particular day, it said that it was going to take away the privilege against defamation suits in respect of a wide range of activities, so that we could not talk about some of the dirty deals and some of the funding matters which verge on corruption which Howard government ministers have engaged in. Why should that be taken away from opposition members? If they want to name names in parliament, that is

exactly what the parliament is for: it is to enable accountability. So, I am suggesting that this bill is just the start. If you puncture the principle of parliamentary privilege, you are starting down a slippery slope, and I find it very obnoxious because of that.

Going back to the history of the matter, we are talking about section 38 of the Constitution. We inherit our parliamentary privilege through that section. It provides that we have the immunities, powers and privileges of the House of Commons, as enjoyed in 1856, when this place started. Those privileges included that which was included in the Bill of Rights of 1689. I will refer to that briefly. It provides that protection is conferred on proceedings in parliament from being 'impeached or questioned' in any 'court or place out of parliament'. The very purpose of that was to ensure the sort of accountability about which I am talking, so members of parliament could say, 'This minister or that other member of parliament has done the wrong thing,' without fear of a defamation suit being levelled against them. It is unique that we can do it in this place. The only other place that it applies—and there are some differences—is in court proceedings—as the Hon. Paul Keating knows only too well.

That principle has been examined and tested time and again in the House of Commons in England. We draw our constitutional practice in this place from there. Time and again that principle has been given a very great weight. In 1979 a Judicial Committee of the Privy Council examined this issue. Lord Brown-Wilkinson identified three potentially conflicting issues as follows:

... first, the need to ensure that the legislature can exercise its powers freely on behalf of its electors, with access to all relevant information; second, the need to protect freedom of speech generally; third, the interests of justice in ensuring that all relevant evidence is available to the courts.

This is cited on page 108 of the 2004 edition of *Erskine May*. The conclusion reached by the Judicial Committee of the Privy Council was that, although those latter two principles could not be ignored, 'the law has long been settled that of these three public interests, the first must prevail'. They spelt out that the Bill of Rights was a provision of the highest constitutional importance and should not be narrowly construed. I say the same principle, whatever the source and however we express it, is just as vital in our parliament today.

I will give another example of where we need our electoral offices, our parliamentary offices and our right to speak in here protected. Recently, a constituent came to me about a drug crop where police have not acted. The matter is in the hands of the police, appropriate reports have been made and I will not say any more about the detail. But the point is that, if political interests wanted to expose that issue, certainly there would be a number of people who would like to come into my electorate office to look at what I have written down—who said what to me and what they said—about that whole issue. Therefore, it is extremely dangerous to tamper with the confidentiality that they rightly expect when they deal with their member of parliament. I have given a couple of examples. It could be about a public document or a criminal matter. This bill starts off by saying, 'Let us make an exception in respect of sexual misconduct.'

In conclusion, I think it is extremely dangerous legislation—dangerous from the point of view that it is an extremely bad precedent to set. What is more, it is unnecessary. That is where the government has tactically got it wrong. The former speaker (the member for Hammond) has come in here today and said that he will not name anyone in the manner feared

by the government. Apparently, that is the motivation for this legislation. We can resolve this second reading debate and, I hope, finish it there and knock it off.

The second tactical error committed by the government is that it will not get through the upper house. I cannot believe that the opposition, the Democrats and members such as Terry Cameron, Nick Xenophon and Andrew Evans will support this short-sighted legislation. I cannot believe that they are going to throw away their parliamentary privilege because of a tactical outcome with a political interest that the government of the day seeks. It is extremely short-sighted.

I will say one more thing about the process: how obnoxious it is for the government to give me a draft copy of this legislation at 1.20 p.m. today, when parliament sits at 2 p.m. Such far-reaching legislation with so many ramifications, setting such a dangerous precedent, warrants very careful consideration, and that is what the standing orders are there for, even though they can be very annoying some times. So, to suspend standing orders, and to rush this through, is really obnoxious. It is unfair, particularly to those members who do not have vast resources to assist with research and scrutiny. I am told, and I am not quite sure about this, that the bill brought into the parliament is different from the one that I was shown at 1.20 p.m. I have not had a chance to check what the differences are, if any, but that simply highlights the point that it is unfair, and it is undemocratic to give members such a critical piece of legislation, less than an hour before parliament sits that day and then expect it to be rushed through that very afternoon, given that there have been a number of other significant items of business to deal with today, apart from question time. So, if the government is going to pull a political stunt like this again, I would suggest that some earlier consultation would be helpful, and not only helpful but more democratic. I conclude my remarks there.

In summary, it is unprincipled. It undermines a fundamental principle of our parliament for the sake of a desired tactical outcome. It is unnecessary because the member for Hammond has already said that he is not going to name anybody in the manner feared by the government. Thirdly, it sets an extremely dangerous precedent, especially when it is retrospective. Let us not forget that the people who went to the member for Hammond's office—and no matter who they were, no matter what they said, no matter what they provided—went there in the belief that they could safely go to a member of parliament and provide information. This legislation says, 'No, your belief was mistaken. We are going to go back into the past. At the moment you conveyed that information to the member for Hammond you had every reason and right to believe that you were giving confidential information. This bill tears up that confidentiality.' It is, itself, a betrayal of trust on that account.

**Ms CHAPMAN (Bragg):** Today will be a memorable day for a number of reasons, but one of the most disturbing aspects of today has been the introduction by the Attorney-General of the Parliamentary Privilege (Special Temporary Abrogation) Bill 2005. In the short time that the opposition has had to consider this bill, it will oppose—

*Mr Koutsantonis interjecting:*

**The SPEAKER:** Order! The member for Torrens is out of order. I take it, member for Bragg, that you are the lead speaker.

**Ms CHAPMAN:** Yes. In the short time that the opposition has had the opportunity to consider this bill, it will

oppose the same. It is unnecessary, it is unprincipled— notwithstanding what the Attorney-General says, it is unprecedented, and it is unacceptable. The position in relation to the history of this bill, we are not really privy to, because the Attorney-General has not outlined that in the presentation to the parliament today. He sets out to purport the basis of its introduction but he fails to tell us about the development of this bill. It is not unknown to all of the members of this house what, essentially, has been a public brawl between the government and the member for Hammond in relation to alleged statements made by the member for Hammond and, more recently, in the latter part of last week, of persons alleged by the government to be acting on some basis of some instruction by the member for Hammond. That has been disturbing in itself, not only because of the subject matter of matters raised, and allegations made, not necessarily by the member for Hammond, but also which have cast some doubt in relation to conduct of a member of this house, whom the government has identified as a member for its cabinet.

All that is well known and I do not propose to traverse all the events of the past few weeks that have led to that matter, but I will say that, when the Premier was publicly calling for the resignation of the then speaker, the member for Hammond, yesterday he clearly had in his back pocket a draft of this bill ready to present to this parliament. My submission to this house is that the Premier, in full knowledge that this was going to be introduced, was out there publicly demanding the resignation of the speaker without mention of the intention to introduce this bill.

The Leader of the Opposition was presented with the first draft of this bill mid-morning, as I understand it, and he was invited to have some consultation with the government over this proposed measure. It was then introduced to the balance of the opposition by late morning, and at lunch time needed to be considered by members of this house. I hear, in the contribution made by other members, that they also received a copy of this bill—what I presume to be the second and last draft of what we saw this morning—presented to them as late as 1.20 p.m. today.

That raises aspects of considerable concern. The first draft presented, which we saw this morning during the course of our consideration of this matter, was dated 2 April 2005. That, of course, was Saturday. We do not know whether it was the first draft, but we do know that by Saturday at least the government had made a decision to introduce a bill to attempt to gag all members of parliament in relation to any act of criminal sexual conduct or related similar allegations. Furthermore, it had proposed to authorise the police to raid a members of parliament's office here in Parliament House. Clearly, that is what was in the mind of the government to introduce into this parliament.

As I said, we do not know whether there are any previous drafts but we do know that the government kept that concealed from the Leader of the Opposition until mid-morning today and then, it seems, dribbled it out to other members of this house for their consideration. With such an incredibly extensive contravention of what we enjoy under the general subject of parliamentary privilege, to introduce a bill with such far-reaching effect and to give the parliament only a few hours' notice is beyond all comprehension. I find it distasteful and disgraceful that the first officer of the law in this state should come into the parliament this afternoon and attempt to introduce such an extensive change to our law in relation to parliamentary privilege. It is totally unacceptable. So extraordinary is the conduct of the Attorney-General on



behalf of the government in introducing this bill that I see he has issued a letter to all media outlets today (it is dated 4 April 2005) in which he announces:

Today the government will introduce into South Australian parliament a bill entitled the Parliamentary Privilege (Special Temporary Abrogation) Bill 2005. This bill will, amongst other things, provide that a statement made in the course of proceedings in parliament or in a published report of such proceedings naming or otherwise identifying a member or former member of parliament or public official as having been involved in criminal sexual misconduct or related criminal misconduct will not be protected by parliamentary privilege.

Parliamentary privilege will be defined to include any privilege conferred by an act or law protecting statements made in the course of proceedings of parliament or a published report of such proceedings from civil or criminal action. You should be aware that the bill, if passed by the parliament in the form in which it will be introduced, will operate from 2 p.m. today, 4 April 2005. Therefore, any report of parliament's proceedings made at any time after that time will not have the usual protection afforded such publications, assuming that the bill is passed. Michael Atkinson, Attorney-General.

It is dated 4 April 2005. Interestingly, not only is he warning the media of what may befall them in the event that they were to be precipitant in actually publishing anything in anticipation of this legislation, but there is, secondly, a startling omission from this announcement to all media outlets, and that is that there is no mention of what then becomes apparently the primary reason for proceeding when we hear the contribution by the Attorney-General this afternoon when he tells the parliament the importance of allowing the police to exercise their powers to secure documents for the purposes of their investigation. That becomes the primary reason, the Attorney-General tells us here this afternoon.

That is because, although there is no mention of it in this document, the primary purpose of giving notice of the introduction of this legislation was to frighten off the media in relation to the disclosure of any of this information, to make absolutely clear to them that they needed to be careful about what was said, in clear anticipation that the member for Hammond, during the course of proceedings today, at some time would disclose the name of the current member of parliament (who I have indicated on the government's admission is a member of the cabinet), a former member of parliament and two public officers. It clearly is in anticipation of that being what the member for Hammond would do. In fact, the member for Hammond has done no such thing.

**Mr Koutsantonis:** Yet.

**The Hon. I.P. LEWIS:** On a point of order, I distinctly heard, even though I am deaf, the member for West Torrens interject on the member for Bragg's speech by using the word 'yet' and implying that I would contemplate such a course of action and, by doing so, discredit me in a way that is unparliamentary. I have given my word. I mean what I say. I have never been any different all the time that the member for West Torrens has known me, and I take strong exception and ask that it be withdrawn and that he apologise for doing so.

**The SPEAKER:** I take it that is a personal explanation. The member for West Torrens.

**Mr KOUTSANTONIS:** I have not heard the member for Hammond say that he will not reveal the names. If he has said that, I apologise to him and withdraw the remark.

**The SPEAKER:** The member for Hammond did indicate earlier this evening that he would not name anyone in this chamber.

**The Hon. I.F. EVANS:** I have a point of order, then. Given that the government has now apologised to the member

for Hammond for implying that he would seek to name individuals, I ask you to rule on the need for the legislation, given that the whole legislation is about that very matter.

**The SPEAKER:** The member for West Torrens is part of the government but I do not think he qualifies as 'the government'. That matter is for consideration by the Attorney-General and it is not for me to tell him how to organise his legislation.

**Ms CHAPMAN:** Although this legislation was designed to gag the member for Hammond in relation to statements that he was allegedly going to make, we now know that, when the member for Hammond made a contribution earlier in the course of announcing that he would be resigning his position as Speaker of the house, he did not name those persons. Secondly, he has since made another contribution in the course of this debate in which he made it very clear that he would not indeed name those persons, that it was not his intention to do so and that the whole purpose of this legislation—that is, to gag the member for Hammond—has not occurred. That has simply not happened, and there was no intention for that to happen.

So, the notice has been issued by the Attorney-General to the media outlets—not just some but all media outlets—that they need to be fully aware of the notice being given that legislation is coming designed specifically against allowing any publication of any report or statement identifying a member or former member, etc., and, furthermore, that it will be retrospective. In his resignation contribution to the house, and in his contribution to this debate, we have since been given a clear statement of the intention of the member for Hammond.

Another concerning aspect is that the legislation is retrospective. It is designed to remove the protection of parliamentary privilege, but it is to be retrospective and to operate from 2 p.m. today. That is in the bill: whatever time it was introduced, that was to be the effect of its operation. That makes it quite clear to the house that the purpose of the government was to gag the member for Hammond, in the light of the allegation that he would make a statement. When one views the bill, it is interesting that, in relation to this aspect, paragraph 3 of the preamble provides:

Assistants to the Member for Hammond have published allegations, without apparent adequate basis, naming a member and former member of Parliament and public officials as having been involved in criminal sexual misconduct. The allegations were published from the precincts of Parliament using Parliamentary facilities. It is not known whether the allegations were published at the request or with the approval of the Member for Hammond or any other member of Parliament.

Much can be said about the extraordinary nature of introducing a number of these paragraphs in the preamble. However, in relation to this aspect, in paragraph 3 the government asserts that there have been published allegations by persons who are assistants to the member for Hammond. I point out that the bill provides that 'assistants to the member' means:

... a person who, whether as an employee or volunteer, has been or is providing assistance to the Member in the collection or collation of documentary material that evidences or might evidence criminal sexual misconduct by a member of Parliament or other person.

That is a very broad definition of someone who might be an assistant to the member. In this case, the preamble refers to 'assistants', in the plural, to the member. Paragraph 4 provides:

The Parliament also intends—

this joins us with it in the preamble; we are all supposed to be doing this—

by this measure to guard against serious harm to personal reputations and the dignity and integrity of the Parliament by ensuring that similar allegations cannot be made in the course of Parliamentary proceedings or in a published report of Parliamentary proceedings with the protection of Parliamentary privilege.

Here it is: in the preamble to the bill, the government presents that the assistants to the member for Hammond have made statements which relate to current and former members of parliament and other officials and which relate to sexual misconduct. The intention of the parliament—and all of us are roped into this—is to ensure that there is a guarding against serious harm to personal reputations and the like.

We have the clear statements made by the member for Hammond in relation to his action, and his indication that he would not be proceeding with any such disclosure. He made it very clear why, and that was because he also respected the importance of there not being allegations that are deliberately harmful and that it is important that we act responsibly in this house in relation to the disclosure or naming of persons in the light of certain allegations. He has made that absolutely clear.

So, the position now, notwithstanding the government's preparedness to prepare and draft legislation secretly and not disclose that to the opposition for the purposes of keeping this concealed until today while the Premier runs around publicly calling for the resignation of the then Speaker (the member for Hammond), is that proceeding with such a claim on that count is totally without foundation. There is no basis and no credibility left in the government's claim that it is necessary to interfere with and grossly affect and alter the extent of parliamentary privilege, the basis of which no longer exists. That ground, count one, has gone. The retrospectivity has gone. The time has passed and there has been no allegation raised and there has been no slur made in the course of this parliament's proceedings, so the retrospectivity has also completely gone.

The next aspect of concern is the breadth and extent to which this legislation is to apply. Notwithstanding the claim in the preamble that the member for Hammond is the person who has, either directly or through his assistants, caused or enabled the published allegations to be presented, that is not good enough for the government to introduce a bill to say that we are concerned about his future conduct: we have to have in clause 4 of the bill an abrogation of privilege in relation to everyone—not just the member for Hammond (even though he said he would not be proceeding along that line). But everyone in the house, every member, is caught by this. All of us will have the opportunity to exercise parliamentary privilege abrogated. Clause 4 states:

- (1) An allegation made in the course of proceedings of parliament, or in a published report of such proceedings, naming or otherwise identifying a member or former member of parliament or public official as having been involved in criminal sexual misconduct or related criminal misconduct is not protected by parliamentary privilege.
- (2) If an allegation is made in the course of proceedings of either house of parliament naming or otherwise identifying a person who is a member or former member of parliament or public official as having been involved in criminal sexual misconduct or related criminal misconduct, the presiding officer of the house must ensure that the *Hansard* record of those proceedings, including any draft of such a record, is amended before it is circulated or published so as to remove any words by which the person is named or may be identified.

So, far from the basis upon which the preamble invites the parliament to consider this matter, that is, some alleged threat of conduct by the member for Hammond, we now have an abrogation of privilege in relation to anyone in both houses

of parliament, that is, in this chamber or in another place, who names or identifies a person who is a member or former member of parliament or public official.

So, not only is it 'any other member', and it is not specific to the issue of dispute which has raged between the member for Hammond, *The Advertiser*, the Premier and the government for the last few weeks, but it is any person identifying a member or former member of parliament involved in criminal sexual misconduct or related criminal misconduct. Other members have given the house examples of any other conduct which may be relevant. Is that to include issues in relation to other rapes, sexual harassment, sexual intimidation—conduct involving any sexual breach of the law in relation to sexual behaviour? All these matters come under the purview of subclause (2), which provides 'a member or a former member of parliament or public official as having been involved in criminal sexual misconduct or related criminal misconduct'.

It is concerning to me that the double standards that apply, for example to this issue, should apply to members of parliament or public officials or, indeed, former members of parliament. I find it interesting that the double standard is exposed. On 8 July 2003, the Attorney-General came into the house to announce that Magistrate Michael Frederick was the subject of police investigations. He made a ministerial statement that was to be in the public interest. That announcement was made by the Chief Magistrate, who thereby put the matter out into the public arena. The Attorney-General had been asked by the shadow attorney-general whether he would agree that the confidence of persons appearing before judicial officers might be undermined if it were publicly known that the judicial officer concerned was the subject of a police inquiry or investigation. On that occasion, the Attorney-General skirted the question and declined to intervene in relation to this matter, to encourage the magistrate to stand down whilst those investigations continued. There is no doubt that we—and I am sure members of this house generally—would support the presumption of innocence and that there ought not necessarily be any substance in the allegations that were being investigated on that occasion.

Of course, we now know that that is a case that has been heard, determined and dismissed, and there is now an issue apparently prevailing for Mr Frederick's seeking reinstatement to resume his duties as a magistrate. Is it not extraordinary that we have a situation where the Attorney-General comes into this place today to tell us that it is imperative, in light of an alleged threat by the member for Hammond in relation to the disclosure of a member of parliament and former member of parliament and/or public officials, that we should all be gagged for the purpose of protecting these persons? On the other hand, the Attorney-General makes it his determination as to whether others should be referred to and an announcement should be made in this house, in the public interest, in relation to those persons.

If we use that as an example of what the Attorney-General thinks is a proper course, surely this is the very house which needs to be protected in responsibly raising allegations and issues for the purpose of alerting the public generally, whether it is in relation to someone who is involved in fraud. I can recall the Attorney-General coming into this place in recent months to tell us about a scheme and the name of person involved in a particular scheme and saying that the public should be alerted and made aware of this and that the person should be named (which is what the Attorney did) to ensure that the public were aware of the situation. The utter

hypocrisy of the Attorney-General coming into this house and asserting that a person (namely, the member for Hammond) was going to make statements that would cause a situation of there being, as he would describe—

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

**Ms CHAPMAN:** The opposition claims that the provisions, as outlined in clause 4 for the abrogation of privilege in relation to parliamentary proceedings, are far too wide. It encompasses all members of the house, on the basis of an alleged threat of disclosure by one member of parliament, who has confirmed his position in the parliament today. Notwithstanding that, the government would have us believe that it is necessary for all members of parliament to be silenced, not specifically in relation to the activities that are claimed to be the basis of allegations flying between the government and the member for Hammond, but, rather, generally extended to criminal sexual misconduct or related criminal misconduct. The breadth of that provision is totally unacceptable to the opposition.

I think it is worthy of comment that the statements made by members of parliament in this house, which are clothed with the umbrella of protection under parliamentary privilege, at all times ought to be made responsibly. Indeed, mindful of where that may cause hurt and discredit to any member of the public, whether or not they be in high office, I think that has been something that is important to members of this house and, indeed, many other members of parliament. Of course, there have been examples where, arguably, there has been a gross abuse of that privilege, but this in itself is not the basis upon which one directs a blanket control and suppression over all members of parliament; why we should throw away in those circumstances all the important reasons why parliamentary privilege is necessary and which in time tested have been necessary for full and comprehensive debates in houses of parliament without fear or favour.

One such example of irresponsibility would have to be in the Western Australia parliament and the Penny Easton affair, which itself was the subject of a royal commission in Western Australia and for which Dr Carmen Lawrence clearly paid the political penalty. The conduct in those sorts of circumstances, while reprehensible, is no justification for an action such as this to suppress all members of parliament. Apart from the examples where the Attorney-General has in other circumstances in this house considered it to be in the public interest to bring to the attention of members of parliament and, importantly, the public circumstances where it is in the public interest that they be warned of possible misconduct, one other case of course was the member for Playford's more recent case in 2002-03.

As the house will recall, ultimately the matter was dealt with in the proceedings of *Niarchos v Snelling*. In that instance, *The Advertiser*, in November 2002, carried a story regarding a so-called gang of 14. These were unnamed Labor lawyers who were calling for the removal of the Attorney-General—as Attorney-General, I should say. On 4 December, the member for Playford wrote to the lawyers, including Mr Nick Niarchos. That letter contained a statement, which was arguably somewhat disingenuous when he said:

Your name has been provided to me as one of the lawyers involved in the campaign. In the interests of fairness, I give you the opportunity to confirm or deny your involvement. I will be taking further steps tomorrow afternoon.

On 5 December, the member for Playford deliberated in the parliament, attacking the gang of 14, notwithstanding that Mr Niarchos had responded to the member for Playford's letter in which he stated, and I quote:

I belong to no such group. You state that my name 'has been provided' to you. I request that you inform me of the name of the person or persons who has done so without delay.

As we now know, the member for Playford refused to divulge to Mr Niarchos the identity of his informant and when Mr Niarchos applied to the Magistrates Court for a pre-action discovery of documents which would identify the member for Playford's informant, that was opposed by the member for Playford in the Magistrates Court. That opposition by the member for Playford was on the grounds that disclosure would contravene parliamentary privilege. Interestingly, I suppose, as an ironic twist, it was the member for Hammond, then as speaker, who came strongly to the rescue in these circumstances in protecting parliamentary privilege and, indeed, he briefed counsel to appear for the House of Assembly to argue the parliamentary privilege point. Further speeches were made in the parliament and ultimately the parliament itself passed a resolution which read:

The house asserts its privileges, in particular that the freedom of speech and debates and proceedings in parliament ought not to be impeached or questioned in any court or place out of parliament, and reasserts that principle in the matter of Niarchos and Snelling.

As that case proceeded, in which the magistrate upheld the argument that parliamentary privilege applied, and ordered that the member for Playford's costs be met, not all of those costs were met, and the opposition was called upon to support a contribution to the legal costs of the member for Playford in his action to support the preservation of parliamentary privilege in that instance. So, here is a situation, ironically, where the Attorney-General was supportive of parliamentary privilege. We have the whole parliament supporting, and we have the then speaker, the member for Hammond, as one of the most vocal advocates for the preservation of that privilege. That is an example which I do not think should go unnoticed because it was very significant in its recognition of looking quite comprehensively at the importance of parliamentary privilege and its protection.

The other matter I raise is the issue raised by the Attorney-General. In his second reading speech, he advised the house, and I quote:

This is by any standard an extraordinary measure. However, the circumstances that have occurred are themselves extraordinary. Furthermore, this measure, although unprecedented in South Australia, is not without precedent in Australia. Honourable members may be aware that in the late 1990s, the parliament of New South Wales passed legislation which made provision for the waiver of parliamentary privilege to enable an inquiry to determine whether there was any basis for allegations made by a member of parliament.

I suggest to the house that that is not a correct assessment of what happened in New South Wales. To suggest that this is a statutory abrogation in relation to parliamentary privilege is somewhat misleading, I suggest to the house, in the sense of what really occurred. When an inquiry was held into allegations made under privilege by a member of the New South Wales Legislative Council, as the Hon. Mrs Franca Arena, MLC, that the premier, the leader of the opposition, and a judge appointed as a royal commissioner had conspired to suppress the names of alleged paedophiles, the New South Wales parliament enacted legislation to facilitate the inquiry, which was to empower each house by resolution to authorise the governor to establish a commission of inquiry into any matter to its parliamentary proceedings. The Special Commis-

sions of Inquiry Amendment Act 1997, enacted by the parliament in New South Wales, contained express provisions to allow for an extra parliamentary inquiry to ascertain the truth of the accusations made under parliamentary privilege. The accusations, as I have indicated, were made by the member of the Legislative Council, in which she accused the premier and others, including the judge of the Supreme Court, who had been conducting the inquiry into police misconduct as a royal commissioner for some years. The amending legislation was enacted to enable the truth of Mrs Arena's accusations to be investigated by that special commission of inquiry.

Special commissions are a particular type of royal commission provided for by the Special Commissions of Inquiry Act 1983 New South Wales. They are appointed by the Governor and appointees must be judges or former judges. Under the amending legislation of 1997, each of the houses of parliament was empowered to authorise by resolution of two thirds of its members, inquiry by special commission into a matter relating to parliamentary proceedings within, or before, the house or one of its committees. It was also made clear that if the house waived privilege an individual member could still assert privilege in respect of what he or she had said or done in the course of parliamentary proceedings.

So, I suggest that it was somewhat mischievous for the Attorney-General to come into this house and purport to strengthen an otherwise pathetic and weak argument as a basis for this legislation, and to use the New South Wales inquiry as some kind of precedent to the action which is now being proposed by this government, in which New South Wales was clearly not a precedent, and ought not to be elevated to some status to try and bolster the government's position in relation to that. The Special Commissions of Inquiry Amendment Act enabled the opportunity for an inquiry to be undertaken. It was not a precedent to interfere with parliamentary privilege and place a blanket gag on all members of parliament. That is a total misrepresentation of what the position was in New South Wales, and I ask the house to ignore in those circumstances any kind of basis of precedent for that type of conduct.

I then turn to the second arm of this legislation, which I have indicated was not revealed in the announcement (or what I would say was an instrument of threat) to the media this morning by the Attorney-General: that there would be a gagging of this parliament, and that it would be effective from 2 p.m., and that they were on clear notice about their position. The second level, which I note for the purposes of the introduction of the bill by the Attorney-General, seems to have been elevated to the first. I think probably having failed on ground one, they now tell the parliament that it is necessary because, and I quote:

... public claims made by the member for Hammond that he or his assistants possess documents that evidence, or might evidence, criminal sexual misconduct by a member of parliament or others. The member for Hammond has asserted that parliamentary privilege prevents police officers from exercising their usual powers in relation to alleged documents.

Whilst he goes on to say that the importance of the principle was well established in 1688 and it is fundamentally important to the proper functioning of parliament, he then completely ignores that by saying:

It is in the public interest that the parliament should be able to carry out its functions to the fullest extent, and that is why parliamen-

tary privilege exists. However, there is a public interest in ensuring that police investigations into the extraordinary allegations of the member for Hammond and his assistants are not impeded by claims of parliamentary privilege.

So, now we have a basis upon which the parliamentary privilege in some way ought not to be used to quarantine and protect evidence or material which the member for Hammond allegedly has in his possession and which he is allegedly failing to produce for the purpose of police investigations, and there is a deliberate frustration by this alleged conduct arising out of the alleged claims of the member for Hammond.

We have heard the member for Hammond again today regarding matters that have been raised both as to his resignation and in relation to this bill, but I have not heard any direct statement by him that he has in his possession material he is harbouring from police. As far as I can recall, all we have heard to date is the member for Hammond saying that he has had information, that associates of his have had information, and that that information has been handed to Mr Ted Mullighan who is conducting a state wards inquiry in South Australia. If that is the case then, again, we have no basis whatsoever for raising the umbrella of parliamentary privilege and moving in with an exception to enable the raiding of a member of parliament's office—in this case, the member for Hammond—allegedly to enable a search warrant to be executed without breaching parliamentary privilege. Again, I suggest that the case has not been made out by the government to actually support such a draconian action.

I found it quite extraordinary that in tonight's news the Premier has raised his basis upon which this legislation should be introduced, and that, he says, is in the interests of protecting children. Frankly, I find it almost laughable that the Premier should purport that this legislation is to protect children. What a spin! Here is a Premier who has presided over an inquiry by Robyn Layton QC who has a myriad of recommendations that he should act upon—

**The Hon. M.J. Atkinson:** Or Justice Layton, as she now is.

**Ms CHAPMAN:** Yes, Justice Layton as she now is. I do not mean any disrespect to her by not referring to her full title, because at the time of writing the report she was Robyn Layton QC. He has had a myriad of recommendations he could have acted upon and, clearly, he has failed to protect the children of South Australia by not carrying out those recommendations. If this government and the Premier were serious about protecting children they would have ensured, for example, that the legislation to protect children in state, independent and Catholic schools—which was recommended to the government back in the former minister for education's time in 2003 and which she rather promptly got on to and suggested it was important that it be followed up, from the Teachers Registration Board—was put through. Yet there we were, at the 11th hour of parliament in December 2004, getting that legislation through, and we have found this year that has only begun to be acted upon with the new Teachers Registration Board being gazetted and their term effective from 31 March this year.

We still have nothing from this government in relation to the protection of children in a school situation where they are exposed to other persons employed on school sites, whether they be the gardener or student support officers or principals or other persons engaged in work on school grounds who have equal access to children and equal opportunity to abuse

their privilege and area of responsibility and to breach trust and abuse children in those circumstances. Yet what have we had? We have had the Minister for Families and Communities come to the parliament in the last two months and tell us that that will be with us in due course. That is not the action of a government genuine in its commitment to the protection of children, and the Premier's statements tonight that have been published as the basis and motivation for this legislation for the protection of children are simply without foundation and are quite remote in any every way from the effect of this legislation.

This legislation is designed to gag this parliament and members of parliament in relation to a very extensive area of conduct for anyone who is a member or former member of parliament or public officer (that in itself not being defined). I ask why, in those circumstances, should we exclude other forms of reprehensible conduct? Why should members or former members of parliament or public officers be protected? Why is it confined to them and why is it confined to sexual misconduct and not to other behaviour? There is no basis for that.

Essentially, under this bill the police will have the opportunity to come into Parliament House or into an electorate office to raid a member of parliament's office. And I might say it is not just a bill to deal with the material specifically relating to the matter before it that is the basis for this. We can look at clause 3 of the bill, which is allegedly supported by paragraphs 1 and 2 of the preamble. I think it is worth recognising what is here because, if we go back to this extraordinary preamble, paragraph 1 reads:

The member for Hammond has made public claims that documentary material in his possession or in the possession of assistants to the member evidences or might evidence criminal sexual misconduct by a member of parliament or others but has asserted that parliamentary privilege prevents police officers from exercising their usual investigatory powers in relation to any such documentary material.

I think that that is a misrepresentation of the combining of two things. The preamble goes on to say:

The parliament—

again trying to lasso us into it—

intends by this measure to protect the public interest by ensuring that the exercise of powers under a search warrant in relation to such documentary material, and the subsequent use in criminal proceedings of any documentary material obtained through the exercise of such powers, does not constitute a breach of parliamentary privilege.

Then we go to clause 3 of the bill, which basically confirms that 'the powers conferred by a search warrant are to be taken to be exercisable in relation to relevant documentary material within the precincts of parliament or elsewhere.' 'Relevant documentary material', according to this bill, is to be defined as 'documentary material that is or has been in the possession of the member or an assistant to the member and evidences or might evidence criminal sexual misconduct by a member of parliament or other person'. 'The member' here is the member for Hammond, and that is specifically defined, and we have 'assistant to the member', and I referred earlier to those it may include, which is essentially those who have been providing assistance to the member for Hammond.

The exercise of powers under a search warrant in relation to relevant documentary material does not constitute a breach of parliamentary privilege. That is the law we are supposed to be passing. If relevant documentary material is obtained by police officers through the exercise of powers under a search warrant, then the use of the documentary material in criminal proceedings does not constitute a breach of parlia-

mentary privilege. So, here we have under this proposed legislation, if enacted, the right for the police to come into Parliament House or into the electorate office of anyone to find relevant documentary material within the precincts of parliament or elsewhere. I think that is a very important aspect.

This is not even defined to be within the offices of the member for Hammond: this could be anywhere. Every member of parliament is therefore, I suggest, subject to the risk of having the police enter their office. There is no question of having reasonable grounds to believe that there will be evidence even present, but they have the capacity under this to execute a search warrant for the purpose of entering the parliament. Instead of just allowing the usual provisions for a search warrant, the parliament says that this must be relevant documentary material within the precincts of parliament or elsewhere. We have a situation where the police can simply come in.

I listened carefully to what the Attorney had to say, but what will happen here is that we have the police presumably waiting outside ready to come in, use a search warrant to go through the offices and find this material in this very general allegation. What if they find other material? What are they going to do with it? What if they find other information in the office of the member for Hammond or anyone else here in parliament? What if they find information or documents in relation to Mr Randall Ashbourne? What if they find information that is relevant to other sensitive issues of the government in relation to the compact?

It is clear that the Premier and the government wanted to get rid of the member for Hammond as Speaker of the house. They drafted this legislation. Here is this instrument of threat to the media. They presented it to the parliament notwithstanding the member for Hammond's statements. They have attempted to create an illusion in this parliament that the member for Hammond is in some way concealing material that would justify throwing away 150 years of precedent in parliamentary privilege and expose everyone to that in an attempt to get what they want in relation to the member for Hammond. I suggest that that is a totally unacceptable course of action.

It is important to note that there are remedies available to a parliament if it feels that one of its members has gone beyond what would be reasonable conduct in relation to their behaviour in the parliament. Members of the public may have claims in relation to statements made out there that may be found to be unfairly made, whether that be in defamation or injunctive relief, but in the parliament there is a special procedure whereby members of parliament can be censured by other members of the parliament if they are found to have acted in a manner that is quite beyond responsible management of the business of this house. If someone has acted in that manner, the house itself has an opportunity to censure them.

But, as I have said, it is unnecessary, unprincipled, unprecedented and unacceptable that we throw out hundreds of years of protection under the parliamentary privilege just to give the government an opportunity for the police to invade the office of a member of parliament under the ruse of collecting material for the purposes of a prosecution. The remedy is there in a censure.

One other matter I wish to raise relates to the question of the time for which this is to apply. Here we are in a situation where the bill provides under clause 5 that the act will expire on a day to be fixed by the Governor by proclamation. In

other words, this is going to be up to the government to decide if and when it will ever lift the veil on this extraordinary piece of legislation and interference with the parliamentary privilege.

I say this to the house: if this bill proceeds, if it has any foundation whatsoever, at the very least it ought to have some time limit. Whether that is 14 days, 30 days, two months or whatever, it seems to me that not only is it totally unacceptable that we have this legislation at all but also that we have such blanket application of this abrogation, in the circumstances raised, on an indefinite basis. In those circumstances, we would certainly like there to be some clear indication by the government that it would support an amendment to enable there to be a time limit.

What could happen, of course is that other allegations could be raised. There may be information that comes forward in relation to the member of parliament in question, the former member of parliament or the two police officers, who are the public officers referred to. It may be that even the government takes the view that, in the light of further information, it is appropriate that this information come into the house. So, we would have to rush back here to try to unscramble this blanket opposition to the application of parliamentary privilege in an attempt to do so. For example, what if there is a situation in which the two police officers referred to find that there is a case in which their conduct is criticised, whether it be illegal or not, and that it ought to be before the house? How can this possibly circumvent this type of legislation?

The opposition opposes this legislation for the reason of protection against the threat of statements being made by a particular member of parliament. That reason has long gone, if it ever justified the legislation in the first place. Secondly, to have the right to invade the parliamentary offices of anyone is without any foundation. I find it completely unacceptable that the Premier should rush out tonight, in an attempt to save some face in relation to this legislation, and argue that it is in the interests of protecting children. That is so ridiculous that it is almost laughable. If this were not such a serious imposition in relation to parliamentary privilege, it would be laughable. However, it is a serious incursion, and it is important that, in the interests of all the people of South Australia, including its children, we protect parliamentary privilege against such an unacceptable invasion.

**The Hon. K.O. FOLEY (Deputy Premier):** I want to make a very brief contribution. I have just come from a budget meeting to put a couple of comments on the record because of the role I have played in ensuring that this legislation is here today. I do not want to this to be a provocative contribution. I want it to be a very quick summary of where we are at. Congratulations, sir, on your elevation to the role of Deputy Speaker. I am a bit bemused by the reaction of members opposite. I hope that the member for Bragg will take note of what I am saying here, and what I say to all members, in that that this legislation was not devised to be provocative to members opposite, to challenge or to threaten them, or to have a good political stoush over. This legislation arose out of concerns last week that crystallised on Friday, when Wendy Utting and Barry Standfield abused the offices of Andrew Evans, who naively and, I believe, foolishly did not have sufficient control over his office and allowed the names of four individuals to be faxed from his office to, I am told (and I have never had this verified), in the order of some 200 media outlets around Australia. I am sure that members

have a fair idea of who those four individuals are: one is a serving cabinet minister, one is a former member of the opposition party and two are currently serving officers of South Australia's police force.

In a press conference on Friday, I took the view that that was the most appalling abuse of parliamentary resources and facilities and a disgraceful action by individuals. At that point, I rang the member on our side of politics involved and informed them of what had occurred. I also contacted the former politician and advised that person of what had occurred. The Commissioner of Police obviously contacted the police officers concerned and advised them. The constant and consistent reaction of all those persons was one of horror, shock and disbelief and, following from that, were significant periods of an emotional reaction that I think we could all understand and relate to if it were to happen to us.

If the member for Bragg will take these comments in the spirit in which they are meant, we in the government then had to decide what we could do. We had no idea whether the Speaker would resign and, quite frankly, whether or not he resigned was irrelevant. The Speaker's track record demonstrates to any of us that he is unpredictable, disingenuous, provocative and, in my opinion, at times unbalanced. We had to decide what we could or would do to protect the integrity of those four individuals and, importantly, their families. It was not politics for us. What politics do we get out of this?

We took a decision based on the decent thing to do to ensure that that person (the member for Hammond) does not in a fit of pique put the names into this parliament in a cold moment of revenge at a later date and we are not in a position if, in a year or two or three or four or five, politicians with malice, politicians who are unbalanced, or politicians with political intent, or whatever, choose to bring those names into this place. The member for Bragg says, 'Well, the member for Hammond has said he will not do it.' Quite frankly, I do not do that, and it is not without moment in this place when members of parliament might have an excessive amount of alcohol during a dinner period and come into this place and not concentrate and be aware and responsible for what they say. We took a view that, on balance, that is a risk going forward that no member of parliament and no serving police officer should have to take.

*An honourable member interjecting:*

**The Hon. K.O. FOLEY:** Members opposite can laugh and deride what I am saying, but I am trying to explain to them a judgment of the government. It was not designed to get political points. Believe it or not—and this is what they might find hard to believe—it was done in good faith, and we worked over the weekend to pull the legislation together. We consulted the Police Commissioner late yesterday, and he has expressed to government a view that, for completeness of investigations, he would like to access parliamentary offices. And why shouldn't he? I, for one, as a member of parliament think it is a silly old argument that we in parliament should have some protection. If you have nothing to hide, do not fear it. If you have nothing to worry about, do not worry about it.

I say that if the police want to access a member of parliament's offices to complete an investigation they should be allowed to do it. The Police Commissioner advised me today, which I passed on to other members, that the only offices he is interested in for the completeness of his investigation is the offices of the member for Hammond and/or the support staff that he has. Of course the opposition has good material to argue and debate the government with and of course it has good material to run all the arguments

that it is running. I am not begrudging the opposition the right to run those arguments or have an opinion or stand firm against this legislation. What I am saying—and the member for Newland can smirk at this—is that we are concerned about the individuals concerned and we are concerned about their families, and we thought this was one way—

**The Hon. D.C. Kotz:** That is tacky and disgusting.

**The Hon. K.O. FOLEY:** Sorry, I apologise to the member for Newland. We thought this was one unique way—I admit that—of ensuring that when these individuals go to bed at night they do not have to worry that some idiot MP, of any persuasion, at any time in decades going forward, is going to walk in here and mention their name in this place. I am told that 200 media outlets last week were given their names, and the rumour mill in this state and in the nation is pretty good at that.

It was all fair game and maybe it was just one member of government, but it is more than that. Probably the two people that worry me the most are the two serving police officers, because they are not even in the body politic. We have senior officers who go about their daily duty simply trying to enforce the law who have been embroiled in this. I understand there was an interjection by the member for Waite earlier today that was a terrible slur on those officers. They have nothing to fear and they have nothing to answer for, in my opinion.

**Ms Chapman:** How do you know?

**The Hon. K.O. FOLEY:** The member for Bragg asks how I know. I say to the member for Bragg—

**Ms Chapman:** Your Premier said there should be a full inquiry.

**The Hon. K.O. FOLEY:** I do not know, and there will be an investigation. But I have something that she does not have: I have confidence in the integrity of these officers and I have confidence in the integrity of our South Australian police force. As the police minister in this state, I will not hang a serving member of our police force on the allegations of a convicted paedophile and the allegations of a member of parliament who is unbalanced. I am not going to convict a member of our police force on the innuendo and scurrilous crap that has been distributed. I will give those officers the benefit of the doubt. I will go further than that: I will back these officers. And if I am proven to be wrong in an investigation, I will have to wear that. But let me say, Mr Deputy Speaker, that this was done with good intent.

**Ms Chapman:** It does not mean it is right.

**The Hon. K.O. FOLEY:** It may not be right in the opinion of the member for Bragg, but we have heard about all sorts of allegations. I pity the day the member for Bragg is alleged to be a paedophile: I pity the day I am alleged to be a paedophile. I know of no other allegation worse than that. It is not an allegation comparable to misconduct as viewed by the Auditor-General. It is not an allegation that is consistent with or comparable to whether my wife or partner has shares in a company whilst I am a minister. They are not comparable. These are the most evil and vicious of allegations ever to surface at any time in this parliament. We in the government happen to think that two of our colleagues, both present and past, and two senior members of our police force, for once, deserve our judgment, support, concern and compassion. We thought as a government that that was the decent thing to do. This is an easy thing to politicise.

**The Hon. D.C. Kotz:** It is too late. The names are out there.

**The Hon. K.O. FOLEY:** The member for Newland says it is too late, the names are out there.

*The Hon. D.C. Kotz interjecting:*

**The Hon. K.O. FOLEY:** The names are out there and they cannot be—

**The Hon. P.F. Conlon:** She is perfectly happy about it, obviously.

**The Hon. K.O. FOLEY:** No, Patrick. The member for Newland debates that the names are already out there. Yes, they are, and that is tragic. What we were trying to do was to ensure that nobody—not just the member for Hammond: it could be anyone and it could be in the next parliament—does not in a moment of whatever circumstances bring those names into this parliament. The easiest thing to do in this place is to be holier than thou when it is not one of us. But one day it might be.

**Mr Brindal:** Yes, it was for the bishop, wasn't it?

**The Hon. K.O. FOLEY:** No, it is not a matter of Archbishop Ian George.

**The DEPUTY SPEAKER:** Order!

**The Hon. K.O. FOLEY:** It was never alleged that Archbishop Ian George was a paedophile.

**Mr Brindal:** It's being done to him now.

**The Hon. K.O. FOLEY:** Come on, the member for Unley. This is an easy debate to take off on a tangent and an easy debate to be critical of, and we are copping your criticism. The member for Bragg is a learned practitioner in the law and I know that, as a lawyer, this clearly aggrieves her. I can understand that. I am not asking for her support now; it is beyond that. I am simply trying to say this: be critical of us, please; if that is your wish, do it. But understand this: we were doing what we thought was the right thing to do.

**Mr Brokenshire:** There are other ways you could be doing it.

**The Hon. K.O. FOLEY:** The member for Mawson said that there are other ways to do it. If between the two houses we can find another way to do it, let us talk. There are a couple of things that we want to do. One thing is that the coppers should be allowed to come in here and investigate any of our officers—

**The Hon. D.C. Kotz:** In your opinion.

**The Hon. K.O. FOLEY:** In my opinion, and in the government's opinion. Secondly, I do not want to see people who are innocent of the most heinous, appalling and vicious crime named in this place. No-one does. I do not take the member for Hammond on trust. I do not trust the member for Hammond and I do not—

**Mr Goldsworthy:** That's a slur.

**The Hon. K.O. FOLEY:** Absolutely, it is—and with good foundation. We could in this debate have shown a moment of considered bipartisanship. We could have decided—and again the member for Newland rolls her eyes.

*The Hon. D.C. Kotz interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. D.C. Kotz:** You were offered it.

**The Hon. K.O. FOLEY:** I was offered it? What issue was that?

**The Hon. D.C. Kotz:** Gangs—

**The Hon. K.O. FOLEY:** Violent gangs roaming streets, again, to me, is not an comparable issue with MPs (both present and former) and police officers being alleged to be paedophiles. I am extremely sorry and disappointed that I have misjudged and misread the Liberal Party of South Australia, because I thought that on this one they would have

come with us. It was an error of judgment by the government, maybe, an error of judgment by me and an error of judgment by the Attorney. But, ultimately—

**Mr Brokenshire:** A bit of time might help.

**The Hon. K.O. FOLEY:** I will conclude on this. The member for Mawson is exactly right: a bit of time might have helped. But sometimes in politics we do not have time. We did not have time. Events unfolded on Friday that escalated this into a stratosphere we never thought it would be in. When I woke up on Friday morning I did not think we would be facing the situation today that we have in terms of the possible naming of these people. We acted with swiftness and in haste, and we can be criticised for that. But, in my view, we had no alternative. The government's motives were always to do the decent thing by four people and their families, regardless of politics, and ensure that those four families could rest easy in the knowledge that this material will never see the light of day in any official capacity.

However, the member for Unley and the member for Newland, I have failed as a politician in the sense that we have not been able to convince members opposite that this was the right thing to do. Quite frankly, I will not stress any more about this. We have honestly and earnestly tried, with good intent and fairness and in good faith. But the politics of this place are so poisonous that members opposite cannot take that in the good faith in which it is offered. I was subjected to interjections from the member for Newland during my 20 minutes of discussion which makes me realise that we have reached such a poisonous position and such a low ebb in this house that we no longer trust each other, we no longer believe in each other and we are no longer confident with each other. Sometimes you can do what is right in the absence of political advantage. In my view, members opposite have attempted to gain political advantage. They may well get that, but that does not deter the government from doing what is the decent thing to do.

My final appeal to members opposite is to take this in the spirit in which it has been attempted, that is, first, to allow access by our police force to do the job it wants to do (I would not have thought that that was a hard ask) and, secondly, to afford support and comfort to four families in South Australia to ensure that their loved ones and their individual rights are protected and they are not subjected to the most vile stain that any person could have on their character. I just hope—

*The Hon. D.C. Kotz interjecting:*

**The Hon. K.O. FOLEY:** The member for Newland said that my thespian conduct is beautiful. I find that pretty offensive. If she thinks I am doing this so I can stand in this place after I have come out of a cabinet budget meeting to talk to you lot, with no media in attendance, and somehow I am doing some Shakespearian act, I am offended by that, because I am trying to support some people here. One does not get to do something too many times in this job that really helps a few people.

**The Hon. D.C. Kotz:** It would be nice.

**The Hon. K.O. FOLEY:** Yes, it would be nice. I think doing something that helps a few people could be one of the few things I do in this place that means something.

*The Hon. D.C. Kotz interjecting:*

**The Hon. K.O. FOLEY:** The member for Newland said that would be nice, but she does not believe it is the truth. Ultimately, I do not really care what she thinks. The government's view is that it was the right thing to do but, as I have seen in politics in this state—and maybe I have contributed

to that through my actions over the years in opposition; I am prepared to accept that (although I have never been a party to assisting with respect to allegations such as this). A smarter approach from the opposition might have been to get up here today and support the government and lecture me on my behaviour in opposition—try to humiliate and humble me by showing me that you are a better and more decent person in opposition than I was. I tell you what, that might have hurt me a little bit. That might have actually humbled me and made me feel somewhat reflective on my conduct in opposition. But, no, the member is not smart enough for that. She is conducting herself in a manner that both disappoints and saddens me. But, in particular, I think we have all let down four individuals and their families, because we could have done better.

**Mr BRINDAL (Unley):** I can accept the Deputy Premier's assurance that what he seeks to do in this place is sincerely in the best interests, as he sees them, of those who may become—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**Mr BRINDAL:** Can I have my 20 minutes started again?

**The DEPUTY SPEAKER:** The member for Unley has the call.

*The Hon. D.C. Kotz interjecting:*

**The DEPUTY SPEAKER:** I think we have heard enough from the member for Newland. The member for Unley has the call.

**Mr BRINDAL:** I am prepared to accept—as I think many members on this side are—that the government, in thinking through this bill, has made a genuine effort to try to protect four individuals who otherwise might find their lives totally ruined by scurrilous slander and libel, without foundation. Having said that, I think the government is being somewhat unfair in the arguments the opposition is trying to put forward, which are not about trying to get anyone named in this place, or in any other place, but are about the protection of the ancient rights and privileges of this house. The member for West Torrens can laugh, but I believe the Attorney, were he sitting here or were he in any other position, would be arguing the same proposition. What is at risk here is not just the reputations—

*Mr Koutsantonis interjecting:*

**Mr BRINDAL:** Let us get right down to it. The Deputy Premier asked and the Deputy Premier shall receive. I can remember some 12 or 13 years ago, and the Attorney should—

**Mr Koutsantonis:** I remember, Freddie.

**Mr BRINDAL:** Yes, exactly. I can remember sitting in this place and being called the Freddie Mercury of the Liberal Party by one of the members of the then government sitting over there.

**Mr Koutsantonis:** We got rid of him.

**Mr BRINDAL:** Yes. I went to see the Premier about it, and I got some justice. But I did not get any waiver. I did not get the opportunity—

**The Hon. M.J. Atkinson:** You got justice, though.

**Mr BRINDAL:** My lawyers, for the Attorney's benefit—

**The Hon. M.J. Atkinson:** He's never been back.

**Mr BRINDAL:** Yes, because he did not doorknock his electorate, and you did not think he was a good enough member, and he would not submit to Labor authority. He did not get the chop for what he said about me being the Freddie Mercury of the Liberal Party: he got the chop for not adhering



to the discipline of the Labor Party, which is a slightly different matter.

We could go on and talk about a book in which a matter called the lift strategy was discussed. I will not go into the details named in the book, but that was a strategy to go round and deliberately denigrate the character and sexuality of a person for political gain. That was perpetrated clearly in Chris Kenny's book by the Labor Party of South Australia, as was what Colin McKee did to me. Colin McKee was a Labor backbencher, and I am convinced to this day that he was soiled to the task by senior members of the then government. So, it is never the same when it is different. I just want to start by saying that.

However, that does not make the actions of the last few days right or proper or in any way a matter which this house can or should condone. What we are discussing, though, is whether the proposition put to the house by the government in good faith—a proposition which will restrict and limit the proceedings of this parliament—the way in which it conducts itself and the ancient rights and privileges it has, including (which no-one has mentioned, and I will be interested in the member for Enfield's contribution, because I know he will follow me) the matter of positive construction, which we ask should be put on all our undertakings when we go to the Governor. We are not putting any positive construction on anything the member for Hammond has said, and that may well be fair.

I also remind this house that the Hon. Dale Baker, when he was a member of this house—it was not a sexual matter, and I wish I could call in depth the details, but maybe the Premier does—accused someone virtually of murder in this place, and there was an absolute furor. He had to come in here, without relieving the house of its power or anything. This house virtually forced Dale Baker back in here to admit that he was wrong and that he had made an absolute mistake and to make an apology.

*Mr Koutsantonis interjecting:*

**Mr BRINDAL:** The member for West Torrens says that it is different. The member for West Torrens might observe that I may well be in what is the gathering gloom of my political career. He, rather, is in the rising of a political new age—not the age of Aquarius, but the age of Koutsantonis, which is yet to come. He would do well—as would everyone in this house—to remember that what we do today in the name of four people to try to help them—and I acknowledge that it is to try to help them—could well be something we will regret in the years to come. I think that, when the Deputy Premier made his contribution, he made some Freudian slips, because he talked about this stopping anyone from doing this for decades. The way in which I read the bill there is a sunset clause. I had presumed that the sunset clause, which the Governor will put in operation, would be operable as soon as was convenient after the matter was concluded. So, this is not permanent legislation: this is transient legislation to give away a right for a particular purpose for a limited period of time.

What then are we to make of a Deputy Premier who says that this will protect people for decades? What can we make of the preamble? The preamble is most unusual, not totally unknown, but a most unusual artifice in South Australian legislation at least, because it talks solely of the member for Hammond. Indeed, in the definitions we see 'the member' means 'the member for Hammond'. Again, I do not how many parliaments pass specific legislation concerning a single member, but the member for Hammond is surely

bigger than life and maybe warrants special legislation pertaining to him. However, I encourage all members of the Labor caucus—because, after all, I acknowledge they have the numbers; they go something like 20/26 at present judging from a vote today—to read the abrogation of privilege contained in clause 3, subclauses (1), (2) and (3). Clause 4, 'Abrogation of privilege in relation to parliamentary proceedings', provides:

(1) An allegation made in the course of proceedings of parliament, or in a published report of . . . proceedings of parliament. . .

It does not name the member for Hammond. It applies equally to each and every one of us, in not only this house but also the other house. Clause 4, subclauses (1), (2), (3) and (4), so long as this act operates, are equally applicable to us all. That means that in order to protect these four people, who I believe should be protected, we are not only waiving our privilege but also limiting our ability to act so long as this is in force. While this act is in force, if any one of us comes in here and makes an allegation of sexual impropriety against either a serving member of this place or a public officer, then we will be liable to have no privilege attached to it and to be checked.

Is that fair? Is that what we want in terms of keeping the ancient right of freedom of speech in this house? If it is fair, why do we make of ourselves a different class of person? Why is it that, if we wish to protect ourselves and former members of our club, and members of that club called the Public Service, we would not also seek to protect our grandmothers, mothers and anyone else who might equally be criminally defamed using this institution? This act provides just that. This act provides that this act applies to members of parliament, previous members of parliament and members of the Public Service. What we will do, again by this act, by waiving our privilege, is give us and public servants a special status in the sense of immunity from things being said in here; a special status in terms of freedom of speech and waiving of a parliamentary privilege, which we will not give to anyone else in the community.

I spent an hour on Leon Byner's show this morning and the conspiracy theory in South Australia is absolutely alive and well. Anyone who heard it would have heard caller after caller saying that this is all a conspiracy; all we are doing is covering up; and what we have done today is shoot the messenger. Heck, the only person who is right is the member for Hammond and the rest of us are low grades trying to protect people who for years we have protected, and they do not trust any of us. I steadfastly refuted that and I steadfastly said, as I always have said and continue to believe, that there is not one person with whom I serve on either side of this house, in either chamber, of whom I want to believe anything like that or, indeed, of whom I do believe anything like that.

The problem is that too many people in South Australia over too many decades just want to believe these things. No matter what we say or do, they will continue to carp and carry on about rubbish first invented about 30 years ago, but rubbish that continues to circulate and will recirculate until finally one day it is put to bed. What disappoints me about this is the work that the Leader of the Opposition, former speaker Lewis and I—and, in fairness, the government when it came to the realisation that it was needed—did in getting the Mullighan inquiry up and running. This is the one chance the victims have had in 30 years to tell their story, and two days afterwards the member for Hammond's volunteers are out there with spurious allegations of hearsay evidence. Let

us be quite clear about that. As I understand it, the affidavits presented to the media were not first-hand accounts of victims. They were affidavits of people who claim to have talked to the victims and who claim that—

*Mr Koutsantonis interjecting:*

**Mr BRINDAL:** Yes; they were. Wendy Utting's affidavit stated that she knew that people knew. A lawyer will speak next, and that is hearsay evidence which is not admissible in any court of law. It is rubbish. It is as good for the member for West Torrens as me sitting in Kibbies and coming into this house and saying 'I heard that the member for West Torrens is saying that his great grandfather was a paedophile.' It is the example I use: I am not saying the honourable member's great grandfather was a paedophile. I am implying that; I am using an example of gossip being traded as fact. That is what we saw on Friday: gossip being traded as fact, nothing else. That is what we have seen for about 30 years.

There is one thing I learnt in terms of talking to some of these people and that is the thing Dr Freda Briggs calls projection. One of the victims, whose story I believe in so far as it applies to him, told me his story. Then he proceeded to tell me a story about three or four very famous South Australians, all of whom are now deceased. When he told me about those South Australians, I said, 'Oh, you had some experience?' He said, 'No.' I said, 'Well, because you were involved in this scene you went to a party where you saw them doing certain things?' He said, 'No.' I said, 'Did you have friends who came back and told you they did certain things?' He said, 'No.' I said, 'Well, you don't know at all?' Actually, he did not know at all. He had invented around his story—which I think was true—a bigger story which had not a grain of truth in it at all. That is why it was entirely necessary to have the Mullighan commission.

I am a member of parliament. Everyone in this chamber is a member of parliament. In fairness to the member for Hammond, he had two volunteers who are not forensically trained to take proper testimony, weight that testimony and evaluate it.

**Mr Koutsantonis:** And sell it as fact.

**Mr BRINDAL:** And it isn't fact. The member for West Torrens says, quite rightly, that it is sold as fact. If it is salacious, the media want to buy it as fact. In fact, it is not fact. In fact, in some cases with some victims the victims might believe it. Over time one can reinvent history, especially if one is a fairly active 14 or 15 year old. It is quite possible to get to 30 and decide that what happened when you were 15 was a set of circumstances that does not match what really happened. That is part of it, too. I am not sitting in judgment on anyone, but I am saying that we got the Mullighan inquiry up and we have a police paedophile task force, because they are the people with the skills and expertise, and with government backing behind them, to critically analyse these things and make forensic judgment.

In opposing this legislation I do not oppose its spirit, but I say this: if the member for Hammond acts in a way untoward—and I take his word; I take it 100 per cent—then we should deal with him as Dale Baker was dealt with in his time and as this house has the capacity to deal with any of its members. He is one of ours and we should deal with him strictly. If this is to test the assertion that criminal liable may have been perpetrated by the member for Hammond's volunteers, I would assert that we need no such search warrant. If the prosecution can make a case of criminal liable—and it seems to me to be reasonably self-evident—what evidence will they find, especially since the member for

Hammond said yesterday, and repeated on radio today, there is no evidence. I know and the Premier knows that we have chased DVDs, CDs and computer hard drives. There has been every sort of evidence imaginable today and tomorrow it changes to something else. Yesterday we were told there is no evidence at all. What will a search warrant produce?

The only thing a search warrant is going to produce is something in defence of people who, possibly, should be going to a court and forced in their defence to establish their own innocence, because I believe that there is no redeeming feature for either Ms Utting or Mr Standfield, and I do not say that lightly. I accept what the government is trying to do here, but I think what it does to privilege is too high a price for this parliament to pay. Rather, I would be more keen to work with government benchers on a way that this parliament should deal firmly and unequivocally with Mr Standfield and Ms Utting. I heard the Premier say today (and I concur with him, and I happened to check) that the room was booked in the name of Mr Speaker Lewis. Mr Speaker Lewis said he was away, therefore, he could not have given authority to book the room. Since when can somebody come in and use the facilities of this parliament, whether permission is given by Pastor Evans or not, to send out 200 faxes, to hold a press conference in Parliament House, to move to another room in Parliament House and have another conference with an evening television show, all using the facilities of parliament?

So, rather than just this bill, or even if this measure passes, I hope that the government will absolutely turn its attention to what this parliament should do in respect to Ms Utting and Mr Standfield. They are, in my opinion, guilty of the gravest contempt of this parliament. They have brought us all into disrepute. They have, at best, abused the trust that speaker Lewis placed in them and it has cost him his job. However, if he is to be believed, and he is one of us, they have abused his trust, they have abused this parliament, they have abused our privilege and they have criminally, in my opinion, named people who ought never to be named. I am all for dealing with them. I am all for dealing with anybody who mentions those names, but I am afraid that while I accept the good intentions of this government, I think that to trespass on privilege in the way that we do goes too far, and will be rued not only by us because we are in opposition, but also by the government because eventually they will come to opposition, and if there is a strong minded government that wants to get somebody, this creates the very precedent. I will finish by saying that when a bad ruling is given, and another speaker wants to do that, all he does is quote the bad ruling as precedent, and it has happened recently here.

**The Hon. M.D. RANN (Premier):** I strongly support this legislation. I would like to respond to a number of matters that the member for Unley has raised, and I also want to say that I respect his contribution to this speech and to this parliament. He talked about the role of Wendy Utting and Barry Standfield. I believe that what occurred on Friday—and I agree with him totally—I think we saw a day of absolute shame in the history of this building. If we are talking about abuse of office, abuse of position, trespass, and other issues relating to this parliament, then we have seen people claiming to be volunteers, and using the parliament's facilities to criminally defame innocent people. I think that there has to be some fundamental questions asked about the roles of others in assisting them, and I am particularly referring to the federal member, Trish Draper. I understand that a statement on her letterhead, advising of the news conference—this is

what I have been told—was part of the material that was faxed out. She, of course, is now desperately trying to walk away from criminal defamation because, presumably, someone has advised her about the sort of damages that she might incur.

Then there was the role of Pastor Evans or, at least, his office. I find it extraordinary that that office would allow these two volunteers to use taxpayer facilities without finding out what the hell they were sending out. Now, if we are to believe Pastor Evans, he was unaware of the contents of what was being faxed from his office. These are taxpayer-funded facilities and these people do not have positions on the staff of this parliament. In fact, it is very interesting that the former speaker himself was at pains—when he appeared to be distancing himself from Ms Utting and Mr Standfield—to say that they were volunteers and that he cannot sack them, although I am told there was another statement which talked about kicking them out (there seems to be some confusion about their status with him). But the fact that Pastor Evans or a staff member of his would allow them to use taxpayer facilities to perpetrate the grossest evil in the most unchristian way needs real answers, in my view.

However, the role of these so-called volunteers or staffers is not the reason this side of the house was prepared to move a no-confidence motion in Peter Lewis today; it was not for the actions of volunteers or staffers but for his own actions and comments. I heard what he had to say in his farewell speech from the speakership today, but I ask him to perhaps clarify various statements he made, because this is what I am advised. The member for Hammond, on ABC television on 11 March, was asked these questions by Ian Henschke:

Henschke: You are then convinced that this MP is guilty?

Lewis: I am saying to you there is an MP who has been trawling in the south parklands in Veale Gardens, of that I am satisfied.

Henschke: You are certain there is someone there?

Lewis: Yes.

How does that compare with what he told the house today? Then, of course, in yesterday's *Sunday Mail*, 3 April, the member for Hammond admitted:

There is no smoking gun, no knife, no photo, no video and no bank account in which money was paid. All we were ever going to have are the statements of people who say they were victims. I know it's not evidence.

Then, on the issue of the so-called video evidence, the member for Hammond told *The Advertiser* on 5 March:

I am reliably told that there are more than a handful of copies [by that he is referring to the video footage] at various locations. I have made sure that the police have got the computer hardware.

But on 9 March the member for Hammond told 5AA:

I have been told that there are several copies of footage of the activities in Veale Gardens that ought to be the subject of police inquiry because they involve a member of parliament and children where the member of parliament is engaged in sex acts with children.

He then goes on to say:

I said I have sworn statements to the effect and I have undertaken to provide them and the other material that has been provided to my office to police and I am doing that.

However, Lewis' central witness, Ratcliffe, said to *The Advertiser* on 9 March, when asked whether he had ever seen any evidence that would incriminate the politician:

No, none at all. Not on this hard drive and I could never find it on the other hard drive.

The member for Hammond then issued a media statement which said that Ratcliffe was 'wrong and muddled' when making that statement to *The Advertiser* and he would be

clarifying the record later that day. Ratcliffe then told Channel 10:

I've seen still images of Terry, as we know him, and there are images that have been actually obviously taken off a television screen off the original video. They show Terry giving oral sex to a teenager.

However, on 3 April the then speaker admitted in the *Sunday Mail* that there was 'no smoking gun, no knife, no photo, no video and bank account in which money was paid'. So, rather than talking about spin I am using here the former speaker's own words, and I invite members to see the clear contradiction in what he has said from day to day. This is why it was important for the former speaker to do the right and honourable thing in resigning—not for what the despicable Utting and Standfield did but for his own actions and statements.

Let us look at the member for Hammond's own attitude to paedophiles. The member for Hammond said, I am told, in an ABC Radio interview:

I am simply determined to root out the practice of adults believing that they are entitled to have sexual relations with children. They are not, that's over, in the same way as slavery was put behind us less than 150 years ago and child labour in our western democracies.

In the very same interview, in defending convicted paedophile Craig Ratcliffe, he said:

And Craig Ratcliffe ought not to be seen as utterly discredited just because he was: one, a victim himself; and two, then got into an affair with somebody who had already gone through puberty and in that relationship admitted that he was in it, broke it off, telling the police when they came to him, yes, he had been involved.

Earlier, on 10 March, the member for Hammond had tried to justify the paedophilia by Ratcliffe by saying:

I'm not fussed about that. You know one swallow doesn't make a summer and one wonders why that's sort of being trotted out now.

ABC Radio reported that the member for Hammond had said that Ratcliffe's case was not as bad as others because even though the boy was some years younger (that is, 14 years old) they were in a relationship. 'Yeah, with whom he'd formed a relationship,' the member for Hammond said.

It was not a promiscuous, coincidental act. Yet today he talks about the fact that it is not about love: he compares it to slavery. But apparently it is not as bad if it is one of his informants. Let us go on some more. Not my 'spin'. He talks about the editor of *The Advertiser* and the implication was that there is some kind of conspiracy with the editor of *The Advertiser* who was somehow helping do my spin doctor work. I have not spoken to the editor of *The Advertiser* on the issue of Peter Lewis or paedophilia at all, at least this year or before. I cannot remember any such conversation about paedophilia with Melvin Mansell. Indeed, I had one conversation to say hello to him, which was most recently at the Clipsal 500. So, if he is my spin doctor then he must be communicating by ESP. But on the likelihood of a murdering MP, on 2 March the member for Hammond in *The Advertiser* said:

I think it is more likely than not that they [ie the murder and bashings] are not a coincidence. . . It is a bit much to dismiss the likelihood of it being more than coincidence.

On ABC Radio the same day he said it must be:

. . . considered on the balance of probabilities that there have been too many incidents of either death by misadventure or murder or violent assault—or such a small number of people to be ruled out that it's not a coincidence—and that there's a pattern involved.'

He went on to say:

That has to mean that it's got to be taken seriously. . . statistical probability is what I'm referring to here.

By 11 March the member for Hammond had changed the story on ABC TV's *Stateline*. Ian Henschke said:

But Peter Lewis, you're saying that the MP at the centre of this storm could be involved or organising the murders and bashings of these people. . .

The member for Hammond said:

No I'm not and I've never said that. If the media speculate about that, that's their problem, not mine. I didn't say that and I've never said that.

Here we have him saying on 11 March that there is an MP who has been trawling in the south parklands and of that he is satisfied, he is certain of that; then later on he says that of course there is no smoking gun and no evidence. So, the member for Hammond might want to talk about spin but perhaps he should look at his own spin: spinning and spinning and spinning each day in total contradiction of himself and these people he has surrounded himself with. The other issue is what we are doing with this bill.

I think it is important to say that the claim was made quite clearly that there was material or evidence locked away here at Parliament House concerning child sexual abuse and paedophilia and maybe the involvement of members of parliament or a member of parliament. What we are trying to do with this legislation is to allow the police to do their job: allow them to come in here with a search warrant and examine the material to find the truth of the matter. Why is it that the people making these allegations do not want the police to find the truth of the matter? This is very reminiscent of what happened in New South Wales with discredited former MP Franca Arena.

Again we saw allegation after allegation, and then we saw that every time she was put to the test to come good with information or evidence she failed to do so. Every time she was tested, whether by the media or by judicial inquiries, they then became part of this paranoid conspiracy. They were then responsible. Eventually, after constantly changing the nature of the allegations, I am told that access was given by statute, I understand, although I will have to check on that, to allow the inquiry to have access to her material, and it was found to be a bunch of clippings without a skerrick of evidence involved. She was totally discredited as a member of parliament.

**Mr Koutsantonis:** A man committed suicide over it.

**The Hon. M.D. RANN:** And someone committed suicide in the process. Paedophiles, in my view, are the lowest form of human life. They are absolute scum. But if these people are serious in pursuing them, then they should hand their material to the police. They persistently refuse to do so. We were told that there is material locked up here at Parliament House, although people have also been telling us that a lot of material has been moved out of Parliament House, so let us give the police an opportunity to look at this material to see whether it has any credibility.

People are talking about parliamentary privilege and ancient rights. Probably most of us here are aware of what happened in 1614 with the Addled Parliament. People may be aware of what happened in 1641-42 when Charles I with a group of officers came into the parliament; and we are also aware of 1688 and everything else. MPs are very quick to talk about the ancient rights of members of parliament in here. I am more interested in the rights of victims of child abuse. I am more interested in the rights of the children rather than defending the privileges of MPs or an MP who refuses to cooperate by handing over the material that he says he has.

That is why it is important that we go forward with this to allow the police in.

If they have nothing to hide, they have nothing to fear. They can make allegations of murder and child sexual abuse but they will not hand it over. Why not? If they will not hand it over it is because they do not want the police to finalise their inquiries. This is so reminiscent of what happened with Franca Arena. Let us give the police the right to come into this parliament and get this material and examine it to find out whether it is credible. If it is credible, let us see a few paedophiles locked up. If it is not credible and does not exist or has been manufactured, then let us bring the people who have made up these outrageous allegations to justice themselves.

**The Hon. R.G. KERIN (Leader of the Opposition):** This is my first opportunity, Mr Speaker, to congratulate you on your new position.

**The Hon. M.J. Atkinson:** Once more with feeling, Kero!  
*Mr Meier interjecting:*

**The SPEAKER:** Order!

**The Hon. R.G. KERIN:** I expect that, as normally happens, most of my grammar will be corrected as the night goes on.

**The Hon. M.J. Atkinson:** It will be. Sacred Heart did not do a good enough job!

**The Hon. R.G. KERIN:** No; it did not. I say at the outset that I totally disagree with the move towards this unprecedented legislation. We have heard about Franca Arena in New South Wales, and the Attorney might be interested to know that I looked at that legislation with my keen legal mind. I do not agree with what he has said about its being similar to that in New South Wales: it is totally different in many ways. I know that the Attorney would like to pay for some of my legal advice, but this legislation is a different kettle of fish from that in New South Wales, and any comparison of the two is absolutely and totally invalid.

We were called in at 10.30 this morning, when the government gave the leader of the upper house and I a briefing on this legislation, but that was too late for this type of far-reaching measure. It was drafted on Saturday, and I would have made myself available over the weekend to look at it. It is a very serious move to bring this type of legislation to the parliament, and the consultation came far too late.

*Members interjecting:*

**The Hon. R.G. KERIN:** Can I have a go? One of the real problems with this legislation is that it is based on several assumptions made by the government over the last couple of days. We agree with some of the government's concerns in the lead-up to today. Obviously, the problem has been brewing within the South Australian parliament and the South Australian community over some of the issues that have arisen. However, there are different ways of handling things. This legislation is based on several assumptions, one of which was proved today not to be correct. The former speaker did the right thing by not naming anyone, and we agree with that. He has also given an assurance that he will not name anyone and, no doubt, we all look for that not to happen.

Members of the opposition and I have very real concerns about the search provisions included in this bill. There are two issues; one is the basic change of principles from those we have always had to those in this bill, and the other is how the bill is specific to one situation. There have been many situations in the past 100-odd years of this parliament's existence, and it is an amazing step, by legislation rather than

by motion, suddenly to change all the principles in order to deal with just one situation, and it is against the principles by which this place has stood for a very long time.

Another concern is the lack of time provided to understand the full impact of the provisions and to formalise any assurances needed by members. We had a very short briefing to give our members any sort of comfort that this legislation would not usurp their rights, and today it was extremely unclear how far it would go. That is one of our problems. I know that this is a pressure cooker situation, but time has to be given. The opposition asked the government for more time but, for a range of reasons, it was knocked back. However, it is a huge ask for members of parliament to go on trust, particularly in such a short period of time, when this bill contains such a change in the search provisions. Members of the opposition also agree that the provisions removing privilege are wider than are needed for the government's stated purpose. I argue that even the stated purpose is open to debate, as are the reasons for changing the principles we have always worked on.

I agree that none of us wants to see anyone named in this place for something of which they are not guilty. We all totally agree with that, but the disagreement tonight is how we get from where we were this morning to where we need to go. That is really important, and I do not think too many people in this place want to see any person, their family or friends, put through anything because they are named here in accusations against them. I think we all agree with that end point, and I was very happy to hear what the former speaker said today on that issue. I will take him at his word, and we will all hold him to it. I think he handled it in a responsible way, and we look forward to not having to deal with that problem at all. The government has put itself into a position created by the deal done in 2002. Today, that put everyone in this parliament in a very difficult position—a position none of us really wants to see ourselves in. Quite frankly, it was the former speaker and the deal he has done over recent times that put us into that position. But it was interesting today to see that it was not the government's legislation that got us out of trouble.

**The Hon. P.F. Conlon:** That would be your signature there, wouldn't it?

**The Hon. M.J. Atkinson:** Is that your handwriting?

**The Hon. R.G. KERIN:** I will come to that.

**The SPEAKER:** Order! The Minister for Infrastructure's displays are out of order.

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

**The Hon. R.G. KERIN:** No, I will explain it.

**The SPEAKER:** The Minister for Infrastructure is defying the chair. He is out of order.

**The Hon. R.G. KERIN:** To come back to where I was before I was so rudely interrupted, as I said, the government will do deals and reap some benefits but then there comes a problem. It is absolutely ironic that the problem the Labor Party thought it faced today was not solved by its legislation: it was solved by the former speaker's doing the right thing today. His resigning rather than our having an acrimonious debate was the right thing to do. His not naming anyone was the right thing to do. Also, he has given an assurance not to name anyone. For any sensible member of this house, that is important.

If we want to talk about the deal, if the member wants to look at it, there are two lots of typeface in the documents that have been stapled together over time by the Labor Party,

because the situation is there were two documents. There is a document which is the one that is signed and is the document that we gave to the speaker which contained our terms as to what was going to happen after the election—

**The Hon. P.F. Conlon:** Your deal! It was your deal with the speaker.

**The Hon. R.G. KERIN:** No.

**The Hon. P.F. Conlon:** It wasn't your deal with the speaker?

**The Hon. R.G. KERIN:** I want to read it into *Hansard*.

**The Hon. P.F. Conlon:** But it was your deal, wasn't it?

**The Hon. R.G. KERIN:** No, what the Labor Party did some time ago was to take some sheets out of their agreement—

**The Hon. M.J. Atkinson:** 'I agree that I will contribute to the government in a nominated role.'

**The SPEAKER:** Order! The Attorney will not display—

**The Hon. M.J. Atkinson:** What would that be? Chairman of Public Works Committee?

**The SPEAKER:** Order! The Attorney will be dealt with if he keeps displaying material. The leader has the call.

**The Hon. R.G. KERIN:** I will move on. The Labor Party got caught out once before playing this game of putting two documents together. Can I move on to something that is probably more important than the game that is being played across the house?

The member for Hammond has for some time, like many of us, shown a great concern for what has happened over many years in this state with the abuse of children, particularly those in state care but also, beyond that, across the community. Many of us share that. We raised it initially and the speaker was fully supportive of it. The government was dragged kicking and screaming, and it took the best part of two years, into the position where they actually agreed to the Mullighan inquiry. Having done that, they have now held it up as an example of what they have done about child abuse. They have held it up as one of their achievements. It is not an achievement of theirs: they have been dragged into doing that kicking and screaming. But the member for Hammond has been a key player in that whole thing.

One of the issues that has come up several times which has been a challenge for this place, and for those who care, is what we do about the confidence of people who were abused to come forward. We all know the stories—that these people, particularly those who were children in state care, were made to feel so guilty about what was inflicted on them that they were not willing to come forward and tell their stories. Those stories are really important. We destroyed—not 'we', the state, those in control—basically destroyed a lot of young lives over a long time. A lot of them are gone. A lot suicided, and a lot went to drugs and alcohol and their lives fell apart. One of the things we have been able to do over the past couple of years is build enough confidence that those people have come forward to me, the speaker, Ted Mullighan, and a whole range of people, and told their story. I think that is a very important story to tell. A lot of those stories do not have hard evidence. They are things that, when they are all put together—and this is Justice Mullighan's task—and when there is a similar thread, we can work out what happened, what went wrong and how we ensure it never happens again.

One of the risks in where we are tonight is how we ensure that whatever we do does not shake the confidence of those who come forward to trust the system and tell their story and deal with their story. This is one of the problems I have in allowing the police or other authorities—and this is said with

no distrust of the police—to come into this place and grab information. I have had people come to me and tell some shocking tales over the last couple of years because they have been abused by the system. Every time anyone comes to me I encourage them to go to the police, and I hope every other member in this place also gives them encouragement to go to the authorities and tell their story and let them piece it together. In some cases it is the police and in some cases it is Justice Mullighan who is the right person to tell. It will only be when Justice Mullighan puts a whole lot of stories together that they will make any sense and we will get a sense of justice for these people.

One thing that really worries me is that those people have come and told their stories to a range of members of parliament and they do not yet have the courage to allow that to be handed on to police. I want to ensure that whatever comes out of here tonight does not shake the confidence of those people to be able to come and tell their story and look for a sense of justice and a way forward in the difficult situation that they have been faced with.

I urge all members to try to get these people to go to the police. In the cases where they have chosen to not yet go to the authorities we need to keep encouraging them, but I do not think that changing the laws in this place tonight is a way of encouraging people in the future to come forward. I think that is a danger. I think the relationship with and the trust of victims in members of parliament is somewhat tested by allowing the seizure of documents. I hear what the Premier and others say about this particular situation, but the question is the way that that message would be sold to the people who have come forward. So I urge the government and all members to do nothing to damage the confidence of those people to come forward, and let us continually push these people to go to the right authorities and give the information that they have.

Although our time in which to see the legislation has been very limited, I have had a look at the New South Wales legislation, and I am advised that it is quite different. They are very different pieces of legislation, which perhaps deal with slightly different scenarios. They are not the same. Certainly, the precedent for this has not been set in New South Wales. If one looks at the New South Wales legislation, one cannot correctly argue that the precedent for this legislation has already been set in the New South Wales parliament. Like my colleagues, I was pleased to hear the member for Hammond's assurance that he will not name anyone who is accused and, certainly, that is—

**The Hon. M.J. Atkinson:** And if he does? What if he names four people?

**The Hon. R.G. KERIN:** I will take the member for Hammond's word on it. But if anyone does, this house can move a—

**The Hon. M.J. Atkinson:** You will shut the gate, will you?

**The Hon. R.G. KERIN:** No. This house can move a motion to handle that.

**The Hon. M.J. Atkinson:** To do what?

**The Hon. R.G. KERIN:** To do exactly what this legislation would do.

**The Hon. M.J. Atkinson:** To be retrospective: you make that commitment?

**The Hon. K.O. Foley:** We will amend the bill going to the other house and put that in there?

**The Hon. R.G. KERIN:** I do not know what is going to be said. I am not going to—

*Members interjecting:*

**The SPEAKER:** Order! The leader has the call.

**The Hon. R.G. KERIN:** Basically, at the moment, do we have any more threat tonight than we have had in the last 100 years of someone being named illegally?

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

**The Hon. R.G. KERIN:** Or wrongfully. The one person who you were worried about, so that you brought this legislation forward, has stood here today as an elected member of this house and done the right thing and not named anyone. He has given an assurance that he will not do so. So, why, all of a sudden—

**The Hon. K.O. Foley:** You can't trust him. He is disingenuous at best.

**The Hon. R.G. KERIN:** I think that is a reflection on another member, sir.

*Members interjecting:*

**The SPEAKER:** Order! Only the member concerned can take offence at a reference. I did not quite hear the word used, but members should be careful not to reflect on other members. The member for Hammond is not here, so he cannot take offence. But I ask members be careful in what they say about other members.

**The Hon. R.G. KERIN:** Thank you, sir. I will wrap up. I do not think that any one of us wants to see anyone named wrongfully in this place. As I said before, I think we are all heading for the same destination but we do not agree on the way to get there. Let us agree to disagree on that. No-one wants to see anyone wrongfully damaged in this place; absolutely not.

**Mr Koutsantonis:** Then just lead, Rob. Show us the way, Rob.

**The Hon. R.G. KERIN:** I think we have, Tom. I have had an assurance from the former speaker that he would not name anyone here today, and I think that was the best thing I could possibly have done; going to the former speaker and receiving that assurance is the best thing that could have been done. I trust that, now he has given that assurance, he will not do so. If he does, we need to deal with it. We are looking at basic changes of principle with the legislation that the government has put forward. I know what the government is trying to do. We agree with the destination: we just disagree with how to get there. We oppose the bill.

**Mr RAU (Enfield):** I am very pleased that the opposition has given a formal commitment, through the Leader of the Opposition, to support the outcome that this legislation seeks to achieve. That is a very important recognition by members of the opposition that the principle the government is trying to see enshrined in this legislation is one that is worthy. It also means that they have obviously heard and accepted what the Deputy Premier said a while ago about the sincerity of the government in bringing this matter forward.

I would like to talk a little bit about the background to how it is that we have come to this circumstance of all the events that have occurred today. In doing so, I want to place on the record the fact that I assume and believe that the former speaker genuinely has a strong commitment to the issue of child protection and that he has attempted, in his own way, to advance that cause. However, the fact is that the former speaker did not adequately distinguish, in his own behaviour and his own conduct, between the role of the Speaker of the House of Assembly and the role of a humble backbencher. I enjoy the sublime irrelevance of a humble backbencher, and

I am able to do things as a humble backbencher that other people who hold lofty office in this place cannot do.

The most important office in this chamber is the office that occupies your chair, Mr Speaker. It has been a saddening circumstance for me to see that the person who occupied the position of umpire has decided on occasions to get down onto the playing field and start trying to kick goals. You cannot do that. You can be one thing or the other, but you cannot be both. I say with regret that, particularly in this context, the former speaker sought to do both—to have his cake and eat it too. Unfortunately, that has led us to the situation that we find ourselves in today. The allegations—and I emphasise the word ‘allegations’—were made some time ago and came to the attention of the former speaker, presumably through his volunteer staff members. These became aired publicly at the beginning of March and there is no doubt whatsoever that the former speaker in answering questions from a journalist from *The Advertiser* on the record contributed to those allegations being turned from scuttlebutt or whisper into matters on the public record.

It is also undoubtedly the case that, over the weeks and days that succeeded that initial exposure of these issues, the former speaker conducted a number of media conferences and interviews with media outlets at which he repeated a number of these allegations in various forms. Indeed, the member for West Torrens and I were present at a media conference given by the former speaker in the grounds of the Old Chamber a couple of weeks ago and, at that particular media conference, he went so far as to suggest that there should be people standing down and so forth while these so-called allegations were investigated. With the greatest respect to the former speaker, for him to have played down his role in the public ventilation of these matters, as he did today in his contribution to the parliament, was not entirely fair and does not entirely accord with the facts. The fact is that he was a contributor to the ongoing media frenzy that he referred to by his conduct.

We then reach an impasse, and the impasse is this. We cannot go forward, because to go forward would require the former speaker to produce details to the police or some other authority, which he would not or could not do. We cannot go backwards because the former speaker had already given public vent to these allegations. So, we are at an impasse—no way back, no way forward. Then came last Friday and, before last Friday, there was not one step back by the former speaker—not one utterance of contrition, not one apology or reflection—that his way of managing these issues had not been in the best interests of the role of speaker, the general interests of the parliament of South Australia or the general fair play that should be accorded to all members of both houses of this parliament.

Then came last Friday. I will not go through it all again—we have heard plenty about it—but it was the most outrageous abuse and an attempt by individuals concerned on that day to give that broadest possible exposure throughout Australia to these scurrilous allegations about various individuals, and these individuals were named. They went to considerable effort to make sure that every possibility of getting this published somewhere was taken. I heard today, from the former speaker, on more than one occasion, that he did not intend to name anybody. I say to the chamber what a shame it was that he did not say that on 2 March. What a shame it was that he did not say that when he was giving these various media conferences and interviews with members of the press between 2 March and today.

What a shame it is that on Friday, after this outrage was perpetrated by these former assistants of his, he did not immediately give that assurance to the parliament, the public and the community. We had to wait until today, in a resignation speech, to have that assurance. I do not know whether that assurance, if it had been given a month ago, would have changed the ultimate outcome, but I venture to speculate it may well have. I venture to speculate that it may well have meant that a lot of the concerns which have been driving members on both sides of this chamber about what might happen would have been allayed to some extent. I venture to say that, when that outrage was perpetrated on Friday by people who everyone knows were particularly close to the former speaker, the alarm bells may not have rung so loudly around South Australia and amongst members of this chamber and former members of this chamber and amongst serving police officers.

So, what was supposed to be done in those circumstances? We already know that if people are named here, rightly or wrongly, it cannot be taken back. So, something serious has to be done to prevent that outrage occurring. I say again, with the greatest respect to the former speaker, that he cannot be the umpire and then get into the arena and start trying to kick goals himself, and that is precisely what happened, and that is precisely why we got into this difficulty.

I would now like to focus on the matter of parliamentary privilege. The former speaker said that, as part of the impasse, he could not go backwards and he could not go forwards. Part of the reason why he could not go forwards was because the material he held was covered by parliamentary privilege. I assume, for the purposes of this argument, that that assessment was correct. It may or may not have been, but let us assume that it was correct. Parliamentary privilege is not the privilege of any member of his parliament—neither the member for Hammond, me nor anyone else. It is the parliament’s privilege, and it is therefore not ours to waive.

We do not have the right to stand up, as a person in litigation can in a court of law, and say, ‘I waive my privilege,’ because it is not our privilege to waive. So, if indeed the former speaker was holding privileged material covered by parliamentary privilege, it would be correct for him to say that he could not release that material. If he is correct in the assessment of its quality as privileged material, to release that material would in turn have brought him into conflict with the privilege of the parliament and would have rendered him liable to discipline by the parliament.

As I read the legislation proposed by the government, what it seeks to do is to break this impasse in relation to that material, in as much as it consists of documents held by the former speaker. If this legislation passes, in as much as it refers to the question of seizing documents and materials, it will mean that the former speaker is not in breach of any privilege. It will mean that the documents will be able to be accessed by the police. It will mean that, if these documents do contain material vaguely relevant to any misconduct by any member of this place, present or former, or any senior police officer, that material can be assessed and dealt with by the police and, for all I care, it can be dealt with by the National Crime Authority or the National Crime Commission, or by anyone else who has the warrant to deal with it.

As a member of this parliament, I want to see every bit of material that is available on this subject in the hands of the authorities who can deal with it. If that material demonstrates that any person, present or past member of this chamber, or

serving member of the police force, or anyone else for that matter, is guilty of a serious criminal offence, they should be prosecuted. But we cannot permit the present impasse to continue indefinitely, where we have the tantalising prospect of material which would bring an end once and for all to this horrible mess we have been enduring for the last month, by the production of relevant material, only to hear that it cannot be done because parliamentary privilege is impeding it.

That brings me to the point that those who would suggest that this legislation amounts to a cover-up are 100 per cent wrong. In as much as this legislation talks about the seizure of these materials, it seeks to prevent a cover-up. It seeks to prevent a cover-up caused inadvertently by the fact that parliamentary privilege if, indeed, it does attach to these documents, would prevent the documents ever seeing the light of day. If these documents exist, if they are relevant, if they can help anybody solve this problem, they must see the light of day, and they must see it sooner rather than later. As far as I am concerned, that cannot happen quickly enough because all of us should be putting this whole business behind us.

If there are people who are guilty, let them be charged; let them be prosecuted. But if there are not and there is no evidence, this parliament should say, 'This unhappy chapter is over. The documents have been revealed; there is nothing left under the thimble—there are no more peas. We are not going to shuffle the peas in the thimbles any more; we have taken it off; there it is; have a look at it; make your judgment.' And if it turns out that this material is nothing more than hearsay upon hearsay and innuendo, and scuttlebutt and rubbish coming from people who are unreliable, discredited and unreasonable who are either living in a fantasy world or just like the prospect of becoming famous or infamous through throwing mud at people in public life, then let that come out too.

In the meantime, I come back to the Leader of the Opposition's remarks. He has committed the opposition to supporting the thrust of this legislation in seeing nobody named in the parliament. I commend the opposition for that. I commend the member for Hammond for having finally come up and clarified his position on that too; I commend him for that. This chamber has heard that; the people of South Australia have heard that; the media has reported that; and if he changes his mind about that, I am sure they will sound in very serious consequences.

The fact of the matter is, however, that we need to put an end to this. We need the threat of these sorts of scurrilous rumours being dropped in this chamber to finally end. We need a proper investigation of all of the material relevant to this if it is held in any documents, photographs, computer records, anything else; let it all be released to the police. Let those people who have something to say be interviewed. Let parliamentary privilege not be an impediment to the proper investigation of what, in anyone's mind, must be a serious crime, and let's get on with it.

**The Hon. DEAN BROWN (Deputy Leader of the Opposition):** I wish to deal with the broad principle that is being dealt with (or not being dealt with) through this legislation, because I think there are some very fundamental issues here that we have to say about the rights and privileges of this parliament.

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

**The Hon. DEAN BROWN:** We listened to the Attorney-General in silence, and I think we deserve the same when we

are speaking. Parliament has certain protections, and one is a very special privilege in terms of what a member can say in the parliament, and the protection of the documents that member of parliament has. It is up to the member's of parliament to use those quite unique powers with a great deal of discretion and responsibility. In my time in parliament, it is an issue that I have often thought about. I have heard on some occasions that privilege has perhaps been abused on a minor basis by members of parliament at various stages. However, generally I believe that the members of parliament have exercised that power with that enormous responsibility that goes with it.

In this particular case, I find it is unacceptable to have specific legislation aimed at the member for Hammond trying to override those fundamental rights and principles and privileges of this parliament. That is exactly what it is about, and has been quite rightly described by a former speaker earlier this afternoon as somewhat 'Mugabian legislation'. That is the sort of legislation that completely overrides the principles of freedom and democracy and the parliamentary principles under which we operate in the Westminster system. I support the position put down by my leader, namely, that none of us want to see this parliament and the privileges of it used in a way that would abrogate the responsibility of the members involved from using it in the most responsible manner possible.

I was delighted to hear this morning before the parliament sat that the leader had asked the member for Hammond as the then speaker not to name people in this parliament using the privileges of the parliament unless there was justifiable evidence to back it up, and the speaker gave that commitment. The then speaker (the member for Hammond) further gave that commitment to the house this afternoon. So, there is absolutely no evidence at all that the privileges of this parliament are about to be extravagantly abused by naming people, which quite rightly would be an abrogation of the responsibility of any member of parliament to do so, by using the privileges of this parliament to name people for which there has been no substantive case put in terms of those allegations.

Therefore, I see no need for this legislation whatsoever. In fact, I see it as a serious and unprecedented step in trying to interfere with the principles of Westminster democracy and parliament in terms of the privileges given to a member of parliament, and that concerns me greatly. Apart from former speaker Gunn, I am one of those who has seen more of this parliament than most. I have seen the privileges of this house used in various ways, and this is a very serious mistake by this parliament in debating this legislation today. The legislation covers two specific areas: the first is trying to get access to documents that may be held—we do not know whether they are—by the member for Hammond.

**The Hon. M.J. Atkinson:** We've seen them.

**The Hon. DEAN BROWN:** I have not seen any documents, so I have no idea what those documents might be. Members of parliament collect information and it is wrong to retrospectively try to access legislation using the powers of this house. That it is a very serious breach of parliamentary privilege and power. That is covered by clause 3 of the bill which, from what I can see, is fairly specific to the member for Hammond and to the case set out and referred to here. Then we come to the attempt in the bill to ensure that no member of parliament names anyone. Clause 4 provides:

If an allegation is made in the course of proceedings of either house of parliament naming or otherwise identifying a person who



is a member or former member of parliament or public official as having been involved in criminal sexual misconduct or related criminal misconduct. . .

Clause 4 is not specific to the member for Hammond or to any particular incident. It is a broadly cast provision, which could cover any event that may have occurred in the past or may occur in the future. It may even relate to a case where a person has already been convicted of a criminal offence and where that person cannot be named. I have read carefully clause 4 and I believe it goes well beyond what this parliament has been told by members of the government today in terms of it relating specifically to the member for Hammond or specifically to certain allegations that have been in the media in recent times. That is not the case at all. I challenge government ministers to indicate where in clause 4—because, if I am wrong, I am willing to rethink this point—it relates specifically to the member for Hammond and the specific allegations raised last Friday. From what I can see it does not. It covers past events and all future events, and it could cover future misconduct or alleged misconduct that may be carried out by any member of parliament.

I believe that is a very serious erosion of the freedom of speech within this parliament, and even the responsibility within this parliament. It could well be that under future circumstances a member of parliament may raise the misconduct of another member of parliament or former member of parliament with all the relevant information, with all the relevant evidence, yet still, it would appear, that would not be permitted if this legislation still applied. The government says it has a sunset clause. But there is no sunset clause. The act will expire on a day to be fixed by the Governor by proclamation. That could be light years away; that could be for the entire term of this government. It may maintain this legislation. It may extend it beyond that into other governments, as well.

It is very clear that the net is being cast very widely indeed, which seriously impacts on the freedoms and rights of this parliament in terms of freedom of speech in the future. It could well be used as a means of simply gagging appropriate information and debate that should be brought to the attention of the parliament, if in fact a person in the future, for some event that may not yet have occurred, is found to be carrying on inappropriately for a member of parliament.

While I support making sure that we carry out those responsibilities appropriately with the privileges we have, while I think it would be absolutely inappropriate simply to name someone based on the vague sorts of allegations—and I have not seen the documents—that appear to be the basis of the naming of people last Friday, I do not believe that that is currently at risk in this parliament. The member for Hammond has given an assurance to this parliament. Therefore, I believe this parliament has no evidence whatsoever to rush through this type of legislation.

I come to the timing of the legislation. This was first drafted at midday on Saturday. I can recall on previous occasions, where urgent legislation had to be introduced, contacting the then opposition during the weekend and pointing out that we wanted to get the legislation through on the subsequent Tuesday. We provided legislation to the then opposition when we were in government on a Sunday so that it could be debated the following Tuesday—but not this government. No; it sits on it until 10.30 a.m. on Monday, expecting it to be debated in the afternoon and to be passed, I understand, through both houses of parliament. Well, that

will not occur, of course, but it clearly expected it to be debated and voted upon by this house today.

I believe that is sloppy government to say the least, in trying to rush it through. We hear that the government says that it will use its numbers to ram this legislation through our house tonight. That is not what parliamentary democracy is about, and for the Attorney-General to make statements such as that shows a sad lack of understanding of the privileges and rights of this house, including the rights of the opposition, and the way in which they should be exercised by any government.

I also point out the way in which the government has made claims about this legislation. I heard the Premier on television tonight saying that this is about protecting children. It is not about protecting children at all—

**The Hon. M.J. Atkinson:** It was a grab.

**The Hon. DEAN BROWN:** It was not a grab. This legislation is not about protecting children; it is about the rights of this parliament. If anything, it is about trying to protect members of parliament. I am not saying that members of parliament should not be subject to naming in this house without due cause, and I stress that very strongly. I have already stated that point. This is not about protecting children; it is about the privileges of this parliament and whether or not retrospective legislation can be brought in to abrogate the privilege of the documents held by a member of parliament.

The legislation is a very broad net with respect to any present or future actions that may take place involving misconduct by a member of parliament that is of a criminal nature not being able to be discussed and openly debated in relation to that member in the future even if there is substantial evidence to back that up, and I think that is most unfortunate. Over the weekend I was looking back at some of the statements made by this Labor government at the time it appointed Peter Lewis as the then speaker. I indicated last week that I and other members of the Liberal Party believed that it was an inappropriate deal. It was done at the time between the then speaker and the Labor government. I notice, for instance, that when the member for Hammond was nominated for the position of Speaker the Premier said:

I have always found Peter Lewis—

and I have to use that phrase because I am quoting from *Hansard*, and that is what he said—

to be a person of honour, and I believe that he would perform the office of Speaker with great dignity.

It is interesting how the tune of this government has changed when, in fact, Peter Lewis has challenged this government on a number of issues. It is a little like a marriage that sours: when it falls out invariably it falls out in a big way. Certainly, it would appear that that marriage of convenience between the then member for Hammond and the Labor Party three years ago has well and truly fallen out. Interestingly, the government has reaped significant and ongoing benefits as a result of that deal done three years ago, even though it was not in the best interests of South Australia then as clearly as it is not today. I oppose the legislation fundamentally because I see it as a serious change in the whole principle under which the privilege of this parliament has operated in the past and can operate in the future.

**Mr KOUTSANTONIS (West Torrens):** Congratulations, Mr Speaker, on election to your position. I am sure that you will handle yourself with the dignity the position deserves. I start by saying that I support the bill in its entirety.

I listened to the contribution of the Hon. Graham Gunn, the member for Stuart, when he said:

Government members are the people who gave the member for Hammond their second preferences to have him re-elected to the parliament, not the Liberal Party.

That is untrue. I went to the Parliamentary Library to read the Liberal Party's How to Vote card in the 2002 election for the seat of Hammond. I will read out the How to Vote card that the Hon. Graham Gunn told this house did not exist. The Liberal Party lodged this with the State Electoral Commission as its official How to Vote card for the seat of Hammond.

*The Hon. G.M. Gunn interjecting:*

**Mr KOUTSANTONIS:** The member for Stuart sulks in his seat. The Liberal Party's How to Vote card states:

Barry Featherstone, Liberal 1.  
Peter Lewis, Independent 2.

It is authorised by Mr Graham Jaeschke—another man who is deserting the sinking ship of the Liberal Party—of 104 Greenhill Road, Unley. Do not come in here and tell us that it was the Labor Party who got Peter Lewis elected. I can tell members who it was. It was the Leader of the Opposition (the then premier) who rang up our party office and said, 'The deal's off. We are preferencing Ralph Clarke and Peter Lewis.'

If the member for Stuart had any idea what his own party was doing, maybe he would have asked somebody who knew what was going on beforehand. The member for Bragg also knew nothing about what was going on at Greenhill Road because I know from her ignorance and her interjections that she did not know what the how to vote cards said either. Unless the Liberal Party was deceitful and lodged one how to vote card with the AEC and another on the day—what a surprise, that is the way they behave, in the shadows, in the darkness, that is how they operate.

In my opinion this bill is a good thing because I have never had a single constituent come to me and say, 'What are you doing to defend your ancient rights and privileges in parliament? What are you doing to defend parliamentary privilege?' I constantly hear, 'How come politicians can hide in coward's castle and make any accusation that they want and get away with it, but the rest of us have to have evidence, and have to be right? Why is that?' In my opinion, the most fundamental and important thing in our democracy is not parliamentary privilege, it is the rule of law, it is the presumption of innocence. That is the most important thing in our democracy. There are plenty of countries who claim to be a democracy. Saddam Hussein claimed to be part of a democracy in Iraq before its liberation. They had parliamentary privilege in their chamber as well but they did not have the rule of law. The rule of law underpins our democracy, not parliamentary privilege. The presumption of innocence is the most important thing that we have to defend today and if we have to strip some of our ancient rights and privileges to defend that rule of law, that presumption of innocence, I say let's do it, because these victims are more important than our rights, much more important.

Imagine that the member for Hartley went home and had to deal with his family had he been accused; imagine how he would feel. Imagine how those officers are feeling, because in executing their duty in our name, they are being accused of horrific crimes. Crimes which they have devoted their lives to stamping out, they have now been accused by people of committing, and they cannot do anything about it if it is mentioned in this place. Why should they not be defended?

I cannot understand why a single member would get up in defence of anyone who might want to use this place to name those officers, who, in our name, do our duty and make us safe, and enforce the laws that we make in the safety of parliament house under the umbrella of parliamentary privilege.

*Mrs Redmond interjecting:*

**Mr KOUTSANTONIS:** There is a better way of doing it. Well, get up and lead, and tell us how. The Leader of the Opposition was up here, and he wants to be the next premier of South Australia. Well, lead; tell us how he is going to protect the rights of these police officers, of this former member of parliament, and this current member of parliament, who have been accused of the most horrific crimes that you can be accused of. How? Where is the leadership? Where is Rob Kerin rising out of the ashes of this parliament to tell us, 'Follow me to the light on the hill. This is the way to protect peoples' rights.' Where is it? Instead, he says, 'If it happens, we will cross that bridge when we get there.' That is not good enough. We owe it to these officers to do everything that we can to protect them—everything—even if it means losing our ancient rights and privileges, which we take for granted, and use to smear each other every day anyway. It is not about the powerful protecting the weak in parliament; we attack each other. Of course, I never abuse parliamentary privilege because I am better than that. I try to lift the debate out of the sewer and gutter into which some members drag it.

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

**Mr KOUTSANTONIS:** Up to the pipes above. If I was a police officer who had dedicated my life to the service of the South Australian community and its protection, then to have volunteers in a member of parliament's office—indeed, the highest office in the parliament, the Speaker—name people in press releases going out to 200 media outlets, accusing them of corruption, of all sorts of crimes that are abhorrent to all decent South Australians, and then to have members of the opposition, like the member for Waite, who said in the interjection, 'Well, they are being investigated'—how the hell would he feel if he was being investigated? Would he like to be named? No, he wouldn't.

*Mr Hamilton-Smith interjecting:*

**Mr KOUTSANTONIS:** No, he wouldn't.

*Mr Hamilton-Smith interjecting:*

**Mr KOUTSANTONIS:** You did; I heard you.

*Mr Hamilton-Smith interjecting:*

**Mr KOUTSANTONIS:** We heard you. I heard the member for Waite say, 'Well, these officers are being investigated. What have they got to worry about?'

**Mr HAMILTON-SMITH:** On a point of order, Mr Speaker, the member is attributing remarks to me which I did not make. They are offensive, and I ask him to withdraw.

**The SPEAKER:** Order! The member for Waite can make a personal explanation if he feels he has been wronged. I did not hear the actual remarks.

*Mr Hamilton-Smith interjecting:*

**Mr KOUTSANTONIS:** You should get it right. Mr Speaker, I seek leave to continue my remarks.

Leave granted; debate adjourned.

#### CRIMINAL LAW CONSOLIDATION (CRIMINAL NEGLECT) AMENDMENT BILL

Returned from the Legislative Council without any amendment.

### JOINT PARLIAMENTARY SERVICE COMMITTEE

The Legislative Council informed the House of Assembly that it had appointed the Hon. R.K. Sneath in place of the Hon. C. Zollo (resigned) on the Joint Parliamentary Service Committee pursuant to section 5 of the Parliament (Joint Services) Act 1985 and had appointed the Hon. G.E. Gago to be the alternate member to the Hon. R.K. Sneath.

### REPORTS

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

That the Police Complaints Authority Annual Report 2003-04 and the Natural Resources Committee Report relating to the Eastern Mount Lofty Ranges catchment area tabled earlier be published.

Reports ordered to be published.

### ECONOMIC AND FINANCE COMMITTEE

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

That the Hon. P.L. White be appointed to the committee in place of Mr M. O'Brien (resigned from the committee).

Motion carried.

### ADJOURNMENT DEBATE

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

That the house do now adjourn.

### ROAD TOLL

**Mr VENNING (Schubert):** I would like to congratulate you, sir, on your election to your office today. I also want to thank those who supported me in my recent victory in the Schubert Electoral College last Thursday night. It was one of my finest victories, and I thank those who supported me. The people expect me to continue to deliver, and I will. I am very pleased and much relieved.

Tonight, I want to raise the matter of the road toll in this state. The road toll for 2005 is deplorable, particularly for the month of March. I sympathise with those who have lost friends and loved ones. But something must be done. I remind the house of a question that I asked this afternoon about the Police Commissioner having the power to release statistics on how road accidents are caused. I call for the Police Commissioner to release these statistics on how accidents are caused and what the contributing factors are. Statistics are available through the RAA and AAMI, but they should be broken down to provide an accurate indication of the number of deaths associated with specific drugs.

I believe we should hear about these statistics on a regular basis and be made aware of the causes of road accidents, particularly those relating to drugs, road conditions and fatigue. We were all horrified over Easter by the lives lost, but nothing is ever said about how and why this happens. We are regularly updated on drink driving statistics; why should we be left in the dark about these other factors which are contributing to our highest road toll in years? I do not expect announcements to occur after each accident, as it would not be politically correct and would further add to the grief, but there should be a quarterly update releasing the statistics

because people have a right to know why so many are being killed on our roads.

If it is the condition of our roads which is contributing to the high percentage then initiatives need to be developed immediately. Look at the difference when the Adelaide to Port Wakefield road was redeveloped into a dual highway approximately 10 years ago. This section of road had the reputation of being one of the worst highways in the state but since it has become a dual highway the road toll has been cut significantly, as the member for Goyder would know. Upgrading it has made a huge difference to the death toll—and I know it was a great cost but what cost is life? The same approach needs to be implemented on the Sturt Highway, extending a dual highway to either Nuriootpa or even further to Blanchetown. Eventually, it should go right to the Riverland and then the border.

Over the past two years police have been working hard to reduce the road toll on the Barossa Valley end of the Sturt Highway—a very infamous piece of road. They have managed to do so but only to a certain extent; the rest of the reduction lies with the state of the road itself. It needs to be improved significantly.

We also have very busy roads that are narrow and that have the verges breaking away, with severe edges. As we all know, we have roads with trees and stobie poles inside the white guide posts at the side of the road, particularly in the Barossa Valley. The trees and stobie poles are actually inside—in fact, some of the stobie poles have the white posts painted on them, and if you strike one of these they do not forgive at all.

Then we have to consider the loss of lives. It is not only heartbreaking but also extremely expensive to the economy of this state. The Rann Labor government is not spending anywhere near enough money on works to improve the general condition of our roads. We would be better off injecting further funds into upgrading our roads which, in turn, would reduce the number of fatalities.

The attitude of drivers is a problem which should be addressed starting from a young age when they first get behind the wheel, and I believe that this should first be addressed in schools. I do not believe enough is done within our education system to give young people the right attitude in relation to driving a car, and the biggest thing is that none of them believe it is going to happen to them. Well, in the last week we have seen that it does happen to them and we have seen parents pleading (and it is very sad to see) to other parents to drum into their children that it can happen to them, because it has happened to their own children.

It really is frustrating and disappointing when you look at the latest road toll and realise that a high percentage of those killed on the roads in South Australia fit into the under 25 to 30 category. Take into account that that is the most common age group associated with drug-taking and you will find that drug-taking is directly proportional to the road toll—in fact, we know that 28 per cent of those who have had their blood tested because of a fatality or an accident have a drug in their system other than alcohol.

I recognise that the government is joining forces with the Road Safety Advisory Council to develop ideas and initiatives to stop this happening but surely we could have looked at the early warning signs and put steps in place to counteract this problem. It is all well and good to sit here now and say that something needs to be done, but whatever happened to proactive government? Is it the case that people are getting their licences too early, or are they driving cars that are much

too powerful for them? Should we restrict them to smaller powered motor cars until, say, the age of 30? Or are they just ignoring all the warnings? These are the things we should be investigating. As the member for Schubert I encompass the Barossa Valley, a region which is constantly losing young people as the result of accidents. In fact, our record this year is absolutely shocking and something needs to be done.

I also want to make mention of the 50 km/h speed limits that are around the place. It upsets people, particularly when they see the police policing these 50 kilometre speed limits. I think it is ridiculous how there is no uniformity at all in relation to speed limits. If you do not see the sign, it is impossible when coming into a built up area or a town to guess whether it is a 50, 60 or even 70 kilometre zone. I think we need some conformity in relation to these speed limits. I believe any access road or connecting road should be 60 km/h and all suburban streets with houses on one or both sides should be 50 km/h. The road going into Gawler which has no houses on either side is zoned 50 km/h. This is a road on which people get caught speeding—I did. It certainly annoyed me to get picked up for doing 61 km/h in what I thought was a 60 kilometre zone, but it was a 50 km/h zone. I did not see the sign because I came out of the racecourse and the sign was beforehand.

All these things are to do with driver actions and also their awareness. However, in the past few months I have certainly noticed drivers in Adelaide becoming frustrated about how long it is taking to cross the city. It is all about the 50 km/h speed limit and the fear of getting pinged or photographed and then losing demerit points. Now even in the 80 km/h zone coming past the airport people are sitting on 50 km/h, and what happens is that people are trying to pass these slower vehicles and becoming frustrated when they cannot. I think

that driver attitude has a lot to do with the problem we are facing today. We have to drum into people that cars are dangerous, particularly when the road conditions are as bad as they are.

I appeal to the government to spend more money on roads which carry a lot of traffic, particularly the road as you go north from Adelaide to the Barossa Valley, the Clare Valley or Broken Hill. It is a three-lane highway going through Salisbury and Elizabeth but in several places it reduces to two lanes: it goes from three lanes, to two lanes and back to three. It is chaotic, especially when you see trucks and cars weaving in and out when the three lanes are reduced to two. The Main North Road out of this city to all the eastern states to the north is on two lanes through Elizabeth and Salisbury. We know that the government has intimated bypassing Salisbury and Elizabeth in a plan it put out some months ago. I certainly support that plan to put a bypass through this region, to put an access road west of Salisbury and Elizabeth to keep traffic away from these built-up areas.

I think we need to do that soon and do it very urgently because of the loss of lives and the frustrations that it causes. The road to the Clare Valley is also a disgusting road. It is very difficult to pass traffic on that road. If you get behind a slow moving vehicle, you cannot get passed, but you see people taking ridiculous risks. Everyone knows that road has many bends in it and people get hurt on that road. We need passing lanes on this road, particularly between Tarlee and Clare. It is a terrible road. It is a very serious problem. Let us hope the government can resolve it by spending more money on our roads and taking away these death traps.

Motion carried.

At 10.08 p.m. the house adjourned until Tuesday 5 April at 2 p.m.