

HOUSE OF ASSEMBLY

Thursday 5 May 2005

The **SPEAKER (Hon. R.B. Such)** took the chair at 10.30 a.m. and read prayers.

GLENELG RIVER SHACKS

Mr WILLIAMS (MacKillop): I move:

That this House notes the concerns of the Glenelg River shack owners.

The Glenelg River runs principally in Victoria, but a couple of small parts of it come across the border into South Australia. There are some 74 shacks built along the edge of the river this side of the South Australian Victorian border. The shacks were constructed as early as the 1950s. There are 46 at Donovans, 17 at Reed Bed and 11 at Dry Creek. Until 1978, they were managed by the District Council of Port MacDonnell, which was one of the two councils in the regional district that amalgamated to form the now Grant District Council.

In 1989, the state government considered issuing life tenure leases on those shack sites, and that progressively happened over the ensuing year or two. The shack owners now hold a life tenure. This has caused some consternation to both the shack owners and the Grant District Council. I would like to bring to the attention of the house why that consternation arises and point out that, in the short to medium term, the current management arrangements will, I believe, lead only to the continuing deterioration of those shacks as land holders are not encouraged to improve or even maintain them to a high standard.

Members interjecting:

The SPEAKER: Order, the member for Mount Gambier and the Minister for Administrative Services!

Mr WILLIAMS: There is no incentive for the shack owners to maintain their shacks at a high standard. Not only are the shack owners subject to merely a life tenure but they really have no understanding of how long that might be. No shack owner is going to go out and invest substantial amounts of money upgrading and improving their shack, not just for their own use but to improve the general environment along the Glenelg River for the benefit of other users of the river. I suspect that very few members of this house have been there and experienced it.

Mrs Hall: I have.

Mr WILLIAMS: Some of my colleagues have, and I know that some members of the government have. Certainly, the local member would know this issue very well. The Minister for Transport and Infrastructure was telling me the other day that he had been down there, and he said that it was a well kept secret. If these shacks are maintained at a very high level it will improve the amenity for all people who go down there, and there are large numbers of people from both Victoria and South Australia who holiday in that area and use the Glenelg River for recreation. The problem is that a lot of the shacks are, in fact, literally perched over the river. The owners have no understanding or appreciation of when the life tenure might expire, and therein lies part of the problem.

One of the other problems is that their tenure also subjects them to maintain their shacks to the satisfaction of the local council, the Grant council. The council has great difficulty in enforcing shack owners to bring their shacks up to standard,

or maintain them to a certain standard, or improve them, because one of the other conditions of the leases that they hold is that the minister can, at any time, with as little as three months notice, conclude the lease, and thereby resume the land. Under another term of the lease, if the minister does that, the shack owner has to remove the shack at his own cost. So, obviously shack owners are very reticent to spend good money improving their shack, and bringing it up to a standard, when the minister can, at the stroke of a pen, with a mere three months notice, demand that the shack be removed.

Of course, the problem with the minister having that power, yet expecting the council to administer the standard of the shacks, makes it very difficult. The council only has half the power that it needs to do the job properly, and has its hands tied. The council has recognised this, and has suggested to the minister that it takes over the complete management of the shack sites and the leases and handle it in a different way, and the council believes that that would lead to a win win for everybody. Unfortunately, the minister fails to agree with the council and cites a study which signifies that there are a number of risks associated with the shacks and, therefore, the government is against the council's wishes.

Unfortunately, when you read through the document that explains the risks, they are the sorts of things that you could suggest would be a risk on any freehold title, in any home, anywhere in the state. Not all of them—some talk about people falling over cliffs but I do not know what that has to do with the shacks. It talks about people falling from piers, jetties, landings, boat ramps and light structures. I do not know why the shacks enlarge that risk, in fact, the risk is there, and the minister is quite happy to wear that risk in the short to medium term for the life tenure of these shacks. It talks about rock falls and earthquake risk, and I do not know why on earth earthquake risk would be any greater risk to the shack sites there, than to any other property or freehold title anywhere else in the state. Trees and branches falling is a risk that obviously the minister is very concerned about. I would suggest that it is not very hard to completely do away with risks like that.

The study talks about fires and, as we well know in this region, that is always a risk. One of the big risks which I believe should be of concern to any government is the water supply and effluent management, and one thing that the council is struggling with is getting the shack owners to put in a decent effluent system, both for sewerage and grey water. The council believes that if it were able to manage the site there, it would be able to negotiate a much better outcome for the management of effluent. Unlike my colleague, the member for Stuart, who says that they should be given freehold titles, I am not taking that full step and calling for that to happen, although the previous Liberal government gave freehold title to a number of shacks in a number of sites around the state. It did that by establishing a set of criteria for shack owners to meet, and if they met the criteria we offered freehold.

The local council believes 10 years down the track from when this was previously looked at that, possibly, those criteria can be met now. The opposition still has the same policy that it always had. If the shack meets the criteria for freehold, the opposition would be more than happy to see that shack freehold.

The Hon. J.D. Hill: You speak with forked tongue.

Mr WILLIAMS: Thank you, minister. I do not expect the government to make many changes, but I would certainly like

the shack owners to be given a more substantial tenure than they have at the moment. I believe that, if they were given some sort of transferable tenure, we would see much improvement. Unfortunately, some of the suggestions that have been coming from the government will give them a fixed tenure of perhaps 10 years. I see no advantage in that, other than it would shift the problem 10 years out. The government would be very confident that most government members—and probably, more particularly, the government itself—would not have to worry about it, because it would be someone else's problem. I would argue that that would be an act of cowardice. I think we should take a much more proactive stand than that. The shacks and the boat sheds on the other side of the river—on the Victorian side—

The Hon. R.J. McEwen interjecting:

Mr WILLIAMS: I am sorry—on the Victorian part of the river; the other side.

The Hon. R.J. McEwen interjecting:

Mr WILLIAMS: Sorry; they are boat sheds. The member for Mount Gambier corrects me. I accept that there are no shacks on the Victorian side: they are boat sheds. I would be absolutely amazed if people actually ever sleep in those boat sheds, but they do have a transferable tenure. I think it is a bit strange that on one side of the border we have this life tenure and shacks deteriorating, and on the other side of the border we have a transferable tenure and the owners therein having a much greater incentive to spend a bit of money to maintain them to a high level. However, I do not expect this Labor government to go down that track. Of course, this Labor government is no different from any other Labor government: it does not really like people owning things. The government does not really like people creating wealth. The only thing the government likes about the creation of wealth is that it is very good at taxing it, and we have seen that with the recent land tax debate.

I wanted to bring to the attention of the house the matters that are concerning the shack owners and the Grant council, which has a very serious concern. I sincerely hope that the government can look at this matter and come up with a better solution than the ones that have been offered at this stage.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I am delighted that the member for MacKillop put this matter on the *Notice Paper* for debate this morning. I am delighted to hear that he has become a latter day apostle for the benefit of the shack owners.

Ms Chapman interjecting:

The Hon. R.J. McEWEN: If I were you, I would wait, because this is going to be embarrassing for the member for Bragg. One thing we did for all visitors to Mount Gambier was to provide them with a lovely coloured brochure. On that brochure, you will see a startling photograph of the Glenelg River, which is South Australia's second biggest river but, I might add, which is also South Australia's shortest river. On that brochure, you will see some shacks. I think the shacks add charm and character to the river, and they should be left there.

However, I need to put on the record the sad saga in relation to this matter. I want to go back to the then leader of the opposition, Mr Olsen, who used a Boat Industry Association luncheon in December 1988 to reveal a new deal for shack owners, according to William Reschke in *The Advertiser*. The article states:

Mr Olsen is reported as saying that 'Over the past few years, shack policy has been an area of frustration and disillusionment'—

Words we hear today, of course, from the member for MacKillop. In September 1989, the Liberal Party circulated an open letter to shack holders, which stated:

The policy is principally directed to freeholding shacks currently referred to as life tenure and non-acceptable sites. The Liberal Party believes that with appropriate building and effluent disposal criteria in place many of the frustrations you have encountered over the past 10 to 15 years can be resolved.

The Liberal Party won government in 1992, and obviously there was an expectation that the policy would be honoured, and it was not. Surprise, surprise!

Mr Scalzi: You're looking more like a Labor member every day.

The SPEAKER: Order! The member for Hartley has been cautioned.

The Hon. R.J. McEWEN: And the anger grew.

Mr Koutsantonis interjecting:

The SPEAKER: Order! The member for West Torrens is cautioned as well.

The Hon. R.J. McEWEN: I was not aware of all this history until soon after being elected in 1997. I was approached by a number of Glenelg River shack owners, who asked what was going on. I was told by the Liberal government to wait for the New Shacks (Land Division and Upgrading) Plan Amendment Report to be released by minister Laidlaw. In May 1998, I was provided with a copy of this report, but there was no mention of the Glenelg River shacks. When I asked why, I was told that there would be a need for further fine tuning, and this would need to be done by local councils, using the local PAR process.

Grant council took up the challenge and started lobbying for freeholding. I fully supported Grant council and I fully supported that lobbying. While this was going on, Graham Milano, a constituent of the member for MacKillop at Millicent, advised me that he inherited his uncle's shack on the Glenelg River and asked if I could help, because he was not allowed to take ownership of the shack. My pleas fell on deaf ears. The Hon. Dorothy Kotz was the minister and she was not budging. All the John Olsen promises were well gone. The policy was clear she said. She said that the estate of Mr Milano's uncle would have to pull down the shack and rehabilitate the site. Under current policy, she said, when the last serving lessee dies, the improvements are to remove from the site and the lease annulled. The site cannot be inhabited or transferred to any party other than the spouse of the existing lessee or lessee already holding an interest.

Ms Chapman interjecting:

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

The Hon. R.J. McEWEN: In other words, they say one thing in opposition and do another when in government. I appealed to minister Kotz on 15 September 1999 asking that she review the policy, and I attached 143 signatures from shack owners in support of my plea. She advised of the 1994 review. The one promise by John Olsen, which sadly declined the shacks on the river at Donovan—the reed beds and dry creeks—made them unacceptable for freeholding for the following reasons. Except for three acceptable sites identified by the member for MacKillop, and in the 1994 review, the balance of the lease sites is subject to or in danger of the effects of seasonal flooding. Current arrangements to dispose of effluent and wastewater inadequately address long-term health and environment concerns, and there is limited ability to create a public waterfront reserve because of topography and the area that also impacts—

The Hon. I.P. Lewis interjecting:

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

The Hon. R.J. McEWEN: I am just quoting, the member for—

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop!

The Hon. R.J. McEWEN: Wait.

Mr Hamilton-Smith interjecting:

The SPEAKER: Order! The member for Waite. Someone will be warned in a minute and then named, if they are not careful. The minister has the call.

The Hon. R.J. McEWEN: —on the formation of legal vehicular access on the leeward side of significant numbers of shacks and boat sheds. In other words, there will be no freeholding, and life tenure will be enforced. Sorry, Mr Milano. The minister has changed. Minister Kotz stepped aside for Mr Evans and, as hope springs eternal, I wrote to the new minister in August 2000. The 29 September reply was predictable. Life tenure policy does not envisage tenure longer than the life over sites on the Glenelg River. There are several reasons a better tenure would not be granted in this location including, again, the disposal of septic and wastewater, which is a significant issue, and construction of shacks, and this is the interesting one. The construction of shacks over water is environmentally unacceptable. The issue of freeholding title over water on the Glenelg River is not acceptable. I repeat that: the issue of freehold title over water on the Glenelg River is not acceptable—obviously, a legal barrier not a technical one. Alienation of sites from the crown estate to promote development that may not—

Mr Scalzi interjecting:

The SPEAKER: Order! I warn the member for Hartley.

The Hon. R.J. McEWEN: —be in sympathy with the area and (e) many of the sites do not have practical access. They are all valid points. Of course, a significant point is that one of them is a legal barrier, not a technical barrier. That will be significant when I come back to further correspondence from—

Ms Chapman interjecting:

The SPEAKER: Order! I warn the member for Bragg.

The Hon. R.J. McEWEN: —the now member for Davenport in a minute. The transfer of existing life tenure leases would defeat the purpose of the strategy for reducing the number of leases over time, minister Evans said. Mr Evans would not budge either, so I wrote to premier Olsen in August 2000 to ask why he and his ministers were still refusing to honour the 1993 election promise to reverse Labor's policy. The premier's reply on 21 September 2001 repeated the points made by—

Mr BRINDAL: On a point of order. The motion moved by the member for MacKillop is a contemporaneous motion, and I know you will tell me that the minister is entitled to develop his argument, but we are seven minutes into a 10 minute—

The SPEAKER: What is the point of order?

Mr BRINDAL: It is relevance, sir. A history lesson is something—

The SPEAKER: No; I think the minister is within his rights. It is a general motion noting the concerns of the shack owners.

The Hon. R.J. McEWEN: Mr Speaker, the government changed in March 2002 which meant there would be a new minister for me to harass. Sadly, Labor has never given a commitment to reverse the policy so I was on shaky ground,

but I persisted. Minister Hill would not budge on freeholding title either so I advised him I would change tack, and argued for a common agreed vacation date somewhere in the future and transferability in the meantime. This would at least encourage owners to upgrade their shacks. I wrote to all shack holders putting this proposition to them back in February, and asking how they felt about this. Many felt it was second-best, as do the council and myself, but it is at least better than the present situation. Minister Hill has not yet agreed to this but I will keep at it.

Now that the Liberals are in opposition again it seems that they are back to their old tricks, promising to reconsider the policy. Minister Evans was very clear but shadow minister Evans is not so clear. At least he is reported in *The Border Watch* of 17 March 2005 as giving Mayor Pegler an undertaking that he would reverse his party's longstanding policy opposing freehold shacks on the Glenelg River. I wrote to him on 17 March and I now have a reply—lo and behold it says the same thing. The mayor argued that if technology had changed that meant shacks could now meet the guidelines then they should be freehold. The Liberal Party agrees to this position. That is fundamentally flawed, of course, because the reason minister Evans gave on two occasions as to why they could not freehold it was not a technical reason: it was a legal reason—you cannot freehold titles over water. I will persist with plan B and will continue to work with the shack holders to find another solution.

The Hon. I.F. EVANS (Davenport): I will not hold the house long because I know that there are 16 or 17 private members' matters that members wish to debate, given that we are in Mount Gambier. The member for Mount Gambier has not, I think, fully informed those who might be listening to this debate. If there is a legal reason why, the government argues, that the shacks cannot be freehold—

The Hon. R.J. McEwen: You said it in writing twice.

The Hon. I.F. EVANS: That is right, I did say it in writing twice. But if the member for Mount Gambier wishes to change the law—which the parliament does every day of the week—then the member for Mount Gambier, as a member of the cabinet, can change the law to allow that if he wishes. He can propose that any day he wants.

For the sake of the debate I will go back and just add to the history. The Liberal Party gave a commitment that the shacks would be freehold if they met certain conditions and, to my memory, no-one in this chamber has ever argued that there should be unconditional freehold. So a committee was formed to look at what conditions would be applied to the freeholding process, and those conditions were agreed to by the government of the day. Obviously, they would need access for emergency services so that fire and ambulance could attend in times of emergency. You would expect shacks being freehold would have sewerage and waste water disposal mechanisms that would meet the appropriate standards. Obviously, issuing of title would have to be available; you cannot freehold it unless there is a title to be issued. So those sort of criteria were set—and there is a list of them that I could go through but for the purposes of keeping this debate short I will not. So, throughout the state there were literally thousands of shacks that were actually freehold as a result of that process but it just so happens that there were about two or three areas in the state where, for various reasons, the existing shacks did not meet the guidelines for freeholding. The Glenelg River happens to be one.

I understand the concerns of the Glenelg River shack owners and I understand the comments made by the local member, but I say this to the local member. When the member for Hammond became Speaker he set down a series of conditions under which he would support the Labor government—the compact of good government I think it was called. The local member also had the opportunity to strike an agreement with the government and say, ‘I will come and be a minister in your government but there are conditions.’ One of those conditions could have been the freeholding of the Glenelg River shacks, if the member wanted then freehold. So there were plenty of opportunities for him as local member to deliver on that promise if he wanted to do that.

The local mayor, Mayor Paech, or one of the local mayors, did come to see me with his local officer and he argued that the technology had now changed in regard to waste disposal and other issues, which meant that the shacks could meet the freeholding guidelines. I argued that it was up to him or the shack owners to prove that—that, if they meet the guidelines, they should be freehold. The government wanted to change the system so that freeholding title was available over water—bring in the legislation and we will consider it on its merits. The reality is, as the local member says, that there is no availability, as I understand it, of freehold title over water, although I think someone has mentioned that strata title might be available. The local mayor argued that marinas are issued with title, so why not shack owners. That is the argument that the local mayor has put to me. The government can get its own legal advice. The minister has access to 200 lawyers in Crown Law to whom I as a member of the opposition do not have access. Our position is quite simple: if they meet the guidelines, as do all other shack owners, they should be able to freehold.

As a parliament we have to be consistent. In some cases owners have had their shacks demolished because that was the policy. Those people have been disadvantaged if we allow freeholding under different criteria. The parliament has gone through a 10-year process based on a set of criteria in relation to shack freeholding and we need to keep in mind consistency of argument. The local member suggests that we should set a date at some time in the future when all people will lose their shacks. We can say that they can have their shacks on, let us say, a 30 or 40 year tenure instead of a lifetime tenure and it will be finished then. That will allow people to invest. That conveniently gets the issue off the agenda of this parliament because we can delay the decision for 40 years, which gets it well past the time the local member will still be in politics, one would imagine. That is a convenient argument for the local member to put.

I am sure the minister will have some concerns with that, because in 35 years this parliament, wherever it is sitting, will be debating the very same policy question of whether those shacks should be freehold, because those people will then have invested \$80 000 to \$120 000 over a period of years and will rightly say that the shacks have been in their families for another generation or two, so why not freehold them. The government is simply delaying the matter when the parliament has for 10 years dealt consistently with this issue. It is about whether they should be freehold if they meet the guidelines. If the local community can prove through technology change and law change in relation to issuing of title that they now meet the guidelines, then ultimately they should be freehold.

The Hon. J.D. HILL (Minister for Environment and Conservation): I would like to move an amendment at this stage, as follows:

After ‘owners’ insert ‘and notes that the former liberal government consistently opposed the freeholding of these shacks.’

The Hon. I.F. Evans: John, are you opposing freeholding?

The Hon. J.D. HILL: I am, indeed. I will explain why. One should note the lack of consistency in the views of members opposite who consistently say one thing in government and when in opposition they say something different. I say to the people of Mount Gambier that they should not believe in what they are saying today either. They would not freehold these shacks if they were in government because they know it is bad policy to freehold the shacks. Let me go through the history. I am not sure exactly on what legal basis the shacks were originally constructed on the river. I suspect there was probably not a lot—it was 50 or so years ago and I have not researched how and on what legal basis the buildings were originally placed there, but I suspect that it was just local convention.

Over time, I guess, the government accepted those constructions and issued miscellaneous leases through the Crown Lands Act. They are leases that allowed occupation of the site for a limited period of time, usually 12 months, and they are renewable. In the mid to late 1970s, the then Dunstan government initiated a policy to remove all the shacks from along our coast, whether it was a river or a beach front. The basis of that policy was that that coastal land, that river land, should be in the public domain. The government had that as a policy position and, I understand, gave a time frame to shack holders to remove their shacks in the late 1980s, and the shack owners were given to 1999. That was the limit of their tenure. I think they were given a 20-year tenure.

In the late 1980s there was a lot of lobbying and the government of the day, which I think was the Bannon government, decided to extend that tenure from 20 years and convert it to life tenure. In other words, what was possibly done just informally became a miscellaneous lease for perhaps a year or so, then became a 20-year tenure, and then became a life tenure. There has been an extension of tenure provided to shackowners over the last 20 years or so. To say there is no tenure, to say there has not been certainty, as some have been saying, is simply not true. They have had their tenure extended rather than shrunk.

The Hon. I.P. Lewis interjecting:

The Hon. J.D. HILL: Perhaps the member for Hammond would like to contribute when he has 10 minutes available to him rather than during my period of time.

Mr Scalzi interjecting:

The SPEAKER: The member for Hartley has been warned. He is in very dangerous territory. He can inspect the shacks shortly, if he continues to misbehave.

The Hon. J.D. HILL: That was the status quo. Then the government changed, as the member for Mount Gambier said, and the Liberal Party came to government on the platform of freeholding as many of the shack areas as it possibly could. As the member for Davenport and others have said, it went through an analysis and determined that there were a few areas where freeholding ought not to happen. That was via a committee established in, I think, 1994. There were three areas—this particular area, Milang and Fisherman Bay—where freeholding could not occur for a variety of reasons.

Primarily, they were to do with effluent disposal and health and safety issues and, in the case of both Milang and Glenelg, as I understand it, particularly fire risk. That was the decision that was made. Towards the last election I was asked what was the Labor Party's policy on the shack freeholding and I said that our past policy was as explained by Don Dunstan: that as a party generally we would be opposed to shack freeholding; however, we would honour all the commitments made by the former government. So, if people had been promised that their land would be freehold, we would honour that. Over the three years during which I have been minister, I have been honouring that and, in fact, I have allowed freeholding of hundreds of shack sites throughout South Australia on the basis of the decisions that were made in 1994, and have implemented that policy without fear or favour.

I said in relation to Glenelg, Milang and Fisherman Bay that we would stick to what was decided. But further to that, I sought a review from a consultant last year to get an understanding of what the issues were with these shacks. That consultant's report, which has been referred to, basically highlighted the issues that had been raised previously: that there were effluent issues, health and safety issues, fire risks particularly, and a whole range of other things. We have looked at this in an open and free way. It would not be good policy to freehold these shacks. This is my view, although I know it is not necessarily the view of the member for Mount Gambier, and I will get to the issues he has raised with me since I have been minister and the undertaking that I have given him.

But I do not believe it is good policy. Apart from anything else, the idea of freeholding above water is not a suitable policy position. On Tuesday of this week I had the pleasure of looking at the shacks from the water. I travelled on a houseboat with a couple of local shackholders and enjoyed the experience very much. I ate some very nice smoked salmon and some leg ham—and I am not suggesting they were trying to influence my decision making.

An honourable member interjecting:

The Hon. J.D. HILL: I did enjoy the food, but it did not change my opinion. I did have the opportunity to look at the shacks and talk to them so I do understand and support that element of the member for MacKillop's motion—that is, I do appreciate the concern of the shack owners. They are passionate about it, they have a strong allegiance to that area and they have a long history, and I understand that feeling.

I did have a close look at the shacks and I was surprised at the state of many of them. I make the observation, not in any kind of mean-spirited way, that back in 1980 people were given life tenure. I think many people at that time put the youngest person in their family on the title so that that effectively gave them 40 to 60 years of tenure. The tenure was given on the basis that is now being argued for freehold tenure to be given—that is, if you give them a more substantial tenure they will make improvements and fix up the shacks.

I think the evidence has been that that has not happened so I think the deal has not been honoured: the tenure was extended and the improvements were not made. The argument that is now being put is that if you give us freehold we will make those improvements. I have to say that I am a bit cynical about that. I suspect that some people who are getting older would like to sell the property, and I am sure that if those properties were sold they would bring in a very large sum of money. I can understand people wanting to do that.

Others would want to keep the properties and pass them on to children and grandchildren, and they cannot do it because of the restrictions that are placed on the process.

Some say not to have freehold—and I think this might be the council's view, but I am not sure—just allow transferability. Well, transferability is the same as freehold in all but name so it would not achieve any improvement. I believe that ultimately those shacks need to be removed. They create threats. I walked along the back of a row of shacks and I was worried about what would have happened if there had been a fire and how people would have escaped in that very narrow space if one of the end shacks had caught fire and people were trapped at the backs of the buildings. Also, there are incredibly difficult technical issues in relation to getting rid of effluent. Pipes would have to be constructed way over the hill and some sort of STED system built: it would cost a lot of money.

However, to get to the member for Mount Gambier's point, he has lobbied me about looking at some other way. I am prepared to look at his suggestion to go back to fixed tenure, but how long that would be is open for discussion. In my view, it should be a relatively short period of time for the reasons that the member for Davenport raised because it would create an expectation that this would go on forever. It would have to be on the basis that the shacks could not be sold; there might be some ability to transfer within a family; and, thirdly, I think we would have to introduce legislation to make it absolutely plain that that was the end of the issue when the tenure came up.

The other issue is the precedent it establishes for other shack areas—that what we were doing at Glenelg would also have to be replicated in the other areas. There are considerable problems with freeholding or extending tenure in some of these other areas. I have real concerns about all of this but I am prepared to work with the local member to see if we can find some resolution which satisfies both the good policy interest that both the Labor Party and the Liberal Party had and also the interests and concerns of the local people.

Mrs REDMOND (Heysen): Mr Speaker, bearing in mind your ruling of yesterday, I move to further amend the motion by adding the words:

and further notes that the current government in its three years in office has failed to take any action to address those concerns.

I do not intend to speak to the motion. I think it is self-explanatory and I do not have anything further to add to the very reasonable comments already put by my colleagues.

The Hon. I.P. LEWIS (Hammond): What a load of claptrap I have heard here this morning. My position on these problems has been identical for the last 23 years—since 1982. Of course you can freehold over water. We already have freehold power in this state over water at Streaky Bay, Goolwa, Meningie, North Haven in the metropolitan area and on Hindmarsh Island. It is commonplace elsewhere in the world, such as Brighton in the United Kingdom. In Indonesia, millions of people live over water in areas that are recognised as belonging to their families. It is the same in New Guinea, where they have done so for centuries as well as in Malaysia, Vanuatu, New Caledonia—

Ms Chapman: What about Venice?

The Hon. I.P. LEWIS: And Venice itself is built over water. They are built in New Zealand and California in more than one coastal place, and along the Sacramento River, in Long Island, New York, and in Cairns and Cairo. In Dubai,

if they want to build over water on dry land they create islands, and you can see them from the moon. If it is against the law, then change the ruddy law; we do it every day. There is no reason why we cannot do it in this instance.

I have said that the best way to resolve the problem of people desiring to own property next to water where there is the opportunity for them to enjoy title to that property, is to introduce a form of strata title that would enable private and personal occupation to the titleholder exclusive as to where they live, and have property rights held in common where they jointly enjoy access to the commonly held land, and to rebuild in the same way as occurs along the coastline in the Adriatic, and in many other places like Carmel in California. There is no reason at all why it cannot become a showpiece, and enable those folk want to live there to do so, and enhance and enrich their lives and the economy of the region in which that would occur. Do not tell me, minister—as I have said to previous ministers before you, of both political persuasions—why you cannot do it. Just state how you will make it happen, and get on with it.

The SPEAKER: The member for Heysen's amendment in accordance with standing orders can be dealt with after the amendment from the minister. I think it is six of one and half a dozen of the other. I will put the amendment moved by the minister to add the following words, 'and notes that the former Liberal government consistently opposed the free holding of these shacks.'

Amendment carried.

The SPEAKER: I put the amendment moved by the member for Heysen which is, 'and further notes that the current government in its three years in office has failed to take any action to address those concerns.'

The Hon. R. J. McEWEN: Point of order, Mr Speaker. Is there an opportunity to actually speak to the amendment?

The SPEAKER: Only the mover of the motion had the right to speak to it. If members do not want the current standing orders, then it is their prerogative to seek to change them; I am just upholding them.

The house divided on the amendment:

AYES (19)

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

NOES (23)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Geraghty, R. K.	Hanna, K.
Hill, J. D. (teller)	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.
Wright, M. J.	

PAIR(S)

Buckby, M. R.	Foley, K. O.
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PAIR(S) (cont.)

Scalzi, G.	White, P. L.
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Majority of 4 for the noes.

Amendment thus negated.

Motion as amended carried.

REGIONAL TRANSPORT PLAN

Mr VENNING (Schubert): I move:

That this house condemns the government for its failure to produce a transport plan for regional South Australia and, in particular, its failure to—

(a) facilitate the standardisation of the South-East rail network; and

(b) have adequate road infrastructure to accommodate the needs of the South-East timber industry.

The South-East has enormous potential for regional development, but it has been held back by the lack of infrastructure. One only needs to drive round the roads today to see what is happening down here, with all the traffic on the roads, which is very similar to what is happening in my electorate in the Barossa Valley. I am appalled by this government's total ignorance and failure to produce a transport plan for regional South Australia, particularly in the South-East. Time and time again, the government continues to ignore regional issues, particularly when Independent members of parliament are keeping the government in office.

The Labor government's failure to produce a transport plan continues to have a detrimental effect on South Australia's regional areas, including the South-East, which is one of the state's flourishing industry, business and tourism regions. The South-East is isolated from the national rail network, with the last freight service operating on this line in 1995. There has been some debate in recent days about whether rail is the best option, but the motion is as printed. I think the government ought to at least investigate the option and, if rail is not an option, the government needs to discount it. People in this region believe that the creation of an efficient rail link to Melbourne and Adelaide would have helped to develop the South-East to its full potential, clearing the way for rapid expansion in terms of infrastructure, tourism and industry.

South Australia in general would most certainly reap the rewards from the standardisation of this line, with the creation of a direct link to Adelaide and Melbourne. It is not just freight but also tourism, as well as for the commuters. It is all very well while people can afford to drive their motor cars and while they have their driver's licence, but what about the aged people who live here? If they could catch the train to Adelaide, as they could in the past, I am sure that would be welcome. It is true that the question whether it is still the best option needs to be asked. That decision needs to be made, and the \$10 million allocated by the previous government should be spent on this project and, if it is not, it should be spent on other road transport infrastructure in the South-East.

I applaud the previous Liberal government's commitment to standardise the South-East rail network. It was the right decision at that time, particularly in relation to the line from Wolseley to Mount Gambier, after the Melbourne to Adelaide line was standardised in 1995. Whether that stands today is open to scrutiny, and it ought to be discussed. If it is not an option, a decision should be made. I am saying that this is still my preferred option, until it is proven otherwise. The corridor is still there and, on the surface, it makes sense.

Standardisation of this section of rail line is both a feasible and sensible move. It will open the doors for future development and economic growth for the South-East region. The previous Liberal government's commitment to this project was so strong that in 2001 it sought expressions of interest from potential service operators to be involved as joint venturers. One of those was Freight Australia, and they came and spoke to me personally. They were very keen to be involved with this project and asked for an entree to the then minister to speak about this issue. Whether that company is still interested, I do not know.

They also established a fund into which receipts from the sale of surplus country assets were paid, and \$10 million was earmarked for the upgrade of this rail service and the land on which it is situated. Their commonsense approach helped the project gain momentum, as industry and the local community began to realise the potential and positive spin-offs this project could or might create.

The forecasted benefits of standardisation of this vital link included a reduction in transport costs for industry easing the amount of heavy traffic on the regional roads. That is the key issue. With the railway, you can take all the traffic off the roads. Otherwise, it is all on road and, if you are not going to have a railway, you have to have something else. This creates further export opportunities to Asia via the Darwin line and getting it online. Over the past couple of days it has been interesting to note the amount of heavy traffic, as I said earlier, toing and froing on the roads in and around Mount Gambier—heavy vehicles laden with logs and other primary produce. Not only are these heavy vehicles causing severe congestion on our roads, but also they are tearing up the road surface. The question needs to be asked, why should we be placing all this added stress on our roads when there is a corridor? Whether it is ever going to be a railway is open to debate, but not making a decision is the worst thing to do. Make a decision and get on with it.

I also believe that, if the rail is not an option today, the corridor has to be earmarked not to be sold off and to be kept in perpetuity so that, if the decision has to be reversed one day, we can quickly turn around and pick it up. An efficient transport link, an alternative link, would act as an incentive attracting large industry to the region with the vision and ability to expand existing industries such as the wine industry, forestry, fishing and agriculture, not to mention tourism. Once the line is standardised, what is stopping the passenger services from coming back on? I have no problem with that. We still have our Bluebirds. There is no reason why they cannot run down here as they used in many years ago. Many people in this house would remember that.

This area is recognised as a prime tourism region. It is beautiful, and it has many things to see and do. It already attracts large numbers of tourists from interstate and overseas. The standardisation of this line is a great opportunity to capitalise on tourism and create more economic drive for the region. Support to standardise the South-East line is widespread but not total, with members of the South-East Local Government Association agreeing that the rail network needs to be upgraded to a national rail network so that long haul freight is diverted from road to rail. Cost of freight insurance, safety and environmental issues all point to the need to make rail a more attractive method of shifting freight over long haul routes.

I refer to an article which appeared in the *Border Watch* entitled 'Auspine backs rail link'. I question that because I was only speaking to Auspine yesterday. Whether Auspine

still feels that way, I do not know. In this article, the managing director, Mr Adrian De Bruin, acknowledged the benefits that the upgrade of the rail network would have, particularly in regard to reducing the strain on the roads and extending their lifespan. The standardisation of this line would give industry in the South-East a direct and very rapid access to Asia via Darwin and potentially will create attractive, new and significant other markets. The South-East Local Government Association also agreed that there needs to be an upgrade to the national rail network so that long haul freight is diverted from road to rail where it is feasible and economical. The cost of freight infrastructures, safety and environmental issues all point to the need to make rail a more attractive method of shifting freight over long routes, because that is the way to go. In doing so, we will not totally relieve local government's responsibility to provide funding for road infrastructure, but there would be a noticeable difference in the quality of our roads. Long haul national and state roads will reap the rewards.

The Labor government has failed to honour the commitment of the previous Liberal government. It has since been holding talks with the Victorian government, federal government and the private sector to gauge interest in reopening the South-East rail network. I applaud the government for that. Interestingly though, the \$10 million, as earmarked by the previous Liberal government, is no longer a sufficient amount to make a viable business plan for any operator. If proactive measures were taken at the beginning, and the Rann Labor government had some sort of transport plan for regional South Australia, not to mention a commitment to infrastructure, the figure to implement this project would not have blown out so much. If this rail line is not standardised to help divert heavy duty freight from the roads to rail, road infrastructure in the South-East needs to be upgraded and maintained in order to accommodate the needs of the growing South-East timber industry. That is urgent—it needs to be done now.

Since coming to power, the Rann Labor government has shown a total lack of respect for regional communities, particularly when providing the much-needed upgrade of infrastructure and services. As it dillydallies and fails to spend time to address the real issues such as failing infrastructure, the region continues to fall behind with its ability to increase its export potential and thus rejuvenate the local and state economy. Instead of spending \$4 million a year buying ministers it does not need, the government should be injecting this money into upgrading the road infrastructure and supporting development in regional South Australia.

I implore the Rann Labor government to fast-track this problem, continue their so-called talks with industry, and set aside sufficient money to standardise the South-East rail network or, if that is not a feasible option, an alternative road network. Failure to do so will not only hinder the growth of the region in terms of export and economic development, but the local road networks will continue to deteriorate under the constant pressure from heavy vehicles.

The government, of which the local member is a member, has to urgently address this issue. It needs to immediately implement in-depth consultations with local industry and with all stakeholders. If, and I say if, rail is no longer the preferred option and a new alternative road network is, then we need to sort it out. The government needs to prioritise this project: if not, we will have a massive problem here in three years—as if it is not bad enough now. The people of Mount Gambier and the South-East demand that the government act. The local

member has a great opportunity to fix it. It is time the member for Mount Gambier proved his independence and traded his support for this 'city-centric' government for projects such as this. The members for Mount Gambier and Chaffey are country people: it is high time they acted to support the people who put them here.

We are sick of the rhetoric, all talk and no action. While we prevaricate the South-East roads will choke. The people expect better. Let us get on with it.

Mr O'BRIEN (Napier): The government will be opposing the motion. The issues encapsulated in the motion are, I think, very significant for the economic development of the South-East but also for the state—

Mr Venning: Don't oppose it: amend it. Doing nothing is not an option.

The SPEAKER: Order! The member for Schubert has just made his contribution.

Mr O'BRIEN: I was actually going to commend the member for Schubert for his diligence in the construction of the material that he presented to us this morning, but he seems to be getting carried away with the political point-scoring.

At 10.30 this morning the Minister for Transport met with the Wattle Range Council to address this very issue. There is a certain level of complexity associated with this which the member for Schubert seems to have overlooked in his desire to have a point win against the state government. The fact is that 25 per cent of the total amount of timber being grown in this area of Australia is located within South Australia; the other 75 per cent is located within Victoria. So, in addressing the transport needs of the timber industry we actually have a Victorian-South Australian solution to arrive at and one that will also involve the commonwealth and local government. So we are dealing with two state governments and three tiers of government.

The other ingredient in the equation that is adding a little complexity is something that the mayor of the City of Mount Gambier, Steve Perryman, alerted me to several nights ago—that is the fact that there is talk of establishing a major paper plant in Victoria. So in trying to come up with a transport plan to address this specific issue we really have to find out what is on the table. Is the timber going to go out through the port of Portland or is a significant amount of it going to be diverted into a paper plant within Victoria? It is very easy to get up here and have a go at us and claim nothing is being done, but the fact is that an enormous amount of work is being done at this point in time to deal with an extremely complex issue, one that has tremendous bearing on the economic development of the South-East and the state.

On the issue of standardisation, we have to arrive at a business case because I think the member for Schubert has lost sight of the fact that we no longer run rail systems. They are privately operated, and a private operator has to find the rail network on which his or her company would operate sufficiently attractive to want to take it on. We have to work up a business case to get the private sector interested in this and that is a big job.

Yesterday we released the regional overview of the strategic Infrastructure Plan for South Australia. This is the companion document to a statewide component of the plan released on 6 April 2005. So much for there being talk of not very defined planning—it is actually in print.

Members interjecting:

Mr O'BRIEN: Well, come over and have a look, Leader of the Opposition. The plan identifies the movement of freight between the Limestone Coast and Victoria as a priority issue for the region and for the state. It refers to rail and road upgrades, the impetus to work with the Victorian government on solutions and the need to leverage Australian government funding to provide additional transport infrastructure.

The South Australian government understands the significance of the issue and the need to identify and implement the most cost effective infrastructure solution to address the needs of the timber industry in the South-East. I have alluded to the fact that a high degree of complexity is associated with this. The Minister for Transport will meet with the Victorian minister within a month to advance work on a joint approach to solving the issues within the South-East and the Green Triangle. The South Australian government is committed to developing regional economic development opportunities and recognises the importance of the timber industry to the South-East and the across border Green Triangle region.

The government continues to invest significant amounts in the arterial road network to support growth in the South-East and this year the government invested over \$5 million in roads in the South-East to improve safety and capacity, including construction of three new overtaking lanes on the Riddoch Highway, plus shoulder sealing and intersection improvements. The government has successfully lobbied the Australian government to commit to the much needed work on the Dukes Highway east of Bordertown—a commitment of \$8 million this year and another \$6 million next year. The government has also actively lobbied the Australian government for inclusion of the Riddoch-Princess Highway corridor and the national land transport network, but it was rejected as not being significant, even though roads in other states that carry lesser traffic volumes were included in the network.

The Premier wrote three times to the South Australian based federal cabinet ministers—Minchin, Downer, Vanstone and Hill—seeking their support for a better deal for South Australia, including the South-East. In his letter dated 20 December 2003 he said:

South Australia has sought to have the network extended to include important road and rail links to the South-East and through to Portland. These links all meet the Commonwealth's criteria for the national land transport network.

The Premier requested they support the state's position when the white paper is presented to federal cabinet. Unfortunately, these are calls by the state government and the Premier were ignored. This government has now provided direct and substantial assistance to the Limestone Coast Regional Development Board and the South-East Local Government Association on a proposal to access AusLink regional strategic funds to undertake more detailed corridor planning for the region. The intent is to gain Australian government recognition of the significance of the region and its economic growth.

In 2004 this government, through the Department of Trade and Economic Development, provided funds for the first comprehensive assessment of growth opportunities for plantation timber in the Limestone Coast and Green Triangle regions. The report—Limestone Coast: Planting Timber 2005 and Beyond—provides the essential database for industry planning, including transport planning. So much for the proposition that no work is being done to address this issue. The Department of Transport and Urban Planning in South

Australia and Victoria's Department of Infrastructure and VicRoads are all using the data to determine infrastructure requirements. It has to be a Victorian-South Australian solution. Similarly, the Green Triangle Plantations Committee, jointly funded by the states and the commonwealth, is using the report to determine likely impact on the road network.

The report and its analysis indicate that the major impact will occur in the year 2010, due to a projected large increase in harvesting of plantation blue gums. I have made the point that 30 per cent of the blue gum harvest will be in South Australia, mainly concentrated west of Penola, while 70 per cent is in south-west Victoria. A major logistics issue already identified is the ability of the port of Portland to handle the blue gum wood chip traffic as it arrives at the port for export. We now also have this other issue in the equation of whether we will be value adding through a mill in Victoria.

The blue gum traffic in Portland will be nearly four times the volume of the blue gum traffic in South Australia. For this reason, the port of Portland has been a strong supporter of the case to reinstate the railway. While the arterial road system in South Australia is designed to handle the projected traffic flows from the blue gum harvest, the railway is well placed to handle large volumes of bulk wood chip. This would provide a safe and effective transport logistics solution while minimising the impact of increased truck traffic on arterial roads. This depends, however, on local government and the transport and timber industries in the Green Triangle agreeing on a regional approach to the logistic challenge of timber industry expansion.

Mr BROKENSHIRE: On a point of order, I seek your ruling, Mr Deputy Speaker. I am not sure whether the member for Napier actually held up a glossy of the basic regional infrastructure plan that was quietly produced to some media yesterday. If in fact that is what he was holding up, I ask that he table that to the parliament so that the parliament and the opposition are given the courtesy of seeing that document. We have received none of it.

The DEPUTY SPEAKER: Order! The member for Mawson will resume his seat. The member for Napier does not have the power to table documents in the house: he is not a minister. I suggest that if the member for Mawson wants to see the document he simply walk to the other side of the chamber and ask the member for Napier for a look.

Mr BROKENSHIRE: On a further point of order, I would have thought that in a democratic parliamentary system basic courtesy would have given—

The DEPUTY SPEAKER: Order! This is not an opportunity for the member for Mawson to grandstand. The member for Mawson will take his seat.

The Hon. K.A. MAYWALD (Minister for the River Murray): During the last couple of days—

Mr Brokenshire interjecting:

The DEPUTY SPEAKER: Order!

The Hon. K.A. MAYWALD: During the last couple of days in Mount Gambier I have had the opportunity to meet with members of the Regional Development Board and its CEO Grant King, as well as the mayor of the Wattle Range Council Don Ferguson and CEO Frank Brennan, and the issue of the transport needs of the region have been discussed at length. The South-East Local Government Association (SELGA) currently has a proposal before the AusLink program federally to enable it to have the funding to actually look at the issues in relation to the needs of the region. One

of the things that has been made very clear to me in the discussions I have had over the past few days is that there is not yet an agreed solution.

Many people have ideas about what they think might be the best solution, but at the moment we do not have on the table fully costed options to consider fully what might be the best solution for this community and for the industry that will be growing. SELGA is taking a lead role in pulling together all the players necessary to sit around the table and discuss what is needed for the region in the future. It has made an application to the federal AusLink program for \$150 000, which is supported by \$50 000 from the Victoria government, \$50 000 from the South Australian government and \$50 000 to be provided locally. This will be a \$300 000 project that will look at all the options, put them on the table, fully cost them and enable this community, for the first time, to look at the facts and figures about all the options and then make an informed decision about what is going to be in the best interests of the region in the long-term.

The other thing that is quite disappointing is that, when the AusLink white paper was released, this region was not considered for a national transport route, and that is because the port of Portland has not been recognised as a port under the AusLink program. That is disappointing for this region but also for South Australia, because 25 per cent of the blue gum production will come out of South Australia and will most likely exit Australia to the export markets via the port of Portland. The needs for the transport to support that export are quite significant. To illustrate the point, the port of Portland is now exporting about 1.2 million tonnes of woodchip per annum, and estimates compiled by the Limestone Coast Regional Development Board and the SA Department of Trade and Economic Development using up-to-date industry data forecast that that figure will grow to over 4 million tonnes by 2014.

It is important that the importance of this project be highlighted to our federal counterparts. We need both sides of this parliament, in supporting the AusLink project proposal and getting funding, to put all the facts and figures on the table. I would be encouraging members opposite to lobby the federal government, as we are, to support that proposal. From there we can then start to have an informed debate. At the moment there are no costings of the different options, and I think it is important that the community have the opportunity to—

Mr Brindal: Isn't the federal minister a National minister? Isn't your colleague the federal minister?

The DEPUTY SPEAKER: Order!

The Hon. K.A. MAYWALD: Thank you, sir. I think that it is important to note that the federal government does have a considerable amount of funding put aside for the AusLink program, and for that I congratulate the federal government. But it is important from a state perspective that members opposite and members on this side continue to put pressure on our federal counterparts and the local member Patrick Secker to support this application of SELGA—

Mr Venning: You're a National, aren't you? What about your colleagues?

The Hon. K.A. MAYWALD: I am indeed a National. In fact, it was through my invitation that the Deputy Prime Minister, John Anderson, visited the Mount Gambier region last year. I think it is important to note that I will be very strongly lobbying my National Party counterpart.

Members interjecting:

The DEPUTY SPEAKER: Order, members on my left!

The Hon. K.A. MAYWALD: I think it is important that the minister for roads, who is a Liberal Party member, Jim Lloyd, also take up the cause on behalf of the South Australian community. The federal member for Barker also needs to be strongly supporting the application of SELGA. What is needed here—

Mr Brokenshire: He is; he's leading the way—

The DEPUTY SPEAKER: Order, the member for Mawson!

The Hon. K.A. MAYWALD: What is needed is a cooperative approach—which is unfamiliar territory for some, I understand. It is necessary to do what is in the best interests of the South-East community. Unfortunately, some see their own political party's interests as more important than strategic planning. I believe that this government and members opposite should work hard to ensure that the federal government recognises at all levels the importance of this project.

Mr Venning interjecting:

The DEPUTY SPEAKER: Order, the member for Schubert!

The Hon. K.A. MAYWALD: I support the efforts of the state government and the local governments that are interested in this issue and interested in finding a solution and putting it on the table. Those local government organisations—SELGA represents seven local government areas down here in the South-East—are also working in partnership with their counterparts over the border, which is necessary. There are many local government—

Mr Venning: Are they happy? Is SELGA happy?

The DEPUTY SPEAKER: I warn the member for Schubert.

The Hon. K.A. MAYWALD: —organisations that are working together—the state and the Victorian government—and we need the support of the federal government. So I call on members opposite, rather than putting up churlish little motions down here in Mount Gambier, to lobby their federal counterparts for support. This state government has put up \$300 000; the Victorian government has put its money up; the locals have put their money up; and the only people who have not put their money up at this stage are those in the federal government. The Victorian government has put up its money, and the locals have put up their money. The only people who have not put up money at this stage are those in the federal government.

The Hon. R.G. KERIN (Leader of the Opposition): What we are debating here is a very important issue, and is probably the most important issue for the future of the South-East. I am somewhat disturbed because, as the member for Schubert said, the greatest thing about this issue is the urgency of the issue. What is heading at us like freight train is a huge freight task in the South-East, and we need a solution to it, otherwise the current road network will become not only ripped up by the number of trucks in the freight task but very unsafe for local commuters and also for the tourism industry.

What I have heard from across the other side really ignores that sense of urgency which needs to be there. Standing behind this is the lack of planning that we have seen from the government. The government went to the last election without a transport policy, and it has not been able to deny that. There was no transport policy, and since then we have waited and waited. We have been promised a transport plan on many occasions, and it has just not happened. The

lack of strategic planning has been absolutely outrageous. The state infrastructure plan released several weeks ago did not recognise the issues of forestry industry. It did not identify with the fact that we have a forestry industry in the South-East, let alone the infrastructure needs that are flowing from that. It did not recognise that there was an issue with the South-East roads. What the transport section of that plan did do was talk about how we need a little bit more space on our jetties in the South-East. That was the one bit of recognition that it got.

We have heard about AusLink and the need for the federal government to be involved. The RAA came to me before the last federal election very, very concerned because it worked with the state government on the priorities the state government should have for AusLink. The government's priorities were about South Road. They were about trying to save them some money down at Outer Harbor and Port Adelaide. The South-East did not get a guernsey in the state government's submission for AusLink's funding. That has now been forgotten. It was not a priority; it was left out. The number one priority that should have been in there was what was going to happen with either the Riddoch Highway or the border road.

The government needs to show some leadership on this issue. We now hear that there is a regional infrastructure plan being put out. Thanks a lot! I would not have minded seeing a copy of it. To say that you posted back to my office in Adelaide is an insult. We should have been given copies of that plan. You are using that in debate today. We have not been given the courtesy of actually seeing it. I think some members opposite might not realise that I actually would a little bit of interest in regional South Australia, and I would not mind seeing what that plan is. The issue that we face down here is very, very serious. It is a safety issue, it is an amenity issue, but it is also a very important economic issue for this area. We need some leadership in this issue, and the decision to be made.

The first decision that has to be made is whether we going to go ahead with rail in the South-East. That decision has to be made, and, quite frankly, the fact that nothing is happening with it makes me little bit inclined to now ask—and this is a decision for the South-East with the government to make sure the decision is made quickly—if you do or do not want rail. Until the decision is made you do not know what direction the roads have to head. You have to make that decision, and if that decision is, 'No, do not go ahead with rail,' then it is a decision that must be made very, very quickly about whether or not you duplicate the Riddoch Highway or go the border road. These decisions have been clear for several years, but they have to be made. So, let's just get on and make them. Let's talk to the people of the South-East and make a decision as to whether or not they want rail.

An honourable member interjecting:

The Hon. R.G. KERIN: Well, someone has to make the decision. We cannot go along and say, 'We are planning; we're waiting. We have to consult and whatever.' Consultation has been going on for a long time. Somebody has to show some leadership. Make a decision. Are we going to have rail or not? I suspect that the answer to that is going to be 'No, because we will not have an operator.' We cannot wait forever for an operator to come in. If that is the case, let's rule it out so we can get on and make the necessary decision on the other. Do not point it back to the federal government. The federal government has to be involved in this and the opposition would be pushing hard for federal

funding as well. But, with AusLink, the federal government needs this state government to make this a priority, because AusLink is based on state governments putting priorities to the federal government regarding where they want the funding.

So, the state government needs to work with the people of the South-East, quickly make a decision on rail, and then let us work out what we are going to do for roads, because we are running out of time. We do not have another 12 months to sit around and make excuses. We need to get on, make the decision, and let us give the people of the South-East some economic prosperity, but also safety on their roads, and a tourism industry where people are not scared to drive down here.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): This churlish motion, and the point scoring as a consequence of it, is not servicing this community well. The member for MacKillop and I—

Mr Brokenshire: It is not a churlish motion.

The Hon. R.J. McEWEN: It is churlish in that all it wants to do is lay blame and point fingers. Late last year the member for MacKillop and myself met with a sub-committee of SELGA. At that time we identified the fact that all the data that we needed was on the table. We understand enough about the freight imperative. The one thing that we have not signed off in terms of this region is a preferred solution. That is the one bit of information that is missing. The document that I provided to the member for Schubert earlier is only part of that freight imperative. It is the blue gum part, and it is only part of the overall freight imperative. It is more complex than that. What is also more complex, is that this involves local government on both sides of the border, and two state governments and a federal government, and the solution will only be found collectively by all those people.

We put this proposition to Jim Lloyd in Mount Gambier a fortnight ago. To that point, he was not backing the AusLink proposal that was developed out of the meeting I referred to between myself, the member for MacKillop and SELGA. That proposal has got money on the table from two state governments, from local government, and we needed money on the table from the federal government. More importantly, though, the backing that we need from more players at this time is to cost all of the alternatives, and then make a fundamental decision about which one we accept moving forward. That is the point that we have not arrived at. Blaming people and saying that it is the state government's fault, or its local government's fault, or it is the Victorian's fault, will not answer that question. That question needs to be answered collectively.

Members interjecting:

The Hon. R.J. McEWEN: The member for MacKillop and I would be delighted to take anyone with us to help us solve this problem, quite frankly. This community wants to move on. This community wants to make a decision and then start putting the funding package together because that is going to be the complicated challenge; that is going to challenge local governments, state governments and federal governments. That is not going to be the easy bit. I went further than that in my correspondence to minister Lloyd last week. I said that I believe the option is the border road. I want that option fully costed, but equally a combination of road and rail, Riddoch and rail, and a shorter bypass north of Mount Gambier as a temporary solution. Let us have a long-term plan, and if that means a significant funding challenge

over ten years or so, at least start putting a mid-range plan in place as well.

Mr Koutsantonis: What is Patrick Secker doing?

The Hon. R.J. McEWEN: Everybody needs to come around the table. I am not interested in what Patrick Secker is doing either. I am interested in everybody coming around the table together and signing off. This community has not done that yet; the state governments have not done that yet; local government has not done that yet. In fairness to them, it is too soon to do that, because to do that you have to put all of the costed options before people. Some people say that the border road is totally unaffordable. So, back to this important submission to the federal government, which I think minister Lloyd is more favoured towards. He certainly left us last week saying, rather than a straight no, that he would re-engage minister Anderson in terms of putting their share of money on the table, and finishing this job before the end of this year. That is the challenge before all of us. This motion does nothing in that regard. All it does is point another finger, and lay a bit of blame.

Let us put that to one side. Let us put on the table, though, what is the real challenge, and let us, collectively for once, in a bipartisan way between the states, local government and the federal government, accept that we have a responsibility to sign off on a solution. The minute that is done, we can then move to the next challenge, which is to cost it. This is a good day for everyone to affirm that they are part of that plan.

Mr WILLIAMS (MacKillop): This is a very interesting discussion we are having. I disagree with the comments just made by the member for Mount Gambier about this being a churlish motion. In fact, this motion has apparently flushed out a plan from the government, because the government has not had a plan. As my leader has said, the government did not have a plan at the last election, and it has not produced a plan to date. Apparently, someone back there has found one today, as a result of this motion.

I have a letter here from the Grant council to the former minister for transport, the Hon. Trish White, back on 22 September last year, seeking an understanding of what the government's plan was for transport in this region over the next five to 10 years, so that the council could marry in its works with what the state government was doing. Until yesterday, the Grant council had not received an answer from this government. I suggest that until yesterday the government did not have a plan, because it certainly could not discuss it with the Grant council. The Grant council will be responsible for the South Australian border. The roads that run through its area will cart most of the timber that is carried round on the South Australian side of the border. The council has a vital interest in this matter, yet the state government could not tell the council that it had any plans—it could not say to the Grant council, 'You look at what we're doing and marry in your feeder roads to the works we are doing.' The letter points out that between 2005 and 2039, according to the document to which the member for Mount Gambier has just referred, on average about 872 trucks per day will be travelling in and out of Portland, a fair number of which will be travelling on South Australian roads.

I think the member for Napier erred slightly in his comments when he said that only 25 per cent of the timber, and the freight task associated with that, would be generated in South Australia. I think he was referring only to the blue gum sector. If we put in the softwood sector as well—the total plantation forestry industry in the green triangle—I think

members would find that about half the freight task will be generated in South Australia and about half in Victoria. I acknowledge that of that amount only the hardwood blue gum woodchip will, in fact, be going to Portland. However, the freight task in South Australia is not just about blue gum, but it has certainly been highlighted by the impending task the blue gum industry will thrust upon us in the very near future.

A lot of things have been said this morning, but I will make one point. The South Australian government currently contributes about \$4.21 per kilometre to rural roads. In New South Wales, that figure is \$30.66, and in Queensland it is \$56.26. Rural and regional South Australians need to go no further than to look at those figures to understand why they drive on substandard roads and share them with heavy transports. I agree with the point made by a couple of people. The member for Chaffey said that there is no agreed solution. We have no agreed solution because there has been no damn leadership. As the member for Mount Gambier has pointed out, I have talked to a lot of people in the industry, local government and the freight industry over many months and, every time we sit down to talk, someone puts up their hand and says, 'What are we going to do about the rail?' I think the Leader of the Opposition made a very good point.

Let us move quickly and come to a decision about the rail, and that is a decision which is right at the feet of the state government. It is not a decision which will be taken by the transport industry, the timber industry or local government: it is at the feet of this state government. For goodness sake, make a decision. The moment that decision is made, it makes the rest of the decision-making process a fair bit easier. So, that decision must be made first. I call on the government to act. Like the leader, I think that the decision is that the rail is not the option, and I made a public comment about a week ago. If you talk to the people who are producing the blue gum chips, they have no interest in putting them on rail, because their plan is to chip them in the forest, put them in a truck and, once they are in that truck, it is not cost-effective to take them to rail and offload them onto a train just to go the short distance from, say, Penola or Portland. They have no interest in rail, so I do not think it is very hard for the government to make that decision.

I think everybody has come to the same conclusion, but we need the Minister for Transport to sign off on that and say that rail is not an option for this particular problem. I urge the minister, when he comes to that decision, to say that we are going to keep that rail corridor because we do not know what the future holds. If you dispose of the rail corridor, you will never have it back again. I think this is a very good motion. It has made the government move a little and has brought out some sort of policy or statement which we have not seen. However, it has not actually produced the leadership which we need.

The only people showing any leadership in this are the South-East Economic Development Board and the South-East Local Government Association. It disappoints me that it is left to those two bodies to drive this. I do not think that the South-East Local Government Association should be put in the position of driving this. The roads that are going to be built or upgraded are not the responsibility of local government: they are the responsibility of the state and federal governments. Where is the state minister in all this? I have had a lot of meetings, as I have said, and I have never seen a state minister. Hopefully, this debate will serve the purpose of flushing out the state minister to get him to show some leadership. I make one other point relevant to what the

member for Mount Gambier said. He thought that the border road was probably the best solution.

The border road, to my constituents, will only be a solution if it includes an east-west corridor to bring the blue gum chips that have been grown in South Australia. The blue gum chips grown in South Australia have been principally grown west of Penola. If you build the border road, you still have to get that freight from west of Penola to the border. You generally have to go fairly close to Penola, around Coonawarra, and that sort of area. I think the border road would be a fine solution but it must involve an east-west corridor. That must be part of that solution. The final point I want to make is that I am sure the government would like the border road as a solution because, if the Riddoch Highway solution is the one that is thrown up, the Riddoch Highway is actually a state government responsibility, and we know that this government does not shoulder its responsibilities in rural South Australia very well.

The state government would much prefer the border road because it thinks it will not have to put too many dollars into it whereas, if it were the Riddoch Highway, the majority of the funding would fall on the shoulders of the state government. The players have to be aware of that too when they are coming to a decision: that the state government will be much more supportive of the border road. I am not suggesting that the border road would not be very a good solution: I think it would. Like the member for Mount Gambier, I think it is probably the best solution as long as it includes an east-west corridor somewhere around Penola and probably another good connection further north so that we can take the other general freight off the Riddoch Highway well north of Penola, maybe even north of Naracoorte, and get it over to the border and take all that traffic off the Riddoch Highway through the Coonawarra-Penola area. I commend the motion.

Ms BREUER (Giles): I have been feeling very sorry for a number of our ministers listening to the member opposite in his speech. I have had visions of our ministers spending sleepless nights and hours in preparing this transport plan and coming up with some sort of solution to this on the strength of the member for Schubert's motion, worrying that they did not have a plan and putting something together and producing it today, according to the member for MacKillop. So, I feel very sorry for our ministers who had to do that. What utter nonsense, to suggest that we produced a plan on the strength of the member for Schubert's motion! I only want to speak briefly because I think we have spent far too much time on this already and there are a number of motions that also need to be considered today, and people have just been repeating themselves.

Mr Venning: The member for Reynell wants potholes in the road, to try out her four-wheel drive.

The DEPUTY SPEAKER: Order!

Ms BREUER: They are very rude; they have really shown their true colours this week. I want to particularly point out that I have obtained a copy of the Strategic Infrastructure Plan for South Australia and the Regional Overview. I was thrilled to obtain this, because yesterday I was able to tell my people in Andamooka that they have got the long-awaited pipeline that the member for Stuart—who was their member for 30, 40 or 50 years or whatever it was—never managed to get. We have been able to get it under this government, and that is wonderful. Those people in Andamooka are very pleased and thrilled about that; however—

Mr BROKENSHIRE: A point of order, sir, and it is a simple one: standing order 98, regarding relevance. Andamooka has nothing whatsoever to do with this motion about addressing road matters—

The DEPUTY SPEAKER: The member has made his point. I point out that both interjections and responding to interjections are disorderly.

Ms BREUER: There are many exciting things in the infrastructure plan for South Australia, and I am very pleased to see them. They cover all areas of South Australia and they demonstrate to me that this government does have a commitment to regional South Australia. I am the only country member but I have always felt very supported by my colleagues in this and the ministers have put priorities into regional South Australia. I want to point out that the strategic priority for the South-East and the Limestone Coast areas is the movement of freight between the Limestone Coast and Victoria, and to work with the Victorian government to facilitate the use of rail to transport freight between South Australia and Victoria, which is Portland. That is the number one priority for this government.

The number two priority is to develop plans to manage growth in freight, including road improvement and heavy vehicle detours of key towns, for example Penola and Mount Gambier. Once again, that answers the points of the members opposite. The third one is to leverage the Australian government for funding to provide additional transport infrastructure, and we are well aware that this issue is a major one for the state. The upgrade of the Riddoch Highway and the Princes Highway section along the Coorong is also a major priority for this government, and the identification of a preferred site for a regional intermodal facility as part of a state-wide intermodal strategy. I think that in our strategic infrastructure plan we have answered all those issues.

This was a populist motion by the member opposite, who thought he would get some brownie points down here. I do not know why because he does not have anyone in this area who is going to vote for him—and I do not think he is going to have too many in his own area who are going to vote for him in the next election when they see what a Labor government is doing for this state in regional South Australia. We are delivering. You talked about it for years and years but it has taken this Labor government to get what we need for the state.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr BROKENSHIRE (Mawson): First of all, it is extremely disappointing that the local member and the member for Giles are saying that a motion like this is churlish, because it is far from it. In fact, this is a very important motion and I suggest—not just from now but also from many other times when I was in government with my colleagues delivering infrastructure in the South-East such as the police station, the fire station, and the ambulance station—that we actually know that road safety and infrastructure is paramount to the current protection and security of the community in the South-East and Mount Gambier and it is very important for their economic future as well. So, it is not churlish at all.

This government wants to allow another study to occur through and over the next election period because the local member for Mount Gambier does not want to be put under scrutiny when it comes to what should be delivered now for the South-East community and, in particular, the community

of Mount Gambier and the surrounding areas. They want to allow further debate and discussion. Yesterday I saw, without exaggeration, a list a foot long of studies being done on this. It has been studied to death. However, there have not been any costings and Transport SA is refusing to do costings because it wants to stick to its pet project. Unless you want to put the horse before the cart, you have to know what are the costings for the Riddoch Highway and for the border road before you can then start to make some good business decisions on what is the most cost effective project that will give the best net cost benefit to this community and the state government.

The most disappointing aspect of this is that there are no excuses for not delivering road infrastructure to the South-East over the past three years. Proudly the Liberal government did the hard yards, got down the debt, created the jobs, spent money on infrastructure wherever we possibly could and created a climate where we have seen seven or eight years of consecutive growth. However, in the past three years, when there was a window of opportunity to deliver real infrastructure for South Australia, including Mount Gambier and the South-East, this government failed and should be condemned at the next election by rural and regional South Australia for gross neglect. You do not get seven or eight years of economic growth in a row very often, if you look at our history, and this government has failed to invest in fundamental development opportunities through infrastructure. On our forward projected estimates where our last budget finishes, \$5 billion more money is coming into this state than we forecast and virtually none of it has gone into infrastructure. An amount of \$800 million a year comes from taxes associated with motor vehicles and trucks and goes into government coffers, but only \$120 million goes back into the state in the form of road improvement and repairs. No wonder we have \$160 million to \$200 million of backlog maintenance in this state.

Look at what is happening in the South-East right now. This year 3 million tonnes of timber is being hauled through the South-East, through Penola and other areas via the road near where I am staying at the Southgate Motel. You can hear them going all night. What are we seeing as a result of that? No planning and no commitments by the government, yet it is hoping to get over the line and then argue the case for the next four years. By 2010 that 3 million tonnes of timber and timber product will go to 7 million tonnes and we are talking thousands of extra trucks. The trucks are not getting any smaller. They are now talking of bringing in rocket road trains, so we will have another issue to deal with. We are going from 3 million tonnes of timber product being hauled through now to 7 million tonnes in four and a half years time and 9 million tonnes by 2020. Now is the time for not just deliberating and talking of more studies but about showing true leadership, as our leader said, and putting your money where your mouth is and coming up with an action plan that will work. That can be done quickly as all the studies are there. This community has an opportunity before the next election to make decisions on which party will show true leadership and which parties record they can believe for their own prosperity and protection.

I will talk about how important is the protection of the community because, whilst I am happy to see one small project promised to Mount Gambier in the very simplistic regional infrastructure plan quietly launched yesterday, as a result of the fact that our leader (Hon. Rob Kerin) highlighted that the infrastructure plan came in a year after it was

promised and when the first or second minister for transport (there have been three ministers for transport under this government) brought in a draft plan that would fix transport, including for rural and regional South Australia. The next minister threw that in the bin. There was no transport policy at all by the Labor Party at the last election. There is no transport plan and the infrastructure plan that was delayed a year had nothing for the regions. When the Hon. Rob Kerin highlighted that fact they quickly got their departments together and put a basic and simplistic plan together. I am happy to see that \$2.3 million will go just out here a small way into the Penola Road from Mount Gambier.

But we need serious commitment, serious leadership and serious action. All the people that I speak to in Mount Gambier travel the Riddoch Highway or the Princes Highway when they are going to Adelaide and surrounding areas, so it is not just around Mount Gambier that this benefits the community. I happened to drive down that Princes Highway and I am glad I could keep on the road, because if you look at the lack of road shouldering for a significant part of that road and the lack of even running a grader over it, not even basic maintenance is happening there at the moment, let alone proper planning infrastructure for this region. Transport SA's own figures show that 205 casualty car crashes occurred on the Princes Highway, including 13 fatalities, in recent years.

The RAA has called for an ongoing commitment to continue widening this road, with a minimum requirement of 3.5-metre lanes. It has also said that 15 more overtaking lanes are needed urgently. But we do not see any of that in the commitment of this government to the people of the South-East and Mount Gambier. The Transport SA statistics show 173 casualty crashes on the Riddoch Highway and 15 fatalities in recent years. The RAA says the highway needs 10 more overtaking lanes to improve its safety and needs an increase to the width of the road so that the lanes are at least 3.5 metres wide and the drivers of these trucks can actually stay on the bitumen, because at the moment they are struggling to do that. It also says that about 40 per cent of the road does not currently meet this minimum width. These are real problems that need real solutions.

This is not a churlish debate at all. I suggest that, had we not actually put this important motion on the *Notice Paper*, the government would love to have come down here, pressed a bit of flesh, said how nice it was to be in Mount Gambier, returned to Adelaide and forgotten about it, hoping that the people of Mount Gambier and the South-East would be happy enough about the visit and would let that roll through to the next election. That is not good enough, and both main parties need to put proper plans of action in place before the next election. We will. The challenge is whether the government will have the fortitude to do something properly for once for the people down here.

The Hon. W.A. MATTHEW (Bright): I support this motion, because it goes to the very core of what good government is about. This motion goes to the very core of the need to plan, the need to finance and the need to deliver. This motion, in its very introduction, condemns the government for its failure to produce a transport plan for all of regional South Australia, and it is specific about the needs for the South-East. Here we are, 10 months and 13 days from a state election and the member for Giles, a representative for regional South Australia, stands in this place and says that she has now seen the government's regional infrastructure plan. Well, whoopee-do! We are 10 months and 13 days from an

election—three years and two months of no delivery—and now she stands up and says she has seen the government's plan for regional South Australia.

She then detailed a series of number one priorities. There is just one important ingredient missing from those: money and delivery. It is wonderful: the government now has number one priorities everywhere. I am sure that the member for Giles will tell her electorate about her number one priorities from the plan, the member for Chaffey will do the same thing in the Riverland and the member for Mount Gambier will also tell about all the plans that he has. But the only way the public of South Australia can see that a government is planning, financing and delivering is for it to start building. One thing is certain: regardless of the glib words of their member—the member who is firmly entrenched within the bowels of the Labor Party—the people of the South-East will not see that infrastructure delivered before the next state election.

He will be out there promising the world but he will not be able to demonstrate delivery. The state budget is to be handed down in a couple of months time, and the interesting thing will be: will the money actually be there up front and what will the construction timetables be if it is? I believe that the public has shown time and again that in the end they will not be fooled. There is an old adage—you can fool some of the people some of the time but you cannot fool all of the people all of the time.

This Labor government and their mates—the member for Mount Gambier and the member for Chaffey, who keep them there in government—need to reflect on that. What they have done for three years is deliver spin and rhetoric, but they have not delivered the very basics of government: they have not delivered planning; they have not shown that they have responded to the community's needs; they have not demonstrated that they want to achieve economic development for our state; and they have not shown any firm direction.

Only a few weeks ago we saw a state infrastructure plan delivered for our state that was silent about the needs for regional South Australia: and what funding was allocated to it—funding for a couple of tunnels in metropolitan Adelaide, of course; 1.2 kilometres of tram track; and a railway station which had been planned five years earlier and which this government had shelved for the last three years. That, sir, was their grand vision for the state of South Australia.

Interestingly, when members of the South Australian media wanted concept diagrams of their wonderful announcements they were not available. And why? The public servants who were working on them told the media the same thing they told the members of the Liberal Party—that is, they were cobbled together at the last minute because cabinet needed something to announce for the media. In other words, after all their so-called planning for a period of three years, the document that was put up to cabinet at the end of 2004 was so lacking in announcements that would be able to take the South Australian mind-set that they had to sit there trying to add extra spin to it, leaving it there for a few months to finally release it.

Under questioning in the parliament at the time the Minister for Infrastructure said that the reason that he had failed to meet his deadline of delivering an infrastructure plan by the end of last year was on the basis that there had been fires in the Eyre Peninsula. Well, sir, those fires occurred in January 2005—not in December 2004. It was not until a few weeks ago that, finally, a very unsatisfactory document was released—and what it was missing was funding—and now

the member for Giles stands up today and says that she has finally been able to see the regional version of that document.

I commend the member for Schubert because there is no doubt that his motion, when he announced it in the assembly in the parliament in Adelaide, embarrassed the government in having to put out something else. So what have they done? They put out a wish-list. The member for Giles has told us that she has been able to put together a wish-list. We all know that the members for Giles has a wish-list because Tina Wakelin is out there making the member for Giles sit up and take note of her constituents after all the years that she has been in this place. I believe there is a big chance that Tina Wakelin will be sitting in this parliament in 10 months and 13 days as a member for Giles who is going to listen. I commend the member for Schubert on his motion and I urge the parliament to support its passage.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Stuart.

The Hon. G.M. GUNN (Stuart): Thank you very much, Mr Deputy Speaker. How nice it is to see you in the chair in this august assembly. Let us just come back to the motion; let us just stick to some facts. I have listened quite intently this morning to this debate, to what should happen in the South-East and to what should happen across South Australia. One of the things that the people of South Australia dislike more than anything else is people claiming credit for things they are not responsible for and making inaccurate, misleading and unwise comments. Let me say to the member for Giles who, with rather churlish and foolish comments, thought that she would get a cheap shot at me. I am delighted that the long-suffering people of Andamooka will get a connection to the Roxby Downs water scheme. The only reason that that program was possible was because the Tonkin Liberal government signed off on the indenture to create Roxby Downs and the Western Mining Company brought the water from the Great Artesian Basin.

I am proud to say that I voted for the Roxby Downs indenture. The Premier campaigned against it. Max Brown, the former member for Whyalla, voted against it, as did Mr Keneally and all those other people. That is the only reason the people of Andamooka have a source of employment and their children can get a decent education at Roxby Downs. They have good health services and good shopping, and it is the only reason why they have a bitumen road from Moomba—because we have the Roxby Downs mining development.

The DEPUTY SPEAKER: The member for Stuart has made his point. I have given him some indulgence.

The Hon. G.M. GUNN: It is not a 'mirage in the desert', as the Premier said; it is a reality. This motion that we are talking about today wants to bring reality back to the people of the South-East. I say to the member for Giles, and others, that this government is awash with money and it ought to be able to provide the funds necessary to upgrade the public transport system.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Morialta is out of order.

The Hon. G.M. GUNN: It is absolutely essential, if we are to improve the welfare—the lights in the auditorium suddenly became very bright—

Members interjecting:

The DEPUTY SPEAKER: Order! The house will come to order. The member for Stuart has special powers but he should constrain himself somewhat and not get carried away.

The Hon. G.M. GUNN: I am pleased that you should convey that to the member for Giles. What the people of South Australia want is some of that money that the government invested put back into improving our road system so that our people can get employment and so that we can participate on the international field. This part of the country has so much going for it. It is a wonderful part of South Australia. The government has a responsibility to wisely invest all that money that is coming from Canberra through GST revenue. I support the motion moved by the member for Schubert. It is appropriate that we have these frank debates in this assembly. We are here to constructively comment on the welfare of the people of this state. I wanted to briefly get up and point out to the member for Giles the error of her ways. I say one thing in conclusion: I want her to enjoy the next 10 months. If the honourable member continues down the vein she has been on in the past, she will not be here. I support the motion.

But, let me say to the member for Giles that the only reason that that program was possible was because the Tonkin Liberal government signed off on the indenture to create Roxby Downs and the Western mining company brought the water from the Great Artesian Basin. I am proud to say that I voted for the Roxby Downs indenture. The Premier campaigned against it. Max Brown, the former member for Whyalla, voted against it, as did Mr Keneally and all those other people. That is the only reason that people from Andamooka have a source of employment and their children can get a decent education at Roxby Downs. They have good health services, good shopping and it is the only reason why they have bitumen road from Woomera—it is because you have the Roxby Downs mining development.

The DEPUTY SPEAKER: The member for Stuart has made his point. I have given him some indulgence.

Mr GUNN: It is not a mirage in the desert as the Premier said; it is a reality. Therefore, this particular motion that we are talking about today wants to bring reality back to the people of the South-East. I can say to the member for Giles and others that this government is awash with money, and it ought to be able to provide the funds necessary to upgrade the public transport system.

Mrs Hall interjecting:

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

Mr GUNN: It is absolutely essential if we are to improve their welfare. The lights have come on. Let there be light. I have been blamed for it.

Ms Breuer: You couldn't get a pipeline, but you can get the lights turned on.

The SPEAKER: Order! The house will come to order. The member for Stuart has special powers, but he should constrain himself somewhat and not get carried away.

Mr GUNN: Thank you. I am pleased that you can say that to the member for Giles. The people of South Australia want some of that government money invested back to improve our road systems so that our people can get employment and so that we can participate in the international field. This country and this part of South Australia have so much going for them. It is a wonderful part of South Australia, with so much going for it. So the government has the responsibility to wisely invest all that money is coming from Canberra through GST revenue.

I support the motion moved by the member for Schubert. It is appropriate that we have these frank debates in this assembly. We are not here just for the good of it; we are here to constructively comment about the welfare of the people of this state. I just wanted to briefly get up and point out to the member for Giles the error of her ways. But, I say one thing in conclusion. The member for Giles wants to enjoy the next 10 months, because if she continues down the vein she has in the past, she will be able to go back to the cooling house. She will not be here. I support the motion.

The house divided on the motion:

AYES (18)

Brokenshire, R. L.	Brown, D. C.
Chapman, V. A.	Evans, I. F.
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
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. (teller)	Williams, M. R.

NOES (23)

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

PAIR(S)

Buckby, M. R.	Foley, K. O.
Brindal, M. K.	White, P. L.

Majority of 5 for the noes.

Motion thus negatived.

HEALTH SERVICES, RURAL

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I move:

That this house condemns the government for the continued underfunding of health services in country areas.

In supporting this motion, I highlight the fact that, since its first budget in 2002, the Rann government has been cutting back on health services in our country hospitals. This is best seen by the stark statistics set out in the Department of Health's own annual report. Since 2000-01, which is the last full year under the Liberal government, there has been a decline in country hospitals in the total number of hospital beds, which has declined by 56 (that is, less beds than there were back in 2000-01); a decline in hospital admissions, from 86 998 to 86 197; a decline in occupied bed days, from 428 370 to 405 058; a decline in casualty patients (a decline of 15 795 in that period); and also a decline in outpatients being seen in our hospitals (a decline of 21 643). I seek leave to incorporate in *Hansard* a very simple statistical table.

Leave granted.

Performance of country hospitals		
	2000-01	2003-04
Available beds	1 940	1 884
Total admissions	86 998	86 197

Occupied bed days	428 370	405 058
Casualty patients	164 157	148 362
Outpatients	140 655	119 012

The Hon. DEAN BROWN: This cut-back in services is not because country people are suddenly healthier, rather it is because the money has not been there and hospitals have been forced to cut services.

As Dr Peter Rischbieth, a very well-known and recognised GP, who is President of the Rural Doctors Association, said last month:

Some country hospitals have had to curtail their fee for service spending budget, with subsequent cuts in the number of operations being performed in their operations.

Dr Bill Heddle, President of the AMA, a doctor who comes to Mount Gambier on a regular basis, said last month:

The morale of our country members is very low, especially at Mount Gambier.

While hospital services are being cut, through a lack of funds in country hospitals, the number of highly paid bureaucrats and administrators in the Department of Health has soared—it has gone from 46 people on a salary of \$100 000 a year to a total of 80, and that is just for administrators; we are not talking about doctors or specialists. So, despite the Rann government's claim at the time of the state election that it would cut the number of fat cats (to use the government's words) by 10 per cent, the number has actually increased by 85 per cent in just two years, and those figures come from the Auditor-General's Report. I stress that these are health administrators, not doctors or any other persons treating patients. So, we are seeing a very significant shift in terms of more of the funds that are directed into the health system here in South Australia going towards paying administrators on very high salaries.

Imagine 80 people in the Department of Health alone and the associated hospitals being on a salary of \$100 000 or more—an 85 per cent increase. Last year the number of health administrators increased at a rate almost three times faster than the increase in the number of nurses in our public hospitals. Surgery in many of our country hospitals is being cut. At Mount Gambier, for instance, in the last full financial year, there was a 26 per cent reduction in the level of surgery carried out compared with the previous year. At the Millicent hospital last year, there was a 12 per cent reduction in the level of surgery carried out compared with the year before. The Loxton hospital has been forced to cut its surgery load; in fact, it is estimated that it is now losing up to five operations a month to Adelaide because of practices that have been forced upon the Loxton hospital. The Wallaroo hospital has been forced to stop all joint placement surgery due to the shortage of funds.

I can report that in my area recently the issue of enormous waiting lists for surgery has been highlighted. Someone was diagnosed late last year with two serious cataracts. The surgeon involved pointed out that, unfortunately, the patient would not be able to have the cataract operated on for another 12 months and, in that time, the person was very close to losing much of their sight and their driver's licence and, therefore, their independence. Due to my intervention, I am delighted to say, since this matter has been raised publicly, suddenly that first operation has been brought forward to June.

Members interjecting:

The Hon. DEAN BROWN: Well, we know the extent to which the minister—

Members interjecting:

The Hon. DEAN BROWN: Once I raised these issues, to save herself further embarrassment, the minister then tried to bring—

The Hon. J.W. Weatherill interjecting:

The SPEAKER: Order, the Minister for Families and Communities!

The Hon. DEAN BROWN: However, I point out that that poor individual will still have to wait until the second half of next year for the second cataract operation. There is the elderly lady who is on a walking frame, hardly able to move, on the point of losing her independence, who has been told she will have to wait about 18 months for a knee replacement. There is a huge human cost to these sorts of delays. So bad is the underfunding of public hospitals that last October the chair of the regional chairs group, which covers all country public hospitals in South Australia, wrote to the Minister for Health saying:

The regional chairs were alarmed to be informed that collectively the seven country regions have identified a shortfall in recurrent budget of in excess of \$10 million.

I highlight that—a shortfall in excess of \$10 million. In another letter to the minister just prior to that, in August of last year, the same person, Barbara Hartwig, said that, due to new industrial agreements with nurses in country hospitals, costs had risen by \$3.2 million but only \$1 million was being compensated by the state government. This then left a shortfall of \$2.2 million, which clearly meant a cut in services; in fact, the letter from Barbara Hartwig says:

This is most disappointing and will require all regions to consider strategies to meet these additional costs including the possible reduction of services.

Here we have the regional bodies that cover all the country areas of South Australia raising their concerns with the minister about the shortage of funds and how, as a result of that shortage of funds, services are having to be cut. The other leaked memo from the general manager of the Riverland region showed that the current budget left the Riverland hospitals with a shortfall of funds of \$2.6 million compared with the previous year on a like for like basis. Funds for hospitals in the Riverland increased by 2.56 per cent, if we take into account the extra pay period this year, but the actual costs increased by about 6 per cent. As such, there was an effective cut of about 3 per cent to the budgets of hospitals throughout the Riverland area, which was then reflected by other hospitals throughout the country areas of South Australia.

A similar situation exists with funds for rebuilding our hospitals and providing new medical equipment—it is called the capital works budget for health. Under the last Liberal government, that budget was \$147 million. Last year, under the Rann government, the capital works budget was \$130 million—already a reduction of \$17 million. Then, lo and behold, they did not spend \$35 million of those funds. They spent only \$95 million of the \$130 million allocated by the parliament and, therefore, ended up spending \$50 million less than the previous Liberal government had spent.

This is having a serious impact on country hospitals. I know of country hospitals that cannot replace their sterilisers, I know of country hospitals that have had other important equipment break down, and they have complained bitterly. We know that there are some areas where the country hospitals need to be redeveloped. Naracoorte, for example, has been asking for a redevelopment. If that \$35 million that was not spent last year had been spent at the Naracoorte

hospital, an entire new hospital could have been built—in fact, the hospital could have been built about three times for those funds.

Then, of course, we have the situation in the Barossa Valley, where a commitment was made by the previous Liberal government to start design and construction of the Barossa Valley hospital in 2005. We know the extent to which the Angaston hospital has been seriously run down. It is a hospital that is not appropriate for redevelopment, yet this government is wasting \$300 000 trying to keep it operating even though it is not fit to continue as a hospital. It needs to be replaced by a new hospital. The land was bought by the previous government but this minister will not even give a commitment to hold the land that has already been purchased for the hospital. I know that the community, and the member for Schubert, is very concerned indeed that that land may be sold off for some other purpose.

I come to the point that was raised just recently by the minister. The minister said that the health system was stuffed. That was an open admission by the minister that she no longer has the fight and determination to fix the problems within the health system. It was the minister running up the white flag and saying, 'I surrender; the health system is stuffed.' There it was on the front page of *The Advertiser* in the minister's own words: 'The system is stuffed.' She no longer wants to tackle the many problems within the health system that she herself and the Rann government have created, such as the record waiting lists for surgery. We now have 11 200 people waiting for surgery here in South Australia, and on top of that there are another 3 700 people who need orthopaedic surgery but who cannot even get onto the waiting list because they cannot have their initial appointment with orthopaedic surgeons. So we have this huge human cost as a result of the complete mismanagement of the health system by this minister.

Of course, the other crucial area has been the collapse of mental health services across the state, particularly in the metropolitan area and here in Mount Gambier. In Mount Gambier it took the opposition to reveal the fact that the two mental health nurses providing the services had resigned more than two weeks ago (the minister said she did not realise it had occurred). There was no service and patients were having to be flown to Adelaide to get appropriate treatment.

There are many other issues as well and I could go on and on to highlight the extent to which this minister has created the problems within the health system. She failed to spend the capital works budget and has created that enormous waiting list of 11 200 people, plus the other 3 700 who cannot get onto the waiting list. She has failed to spend the money in the capital works area, even though those funds are crucially needed. I have made speeches in this parliament before about the enormous delay in building mental health facilities in a number of our hospitals. She now says out of the blue—having said almost 12 months ago that Glenside would remain part of the mental health system—when it was leaked by the opposition, that she will close Glenside. I support the motion.

Time expired.

Ms Chapman: The minister wants to speak: she wants to resign.

The SPEAKER: Order! The member for Bragg knows that she should not breach standing orders.

The Hon. L. STEVENS (Minister for Health): I wish to move an amendment.

Ms Chapman: Plead for mercy!

The SPEAKER: The member for Bragg was warned earlier. She is in dangerous territory.

The Hon. Dean Brown interjecting:

The SPEAKER: Order! The member for Finniss has had his chance. He should show other members the courtesy of listening.

The Hon. L. STEVENS: He also had his chance as minister, and we know what happened then.

Mr Goldsworthy: He was the best minister in the history of the state.

The Hon. L. STEVENS: I move:

Delete all words after 'this house' and replace with 'congratulates the Rann Labor government for its commitment to country areas by increasing funding to record levels since coming to government. In particular, the house notes that during the 2004-05 financial year country health services were allocated \$309 million compared to just \$273 million for 2001-02 under the previous government. The house also notes that in the 2004-05 mid year budget review country funding received a further \$71.5 million over four years, as well as an additional \$5.4 million for minor capital works and equipment in South Australian country hospitals.

The Hon. DEAN BROWN: On a point of order, it has been unacceptable in the past in this chamber to delete all words after 'that this house' and then introduce an entirely new motion. If the minister wishes to introduce that matter she should do so by a motion moved in private members' time. That is not an alteration to the motion but an entirely new motion.

The SPEAKER: The member is going beyond a point of order. For the guidance of the house, the view from the chair is that, as well as the requirement for relevancy, the amendment must not be a direct negative of the motion before the house. The proper course of action for a member directly opposed to a motion is to vote against it and not to try to amend it, although a member may propose a wrecking amendment designed to blunt its effectiveness. Amendments which seek to delete all the words in a motion after the word 'that' often radically change the nature of the proposition before the house. As long as they are relevant to the question and avoid the pitfall of directly negating it, they are in order. That is from the standing orders of the New Zealand parliament, which are taken to be a guide in this issue. As long as the minister is not seeking to directly negate the whole thrust of the motion—

The Hon. DEAN BROWN: The original motion states that this house condemns the government and the minister's amendment now states that this house congratulates the Rann government. If that is not a direct negative of the original motion, I will go home.

The SPEAKER: The central issue is about the funding for hospital services. The chair takes the view that, as long as there is no negation of the central thrust—

Members interjecting:

The SPEAKER: That is the interpretation of parliaments around the world. There must be a direct negation of the central thrust of the motion, which is about funding for hospital services in the country. If someone sought to change it to talk about something completely different, that would be out of order. Members can think about the matter over their baguette.

Debate adjourned.

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

McKEE, Hon. D.H., DEATH

The Hon. M.D. RANN (Premier): I move:

That this house expresses its deep regret at the death of the Hon. David Hugh McKee, a former member of the House of Assembly, and places on record its appreciation of his long and meritorious service; and that, as a mark of respect, the sitting of the house be suspended until the ringing of the bells.

I was saddened to hear yesterday of the passing of David McKee. He died very early on Wednesday morning at the St Louis Nursing Home in the Adelaide suburb of Parkside, having celebrated his 86th birthday on Sunday. Mr McKee was a Labor Party stalwart, a very competent parliamentarian and minister. He was a member of this house from 1959 until 1975 and served as the minister for labour and industry in the Dunstan government from 1970 to 1975 before Jack Wright took over as minister for labour. In a way, it is appropriate that we are marking his contribution during this sitting in Mount Gambier, because David McKee really was a product of and a great representative of regional South Australia.

Fittingly for a son of the labour movement, he was born on 1 May—Mayday—in 1919 in the Queensland town of Wondai, a town that incidentally is just a stone's throw north of Kingaroy, the resting place and former home of the late Queensland Premier Sir Joh Bjelke-Petersen. Mr McKee had a typically tough depression-era start to life. He left school at 13 and did whatever was going just to earn a living. This included ring barking, horse breaking and, particularly, boxing, the latter becoming a life-long passion. Indeed, he was at one stage a member of the legendary Jimmy Sharman Boxing Tent, which travelled the countryside in the 1930s. When older, he would have a full-sized boxing ring set up in the back yard of his house in Port Pirie, and for a long time he trained local boxers and was involved in the state Amateur Boxing Board.

Like many young men of his era, David McKee's life changed dramatically with the onset of the Second World War in 1939. He served with the AIF in Greece (in Crete) and in Palestine, and then had a second stint in New Guinea. In between, he came to Adelaide for an army bivouac and met his wife-to-be, Rhonda. Sadly, Rhonda McKee passed away two years ago. After he was demobbed from the army, Dave and Rhonda managed hotels, and Mr McKee worked in underground mines in Tennant Creek in the Northern Territory. His work in the union movement began while working at Radium Hill in South Australia's north, the place where he became famous locally for running the two-up game at the pub on a Sunday afternoon—a game very dear to the heart of the Attorney-General and Minister for Justice.

Eventually, he became an organiser for the Australian Workers Union, and his parliamentary career began in 1959 when he became the member for Port Pirie. He was re-elected to the seat in 1962, in 1965 with the election of the Walsh Labor government, and then again in 1968. He was re-elected again in 1970 and 1973 when the seat was simply called Pirie. As a junior member of this house, he earned a reputation for directness, practicality and dedication to the broader labour movement. As one observer wrote:

Dave was an ex-boxer with a rough and tumble AWU union record in rough and tumble Port Pirie. His main claim to fame was that he had guided through parliament a private member's bill lifting the ban on greyhound racing in South Australia.

A glimpse of Mr McKee's maiden speech in July 1959 showed him to be thoughtful and conscientious. In common with his former colleague Gabe Bywaters, whom we

honoured in this place in November, Mr McKee demonstrated great concern for the survival of regional South Australia. He told the house that the potential of Port Pirie should be better recognised and he warned that, if the then Playford government did not change its policy on the decentralisation of industry, South Australia would soon be home to what he called ghost towns. He also addressed in that speech one issue that remains topical today, and that is transport infrastructure. In particular, he bemoaned the parlous physical state of Port Pirie's wharves. He advocated the deepening of the harbour at Port Pirie for shipping and he urged the speedy standardisation of the rail gauge between Port Pirie and Broken Hill.

Around parliament, Mr McKee was approachable and always good for a yarn, and he was one of the best snooker players on the Labor side of the house. Anyone who has visited Parliament House in Adelaide can see the results boards of the snooker tournaments and can see Mr McKee's name, along with many other famous names from both sides of the house. Clearly, it was a very vigorous competition.

An honourable member interjecting:

The Hon. M.D. RANN: In fact, Ren DeGaris, who was a member of the upper house and who comes from the South-East, was one of the most famous snooker players from the other side of parliament. Dave McKee entered the Dunstan ministry in November 1970 when it was expanded to 10 members. During his five years as minister for labour and industry, he was perhaps best known for what was then considered a radical rewriting of the state's industrial relations laws. Those changes brought about earlier versions of today's workers' compensation system—I think it was called workman's compensation in those days—a system which has since become broader and more sophisticated and which has ultimately enjoyed at least some measure of bipartisan support.

On industrial relations, Mr McKee's approach was straightforward yet measured. In 1974, when a small number of radical unionists raised the ire of legendary Labor figure Clive Cameron, he defended unions overall. In the *Adelaide News* he said:

We're always going to have some odd people in the trade union movement but it's a bloody good movement and you can't hold it to ransom because of a few odd people.

Later he told that same newspaper that Australian workers must pull their weight and contribute a fair day's work for a fair day's pay. 'If you want to prosper,' he said, 'a slipshod approach to the job cannot be tolerated.'

After Mr McKee's retirement from the ministry and from parliament in 1975, he remained a very active man—and he was still very much a boy from the bush. He loved packing everything into his Ford station wagon and heading to Coopers Creek for a spot of fishing. He would usually do so alone except for his loyal old blue healer, Gus.

I would like to take this opportunity to extend my sincere condolences to the family of David McKee, and in particular to his son Colin McKee, also a former member of parliament and a former member of this house; his daughter Laneen; as well as his two grandchildren and two great grandchildren. Everyone is saddened by his passing.

When I first came to work in this place in the late 1970s, the stories of Dave McKee were legendary. He was a pugilist in every sense of the word. Indeed, the parliamentary chamber and its environs became a ring for his particular brand of colourful exchanges. But he was someone who was respected by both sides of the house. There were great characters around in those days, as there are today, and he

will be remembered as one of the most colourful members of parliament since the Second World War.

Certainly, members of Dave McKee's family can feel very proud of the outstanding leadership that Dave McKee provided to South Australian workers, and particularly to the people of the Port Pirie region. With other members on this side of the house, and I am sure all members of this house, I commend Dave McKee's contribution to the state of South Australia. May he rest in peace.

The Hon. R.G. KERIN (Leader of the Opposition): On behalf of the Liberal Party, I second the Premier's condolence motion and express our regret at the passing of the Hon. David Hugh McKee MP, former minister of the Crown and member for Port Pirie. I wish to place on record our appreciation of his distinguished public service. Mr Speaker, I ask that you convey to Mr McKee's family our deepest sympathies and appreciation for the contribution that he made to the state since his election to the House of Assembly in 1959.

Born in Wondai, Queensland, a former miner, boxer and the union organiser for the Australian Workers Union, he began his political career in 1959 when he won the seat of Port Pirie, a seat he would hold for more than 16 years until his retirement in 1975. After serving five years in the AIF in the Middle East, Greece, Crete and New Guinea, Mr McKee settled in South Australia with his wife and two children. As an active member of the Port Pirie community, Mr McKee served as chairman of the Mid North Soccer Association and as a member of the Port Pirie branch of the Mentally Retarded Children's Society. Mr McKee served on the parliamentary committee dealing with subordinate legislation, he was chairman of the select committee investigating safety, health and welfare in industry and commerce, and he was also the chairman of the select committee on sex discrimination.

After more than 10 years on the backbench, Mr McKee was made the 10th Minister in the Dunstan cabinet in 1970. He took on the challenging role of minister for labour and industry. Mr McKee is credited with guiding through parliament a private member's bill to lift the ban on greyhound racing in South Australia and the Workers Compensation Act 1971, and he played a significant role in the changes to Friday night shopping laws. In his maiden speech in July 1959, he warned there would be some ghost towns in South Australia unless government policies on decentralisation were changed. I am sure he would be very pleased to see the growing awareness of that need over the past decade or so to make sure that our country towns continue to thrive, and that parliament is this week actually sitting in a regional centre.

I particularly pass on my condolences to Dave McKee's son, Colin, whom many of us have come to know in recent years. Dave McKee, whose electorate is now part of my own enlarged electorate of Frome, was a very colourful local character. Over the years, I have heard many stories which reinforce my impression of Dave as a passionate, outgoing and fearless character. His advocacy of his union membership occasionally spilled from the work force into other venues where bosses and workers mingled with sometimes colourful results. Certainly, my father probably witnessed a couple of occasions about which he has told me the stories.

There is no doubt that Dave McKee was a real character both in parliament and in the Mid North of the state. I am sure that all members present will join me in paying respects to the late Mr Kee and acknowledging the very worthy contribution that he made to our state. Certainly, our condolences go to his surviving family at the sad time.

The Hon. J.D. HILL (Minister for Environment and Conservation): It is with sadness that I rise to support the condolence motion moved by the Premier and supported by the Leader of the Opposition. I would like to put on the record my sympathies to the McKee family, particularly to Colin McKee, at this time of loss. I got to know Dave McKee extremely well over a period of time, particularly in the early 1980s, when I was the Labor candidate in 1982 for the seat of Mitcham. It was an un-winnable seat, but I was trying to show that I could run a reasonable campaign. Colin McKee—

The Hon. R.G. Kerin: Before you were a candidate?

The Hon. J.D. HILL: I was the candidate. Colin McKee was a state organiser of the Labor Party and was assisting me. I remember that on one occasion I was out door knocking; I had arranged to meet Colin mid-afternoon in a pub in the area to get some further instructions. I turned up at the hotel and he was there with his father David: needless to say, there was not a lot more door knocking done that day. But I did spend the afternoon in great company and had a very amusing and enjoyable time because, as has been said, Dave had a great sense of humour. He was a great character.

There are some extraordinary stories told about him, and I assume that some of them must be true, but they all cannot be true. There is one great story told about Dave's door knocking. I do not know whether it is true. He was apparently door knocking: he knocked on a door, a young boy came to the door and Dave said, 'I'd like to see your Mum and Dad.' The boy was rather rude and said, 'They are not in,' or something that offended him in some way, so Dave clipped him around the ear and said, 'Tell your mum and dad that a Liberal candidate just called.' I am not too sure whether that is apocryphal but it is probably not to be followed in these days of political correctness. He was a great Labor man and, as has been said, he was a very hard-working man. He really came from the school of hard knocks and, I guess, in many ways, he was also a hard man. He learnt to do politics the really hard way. He was a very genuine person who cared passionately about South Australia and his community. I say to his family—particularly Colin, whom I know very well—that we are very saddened by his passing.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I support the motion also. I support the comments of the Premier, the minister, the Leader of the Opposition and, I am sure, other members. I was fortunate to spend one term with Dave in the house, because Dave was a real character. He was one of the great characters of this parliament over the years: a number of incidents occurred in the parliament with Dave, and I will not dare to talk about them here. Dave was extremely frank and open in what he said. In November 1970, Don Dunstan wanted to appoint a tenth minister to the cabinet—if you look at the ministry now, that is just a fraction of its size—and he wanted the young academic Don Hopgood to be that tenth minister. So they had a caucus meeting and, lo and behold, eight people nominated for this extra cabinet position and this young academic from the university whom Don Dunstan wanted did not get up. Instead, Dave McKee got up. If you knew Don and Dave, they were complete opposites in every sense of the term. In fact, when this occurred, a journalist asked Dave whether his caucus victory was a win for the unionists over the academics, and Dave replied with typical bluntness, 'It could be, if you want to put it that way.'

Dave then went on to become the minister in charge of all industrial legislation. One of the first things he did was to

close down Friday night trading in the outer metropolitan area. There used to be the famous Lazy Lamb butcher shop at the top of O'Halloran Hill, where everyone went to buy good quality cheap lamb on Friday evenings. The trouble was that Dave had to stand for this move but 70 per cent of the population loved late night trading on Friday nights after 5 o'clock. So, Dave was sent on the impossible mission of trying to sell this to the community and failed completely, but that really did not worry Dave. He got on and did his task, and always did it very effectively in a very down-to-earth manner.

When I came into the parliament in 1973 I took a particular interest in industrial legislation, and I can remember many debates across the house on workers' compensation (it was workmen's compensation in those days). I can remember debates on the industrial legislation, and some of those debates went well into the night. On one occasion that I can recall we continued the debate right through to breakfast time. I think we took about three or four nights to get through the workers' compensation legislation alone, with deadlocked conferences between the two houses of parliament, and it was very tense and an enormous amount of work. In those days you did not have weeks when the house did not sit. You sat for three days of the week (Tuesday, Wednesday and Thursday) from when parliament started at the beginning of August right through to early December. There was only one non-sitting week, and that was for the Royal Adelaide Show. Towards the end of November tempers were becoming frayed, particularly with many hours of sitting well into the night and after midnight.

I remember Dave with great fondness. He was down-to-earth, he was a realist, and he represented his area of Port Pirie extremely well. My condolences go to Colin and other members of the family, and to his friends—and he had many—for the loss of someone of whom they can be very proud in terms of his contribution to his electorate and to the people of South Australia.

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I also support this motion. I very much enjoyed having the opportunity of getting to know David McKee, particularly through the trade union movement, at the Trades and Labour Council. However, I knew him better through going to the Trades Hall bar than from going to other places in Trades Hall. He was certainly a very important part of that culture at the time. I also remember him very fondly through his involvement with the Labour Day celebrations committee (with the Hon. George Weatherill), which was quite a force in those days, when floats and a lot of celebration was associated with Labour Day. I was also a member of the May Day committee and there was some disagreement on issues between the Labour Day celebrations committee and the May Day committee: David made it very clear that he thought the Labour Day committee was the more important.

I also had the pleasure of having David and Rhonda as members of the Bragg sub-branch, of which I was a member. I remember when we had the election for the position of president of the Bragg Labor sub-branch, and I won that position. It was a hotly contested election, and I won by two votes. David and Rhonda made it quite clear that they were the reason why I managed to become president of the Bragg sub-branch the next year. I also know Colin McKee, having been involved in election campaigns with him, particularly an election for his own seat, as was the Minister for Infra-

structure. I remember that campaign very clearly, as the minister would. I also had the benefit of getting to know Colin over the years, as well as other members of the family. I, too, want to put on the record my condolences to the family, particularly to Colin.

The Hon. G.M. GUNN (Stuart): Like the deputy leader, I served in the parliament with the late David McKee. When I arrived in the parliament, I found that I had many traits similar to his. He was a practical man, and he represented those great attributes of the Australian Workers Union—development, mining, road construction and all those sort of things—which are good for South Australia. He stood for them, and he was a fine upstanding member of that organisation. Of course, he was also known to have a drink, other than on a hot day. Of course, I could relate some stories that circulated round the corridors of Parliament House, but perhaps on another occasion. However, he did distinguish himself in the corridors. Having come from the shearing industry, I had many chats with him, and he gave me some good advice. He said, ‘Always remember where you came from and, if in doubt, back the party, because you are going to have a few friends,’ and it was good advice. I extend my condolences to his family, particularly to Colin, who has property and investments in my electorate.

The Hon. M.J. WRIGHT (Minister for Administrative Services): I also support the motion. I acknowledge all the previous speakers, and I agree with everything that has been said. Dave McKee was a good friend, a fantastic character, a very generous person and a real knock-about bloke. He was a great representative of working-class men and women. He understood people, and he cared about them. As the Premier has said, he was a member of the Australian Workers Union, and he was also an elected official of that union, serving in Port Pirie, which in those days was very much a working-class town, and probably still is, to a large degree. Of course, in Port Pirie, the AWU has thrown up great representatives for both the federal and state parliaments. In addition to Dave McKee, there was, of course, the great Mick Young and also Jimmy Dunsford. He was a very colourful personality.

As has been said by the member for Stuart, Dave was a person on whom you could always rely for good advice—very logical and sound advice. He provided it to me and he was a great friend of my father’s as well. He was an outstanding minister for labour and industry and a great supporter of the racing industry. He had great mates all around Australia. He walked tall with people like Don Dunstan, Des Corcoran, Hugh Hudson, Mick Young, Jack Wright and Keith Plunkett, just to name a few, although there were many others as well. Whether it be the family—because he was a great family man—politics, his great passion for boxing or the broader area of sport and racing, he really was passionate about life.

I express my sympathies to Colin McKee, who is also a friend, and his family. I support all the comments that have been made, particularly by the Premier and the Leader of the Opposition. I very much enjoyed the comments made by the members for Finnis and Stuart. It is wonderful to hear from them, their having served in the same parliament as Dave McKee. He was a great advocate for working class people. He was a great representative, whether it be in the parliament or as an elected official of his union and his people, and I think we can all have great confidence that Dave McKee has served the people of South Australia, particularly the region

he came from, namely Port Pirie and surrounding areas, with great dignity and skill.

Mr VENNING (Schubert): With some sadness, I rise to support this condolence motion moved by the Premier. I knew Dave and Rhonda McKee well as they were residents of Port Pirie when I lived at Crystal Brook. I often saw David socially, but I saw him more often when he became the famed member for Port Pirie. My father and Dave McKee were colleagues on opposite sides of this house; they knew each other very well. They were sparring partners in every sense of the word, as has been hinted at by the deputy leader and also by my colleague the member for Stuart; I do not think we need to put it on the record here. It was a very interesting story. I am sure that they could be discussing this right now, because they are now both together up there. I also served with David’s son Colin, and we got on very well—better than our fathers did, I think.

I recall standing at the polling booth in the mid-1960s as a very young Liberal at Solomontown and, worse than that, at Tennyson at a booth behind the smelters where no Liberal should ever go. Things were pretty quiet there until Dave McKee rolled up, as he always did, and it hotted up. He was an unashamed unionist and traditional Labor man. I recall one day that someone called him a Communist. They never called him that again. He was not a Communist, for the record. I never agreed with his politics, but he was a good bloke. He was totally consistent—you always knew where you were with Dave McKee. He was very much a larger-than-life character. My family and I, particularly my mother, Shirley, express to Colin, his sister and his granddaughters, and their many friends, our sincere condolences. He served his comrades, his constituents and his party well.

The SPEAKER: The chair, on behalf of all members, extends condolences to the family and friends of the Hon. David McKee. I ask members to stand in their places in a silent tribute to the Hon. David McKee.

Motion carried by members standing in their places in silence.

PARLIAMENT HOUSE, DANGEROUS SUBSTANCE

The SPEAKER: Before calling on the business of the day, members may be aware that there was an emergency this morning at Parliament House in Adelaide. During routine maintenance work on the air-conditioning system, a still unidentified powdered substance was found in the Speaker’s dining room. Emergency services were alerted and attended, and a sample of the substance has been taken away for analysis. The building was not evacuated—and members will be pleased to know that the sitting of the Legislative Council was not interrupted.

COMMERCIAL FISHING NETS

A petition signed by 16 008 residents of South Australia, requesting the house to urge the government to ban the use of commercial fishing nets within the Gulf of St. Vincent, was presented by Mr Meier.

Petition received.

ALCOHOLIC DRINKS, SALE

A petition signed by 1 101 residents of South Australia, requesting the house to amend the Liquor Licensing Act 1997 to allow sealed alcoholic drinks to be sold in food shops such as supermarkets and delicatessens, was presented by Mr Hanna.

Petition received.

ROAD SAFETY GRANTS SCHEME

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

Leave granted.

The Hon. P.F. CONLON: I wish to make a statement concerning the community road safety grants scheme and its success in supporting localised road safety initiatives through South Australia. Community road safety groups were invited to apply for funding for local road safety initiatives to the Department of Transport and Urban Planning. I am pleased to announce that 14 community road safety groups were successful in gaining funds for 18 separate initiatives. Most of these are based in rural areas, where we have 14 dedicated enthusiastic groups working towards local road safety outcomes supported by Transport SA personnel. This represents a total of \$60 828 awarded to those 14 groups for a wide range of projects that have been developed locally to respond to local issues.

Let me provide some examples of the types of program that will be implemented as a result of these grants. The Naracoorte-Lucindale community road safety group will provide a subsidy to 100 young people in that district to undertake a defensive driving techniques course. In the spirit of community activities like these, the program will also involve two local schools and the Rotary Club. The Wattle Range Road Safety Group has also been successful in obtaining funds to subsidise this course for local young drivers.

In another innovative program receiving a grant, the Tatiara Road Safety Group will be working in conjunction with local heavy vehicles transport companies, which will display a road safety message on their vehicles. These will address the fatal five: drink driving, fatigue, speed, seat belt use and inattention. Mount Gambier Road Safety Group has had great success with a similar program funded by these grants previously. As I mentioned, 18 projects in all have been funded. This grants program demonstrates that not just local communities are concerned about road safety but that they are also prepared to do something about it. All the groups that have been awarded grants are to be commended for their initiative and hard work. This is also an example of the government's commitment to supporting local communities. Each of the road safety groups that have been successful will be notified of their success over the coming week and I wish them every success.

McGEE, Mr E.

The Hon. M.J. ATKINSON (Attorney-General): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. ATKINSON: Yesterday I informed the house that, although it was not the government's intention to fund from taxpayers' money lawyers to represent all those people affected by royal commission, the government would

consider funding legal representation for the Humphrey family. I have now taken advice on ways of doing this and can advise the house that the Victims of Crime Act authorises the Attorney-General to make an ex gratia payment for the benefit of victims of crime. Such a payment is not limited to victims who have been injured. Ex gratia payments can assist victims to overcome the effects of a crime or to advance the interests of victims. I refer the house to the statements made by the Hon. K.T. Griffin on 16 May 2001 during the debate on the Victims of Crime Bill. He said:

The bill goes further than the present act in another respect. It adds a new power to make discretionary payments to victims who do not assert that they have suffered an injury at all but who seek financial assistance to overcome the effects of a crime. These applications can be made by letter and it will not be necessary to issue court proceedings. These will not be lump sum payments in recognition of harm as other ex gratia payments may be, but payments towards particular identified expenses which, in the Attorney-General's opinion, have been necessitated by the offence and will help the victim recover. An application will be considered on its merits by the Attorney-General or his delegate.

It is a matter for the commissioner, Gregory James QC, as to whether members of the victim's family, including Di Gilchrist, are granted rights of appearance before the royal commission. If such a right of appearance is granted by the commissioner, I would then advise Ms Gilchrist to make an application for an ex gratia payment pursuant to the Victims of Crime Act. If such an application is made, I will consider the application on its merits at the time.

PAPER TABLED

The following paper was laid on the table:

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

Education and Children's Services, Department of—
Report 2004.

QUESTION TIME

APY LANDS

The Hon. R.G. KERIN (Leader of the Opposition): Has the Premier broken all three undertakings made to Professor Lowitja O'Donoghue, which have frustrated her efforts to improve living conditions in the AP lands? The *Advertiser* today has stated:

Professor O'Donoghue said she was given three specific undertakings by Mr Rann:

A full-time coordinator would be on the AP lands by Christmas last year.

The Premier would update people on the lands through the local radio station.

A review of the Pitjantjatjara Lands Rights Act would be completed by Anzac Day this year.

Ms O'Donoghue said Mr Rann had broken all three undertakings made to her.

On ABC Radio Professor O'Donoghue said:

The government will tell you about the programs they have in place. I told the Premier and I will tell you that they gild the lily all the time about what is happening up there, and it is not happening at all.

The Hon. M.D. RANN (Premier): I was informed that I would be given this question from the Leader of the Opposition, so I am very happy to reply. Lowitja O'Donoghue claims that she was given three specific undertakings: a full-time coordinator to be on the lands by Christmas last year; the Premier would update people on the lands through

the local radio station; and a review of the Pitjantjatjara Land Rights Act would be completed by Anzac Day this year. In response to these specific issues, the state and commonwealth governments have worked together to ensure that a coordinating position is in place with the full support of Anangu and that this properly supported place manager will commence next month.

I had a meeting with Amanda Vanstone. We thought that it was ideal to have a coordinator who coordinated on behalf of both the federal and the state governments and will oversee both state and commonwealth service delivery on the lands and provide advice in relation to what is happening on the lands directly to the state and commonwealth governments. I want to commend the federal Liberal Minister for Aboriginal Affairs for her excellent cooperation in this regard.

I also inform the house that I have provided a written statement that was read out in language and on PY Media relating to the review of the Pitjantjatjara Land Rights Act. The acting minister has also written to each of the communities on the lands in relation to this and provided a statement to be relayed through PY Media. State government agencies have been requested to provide regular updates on their activities via PY Media. I am also aware of other statements that have been read out. The review of the Pitjantjatjara Land Rights Act is well under way. Written submissions were called and the APY executive held the first round of community consultations two weeks ago.

Three major meetings across the lands were well attended and, we are informed, generally well received. The information gathered has been drawn together by the APY executive and state government and a second round of community consultations will be held during the week of 23 May. The amended act will then be brought to parliament as soon as possible. It has been important throughout this process to ensure that Anangu are properly consulted and that their views are taken into account. This has resulted in a more lengthy process than initially anticipated. I should say that last year I was accused of being a bull in a china shop, of overriding local concerns and of not properly consulting. Now I am being accused of consulting too much, apparently.

Particularly close relations between the state and commonwealth have been critical to putting in place in a comprehensive and coordinated way the structures that will ultimately lead to much better outcomes for the people of the APY lands. In his most recent inquest findings, the Coroner (Wayne Chivell) indicates that the current approach by government has achieved much more impetus, that 'I have no doubt that this has resulted in much more concerted action' and that 'the early signs are good.' He also indicates that the impetus achieved thus far must be maintained in the medium and long term.

Because members opposite apparently do have an interest in this area, although it was not really evident when they were in government, let me outline what has been happening on the lands. Some of the programs that are up and running and providing activity for vulnerable young people include:

- Properly supported youth workers in each community;
- Homelands horse breaking and horsemanship programs for camel and horse mustering for young petrol sniffers;
- School holiday programs with 'deadly treadly' and bicycle repairs;
- Two swimming pools to be placed on the lands in Mimili and Amata by the end of this year, with a no-school no-pool rule—and that is also about getting better health outcomes;

- There has been a dramatic increase in school attendance. I am told that in 2002 the secondary school attendance rate was 64.3 per cent; in 2004 it had risen to 76.4 per cent;
- An additional psychiatric nurse;
- Physiotherapists;
- Family support workers;
- Provision of services and equipment for disabled people, and disability services officer training for local people;
- Policing has been improved with a permanent presence on the lands of seven police, including an inspector of police. SAPOL is establishing night patrols in community communities. Compare that with the record of the previous government that did not give a damn about Aboriginal people in the Pitjantjatjara lands;
- The airstrips are being upgraded and the water quality improved through the installation of UV water disinfection equipment;
- Native gardens have been established providing training and sustainable employment;
- The healthy food stores policy is improving the availability of nutritious and healthy food in local stores.

So, I can say that a great deal has occurred on the lands. When I went to the lands, people were telling me that they wanted police on the ground, not off the lands: they wanted police to protect their children and the women.

Mr Brokenshire interjecting:

The SPEAKER: I warn the member for Mawson.

The Hon. M.D. RANN: I was told that they wanted funding for arts centres in the lands for hundreds of women and girls who are involved in a series of arts programs, and I have funded those as well.

McGEE, Mr E.

Mr SNELLING (Playford): Can the Premier confirm that Her Excellency the Governor has today appointed a commissioner with sufficient terms of reference to undertake an inquiry into key aspects of the investigation into offences by Eugene McGee and his subsequent trial?

The Hon. M.D. RANN (Premier): I can say in response to the previous ministerial statement that personally I would be very happy to contribute financially to the cost of a lawyer if that would assist the victim's family, and I know that other members on this side of the house would be as well. I am sure that there are decent lawyers—and there are many of them—who would be prepared to do the work for nothing to assist the family.

I can confirm that today Her Excellency the Governor in Executive Council appointed Gregory Reginald James QC as a commissioner to undertake an inquiry into the investigation of offences committed by McGee and his trial. The government is confident that the terms of reference, which I outlined to the house on Tuesday this week, will enable a thorough and speedy inquiry.

I have made it abundantly clear that the government will favourably consider any request from the Commissioner to broaden the terms of reference if he considers this necessary once he has commenced his inquiry. So, if he needs extra powers, if he wants to widen the terms of reference, all he has to do is to say so and that will be done.

I understand that staff are working towards placing a notice in the weekend paper inviting submissions to the royal commission. Hearings may commence as early as next week. Officers of the Attorney-General's Department currently are working with the Commissioner to engage counsel assisting

and other legal and administrative support for the Commissioner. Arrangements are also being made to secure suitable accommodation. I was amused but not surprised to hear some members of the opposition claim that the focus of the royal commission was too narrow. The shadow attorney-general, Robert Lawson, in his usual politically duplicitous response has said that he wants—

Members interjecting:

The Hon. M.D. RANN: No, you listen to what he said and work it out for yourselves.

Mr BRINDAL: I rise on a point of order, Mr Speaker. In fact, I have two points of order, sir. The first is offering comment in answer to a question. The second is that I believe former speaker Lewis ruled that it was a grave discourtesy to this house to set up a question which should be offered into the house in the form of a ministerial statement. This is a very important statement and should have been presented as a ministerial statement.

The SPEAKER: Order! The member is going beyond a point of order. I do not believe the Premier has strayed from answering the question at this point.

The Hon. M.D. RANN: Thank you, sir. The shadow attorney-general has said that he wants a comprehensive examination into the investigation and prosecution, but he does not want to revisit the verdict or sentence. Just what does he want? On the one hand, he said there was a need for an inquiry, and then said that I was sleazy for establishing an inquiry. I established a royal commission, and then he cries, 'cover-up.' Does that make any sense? This guy should go back to conveyancing. The Liberal opposition is engaged in political posturing without any regard for victims and their family.

Members interjecting:

The SPEAKER: Order! Point of order. The Deputy Leader.

The Hon. DEAN BROWN: It is clearly a debate in contravention of standing order 98.

The SPEAKER: Yes. I was distracted for a minute talking to the Clerk. The Premier should not debate the answer. I think he should wind up his answer.

The Hon. M.D. RANN: The member for Heysen does not appear to agree with her colleagues. On Tuesday she told the house that the issues which need to be considered are: the failure to breath-test McGee, what the Zisimou brothers told the police, and why Professor McFarlane's psychiatric evidence was not contested. Well, that is exactly what they are asking the Royal Commissioner to do. Those issues and others will be examined by Commissioner James QC. Perhaps the member for Heysen should have a word to her colleagues and correct them; she is clearly a better lawyer.

The key elements for the terms of reference are: why McGee was not breath-tested or blood-tested to determine his blood alcohol concentration on arrest; whether the principal prosecution witness, Tony Felice, was given a proper opportunity to give evidence about whether McGee was attempting to overtake, as claimed by McGee; what the Zisimou brothers told the police, and why they were not called at the trial; and whether psychiatric evidence should have been presented by the prosecution at trial and at the sentencing hearing, and, if so, why it was not.

There has been some suggestion by the police association that the Commissioner should consider reform of the law in relation to requirements on police about breath-testing suspect drivers. The terms of reference given to the Commissioner require him to make any recommendations he con-

siders necessary and practicable for the reform of any law, practice or procedure arising from his findings. The government has covered all the issues, and I thank the member for Heysen for her support when she told the house on Tuesday that our views about McGee appeared to be largely warranted.

The Hon. I.P. Lewis: What about his evil criminal connections and the victims—

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

The Hon. M.D. RANN: On the other hand, he does not seem to be able to make up his mind on critical issues affecting the justice system in the state.

The Hon. DEAN BROWN: Point of order. It is a contravention of standing order 98.

The SPEAKER: The latter part was not so much debate, but there was an earlier part where the Premier was getting into debate. The bulk of the last bit was not debate.

HOSPITALS, MOUNT GAMBIER

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is to the Minister for Health. Is the Mount Gambier Hospital being used by the state government to illegally obtain commonwealth funds, and are these funds being diverted to the Queen Elizabeth Hospital in Adelaide? The opposition has been advised that some public patients receiving outpatient treatment at the Mount Gambier Hospital are being required to sign Medicare bulk billing claim forms which are then submitted to Canberra for payment. This step is required by the hospital in instances where these public patients are treated by fly-in general surgeons from the Queen Elizabeth Hospital.

In checking with the federal government, I have been advised that all public patients treated at public hospitals throughout Australia are funded under the Australian health care agreement. The opposition has been further advised that Medicare payments obtained by this rort are then being directed to the Queen Elizabeth Hospital. My inquiries through Canberra confirmed that the hospital's practice of requiring public patients to sign Medicare bulk billing claims for outpatient services that are already being funded under the Australian health care agreement is a serious breach of that agreement.

The SPEAKER: Before calling the minister, I point out that there was clear comment in that question. The word 'rort' is a comment, and I point out that the rules and standing orders apply to both sides. The Minister for Health.

The Hon. L. STEVENS (Minister for Health): I will certainly look into the allegations of the deputy leader. Of course, we know, given past experience in relation to many of the deputy leader's allegations, that there is often quite a different story. I am very happy to do that. Again, I would say—

The SPEAKER: I think that the minister has answered the question. You are going to inquire into that, and that is the answer.

TOURISM, WINE AND FOOD

Ms CICCARELLO (Norwood): My question is to the Minister for Tourism. How is the state government promoting wine and food tourism in South Australia, particularly in the Limestone Coast?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Norwood, who knows the importance of travelling tourism and driving, particularly to cultural areas such as the South-East, as she has a very prominent tourism load of activity in her own electorate, not only through special events but also through restaurants, eating and wine outlets. The South Australian Tourism Commission has recognised the benefits of wine and food tourism being linked as a key, and a magnet, for drawing tourists from around South Australia, and has worked hard to develop a refreshed campaign for food and wine tourism. This has been developed through some serious market research with focus groups and surveys of cellar door visitors, through a series of campaigns in 2001 and 2003, to look at which areas of our campaign have been unsuccessful and what visitors perceive as the failings at cellar doors. We have used that research to help owners of cellar doors to develop better facilities and invest in their businesses but also to help us with our marketing, because we want South Australia to maintain its position as the premier destination for food and wine tourism in the country.

We are now working on a campaign to highlight the major destinations around the state, and the Limestone Coast with the Coonawarra, Padthaway, Mount Benson, Wrattontully and Penola district wine areas is a key area for wine tourism. It is also appropriate that I commend the Limestone Coast Tourism Marketing campaigns, which have always been innovative and creative of themselves and which recognise that wine tourism is not only about selling wine at the cellar door but also about encouraging people to stay longer in areas. They recognise marketing developments for wine outlets in that people who visit cellar doors tend to buy more wine from that outlet in the future. One of the elements of our campaign is a Meet the Maker strategy, whereby the makers of wine will be available during special events to promote sales and products. Another important element is involvement in cooperative advertisements between the SATC and particular areas—particularly the Coonawarra—with such things as joint advertisements, as in the upcoming June edition of *Delicious* magazine.

In addition, we are producing a new South Australian wine and food guide, which will be ready by October 2005. As well as having 250 cellar door listings, it will also highlight key regional dining experiences, good picnic spots, the sources of provisions for your picnic basket, and even where you can find regional cooking schools. This guide will, of course, feature the Limestone Coast, but in addition to the free advertisements given to each of the 40 cellar doors in this region, there will also be some truly high quality text, in this case written by Tony Love, *The Advertiser's* food and wine editor, who will write an article about the Limestone Coast.

As part of the campaign, we will also support the Coonawarra vigneron and their special events, because we know that the wine areas of the Limestone Coast are key and integral to our strategy of being the premier wine and food destination in the country.

HOSPITALS, MOUNT GAMBIER

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Health confirm that Ms Sue Thompson, Director of Nursing at the Mount Gambier Hospital, resigned about four weeks ago due to management problems at the hospital, and will the minister initiate an independent inquiry into the bullying and intimidation at the

hospital? The resignation of the Director of Nursing at the Mount Gambier Hospital follows the resignation or termination of contract of numerous resident medical specialists, the Director of Medicine and two mental health nurses.

The Hon. L. STEVENS (Minister for Health): It is very concerning that time and time again the deputy leader attacks the Mount Gambier Hospital, its staff and its board—

The Hon. W.A. Matthew interjecting:

The SPEAKER: Order, the member for Bright!

The Hon. L. STEVENS:—and undermines the work and efforts of the people who work in that hospital and live in this community. He never has a good word to say about anything. He is negative—

An honourable member: About you?

The Hon. L. STEVENS: No, not about me—that is irrelevant—but about the people who work in that hospital.

Mr BROKESHIRE: I rise on a point of order, Mr Speaker. I refer to standing order 98; it is about relevance. This is a specific and serious question, sir.

The SPEAKER: Order! There is also a standing order about not interjecting, which the member for Mawson should read as well. The minister should answer the question, which was about the Director of Nursing.

The Hon. L. STEVENS: Certainly, sir, I shall answer the question. However, I do need to put on the record my concern about these matters.

The SPEAKER: I think the minister has put that on the record.

The Hon. L. STEVENS: I am not aware of the resignation of the director.

Ms Chapman: You've been here for a week.

The SPEAKER: Order! The member for Bragg was warned this morning, and that warning still continues this afternoon. The minister.

The Hon. L. STEVENS: I am very happy to look into the matter raised by the deputy leader. In relation to bullying and harassment at the hospital, when the Stokes-Wolff review was done—a review which I instigated—it revealed long-standing issues—issues of many years duration—that had their foundation many years ago.

Members interjecting:

The SPEAKER: Order! I warn the member for Bright, and the member for Mawson is heading for big trouble.

The Hon. L. STEVENS: The hospital has made efforts in all those areas, and those efforts were acknowledged by Stokes when he returned to again look at what had been done by the new hospital board. Bullying and harassment is not acceptable anywhere, even in this place. I will certainly undertake to look into those matters and to draw the attention of the board to them.

WATER SUPPLY, ANDAMOOKA

Ms BREUER (Giles): Can the Minister for Infrastructure advise the house whether his recently released strategic infrastructure plan for South Australia addresses the opportunity for a water supply to Andamooka and other Outback towns?

The Hon. I.F. EVANS: I rise on a point of order, Mr Speaker. Out of the debate this morning, the house is aware of that information: the answer is no.

The SPEAKER: I advise the member for Davenport that the minister may have some new information.

The Hon. P.F. CONLON (Minister for Infrastructure): The member for Davenport could not be more wrong in his

bald assertions. The infrastructure plan does indeed deal with Andamooka's water supply, and it deals with other Outback—

The Hon. I.F. Evans interjecting:

The Hon. P.F. CONLON: I'm sorry, but the member is very confused.

The SPEAKER: Order! The member for Davenport is out of order, and he will be warned—

The Hon. P.F. CONLON: It is regrettable that the member for Davenport does not think that this is an important issue, because this is an incredibly important issue to the people of Andamooka.

The Hon. W.A. Matthew interjecting:

The SPEAKER: Order! The member for Bright has been warned; the next time he will be named. The Minister for Infrastructure.

The Hon. P.F. CONLON: It is important that I thank the member for Giles, who has worked so very hard in recent years for the 600 people, I think it is, of the town of Andamooka. I indicate that not only is this matter addressed in our regional infrastructure plan but—

Members interjecting:

The Hon. P.F. CONLON: Members opposite are so rude, and they despise good news.

Members interjecting:

The SPEAKER: Order! For those members who did not read this morning's media, perhaps they should look at the comments made about the behaviour of some people in this place. The Minister for Infrastructure.

The Hon. P.F. CONLON: An amount of \$300 000 will be spent before the end of this financial year and a further \$200 000 will be spent in the next financial year to purchase piping which will pipe water from Roxby Downs to Andamooka for the first time. I am grateful for the assistance of Western Mining Corporation in assisting the community with technical and other assistance and advice.

The Hon. I.P. Lewis: Like Rann's 'mirage in the desert'. They are deriding it because it is not much. They are deriding what we are doing. Let me tell you this: these people test your patience. They had 8½ years to do something for the people of Andamooka. For 8½ years they allowed—

Members interjecting:

The SPEAKER: Order! I warn the member for Davenport.

The Hon. DEAN BROWN: I rise on a point of order. This is clearly debate, as you would realise, Mr Speaker, and this chamber realises it. I ask you, Mr Speaker, to bring the minister to order.

The SPEAKER: Yes; I do. I ask members, particularly on my left, to observe the standing orders which require members not to interject and not to engage in behaviour that is disrespectful to the standing orders. The minister has the call.

The Hon. P.F. CONLON: I apologise for it and come back to it, sir. Many of us have been provoked by the incredible rudeness we have seen this week. The truth of this is that the city—

Members interjecting:

The Hon. P.F. CONLON: They will not listen for one sentence, will they? The truth is this: the people of the town of Andamooka have been carting water at \$15 a tonne. When we complete this pipeline, which we will do very quickly, they will get their water at the city price of about \$1 a tonne, which is an incredible thing for those people. I can tell you that, whether or not they like it in here, the people of

Andamooka are over the moon about this announcement. These are the people who purport to represent regions. That is what they tell you, and they have done nothing but deride me since I have stood up to talk about this. I think it is offensive.

We will also continue to address the broader issue of water supply through a working group comprising senior representatives from the Outback Areas Community Development Trust, Arid Areas Catchment Water Management Board, the Office for Infrastructure and Development, the Office for Regional Affairs, SA Water, Planning SA, SA Tourism Commission, Northern Regional Development Board and the Office for Local Government.

The South Australian Infrastructure Plan has been about the big projects and the small. However, while this project may be small, it is incredibly important, because 600 South Australians have been paying 15 times the price of water. It is important that we recognise that we were able to do this through the lengthy work we did consulting with regions in putting the infrastructure plan together. I can tell you that we consulted with many people in the region beyond Andamooka and they placed this at the top of the list. From memory, one of them was the inimitable Joy Baluch, who told me I should do something about Andamooka's water supply even though it is a fair way from her mayoral responsibilities. It is a tremendous example of what the regions will do for each other when you allow them to work together. I am very happy to be able to assist the member for Giles in something that she has sought as a local member for many years. It is very good news for 600 South Australians.

Honourable members: Hear, hear!

HOSPITALS, MOUNT GAMBIER

Mr HAMILTON-SMITH (Waite): Will the Minister for Health confirm that five medical staff who are or were working at the Mount Gambier Hospital are taking legal action against the hospital or the government? Can the minister explain why such an unprecedented legal action is being taken?

The Hon. L. STEVENS (Minister for Health): I cannot confirm that.

HOUSING, REGIONAL DEVELOPMENTS

Mrs GERAGHTY (Torrens): My question is to the Minister for Housing. What regional housing developments are taking place to address the housing needs of our regional communities?

The Hon. J.W. WEATHERILL (Minister for Housing): I thank the honourable member for her question. As members will recall, I launched the Housing Plan for South Australia in March this year, and that plan specifically looks at the housing needs of regional communities, particularly those experiencing economic and social change. Through the plan, we have a set of objectives about dealing with regional South Australia which involves both increasing the housing supply and addressing infrastructure issues in regions experiencing that change. Obviously, when we have areas of strong economic growth such as in regions like Naracoorte and Bordertown with the extension of their meat works and, indeed, in other parts of the state, in places such as Port Lincoln, Murray Bridge and the Barossa, we are seeing that people can obtain employment and have good, well paying jobs in many cases, but what we find is a market failure. This

is an inability of the market to provide the housing response in time to allow that economic development to occur. Indeed, in many cases we are told that economic growth is held back by the lack of affordable housing. This has always been a role for government—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Those opposite are delusional if they say that they had a plan for affordable housing in this state. There was no plan at all.

The SPEAKER: The minister is debating the question now, but members on my left are provoking it.

The Hon. J.W. WEATHERILL: I am sorry, sir. I was provoked by an interjection. The Land Management Corporation and HomeStart Finance have entered into a partnership with the private sector to construct and sell quality mid-range housing in regional South Australia. The initiative will commence in the South-East region using existing LMC capital of \$2 million to construct up to 26 properties over 24 months, with HomeStart Finance offering finance to potential purchasers. A well respected local builder-developer has successfully been contracted to this joint venture and a full feasibility study is nearing completion. This was welcomed with open arms by the Naracoorte community. They were excited by the proposition that the state had finally been able to secure a developer—it took us some time because the recent buoyant conditions in the building and construction industry made it difficult for us to attract interest in some regional areas.

It is crucial for government to intervene and kick-start some of these initiatives in rural and regional South Australia. Once they are up and running we will find that private sector operators have the confidence, and, indeed, an established business case, to allow them to take those further steps which are perhaps riskier than investing in the metropolitan area. With the guidance and initiative shown by the state government, private developers will then be prepared to take the lead. We are investigating additional ways to assist regional home buyers in places such as the Riverland, the Murraylands, the Barossa and Port Lincoln, and we hope to be able to make further announcements in the near future.

Mr WILLIAMS (MacKillop): I have a supplementary question. Is the minister aware that the land for the proposed development at Naracoorte has not yet been contracted by the government, but the people involved were told that the government had to make an announcement anyway?

Members interjecting:

The SPEAKER: Order! The chair is not very happy with the behaviour of some people. The minister has the call.

The Hon. J.W. WEATHERILL: This is one of the most remarkable questions I have heard by a member who seeks to represent people in this region of the state. This initiative was welcomed as one of the most significant—

Mr WILLIAMS: I have a point of order.

The SPEAKER: Order! What is the point of order?

Mr WILLIAMS: It is standing order 98. The question was: is the minister aware that the contract to purchase the land has not been signed?

Members interjecting:

The SPEAKER: Order! The minister will have the chance to answer the question.

The Hon. J.W. WEATHERILL: Up until a few weeks ago we had not even secured the preferred developer for the site. I have explained before about the buoyant conditions that existed. We got the news through on the eve of the visit to

Naracoorte and I was very pleased to tell the Naracoorte community that we had achieved that so far. I am sure there are some documents to be signed to consummate the deal but we were very happy to be able to make the announcement and those in Naracoorte were very happy to hear it.

The SPEAKER: The chair is going to recognise people who follow and abide by the standing orders.

EIGHT MILE CREEK

Mr WILLIAMS (MacKillop): My question is to the Minister for Agriculture, Food and Fisheries. Will the minister assure farmers in the Eight Mile Creek area that the South-Eastern Water Conservation and Drainage Board will be able to continue to drag the creek to keep the channel open to prevent flooding? The drainage board drags a specially constructed frame within the creek on a regular basis to remove watercress and other weeds that clog the flow channel. Concerns have been raised that environmentalists are lobbying to have the practice stopped.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): The member is aware that that is a question for another minister.

The SPEAKER: The minister for the Eight Mile Creek.

The Hon. J.D. HILL (Minister for Environment and Conservation): I am a few things other than minister for the Eight Mile Creek, but I am happy to take the question. I am aware that there has been discussion around the place about some of those issues. What has been created artificially has some environmental merit, which is what the honourable member is saying. The idea is that, if we can manage to enhance environmental outcomes as well as achieve the traditional outcomes of keeping the creek clear, we should try to do that, but I do not have any particular information to hand. I will seek a report for the honourable member, but we would want to keep it operating as a drain, whatever other consequences and considerations are brought into account.

YOUTH SERVICES

Ms BEDFORD (Florey): My question is to the Minister for Youth. What initiatives are being developed that provide safe after hours venues for young people?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I thank the member for Florey for her question and acknowledge her advocacy for young people. Many different initiatives and venues in South Australia are being developed but, because we are in this region, I will refer to a couple of the initiatives in this area. Yesterday my colleague the Minister for Families and Communities opened The Loft Youth Centre, and this evening I have the honour of opening a complementary service called the Youth Space at Mount Gambier's Community Youth Service Centre. I am looking forward to seeing this space, because I am told that it will provide a safe, warm and free venue for young people aged from 12 to 24 years on Thursday evenings during late night shopping. It will be a fun place offering games, equipment, music, the latest videos and free hot pizza.

The co-ordinator, Ms Sam Chandler, is one of the region's enthusiastic young leaders and has been very much involved in making this happen. In addition, I am told that the idea actually came from Mr Sandy Coulson from the District Council of Grant's Youth Advisory Council and that the establishment of the space was helped by a \$6 000 'youth in

community' grant from this government from our Office for Youth. The space will initially operate for a two month period, although support is really rolling in to make sure it goes longer than the trial is expected. This demonstrates positively that not only has the Grant District Council offered its support for the space but also local businesses and a bank in this region have supported it. We have to congratulate the local community, which has been behind this project.

I am also told that there has been a contribution by Mr Barry Maney, who has provided \$1 000 in sponsored equipment for the space and has promised to put more money into the centre if it survives the trial period and keeps going. Today we celebrate all the elements that make the Limestone Coast such a strong community. They have got behind young people to make sure they have a great place to go to and a place they can call their own. For people who will be here tonight from the chamber and for local people, the launch will be at 6.30 p.m. at the Community Service Centre, 22 Ferrers Street, behind the RSL. I hope there will be a good turn up to celebrate this great initiative.

McGEE, Mr E.

Ms CHAPMAN (Bragg): My question is to the Attorney-General. Given the government's position that citizens giving evidence to the royal commission will not be provided with legal support, will the guidelines, which allow legal representation for ministers, be modified? Notwithstanding today's announcement that Ms Di Gilchrist may be given some ex gratia payment in relation to an application if she makes same, yesterday in the house the Attorney-General's said:

Our position is that we regard it as most undesirable for taxpayers to be funding lawyers for every person affected by the commission. After all, so far as I am aware, no-one here is under suspicion of having committed a criminal offence.

I suggest that the various parties who will appear before the royal commission—the police, the prosecution service, the Zisimou brothers—go along to the commission, tell the truth and tell the commission what they know.

The Hon. M.J. ATKINSON (Attorney-General): If ministers are called before the inquiry, they will be in the same position as everyone else.

Ms CHAPMAN: As a supplementary question, will the guidelines allowing legal representation for ministers—you have a code—be modified?

The SPEAKER: Does the Attorney-General wish to add anything?

The Hon. M.J. ATKINSON: No.

Ms CHAPMAN: My next question is also to the Attorney-General. Will the Attorney assure the parliament that independent counsel as opposed to counsel from the DPP's office will be appointed to assist the royal commission, and how will the process of appointment be undertaken?

The Hon. M.J. ATKINSON: The royal commissioner will nominate counsel who are satisfactory to him as counsel assisting. I would be astonished if any counsel from the DPP's office were appointed as counsel assisting the royal commission.

ROADS, UPGRADING

Mr BROKENSHIRE (Mawson): My question is to the Minister for Forests. Given the urgency and importance of upgrading South-East roads to meet the huge increase in

forestry traffic, does the minister agree with rural constituents who claim that road upgrades should be a higher priority for the government than the \$21 million, 1.1 kilometre-long tram extension in Adelaide? Local South-East residents have advised me that, as the first hardwood plantations in the region near harvesting and the number of freight movements are predicted to double, decisions on upgrades are needed now to be made regarding the South-East rail, the Riddoch Highway and the Border Road to ensure a safe and efficient transport system.

The Hon. R.J. McEWEN (Minister for Forests): Much as this is an infrastructure question, the honourable member asking this question knows that we spent an hour debating this this morning. He knows that the resolution of that debate was that all parties need to focus clearly on costing all the solutions and then back one of them. He noted three of the solutions. Obviously, he is not prepared to back any of them. I put on the record in this house this morning that I was prepared to back one of them. I indicated that I had written to the federal minister saying that I believed that the Border Road offered the best solution to the infrastructure problems identified by the honourable member.

In his speech this morning, he pointed to a number of statistics, which I offered casually to him afterwards were fundamentally flawed. This morning the honourable member in debating this very issue talked about the total resource in the greater Green Triangle, failing to realise that more than half that resource does not pass through the city of Mount Gambier. That was beside the point.

I was also delighted that the member for MacKillop in the debate this morning was also prepared to put on the record that he believed the Border Road offered the best solution. Both of us told the house this morning that we must stand back in the next few months, get local government on both sides of the border, two state governments and the federal government to truly cost all the potential solutions, sign off on them and then start to put a funding package together. This funding package will involve local governments, two state governments and the federal government. Of course, some snide remarks were made about the fact that, if the Border Road were the solution, it might in some way mean that the state government would need to contribute less. I can assure members that that has never been in my mind.

I can assure members that it was not in the member for MacKillop's mind. What we are on about is finding a satisfactory, long-term, sustainable solution to what is a very complex freight imperative facing this region. It is complicated by the fact that there will be four million tonnes of blue gum coming onto the market in the near future. The document that sets that out I made available to the member for Schubert this morning. He was speaking without having the information and he is delighted now to have that. Importantly, again, three quarters of that resource is on the Victorian side of the border and will not come down the Riddoch Highway and not come into Mount Gambier.

Mr BROKENSHIRE: On a point of order, this is interesting. As the minister said, this has been debated this morning.

The SPEAKER: Order! The point of order is not an opportunity for a speech. Is the point of order relevance?

Mr BROKENSHIRE: It is about the tram \$21 million as against the money going to roads.

The SPEAKER: Order! I do not believe the Minister for Agriculture has responsibility for trams. That is a matter for the Minister for Transport.

CHILDREN, SEXUAL ABUSE

The Hon. I.P. LEWIS (Hammond): My question was to be directed to the Premier, wherever he is. I will direct it to whomever in the ministry might choose to answer it. Why did the Premier, whilst knowing of the allegations of the sadistic and paedophile activity of the teacher Glen Dorling of the local school St Martins, not discuss the matter with the Deputy Premier and the Minister for Police, the local member, the Minister for Agriculture, Food and Fisheries, the Minister for Education and others; and why did he, knowing that, vilify Archbishop Ian George of the Anglican Church over the unproven allegations against him, and yet let Dorling and St Martins get away with it?

Statements have been provided and letters written to the Premier, the Deputy Premier and several other ministers, including the Minister for Education, the Attorney-General and the local member, about this matter detailing how Dorling stood children in the corner for hours on end until they soiled themselves, and then otherwise offered them some kind of sadistic solace by requiring them to place their face in his lap, and having done that set out—

The SPEAKER: Order! I think the member is going beyond what is normal in the basis of an explanation. The chair is not in a position to pass judgment on any individual. I ask all members to be very careful in how they use the longstanding privileges of the house.

The Hon. I.P. Lewis: It is not before the courts, Mr Speaker, but it ought to be.

The SPEAKER: I caution members not to use the longstanding privilege of our parliament to in any way prejudice investigations or any other matter which might impinge on the natural justice of an individual. Does the Premier wish to respond?

The Hon. M.D. RANN (Premier): Yes, sir. Yesterday a member of the public, a parent, in the gallery approached me.

The Hon. I.P. Lewis: On the contrary: you approached him.

The SPEAKER: Order! This morning I heard the member for Hammond on radio saying how he was committed to upholding the standing of the parliament. I trust that he will continue to do that.

The Hon. M.D. RANN: I am telling the truth and the member for Hammond is not, because he was not there. The fact is that I was in the gallery and a member of the public in the gallery approached me and said that he would like to speak to me. I went up to my office and came back with a member of my staff to find the said member—so the member for Hammond has misled the house—and I then—

The SPEAKER: Order! The Premier must not do that, except by way of substantive motion.

The Hon. M.D. RANN: I sat down with him and took details of the claims that he made, and I will be taking up those matters with South Australia Police.

DEATH CERTIFICATES

Mr HANNA (Mitchell): My question is to the Attorney-General. Why does it take seven months to get a death certificate in this state? What will the Attorney-General do to reduce such waiting times? The son-in-law of a constituent of mine died on 9 October 2004. His widow needs a death certificate to finalise her husband's estate. She has been advised that post mortems normally take 15 to 20 weeks. She

was further advised at the beginning of April that, although a forensic pathologist's report had been received, it would take another four to six weeks before a death certificate could be provided. Just recently she was provided with information that it would take another four to six weeks before the certificate could be provided. This ongoing delay has added to the widow's distress and grief.

The Hon. M.J. ATKINSON (Attorney-General): The question is a good one. I am aware of the problem in swiftly issuing death certificates, and that is why we will be increasing funding to the Coroner's Office.

NARACOORTE REGIONAL HOUSING PROJECT

Mr CAICA (Colton): My question is to the Minister for Infrastructure. Has the Land Management Corporation been involved in the Naracoorte regional housing project and, if so, how?

The Hon. P.F. CONLON (Minister for Infrastructure): I am quite proud to say that the Land Management Corporation has been involved in the Naracoorte regional housing project—the project of some discussion earlier today. I am very happy for them to have played a role in bringing the parties together and achieving this outstanding outcome, which was welcomed so warmly by the mayor of Naracoorte when I met him recently. They have also had a more recent role in providing me with some important information. The deposit on the land in question has been paid and a receipt retained. The documents have been signed in the name of Empak Homes and/or nominee, and negotiations with the vendor have been under way since mid-April. Perhaps some of my lawyer friends on the other side can help me but, as I recall my law, contracts for land are actually specifically enforceable, so we should not have any difficulty in that regard. Once again, we are right and they are wrong.

NATIONAL PARKS

Mrs HALL (Morialta): Will the Minister for Environment and Conservation rule out introducing entrance fees for Canunda National Park and Beachport Conservation Park? The local community, which includes the Friends of the Parks group, has vigorously rejected the suggestion that entry fees be charged for entry into these parks because the fees would, amongst other things, impact upon amateur fishers who cross through the park to gain access to the beaches.

The Hon. J.D. HILL (Minister for Environment and Conservation): I noted in the local media that I have authorised officers to consult over this issue. I can assure the house that I have done no such thing. I was most surprised to see that. I can also assure the member that we have no intention of charging entry into the parks.

RAILWAY LAND

Mr WILLIAMS (MacKillop): Notwithstanding that I have been asked to ask the Premier when it is going to rain, my question is, in fact, will he explain why unused rail land has been given to the Mount Gambier City Council and not to other local communities, for instance Tantanoola, Millicent, Kalangadoo, Penola, Naracoorte, Kybybolite and Wolsley? The Wattle Range Council has told me that it had been lobbying to have similar parcels of land made over to that council for at least as long, if not longer, than has the City of Mount Gambier. Concerns have been raised with the

opposition that Mount Gambier was the only community that was given unused rail land in an attempt to shore up support for the local member who also happens to be a member of the Labor cabinet.

The SPEAKER: Order! That is comment. The Premier.

The Hon. M.D. RANN (Premier): It is kind of interesting. The honourable member was invited to attend the community cabinet meeting, the forum and other events that were held in Bordertown and Naracoorte, and that is how much he cares about his local area—

Mr WILLIAMS: Point of order!

The SPEAKER: Order! The Premier will not speak over the chair. The member for McKillop has a point of order.

Mr WILLIAMS: I am at a loss to understand the relevance of this reply to the question.

The Hon. M.D. RANN: Let me explain the relevance of it—

The SPEAKER: The Premier has not answered the question about when it is going to rain either, so we will come back to that one.

The Hon. M.D. RANN: If he had attended, he would know that the mayor and the council of Naracoorte raised this issue with me, and I said I viewed that very sympathetically for the town of Naracoorte, and that I have asked the Minister for Infrastructure and Transport to assist. So, if he cared about his electorate rather than politically grandstanding, he would know that and he would know what I said at the meeting. This morning I met with the Wattle Range Council, the Grant council, the mayors and the chief executive officers, and that issue, from my recollection, was not raised at the meeting. I have great respect for the mayor of the Wattle Range Council and, if he wants to talk to me about railway land, I am more than happy to talk to him, and so is the Minister for Infrastructure and Transport. This really does underpin the difference. The difference is effective representation.

Members interjecting:

The SPEAKER: Order! Did the Premier want to venture an opinion about when it is going to rain?

Members interjecting:

The SPEAKER: Order! The member for MacKillop asked the question. Do not ask frivolous questions if you do not want frivolous answers. The member for Bragg.

SCHOOLS, SOUTH-EAST

Ms CHAPMAN (Bragg): My question is to the Minister for Education and Children's Services. What action is being taken to protect the safety of children and drivers from inappropriate behaviour and bullying by students travelling to and from school on buses contracted by DECS? I am advised that students at Penola Primary School, Penola High School and Mary MacKillop Primary School travelling on the Penola/Kalangadoo bus route are regularly subjected to bullying and obscene language. It has been reported to me that students have thrown objects such as apple cores at the driver, and have put tacks into the arms of students. One student is reported to have recently attempted to ignite aerosol cans on the bus. The owners of the bus have sought permission from the school to install security cameras as a last resort measure to end the incidents by ensuring that there is evidence that can be viewed by the school, the driver and police.

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

Bragg for her question, though I mention in answering it that I would like to get the facts from someone who knows the case rather than taking her version of events, because we know that she tends to take a seagull's view of events—fly in, collect information, and fly out.

Ms Chapman interjecting:

The SPEAKER: Order! The member for Bragg asked the question.

The Hon. J.D. LOMAX-SMITH: As Ray Martin said, 'So, how did that politician get it so wrong? What was her motivation?'

Members interjecting:

The SPEAKER: Order! The house will come to order.

The Hon. J.D. LOMAX-SMITH: It seems to me that very often the member for Bragg's motivation is to denigrate public education, and imply that there is something rotten in—

Ms Chapman: How are you going to protect these children?

The SPEAKER: Order, the member for Bragg will be named if she continues with that behaviour! She has been warned.

The Hon. J.D. LOMAX-SMITH: Rather than denigrating public education, I am of the view that I am the Minister for Education for all children in this state, and I want everyone's behaviour to be appropriate and decent, which might be something that people on the other side of this chamber might consider.

The SPEAKER: Order! The minister is debating the answer.

The Hon. J.D. LOMAX-SMITH: I point out that in our schools we have very strong values education. I spoke of MARBLES yesterday, and encouraged you to remember your manners, your attitude, your body language, and the way you should behave, as do the children in our local schools here.

The SPEAKER: Order! I think the minister should conclude her answer now.

The Hon. J.D. LOMAX-SMITH: As I have said, I have learnt not to take the version of events delivered by the member for Bragg. I know that on many occasions that politician has got it so wrong, and I would like to check the information before I move on.

The SPEAKER: You have already said that.

Ms CHAPMAN: I have a supplementary question. When the minister reads that correspondence, finds out about this issue and answers to the house, will she explain why her department refused to support permission for the bus drivers to have security cameras on the buses?

The Hon. J.D. LOMAX-SMITH: Those are clearly operational issues, and I know that the member for Bragg does not want to be the minister for education, she wants to be the CEO, and she wants to control everything.

SUPPORTED RESIDENTIAL FACILITIES

Mrs REDMOND (Heysen): My question is to the Minister for Housing. Is the government going to provide funding to assist owners and operators of supported residential facilities throughout the state with funds to upgrade their premises to comply with compulsory fire safety regulations and, if so, when will that announcement be made? I have been advised by the President of the Supported Residential Facilities Association that upgrades costing something between \$100 000 and \$150 000 per premises will be

required by local councils as a condition of licensing. The opposition supports the need for greater fire safety measures but understands that many supported residential facilities in the state, including one in Mount Gambier, will be in danger of closing if funding required to undertake this work is not provided by the government.

The Hon. J.W. WEATHERILL (Minister for Housing): I thank the honourable member for this important question. There are some basic facts we need to know about the SRF sector. Supported residential facilities are regulated by local government and are for-profit businesses. It is true that they do worthy work, and it is true that but for their contribution the state would have to pick up its responsibilities in providing supported accommodation. So, it is an important sector to support, and that is why we announced in 2003 the \$57.6 million sustainment package for that sector. However, what we concentrated on—and this was done deliberately—was ensuring that the money that was provided to the sector actually concentrated on the support needs of the people with disabilities.

We provided a set allowance to each individual resident, and then we went through a process of carefully analysing the support needs of every individual resident. There was a subsidy for the Mount Gambier facility of something in the order of \$60 000 per annum, and that facility has received \$90 000 since 2003 and \$118 000 worth of personal support packages. Of the 17 people who are in the facility in Mount Gambier, 10 receive disability support packages and another seven receive personal support packages. We have been tailoring our assistance very directly at the disability area.

We know a lot more about this sector now, and we are fine tuning our package. We are now well aware of the threats facing many SRFs, with local government now becoming much more vigilant about enforcing fire safety regulations. It is true to say that many of the current facilities are not in a state which is supportable in terms of their fire safety, so they are obliged to upgrade them. It would be a requirement for any business to be obliged to do so, in the ordinary course of running their business. However, we are giving some consideration to the requests that have been made.

I had a fruitful meeting with the proprietor of the Lambert facility in Mount Gambier, and I will be taking back to the city a number of the propositions he put to me. However, the points made by the honourable member are well made, but this government has done more to support the SRF sector than has occurred at any time in living memory. This particular proprietor has been struggling away with the difficulties of making very low profits in an area where he and his father have been providing support needs for decades, and it is this government which has addressed his needs.

The SPEAKER: Before calling for grievances, I would like to put on record the appreciation of all members for the support given by the staff of the parliament, council staff, private contractors and all those who have assisted in ensuring that the sitting of parliament here in Mount Gambier has been a success. We thank them most sincerely for their great and dedicated efforts.

McGEE, Mr E.

Mrs REDMOND (Heysen): I seek leave to make a personal explanation.

Leave granted.

Mrs REDMOND: Earlier today, in question time, I believe the Premier misrepresented what I said to this chamber on Tuesday in the course of a grievance debate about Mr Eugene McGee. The Premier asserted that, in particular, there were three areas I thought warranted investigation, those being the evidence of the Zisimou brothers, the lack of a breath test and the evidence of Professor MacFarlane in the case of Eugene McGee and the hit-run. I want to put on the record and make very clear the way in which I was misrepresented. Whilst I agree that, on the issue of the brothers, I made it clear that I felt that an investigation was warranted. Regarding the other two issues—the evidence of Professor MacFarlane and the breath test—I was not saying that at all. I did not say that they were worthy of investigation. What I said in my contribution was that they were areas the government should have addressed prior to this issue becoming the problem it has now become. They were issues about which the government was aware, and the government should have addressed them. That was the essence of what I said, not that all three areas needed investigation.

SITTINGS AND BUSINESS

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

That the house at its rising adjourn until Monday 23 May at 2 p.m.

Regrettably, it will not be in Mount Gambier.

Motion carried.

GRIEVANCE DEBATE

SCHOOLS, SOUTH-EAST

Ms CHAPMAN (Bragg): I wish to raise with the house today the concerning issue that has been raised with me by the bus contractors here in the South-East and at Strathalbyn. The consequence of that is that I have heard about situations where the safety of students and bus drivers is put at risk. As I advised the house today, the students at Penola Primary School, Penola High School and Mary MacKillop Primary School who travel on the Penola-Kalangadoo bus route have been the subject of frequent incidents of bullying and obscene language. As I indicated today, that has involved conduct between the students and conduct between a student and a driver, which has included not only the throwing of objects, including apple cores, at the driver but also physical assaults between students, including the pressing of tacks (tiny metal objects) into the arms of other students on the bus.

Members interjecting:

Ms CHAPMAN: The government might sit there and think this is a joke but, frankly, the health, safety and welfare of these children is at risk. Even if the minister claims she knows nothing about it, it is an important aspect in the care of these children.

Members interjecting:

The SPEAKER: Order! The Attorney and the member for Hartley are out of order.

Mr Goldsworthy interjecting:

The SPEAKER: Order! The member for Kavel is out of his seat and is out of order.

Ms CHAPMAN: One does not have to be a mental greyhound, so to speak, to appreciate the danger that is created for both the driver—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The Attorney is out of order.

Ms CHAPMAN:—and the students if missiles are being thrown at the driver in the course of him trying to drive a bus load of students to and from their home and school. In addition to that, we have one frightening incident of a child attempting to ignite aerosol cans while travelling on a school bus. Again, this is clearly a very serious situation where children in this circumstance could cause an explosion or fire on the bus and, clearly, that puts the driver, in his capacity to keep control of the vehicle, at risk and the students travelling on it.

It is very concerning that this has been going on for some time, according to the information we have received today from the government. What does one do about this? Firstly, the parents have advised me that they have approached the school and have advised the school—that is, those who have students on the bus who are both the victims of direct assault and all who are at risk. The bus driver says that he is also at risk and he is not able to competently undertake his task. Of course, the first step is to approach the school. The schools were advised of this behaviour. To my understanding, the matter was referred to the district officer—who we used to call the district superintendent—and, on this occasion, the matter was then referred to the Department of Education and Children's Services for some action and protection for these children.

Whilst the safety of the children is clearly at risk from this unruly behaviour—and that in itself needs to come to some end—the owners of the bus (whether by way of statements from the children or the bus driver), need to be able to convey the detail of what is occurring. That includes being able to have some form of surveillance on the bus. The bus drivers say, 'Can we install security cameras on the bus? We have them in taxis all over the country. Can we install them on the bus?' The answer from the department was, 'Not with our blessing; you cannot do that.' Where is the protection for the children of South Australia who are travelling from the safety of their own homes and family situations to school, where they are under the duty of care of the department and the minister, who has to account to this parliament for the safety of these children. I ask where is that? The minister has an obligation to provide us with an answer.

Ms THOMPSON (Reynell): I was very disturbed to hear the allegations from the member opposite but, unfortunately, I have heard allegations from the member for Bragg about issues in our public schools on a number of occasions and I have to agree with Ray Martin's statement about how could one member of parliament get anything so wrong because, while there may have been a glimmer of sound information in the allegations made by the member, unfortunately she has not managed to present the true picture. Of course, bullying in our schools is a matter of concern and this government has placed a lot of emphasis on rectifying that. I have just heard the minister say, on the basis of a phone call she has just had with her staff, that the member has got it wrong again and that does not surprise me at all.

Yesterday I was very pleased to see three examples of the excellence we have in our public education system. Members of the house would know that I am passionate about opportunities for all our children through excellence in education. I have been supporting this in the schools in my electorate and I was very interested to see what developments there were here in the South-East, see what I could take back to my schools and get a better appreciation of how the funds this government has injected into public schools are assisting those schools in so many ways.

The first school we visited was Melaleuca K-7, with the principal John McCade. Mr McCade has done an excellent job in revitalising that school and getting it to a stage where enrolments are now increasing after decreasing for many years. He has initiated a joint activity with a number of partners to develop a new school assembly hall, and this was a prototype which the minister knows I was looking at very carefully in relation to possible facilities in my electorate. The school has placed a lot of emphasis on middle schooling and it is really working with years 6 and 7 children—particularly year 7 children—to develop their leadership skills. This has been done to such an extent that the year 7 children conduct a fitness program in the school around 10 a.m. each day—I think they call it a 'brain break'.

The young people lead the whole of the school in a range of physical activities from throwing sandbags (which sounded a little precarious) to traditional hoop types of activities and a health hustle. We were able to see the children coming, in a very orderly manner, to take the equipment away and we heard how they had planned their activities, how they helped each other in mounting the activities and how they encouraged the young children to be involved. Once a week the students run around the school, and they have the aim of getting around Australia in the distances they cover. The teachers also walk around the school. I commend the young people who facilitated our visit as well as the leadership, governing council and teachers of that school.

Mount Gambier North Primary School and Acacia Kindergarten, under the leadership of primary school principal Jane Turner, are also making great strides, again meeting the needs of their particular community and taking advantage of their school facilities. They had painters on site undertaking their School Pride initiatives, and we saw many young people digging with forks and spades in their environmental garden.

At McDonald Park Schools, where the primary school principal Jennie Giles and junior primary principal Sandy Davey provide the leadership, we were introduced to the MARBLES program you have already heard about—Manners, Attitude, Respect, Body Language, Language, Effort and Smile. These children were also very innovative and presented the minister with a lovely chart about what they saw as making a good minister for education—they consider this with their teachers each year. They wanted someone with an interest in children and information, and the last asset was that the person needed to be a snappy dresser.

Time expired.

SCHOOLS, MAINTENANCE

The Hon. D.C. KOTZ (Newland):In rising today to speak about education, I first need to educate the current government on the meaning of two very important words. The dictionary describes the meaning of the word 'equal' as 'same in amount, number and size or the same in importance

and deserving the same treatment'. 'Pork-barrelling' is described as 'an acquisition of government money for benefits to a specific locale, as in keeping hold on constituents through unashamed pork-barrelling'. In other words, by injecting huge amounts of money into Labor-held electorates in an unequal manner, as opposed to equal distribution into Liberal, Labor and Independent electorates, the Minister for Education and Children's Services has started what can only be classed as an unashamed pork-barrelling exercise designed to buy votes in the March 2006 election.

The School Pride Program was described by the Labor government and its minister as the most significant one-off injection of funds to improve the facilities and the overall appearances of schools in over a decade. Unfortunately, it appears that schools within Liberal electorates are receiving minuscule amounts compared with schools in government-held areas. Why, I should ask of the Minister for Education, have schools within the electorate of Newland received just 25 per cent of the more than \$500 000 distributed to schools within the Labor-held electorate of Napier? The eight Newland government schools have averaged some \$20 000 per school. There may be a difference in areas of socioeconomic disadvantage, which I can understand, but do not ever think that the areas I represent do not have similar disadvantages, because they do.

Why were the schools within the Newland electorate told that the money had to be spent on external painting and cleaning when official department of education procedures indicate the funds could be used to address the significant backlog on the asset management plans? The Minister for Education and Children's Services personally presented a cheque of \$172 000 to a school in Napier to improve classrooms, not just for external painting but for classroom improvements. It is absolutely unbelievable and unacceptable that other schools within that Labor electorate received amounts of \$138 000, \$97 750 and \$52 000 when the highest amount of funding received by any school within the Newland electorate was some \$30 000 to be used for painting. The same school phoned the department of education and asked whether the money could be used for urgent carpeting and interior painting and they were told no.

Another school within my electorate was not even asked how much money it needed or what its priorities were: a cheque for \$20 000 simply arrived and they were told to spend it on painting. They still have not received any information indicating that they had any other option other than painting. I have eight schools and they are all in the same position, I am quite happy to tell you. Why did one school in a Labor electorate receive more than \$170 000 when one school in my electorate received just \$9 500? There is a hell of a big difference. A government is meant to represent all people in the community. That is something this government has consistently failed to do since 2002. This government happens to be the highest taxing government in this state's history, raking in more than \$1 billion in taxes. The health system, the police, the mental health system and the education system have been starved of funds over the past 3½ years to the point that some are barely functional. I am pleased that the Minister for Health is here making some comments because her portfolio is one of those.

The Hon. L. Stevens interjecting:

The SPEAKER: Order! The Minister for Health is out of order.

The Hon. D.C. KOTZ: When the government announced a further \$25 million under the School Pride program, I had

hoped the funds would be distributed to all the schools throughout the state equitably. However, my electorate received just one quarter of the total amount of funds allocated to Labor electorates. If this ratio extended to all 47, Labor-held electorates could share \$19 million while just \$6 million is left for the rest of South Australia.

Time expired.

HAZARDOUS WASTE

Ms CICCARELLO (Norwood): Today I wish to speak about the environment and conservation, in particular with regard to the managing of hazardous waste. Modern households use many products that are potentially hazardous to human health or the environment. Everyday items such as pesticides, weedkillers, fertilisers, cleaning products, fuels, paint and batteries can be hazardous and require special awareness, handling and storage. There are safe and effective alternatives to some of these products and it is important that we all try to use these alternatives wherever possible. Other ways to reduce household hazardous waste include buying only what you need for the job at hand and finishing the container before buying another supply.

However, when we do use these products and need to dispose of any leftover material, it is important to handle and dispose of these products appropriately. Even small quantities of hazardous waste can harm people or the environment. Unfortunately, only a small number of hazardous wastes can be recycled. Some businesses and local councils will accept lead acid batteries and waste oils, and clean, empty paint tins will be recycled by many councils. Even with our best efforts, it is likely that we will have hazardous wastes that need to be disposed of, and in many cases recycling is not an option. Local councils and Zero Waste SA can help with this perennial problem.

Together these organisations conduct free household hazardous waste collections in regional areas. The household hazardous waste collection program works with local councils enabling householders to drop off their hazardous waste at locations in participating council areas. The state government believes that this is a high priority and is delivering \$970 000 annually to the program. Three councils in the Upper South-East will participate in collections between 9 and 13 May 2005, the district councils of Kingston, Robe and Tatiara. The councils will provide the collection site and promote the collection, while Zero Waste SA provides the collection and disposal service via a contract with a waste management contractor.

Past experience has been that the community responds well by bringing substantial quantities of household chemicals for disposal. A collection undertaken in Whyalla last year enabled the safe disposal of 3 347.5 kilograms of waste. Zero Waste SA collected mainly waste oil, paint and lead acid batteries, as well as small amounts of corrosives, pesticides, detergents, fertilisers and solvents. I am sure that the Upper South-East community will respond well to this opportunity. Collections will be undertaken in May as follows:

- Kingston District Council, Council Works Depot, Adam Road, Kingston on 9 May;
- Robe District Council, Council Works Depot, Robe Street, Robe on 10 May;
- Tatiara District Council, Mark Murphy's Place, Beamma Parsons Road, Padthaway on 11 May;
- Tatiara District Council, Council Works Depot, Bordertown on 12 May; and

Tatiara District Council, Council Works Depot, 50 Williams Avenue, Keith on 13 May.

The following councils are scheduled for collections in May of 2006: the District Council of Grant, City of Mount Gambier, Wattle Range Council and Naracoorte Lucindale Council.

I am sure that people in the community will take up those options, because it is very important for all of us. It is much better for the environment to reduce the amount of waste chemicals generated, rather than using elaborate and expensive systems to deal with them.

SCHOOLS, MAINTENANCE

Mr SCALZI (Hartley): Today I wish to talk about the accountability of backlogs in maintenance, in specific terms with schools, and how this government is not being transparent. But before that, Mr Speaker, I would like to thank the Mount Gambier community for the way in which we have been received and for the preparation and work that has gone into setting up this parliament in Mount Gambier. I also thank the catering staff.

The Hon. M.J. Atkinson: You were one of the few Liberals who voted to come here.

Mr SCALZI: The Attorney says that I was one of the few Liberals to do that, but that does not mean that I fully endorse the idea. I believe that people in regional areas need to have contact with government. I trust that the government and opposition will have regular cabinet and shadow cabinet meetings, public meetings and bring committees to this place so that the public can interact and not just observe us on stage.

I would like to go back to the problem of transparency regarding the backlog in maintenance for schools. The other day I asked a question about the comparison of money spent—\$7 million—on the Sturt Street school and the backlog of school maintenance that is in this area. I said that the McDonald Park Primary School had \$333 572 in backlog maintenance; the Mount Gambier North R-7 Primary School had \$508 618; the Mulga Street Primary School had \$558 933; and the Grant High School had \$868 478.

Schools in the South-East are in need of extensive maintenance and this work needs to get done. I trust that the government will give attention not only to this area but to other rural areas, because as a schoolteacher by profession I know that access to subjects and education in regional areas is not the same as in the city. I believe that this issue must be addressed, even though I come from the city.

An online database which provided information about how well schools were maintained by the government has been shut down by the Rann Labor government. The government is trying to conceal that it is not spending enough on schools and is ensuring that the spiralling maintenance backlog at schools is kept secret from parents, consumers and other schools. I suppose that one can understand the logic: the government does not want schools to compare the backlog of maintenance. I believe that this is another example of Labor failing to be open and accountable and keeping the public in the dark about its shameful neglect of schools. This is occurring at a time when the government is flushed with funds from GST revenue, stamp duty and increasing property taxes. To raise what happened in the past when the state had to pay a huge debt no longer matters. The public needs to know why, with all the funds available to it, the government is not addressing the problems.

Previously under the former Liberal government this information was openly available on the Building, Land and Asset Management System web site. This site has not been updated and was phased out this year and replaced by Samis—or the do-not-blame-us Strategic Assessment Management Information System—by the present government on 4 April. DECS's justification—that the information should not be available to the public because of the sensitivity of the data and that how much is spent at each site is risky information—is alarming and, I agree with the shadow minister, self-explanatory. We need to be open and accountable.

WORKPLACE SAFETY

Mr SNELLING (Playford): I am advised that there has been significant improvement in occupational health and safety performance in the wine industry located in the South-East of the state. I am pleased to report that, following major efforts by the wine industry in South Australia to improve health and safety standards in recent years, significant results in terms of reductions of injuries and disease have been achieved. Typically both the number of injures experienced and the cost of those injuries are trending downwards.

In the South-East, we can identify improvements—from about 79 injury claims for 2000 down to about 53 for 2004. These are particularly pleasing results given that, during the same period, remuneration for the industry has risen. Further, I understand that the local Workplace Services office has seen major improvements in the implementation of health and safety management systems across local industry, particularly in the development of safe systems of work, physical guarding, chemical storage, provision of training and entry to confined spaces, together with the willingness and enthusiasm of industry parties to work together with Workplace Services in striving for a safe industry.

As has been previously mentioned to the house, in South Australia over the past three years, we have seen the targeted intervention strategy in the wine and grape growing industry. The Wine and Brandy Association has spearheaded this activity on behalf of the industry, and in partnership with Workplace Services. The geographical areas covered during this campaign included South Australia's Limestone Coast and, in particular, the premium winegrowing area of the Coonawarra. Strategies involved the development of guidance material to assist in achieving compliance with occupational health and safety legislation, conducting audit campaigns in response to complaints received, research conducted and providing information sessions for industry stakeholders.

During 2004 and early 2005, information sessions were held in the Coonawarra about the completed statewide wine industry audit campaign. Attendees were provided with the findings of the audits conducted, and information regarding common hazards identified and relevant risk control in the industry. The auditing campaign of vineyard blocks and vineyard contractors commenced in 2003, and was completed in December 2004. The main areas of non-compliance identified throughout the audits included: plant guarding; hazardous substances, including materials safety data sheets and storage; full protection, including mezzanine floors and skylights; electrical and portable equipment, including damaged cords and a lack of residual current devices; firefighting facilities; and occupational health and safety

policies and procedures, in particular, dealing with remote and isolated work, hazardous plant and chemical usage.

In 2003, the guidelines for the wine industry in South Australia were first printed and made available to the wine industry to assist stakeholders achieve or maintain compliance with health and safety legislation. Workplace Services worked with the South Australian Wine and Brandy Association, WorkCover and industry and union representatives to develop the guidance material, and it served as an invaluable reference point during the vineyard auditing campaign. Of course, the wine industry's commitment to continue to improve standards of health and safety is ongoing. I look forward to hearing of more success towards the end of 2005, following the further audit scheduled for the Coonawarra region.

I again want to commend the wineries and grape growers for their efforts in pursuing this most important objective of improving safety for the wine industry in the South-East. The government has worked hard with industry in this area. We have achieved good results, but there is a lot more to do, and we are committed to delivering even safer workplaces for all South Australians.

AMBULANCE SERVICES (SA AMBULANCE SERVICE INC) AMENDMENT BILL

The Hon. L. STEVENS (Minister for Health) obtained leave and introduced a bill for an act to amend the Ambulance Services Act 1992. Read a first time.

The Hon. L. STEVENS: I move:

That this bill be now read a second time.

The purpose of the bill is to remove all references to St John and the Priory from the current Ambulance Services Act 1992. In 1981, individual St John Ambulance Brigade ambulance services around South Australia amalgamated and became the St John Council SA Incorporated, later called SA St John Ambulance Australia Inc. It was the beginning of the single statewide ambulance service that we have today. In 1989, the Priory, the national governing body of St John, decided to refocus its role on a national level and, consequently, directed the progressive withdrawal of St John from ambulance service provision in South Australia.

A complete withdrawal was unachievable in 1989, but in 1993, a joint venture between the state government, the Priory and St John became possible. The joint venture led to the establishment of the South Australian Ambulance Service, which was incorporated under the Associations Incorporation Act 1985 on 1 July 1993. The formal joint venture agreement dated 26 February 1993, included provision for the eventual withdrawal of St John and the Priory from the South Australian Ambulance Service Incorporated. In 1995, the Priory indicated its intention to finalise its withdrawal from the joint venture. In 1999, the Priory delegated to the minister its power to nominate and appoint members of the South Australian Ambulance Board. Currently, the Ambulances Services Act 1992 provides for the composition and selection of board members, with members being nominated by the minister, the Priory or, in one case, jointly by both the minister and the Priory.

Agreement on the division of St John's real estate interest was a necessary pre-requisite to the Priory's withdrawal. This has been resolved by the enactment of the St John (Discharge of Trusts) Act 1997 and, in 2001, the then responsible minister, St John, and the Priory, entered into a joint venture

termination agreement under which the parties agreed to the terms on which property was to be divided. Other terms of the termination agreement included deleting reference to St John in the name of the ambulance service, removing any ongoing interest by St John in the ambulance service, and indemnification of the Priory and St John in respect of any action brought against them arising from the joint venture agreement.

All of these arrangements are now in place and the final step in the process is to remove references to the Priory and St John from the act. The amendments facilitate the removal from the act of all references to the Priory and St John, and formalise the current governance arrangements. I seek leave to have the explanation of clauses inserted without my reading it.

Leave granted.

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Ambulance Services Act 1992*

4—Amendment of section 4—Interpretation

It is proposed to insert definitions of *Ambulance Board, rules* and *SAAS* into section 4. SAAS is the SA Ambulance Service Inc and the Ambulance Board is the committee of management of the association appointed by the Minister in accordance with the association's rules. It is further proposed to delete the definition of *Priory*. One of the purposes of this measure is to remove all obsolete references to the Priory as the Grand Priory of the Most Venerable Order of the Hospital of St John of Jerusalem no longer plays a role with respect to the provision of ambulance services in this State.

5—Amendment of section 5—Offence

The proposed amendment inserting paragraph (aa) is consequential. The proposed amendment to the penalty provision raises the penalty from \$15 000 to \$20 000 for an offence against this section (*ie* the provision of ambulance services by unlicensed persons etc).

6—Amendment of section 7—Conditions of licence

The proposed amendment to the penalty provision raises the penalty from \$15 000 to \$20 000 for an offence against section 7(4) (*ie* failure to comply with a condition of a licence).

7—Substitution of Part 3

It is proposed to delete current Part 3 (SA St John Ambulance Service Inc) and substitute a new Part 3.

Part 3—SA Ambulance Service Inc

11—SA St John Ambulance Service Inc to continue as SA Ambulance Service Inc

The *SA St John Ambulance Service Inc* was incorporated on 1 July 1993 under the *Associations Incorporation Act 1985* for the purpose of carrying on the business of providing ambulance services. That association is to continue but under the name SA Ambulance Service Inc (*SAAS*). The object of SAAS is to provide ambulance services of high quality, wherever they may be required in the State, making use of the services of both volunteer and employed personnel.

12—Legal status, management and control of SAAS

This new section makes provision for the legal status, management and control of SAAS. SAAS continues as an association incorporated under the *Associations Incorporation Act 1985* (the *AI Act*) with management vested in the Ambulance Board which must manage SAAS's affairs in accordance with the *Ambulance Services Act 1992*, the rules and the *AI Act*. The rules are to be made, varied or revoked by regulation and will be taken to conform with the requirements of the *AI Act*.

13—Establishment of Country Ambulance Advisory Committee

SAAS will establish the *Country Ambulance Advisory Committee* to advise it about the provision of ambulance services in country regions. This provision is similar to current section 13.

14—Accounts and audit

This provision provides that SAAS must keep proper accounting records to enable the Auditor-General properly to

audit its accounts and report to SAAS and the Minister. This provision may be compared with current section 14.

15—Limitation on SAAS's powers to borrow or invest money

SAAS is prohibited from borrowing or investing money without the written approval of the Treasurer.

16—Annual report

This new section replaces current section 15 and provides that SAAS must, on or before 30 September in each year, deliver to the Minister a report on its operations during the 12 months ending on the preceding 30 June. The Minister must table the report in Parliament.

16A—Application of Associations Incorporation Act 1985

This new section relates to the application (with modifications as necessary) and dis-application of certain provisions of the AI Act to the *Ambulance Services Act 1992*.

8—Amendment of section 17—Fees for ambulance services

The proposed amendment raises the penalty from \$15 000 to \$20 000 for an offence against section 17(3) (*ie* charging a fee for an ambulance service that exceeds the fee fixed by the Minister).

9—Amendment of section 18—Holding out etc

The proposed amendment raises the penalty from \$2 000 to \$2 500 for an offence against section 18 (*ie* holding out as an ambulance service provider etc).

The Hon. DEAN BROWN secured the adjournment of the debate.

**PARTNERSHIP (VENTURE CAPITAL FUNDS)
AMENDMENT BILL**

The Legislative Council has agreed to the bill returned herewith, and to make a related amendment to the Business Names Act 1996, without any amendment.

**ENVIRONMENT PROTECTION
(MISCELLANEOUS) AMENDMENT BILL**

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

No. 1. Clause 5, page 5, after line 19—Insert:

(6a) Section 3(1)—after the definition of *the prescribed national scheme laws* insert:
prescribed person means—

- (a) a natural person; or
- (b) a body corporate that is not the holder of an environmental authorisation under this Act; or
- (c) if the regulations specify a scheme under which the holder of an environmental authorisation may apply to the Authority to be accredited as an accredited licensee in respect of a particular prescribed activity of environmental significance—a body corporate that is an accredited licensee under such a scheme.

No. 2. Clause 17, page 8, lines 26 to 30 inclusive—

Delete subsection (1) and substitute:

- (1) An administering agency, other than the Authority, may, by instrument executed by the administering agency, delegate a function conferred on the administering agency under this Division to—
 - (a) a committee of the administering agency; or
 - (b) a subsidiary of the administering agency; or
 - (c) an employee of the administering agency; or
 - (d) the employee of the administering agency for the time being occupying a particular office or position; or
 - (e) an authorised officer.

No. 3. Clause 39—

Delete the clause and substitute:

39—Amendment of section 82—Causing environmental nuisance

(1) Section 82—delete the penalty provision and substitute:

Penalty:

If the offender is a body corporate—Division 1 fine.
If the offender is a natural person—Division 3 fine.

(2) Section 82—after its present contents as amended by this section (now to be designated as subsection (1)) insert:

(2) A person who by polluting the environment causes an environmental nuisance is guilty of an offence.

Penalty:

If the offender is a body corporate—Division 4 fine.
If the offender is a natural person—Division 6 fine.

Expiation fee: Division 6 fee.

No. 4. Clause 43, page 19, after line 3—Insert:

(4a) Section 87(3)—after "inspect" insert:

, or to seize,

No. 5. Clause 45, page 19, line 25—

Delete "natural" and substitute:

prescribed

No. 6. Clause 46, page 21, line 20—

Delete "natural" and substitute:

prescribed

No. 7. Clause 47, page 22, line 34—

Delete "natural" and substitute:

prescribed

No. 8. Clause 48, page 23, after line 37—Insert:

(8a) Section 94—after subsection (4) insert:

(4a) If an environment protection order is registered under this section in relation to land, the Authority must, as soon as reasonably practicable, notify, in writing, each owner of the land and the occupier of the land of the registration and of the obligations of owners and occupiers under subsection (4).

(4b) A notice to be given to the occupier of land under subsection (4a) may be given by addressing it to the "occupier" and posting it to, or leaving it at, the land.

No. 9. Clause 52—

Delete this clause and substitute:

52—Amendment of section 98—Admissibility in evidence of information

Section 98(2)—after "compliance by a" insert:

prescribed

No. 10. Clause 53, page 27, line 25—

Delete "natural" and substitute:

prescribed

No. 11. Clause 54, page 27, after line 35—Insert:

(2) Section 101—after subsection (5) insert:

(5a) If a clean-up order is registered under this section in relation to land, the Authority must, as soon as reasonably practicable, notify, in writing, each owner of the land and the occupier of the land of the registration and of the obligations of owners and occupiers under subsection (5).

(5b) A notice to be given to the occupier of land under subsection (5a) may be given by addressing it to the "occupier" and posting it to, or leaving it at, the land.

No. 12. New clause, after clause 60—Insert:

60A—Amendment of section 108—Powers of Court on determination of appeals

Section 108—after its present contents (now to be designated as subsection (1)) insert:

(2) However, no order for costs is to be made unless the Court considers such an order to be necessary in the interests of justice.

**STATUTES AMENDMENT AND REPEAL
(AGGRAVATED OFFENCES) BILL**

Consideration in committee of the Legislative Council's amendments.

The Hon. M.J. ATKINSON: The other place made two sets of amendments to this bill. One set of amendments deletes the concept of criminal negligence from the bill. The government regards this as fundamental to the bill and insists on reinstating the relevant clauses. The second set of

amendments concerns child abduction and kidnapping. In the spirit of compromise, the government is prepared to concede.

I turn now to criminal negligence. The government strongly opposes this amendment. It is based on the opposition's inaccurate assertion that by this bill the government is newly including criminal negligence in the criminal law: it is not. That concept has long been part of our criminal law, as a mental element in cases of causing death by dangerous driving. Indeed, this parliament has recently enacted two new offences of criminal negligence. One may be found in the Criminal Law Consolidation (Intoxication) Amendment Act 2004. That is a move that was enacted by the parliament to abolish the drunks' defence, long sponsored by the members for Hammond and MacKillop and me and opposed by members of the Liberal Party.

Under that act, a person may be found guilty of manslaughter or causing serious harm, even though his consciousness was, or may have been, impaired by self-induced intoxication to the point of criminal irresponsibility at the time of the alleged offence. If the person's conduct in causing that death or serious harm—if judged by the standard appropriate to a reasonable and sober person in his position—falls so short of that standard, it amounts to criminal negligence.

The other may be found in the Criminal Law Consolidation (Criminal Neglect) Amendment Bill 2004, which was given royal assent on 7 April and which came into operation on 14 April. The bill was passed without amendment, with opposition support.

Ms Chapman: Absolutely.

The Hon. M.J. ATKINSON: I do not think the member for Bragg quite sees the intellectual gymnastics required to support that but oppose this. It establishes an offence of criminal neglect for failing to take steps to protect a child or vulnerable adult for whom one has assumed responsibility from an unlawful act that results in serious harm or death. Had the bill we are now debating been enacted before these two previous bills, it would have broken new ground in South Australian law by introducing criminal negligence for non-fatal harm. That ground has now been broken. The bill will bring us into line with the Model Criminal Code laws in other states and territories, and laws in New Zealand and Canada about causing serious harm by criminal negligence. Each jurisdiction uses different words to describe the concept of criminal negligence, but the test for it is the same everywhere.

It is based on the test for criminal negligence and manslaughter adopted by the High Court in the case of *Wilson*, and developed in later cases. That is the test set out in the bill. I repeat what I said in my reply: South Australia is the only Australian jurisdiction not to have a statutory offence of causing serious harm by criminal negligence.

The opposition is asking the parliament to reject a clear proposal to bring South Australia into line with other Australian jurisdictions on a matter of basic criminal liability. To support its position, the opposition cites the Mitchell committee's recommendations of 1973 that negligence be retained as a basis for criminal responsibilities in summary offences only. But, does the opposition really support this proposition? I ask the member for Bragg to respond to this in her contribution. Does the opposition understand that, in making the recommendation, the Mitchell committee was also recommending (and I refer to the committee's fourth report, page 21) that manslaughter by negligence be abolished? Is the member for Bragg supporting that? The

opposition's rejection of the offence of causing serious harm by criminal negligence is ill conceived.

I will now add to those comments. The opposition's position is ill conceived because there are circumstances of serious non-fatal harm where a criminal negligence offence is appropriate. Where we would be wrong would be not to have such an offence. Let me give an example. In October 2004 in central Victoria a man was found guilty of the offence of negligently causing serious injury. Remember, Victoria has this offence: we do not. Having finished 12 cans of bourbon and coke between them, he and a mate left their fishing spot and walked to the nearest town to restock the esky. They decided to return by car, even though the driver was unlicensed and had been drinking and the ute was uninsured. On the way back, the ute got stuck on a railway crossing. As the train approached, the pair abandoned the ute and the train collided with it. Thirty-four passengers were hurt, five of them seriously, including one who remained in a critical condition for weeks. The damage bill was more than \$3 million.

This was not a simple accident, as the member for Bragg would have it: it involved a serious criminal breach of the driver's duty of care to others. Had there not been an offence of negligently causing serious injury in Victoria, the driver would not have been guilty of any offence of causing serious injury to the unfortunate passengers, because his conduct in causing it, although seriously negligent, was, according to the criminal law, neither intentional nor reckless. Of course, he might have been found guilty of the minor offence of driving without due care, which takes no account of whether the driving caused injury and which carried a minor fine and no penalty of imprisonment. Imagine if that train crash happened in your electorate. Imagine having to explain to your constituents that you, like the member for Bragg, voted for the driver not to be criminally liable for the injuries caused. Imagine, like the member for Bragg, having to admit to a constituent who was seriously injured in that crash that the reason why the driver received a small fine was that you failed to take the opportunity to create an offence that would ensure he was appropriately punished for his conduct.

Another thing members might like to know about the opposition's amendment is that this bill repeals section 40 of the Criminal Law Consolidation Act, which establishes the offence of assault occasioning bodily harm. That offence in its basic form carries a maximum penalty of five years imprisonment—the maximum penalty proposed for the new offence of causing harm by serious criminal negligence. That is the offence that the member for Bragg and the Liberal opposition will not allow to go onto our statute book.

The offence of assault occasioning actual bodily harm does not require proof of intention and it does not require proof that the bodily harm was serious. The nearest equivalent to that offence in this bill is that of causing serious harm by criminal negligence. With the opposition's amendment in the other place, the only possible criminal charge for a person who assaults another without any intention to cause harm and whose action causes that other person to suffer serious harm is assault. The offence of assault does not require proof that the defendant's action caused harm, and its maximum penalty, two years' imprisonment, reflects this.

The opposition's amendment, if it prevails, will open up a gap in our law. An example may help. Two men are arguing by the side of a busy road. One pushes the other, who falls awkwardly and unexpectedly into the path of a passing car and suffers severe fractures to his leg. Under the current law

the defendant could be charged with assault occasioning actual bodily harm and, if convicted, face a penalty of up to five years' imprisonment. Under the bill as introduced by the government, the man could be charged with causing serious harm by criminal negligence for which (as for assault occasioning actual bodily harm) the maximum penalty is five years' imprisonment. No change there. But under the bill as amended by the Liberals, the man can be charged only with assault, which carries a maximum penalty of only two years' imprisonment.

One might well wonder why the opposition would want people who have acted so negligently as to cause serious injury to another to escape any criminal liability for it. The answer is simple: the opposition has not thought this through. It is unable to tell the difference between mere negligence creating a civil liability and criminal negligence—that is, negligence that is so serious it warrants a criminal penalty—or to understand why it is necessary.

The opposition member in charge of this is an acknowledged expert in family law but she has no experience of criminal law. Others much wiser than the opposition have understood this area only too clearly and have made it an offence to cause serious harm by criminal negligence. They include—listen to this—the parliaments of all other Australian states and territories and the parliaments of the United Kingdom, Canada and New Zealand. In addition, the Model Criminal Code Officers Committee has included this offence in the National Model Criminal Code.

The government will not let the Liberal opposition weaken the criminal law in South Australia. We are not ashamed to take the position that the criminally thoughtless, who cause serious harm to others, should be guilty of a criminal offence. These amendments must be reinstated. Therefore (and because I am so reasonable), I move:

That the Legislative Council's amendments Nos 1, 2, 3, 4, 6, 7, 8, 9 and 10 be agreed to and that the Legislative Council's amendment No. 5 be disagreed to.

Ms CHAPMAN: This bill was introduced by the government in October 2003 and eventually passed through this house in May last year. The government could have expedited this bill but did not do so, and here we are in 2005, the Legislative Council having dealt with the matter in May this year, to have this matter dealt with. This was notwithstanding the statements by the government at the time of the 2002 election about it adopting a policy in relation to significantly increasing penalties in circumstances where criminal offences were committed in aggravated circumstances, for example in relation to the nature of the age of the victim or the seriousness of the circumstances surrounding the assault.

I will not be repeating today all the points made when the bill was debated in this house before it went to the other place, but I do place on the record that, both in this house and in the other place, of the 28 clauses of the bill, the Liberal Party had moved only one contentious amendment to one of those clauses. The Liberal Party wholly supported the government in relation to all the other matters that were presented to it in the house. The inexcusable delay is due to the government. I still do not know why it was in such a hurry to have this dealt with at the time of the election, but here we are in 2005—

The Hon. M.J. Atkinson: It was our policy. We got elected on it, remember?

Ms CHAPMAN: Indeed, and three years later we finally get to deal with the amendments. As the Attorney-General

has acknowledged, the amendment that the government does accept is in relation to kidnapping. I think it is important to place on record that the Attorney-General had introduced this amendment in a circumstance that was unacceptable to us and unacceptable to the other place, and now today the Attorney-General accepts that situation. He says that it is in a spirit of compromise but, clearly, he has been called out to run to the *Advertiser* about all the fabulous things this government is going to do.

The Hon. M.J. Atkinson: I don't run to *The Advertiser*: I run to Radio 5AA.

Ms CHAPMAN: Yes, I'm sorry: the Premier runs to *The Advertiser*; the Attorney runs to 5AA to rush out to tell the people of South Australia about how important this is that we end up debating it here three years after members opposite get into government. Nevertheless, this was an amendment to ensure that the new provisions in relation to kidnapping and unlawful child removal were accurately reflected in the title and the margin notes. The government took the view in the initial bill that if a person wrongfully took a child, maybe their own natural child, out of the jurisdiction, for example out of the state of South Australia, contrary to the terms of a court order, whether that be a Supreme Court, Magistrates Court or Family Court order, that was and always has been an unlawful child removal from the jurisdiction.

But the government wanted to pump that up. It wanted to say that if a father took his own child over the border, from Bordertown to Nhill, for example, contrary to a contact order arrangement by the Family Court, that should be described as kidnapping. Quite rightly, the other place, as we had, identified in the debate on this bill that the bill included the two different offences under the general heading of kidnapping, and we believed and still believe and now the government accepts that kidnapping should be confined to taking another person for ransom or as a hostage and that the offence of wrongfully taking a child out of the jurisdiction should be described as unlawful child removal.

In moving that amendment, which the government now accepts, we do not suggest and never have that unlawfully removing a child from a jurisdiction is not a serious offence. It clearly is a very serious offence, and I remind members of the house that it has a penalty already of 15 years of imprisonment—and quite rightly so. Kidnapping, on the other hand is an even more serious offence, which is reflected in the higher penalty that it attracts. It is one of the most serious offences on the criminal calendar. It is heinous and should not be diminished by sending the notion of kidnapping to other forms of unlawful detention.

There are a number of other amendments which the Attorney-General today has indicated that he will accept. They are consequential to this amendment that the government now accepts, and obviously the government accepts the wisdom not only of what has been expressed by the Opposition in this house but of those who have debated this matter in the other place. I thank the Attorney for acknowledging that that portion of the two aspects of the amendment that were put up by the opposition will be accepted.

I want to return to the most contentious of the amendments which is to remove the offence of causing serious harm by criminal negligence. The Attorney stated—as has indeed transpired, that there have been two important amendments to the criminal law in this state under this government which the opposition supported. One was in relation to the Criminal Law (Intoxication) Bill 2004, which the government masqueraded as the abolition of the drunk's defence.

Without revisiting the debates that related to that, essentially it created, in section 268(5) of the Criminal Law Consolidation Act, a special offence of causing harm by criminal negligence—that is where somebody has caused that harm when they are drunk. Again, without revisiting the law, essentially they could not have formed the intent which, in the normal course of any criminal offence, requires you to perform the act and have the intent—

The Hon. M.J. Atkinson: The Liberals say they should get off.

Ms CHAPMAN:—or to be reckless in doing so. I remind the house—and I heard the Attorney-General's injection—that never before in the history of South Australia has the drunk's defence been successfully applied.

The Hon. M.J. Atkinson: That's untrue; that's completely untrue. I hope you will resign when I show you the case. It's called Gigney's case, and it's in the District Court.

Ms CHAPMAN: We debated that last time. The second area, the Criminal Law Consolidation (Criminal Neglect) Amendment Bill 2004, which the Attorney quite rightly pointed out was passed last month and is now applicable, came about as a result of the most recent of a number of sorry cases where an infant died whilst in the presence and under the care and supervision—purportedly—of his mother and, I think, stepfather (it may have been a de facto partner). In any event, the importance of this legislation, which the opposition supported, was to ensure that, when a child is under the supervision and in the presence of other persons, a verdict can be obtained for a charge of criminal neglect which arises when that child dies or is injured whilst in the care of the defendants.

It works on the principle—the house should be reminded—that, if more than one person is irresponsible in the household or is at the scene of the crime at the time, one will do in the other. The Law Society had some concerns about this issue but we have worked through it and we are prepared to support the government, because it does provide a unique situation where in the case of the death of a young child—and in this case it happened—neither the mother nor her partner are able to be successfully prosecuted.

The Hon. M.J. Atkinson: And you wanted to refer it to a committee.

Ms CHAPMAN: Indeed we did, but we did discuss it with the Law Society and we did work through that issue, and we did make sure that, unlike this proposal, you apply the law properly. For someone who comes into this chamber on a regular basis purporting to be able to indicate what will be for the benefit and the safety of the people of South Australia, and he has never been in a criminal court hearing himself, that really is over from the top. Nevertheless, having worked through that issue with the assistance of the Criminal Law Committee of the Law Society of South Australia, the Liberal opposition supported that legislation and supported the government in that action.

The Attorney-General is quite right when he points out to the house that this matter has come before the house on two occasions since he introduced it bill. We remember that he hurriedly wanted to get it through because it was important, and he subsequently criticised the Liberal Party for the delay. That is almost laughable. The house needs to be reminded, especially those who are following this debate, that it is in the hands of the government as to when we debate these matters. The fact that the government introduced this measure in one year and then brought it back onto the agenda eight months later is the government's problem, not the opposition's.

I return to the provision that is before us. For the sake of an accurate record, I refer to the importance in South Australian law of the provision for culpable negligence, but I will not revisit the debates on that subject. It is important to remember it. The new offence, clearly at the time of introduction of this bill, had not been adequately consulted upon. The government had not, and still has not, produced the answers, facts, information or arguments to support the inclusion of this new offence, other than the fact that it was recommended by a committee of legal officers. The government has not demonstrated that there is, in fact, any defect in the current law.

The Hon. M.J. Atkinson: What about the train crash?

Ms CHAPMAN: You can trot these out and we can revisit them if you like, but we have debated the issues and the debate can be seen in *Hansard*, for those who want to see it. What the government has not demonstrated is that there is any defect in the current law: there is no gap that needs to be closed on this. So that those who are following this debate fully appreciate the extent of this, I point out that we have a situation where, as was said before, the introduction of this type of legislation will just be a meal for lawyers. It will extend the length of trials. It will involve all those people whom the government does not like. It will not even allow them to be paid for in terms of representation before the new royal commission. This will be a meal for all those people whom the government does not like. We will have appeals and longer trials. Of course, the Attorney-General would not appreciate that, because he has never done one.

Let me get back to the point in question. The offences contained under clauses 23 and 24 cover both intentional causing of harm and serious harm, as well as the reckless causing of harm and serious harm. It is very interesting to note the provisions under clause 23, which relates to serious harm. I remind the house that that means that, if someone intentionally causes serious harm, they are subjected to a very high penalty and, if someone recklessly—and they do not have to intend to do it—acts in a manner that is so reckless, as determined on the facts, they are subjected to a more medium penalty. They are all agreed: the opposition totally supports them. However, in clause 24 (and here is the inconsistency) when it comes to any harm—if you cause any harm to somebody—you can be subjected, if you do it intentionally or recklessly, to a different penalty. The government did not even attempt to introduce this new concept, this wonderful concept that will be a welter for lawyers, of any harm. That is how inconsistent the government is in relation to addressing this issue.

As the Attorney-General has acknowledged, Dame Roma Mitchell, when she was Justice Mitchell QC, convened a committee in the 1970s—the Mitchell committee—which recommended against incorporating the concept of negligence into the criminal law. And we need to appreciate that it should be there in regulatory offences—and the two examples to which I have referred have also prevailed—but not to be applied across the board in relation to serious criminal offences. That is entirely consistent with Dame Roma Mitchell's committee's resolution at that time. We as an opposition are not convinced that Dame Roma was wrong. Indeed, her report speaks for itself. We certainly would rely on her judgment way above that of this government in trying to introduce a new concept to the criminal law which is ill thought out, which will be a welter for lawyers and which will probably result in more people getting off in circum-

stances that arise because of this hurried legislation, which has been rushed into the parliament.

When the government realised that there was actually a whole lot of law out there which covers the situation, it then tried to dream up some new way of making this look glossy for the purposes of suggesting that it is doing something useful to protect the citizens of South Australia. So, that is what they have come up with. It is clearly defective, and it does not have the support of people who have thoroughly looked at this matter. It will cause confusion—

The Hon. M.J. Atkinson: What about the Model Criminal Code Officers Committee, or every other English speaking country in the world?

Ms CHAPMAN: Well, you can take those legal offers if you like: I will take the Mitchell committee. The opposition has before, and it remains in that position, and it will not support this type of legislation. Let me remind the house that there have been a number of occasions when this government has reacted, a judgment has been given—

An honourable member interjecting:

Ms CHAPMAN: No; I was going to say that the Premier comes out with a headline from *The Advertiser*. He actually waits back for a couple of days, *The Advertiser* comes out with a story, the Attorney jumps in with what he is going to do, and then out comes the Premier, the great white knight, to say how he is going to fix up a circumstance. Of course, in the rush to come before 5AA, *The Advertiser* and the people of South Australia the government usually mucks it up. That is what it has done on this occasion, and it ought to acknowledge that and pull this out and accept this amendment, as has been wisely considered in another place.

This is just another case for keeping an upper house in this place, because if we did not have it we would have to put up with that shallow assessment, before the government rushes into the parliament with new concepts which will cause confusion, and further alienate the people of South Australia from having proper protection in circumstances such as this. I urge the house to support both of the amendments that have come back from another place, which have had clear consideration by the other place, and which the Australian Democrats have supported in another place. It also sees the significance of making sure that we have law that effectively catches criminals, and is not just there to respond at the time to the play of the media in South Australia. I urge the house to accept these amendments.

Progress reported; committee to sit again.

SITTINGS AND BUSINESS

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

That the sitting of the house be extended beyond 5 p.m.
Motion carried.

PRESS RELEASE

Mr WILLIAMS (MacKillop): I seek leave to make a personal explanation.

Leave granted.

Mr WILLIAMS: This afternoon a press release went out under my name in which there appears to be a slight error. I apologise to the house.

The Hon. M.J. Atkinson: It's a doozy.

The SPEAKER: Order, the Attorney-General should hear the member for MacKillop!

Mr WILLIAMS: This lot have been making out that we have been rude all week.

Members interjecting:

The SPEAKER: Order! The member for MacKillop has the call.

Mr WILLIAMS: The press release says, 'They weren't even prepared to support a motion that acknowledges that there is a problem at Glenelg River.' That is incorrect. The motion was amended and passed, and still acknowledged the concerns of the shack owners.

The Hon. M.J. Atkinson: Who's 'They'?

The SPEAKER: Order, the Attorney is out of order!

Mr WILLIAMS: I bring this to the attention of the house. I wish to apologise for that going out, humbly and reverently. I apologise for any hurt that it might cause to any other members.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I seek leave to make a personal explanation.

Leave granted.

The Hon. R.J. McEWEN: One of the two honourable members mentioned in this press release is me. I did not vote the way the press release suggests. I thank the member for MacKillop for coming in here and making a personal explanation.

The Hon. J.D. HILL (Minister for Environment and Conservation): I, too, seek leave to make a personal explanation.

Leave granted.

The Hon. J.D. HILL: I have to make this personal explanation, because I was the other person named in the press release as voting against the motion, which is not true. It would have been appropriate if the member for MacKillop, when he was apologising, had mentioned to whom he was apologising.

ADJOURNMENT

At 5.01 p.m. the house adjourned until Monday 23 May at 2 p.m. at Adelaide.