HOUSE OF ASSEMBLY

Monday 23 May 2005

The SPEAKER (Hon. R.B. Such) took the chair at 2 p.m. and read prayers.

CORELLA CULLING

A petition signed by 281 members of the South Australian community, requesting the house to urge the government to implement a culling program to reduce the numbers of Corellas in the Flinders Ranges, was presented by the Hon. G.M. Gunn.

Petition received.

TAXES

A petition signed by 119 residents of South Australia, requesting the house to urge the government to abolish the link between property values and land, council and water/sewer tax increases and tie these tax increases to the percentage increase in the consumer price index or minimum wages as from 2001-02, was presented by Mr Caica.

Petition received.

ENFIELD COMMUNITY FOOD CENTRE INC.

A petition signed by 31 residents of South Australia, requesting the house to demand the government to take whatever action is needed to ensure the continuation of the work of the Enfield Community Food Centre Inc. in providing affordable food and groceries to low income residents of South Australia, was presented by Mr Rau.

Petition received.

QUESTIONS ON NOTICE

The SPEAKER: I direct that written answers to the following questions on the *Notice Paper*, as detailed in the schedule I now table, be distributed and printed in *Hansard*: Nos 18, 29, 30, 81, 82, 94, 95, 97, 110, 111, 113, 114, 198, 223, 232 to 235, 248, 266, 273, 298, 307 to 310, 312, 314, 315, 364, 375, 387, 398, 399, 403 to 407, 409, 417, 418, 441, 442, 447 to 450, 457 to 462, 469, 475, 477, 483, 495 and 496; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

LONG SERVICE LEAVE/SICK LEAVE, CASH BALANCES

In reply to **Hon. I.F. EVANS** (10 November 2004).

The Hon. K.O. FOLEY: Under the current accrual funding policy agencies are provided cash appropriation for the full accrual cost of services (net of own source revenues). This means that cash funding is provided for items such as depreciation and accruing long service leave. Consequently, the cash provided to an agency in a given year by way of appropriation will generally exceed their operating requirements. This is accrual excess funding. It would be inappropriate to allow agencies to spend this excess cash outside of approved budget spending, so it is required to be held in a deposit account.

The nature of sick leave is such that no liability is accrued in agency financial statements, and thus no provisioning is required for future sick leave. That is, sick leave is funded from agencies' normal operating budgets.

PRICE WATERHOUSE COOPERS, WHOLE OF GOVERNMENT CONTRACT

In reply to **Hon. I.F. EVANS** (10 November 2004).

The Hon. K.O. FOLEY: The Price Waterhouse Coopers engagement for taxation related services is with the Department of Treasury and Finance.

In reply to **Hon. I.F. EVANS** (10 November 2004).

The Hon. K.O. FOLEY: As part of its financial management role, the Department of Treasury and Finance requires the services of an external advisor to provide the necessary detailed knowledge and expertise to assist government agencies in complying with the FBT and GST legislation.

When the Government's previous contracts for FBT/GST related services expired a competitive process was undertaken to ensure all providers were given the opportunity to tender for these services.

The service requirements listed in the Request for Proposal (RFP) are as follows:

Core Services (paid for by the Department of Treasury and Finance);

- Providing oral advice to agencies in relation to FBT/GST queries by way of a help desk facility.
- Providing an update service to the SA Government FBT and GST manual.
- Providing advice on Taxation Policy statements.
- Providing notification of changes to FBT/GST legislation.

Ancillary Services (charged directly to agencies)

- Developing and delivering training courses on FBT/GST.
- Conducting prudential reviews of agencies' systems and procedures.
- Providing advice to agencies in relation to FBT/GST beyond the HelpDesk.

Price Waterhouse Coopers was the preferred supplier based on the value for money assessment. The contract was signed on the 13 Oct 2003. The engagement began in November 2003 for 3 years. The amount paid to Price Waterhouse Coopers for core services to date is $13 000 (GST exclusive).

Agencies are able to engage Price Waterhouse Coopers for ancillary taxation services, such as prudential reviews. Price Waterhouse Coopers is paid directly for these services by the agency. Treasury and Finance does not collect or consolidate information on engagements and fees paid for ancillary services, and therefore is unable to say how much in total has been paid to Price Waterhouse Coopers by agencies since the contract was established.

GLENELG FLOODS

In reply to **Hon. I.F. EVANS** (10 November 2004).

The Hon. K.O. FOLEY: The payment of $1.8 million from Baulderstone Hornibrook was received by SAICORP on 8 September 2004.

MINUTE FOR CARRYOVER POLICY

In reply to **Hon. I.F. EVANS** (10 November 2004).

The Hon. K.O. FOLEY: I assume that the minute to which the Honourable Member refers is one dated 17 July 2003 on this topic. I am happy to table this minute.

SAICORP BOARD CORPORATE GOVERNANCE POLICY

In reply to **Hon. I.F. EVANS** (10 November 2004).

The Hon. K.O. FOLEY: The draft SAICORP Board Corporate Governance Policy was tabled at the SAICORP Board meeting held on 20 August 2004. It was discussed at the following meeting of the Board on 14 September 2004. A final draft of the Policy was approved by the Board on 7 December 2004.

TREASURER'S STATEMENT—EQUITY CONTRIBUTIONS

In reply to **Hon. I.F. EVANS** (10 November 2004).

The Hon. K.O. FOLEY: Equity contributions (also referred to as capital contributions or capital injections) are made as part of the appropriation process. They are authorised as part of the budget process and approved by Parliament. The need for an equity contribution would be determined as part of the annual funding cycle

and determined during the budget process. The exception to this would be where a newly corporatised entity required contributed capital, in which case the funding would be approved through the Cabinet process.

In the case of equity contributions to fund capital expenditure the requirements are set down in the Public Finance and Audit Act in terms of the requirement for an agency to deliver services etc in accordance with the purpose for which funding is provided through appropriation, the detail of such purposes are provided in the annual budget portfolio statements. The monitoring arrangements are the same as for any other project funded through appropriation.

In relation to equity contributions provided to corporatised entities the conditions and monitoring arrangements are those as set down in the entities' enabling legislation and or the Public Corporations Act.

The amount quoted for the Department of Human Services is an accumulated balance and reflects amounts provided to the department to fund capital investment.

In reply to **Hon. I.F. EVANS** (10 November 2004).

The Hon. K.O. FOLEY: Equity contributions (otherwise referred to as capital contributions or capital injections) are made to agencies through the budget appropriation process.

They are endorsed by the Government in the budget process and approved by Parliament as part of annual appropriation. They are separately identified in the annual appropriation bill.

Equity contributions are used to fund agency capital investment programs. Equity contributions of this type are required in circumstances where the expected cash required to pay for capital investment projects is more than the cash appropriation provided to an agency for the full accrual cost of its operations in a given year.

Most commonly this occurs where payments for capital investment exceed funding received for depreciation.

As a general rule funds held in the accrual appropriation excess funds account for an agency will be used to pay for capital expenditure in preference to equity contributions as these funds represent the accumulation of excess depreciation and other accrual funding from prior years.

Aside from these most common examples of equity contributions, for corporatised entities like SA Water, an amount of contributed capital is derived as part of their initial corporatisation processes. This contributed equity is funded through appropriation. The conditions covering the application of the equity are effectively those set down in the enabling legislation, the charter and the performance statement agreed with the Government.

TRANSFERS UNDER CASH ALIGNMENT POLICY

In reply to **Hon. I.F. EVANS** (10 November 2004).

The Hon. K.O. FOLEY: The cash alignment policy does not specifically refer to the reallocation of savings by agencies. Agencies are required to operate within an approved level of expenditure in each financial year. In the event that savings are realised, agencies are able to reallocate those savings to alternate, higher priority programs so long as those programs are within the original approved purpose of the appropriation approved by Parliament.

In relation to the circumstances where the saving exceeds $500 000 in a given year, or $1 million over a 4 year period, the Expenditure Review and Budget Cabinet Committee (ERBCC) has a general guideline that the agency should seek ERBCC approval of the proposed reallocation of resources. This applies to ongoing savings. Where there is under expenditure in any year, funding can be reallocated to other expenditure in that year.

AUDITOR-GENERAL'S REPORT

In reply to **Mr BROKENSHIRE** (10 November 2004).

The Hon. K.O. FOLEY: Refunds for surrendered licences have been suspended by the Firearms Branch in accordance with the advice provided by the Auditor-General.

General legal advice received by Firearms Branch indicates that there is no legal requirement or authority in the *Firearms Act 1977* to provide refunds when a licence is surrendered.

Legislative change is being explored to enable this to take place.

MOBILE DATA TERMINALS

In reply to **Mr BROKENSHIRE** (10 November 2004).

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

- The total Mobile Data Terminal (MDT) budget allocated to SA Police to replace Komputer Data Terminal's (KDT's) was $6.9 million.
- Carryover requests submitted by SAPOL for the MDT's project have been approved.

WORKERS COMPENSATION, SOUTH AUSTRALIA POLICE

In reply to **Mr BROKENSHIRE** (10 November 2004).

The Hon. K.O. FOLEY: The Commissioner of Police has provided the following information:

- SAPOL recorded 659 claims in 2002-03 and 631 in 2003-04, a 4.25 per cent reduction.
- DAIS changed the parameters of the actuarial estimate of Crown liability for workers' compensation in the 2003 evaluation. For the first time the estimate was divided into Health, Education, Justice and other agencies. This had the effect of assigning a relatively greater component of the liability to Justice agencies.
- The 2004 actuarial estimate indicated that the Justice group, had recorded a similar liability to that recorded in 2003. The Health and Education portfolios had recorded higher liabilities.
- Since June 2003 SAPOL has—
  - Reviewed and revised claims management protocols Staffed the injury management section to industry standards
  - Continued with appointment of an OHS project officer at Inspector level
  - Commenced an intensive review of long term claims
  - Undertaken detailed analysis of injuries arising from pursuit and arrest activities and developed plans to address major risk exposures
  - Achieved a continuing reduction in compensation claim numbers
  - Instigated monthly reviews of compensation exposure by the Senior Executive Group

CROWN SOLICITOR'S TRUST ACCOUNT

In reply to **Mr HAMILTON-SMITH** (3 March).

The Hon. M.D. RANN: The Commissioner for Public Employment has advised me that he is satisfied that the information privacy principles were not breached and that he does not intend to review the disciplinary action taken by the Chief Executive in relation to Mr Pennifold.

DEPARTMENTAL FUNDS

In reply to **Hon. DEAN BROWN** (12 October 2004).

The Hon. M.J. WRIGHT: Will the minister advise the house when the officer who gave an illegal loan of $5 million to the Department of Water, Land and Biodiversity Conservation was taken out of DAIS, and whether his new position is at the same, higher or lower remuneration than his previous level? In response to a question yesterday the minister stated, 'The officer who undertook the transaction, who was in DAIS at the time, is no longer in DAIS.'

The officer who arranged the $5 million loan transaction with the Department of Water, Land and Biodiversity Conservation voluntarily ceased employment with the Department for Administrative and Information Services (DAIS) on 6 February 2004. I am advised the officer left DAIS upon accepting employment with the Department for Trade and Economic Development (DTED). The officer is employed at the same substantive level as when in DAIS.

I note the Auditor-General did not formally advise the Chief Executive of DAIS of the loan transaction until 4 August 2004, which is six months after the officer accepted the position at DTED.

SA WATER, RELOCATION

In reply to **Mr SCALZI** (12 April).

The Hon. M.J. WRIGHT: Can the Minister for Administrative Services confirm that SA Water is relocating to the former JP Morgan site at Felixstow and, if so, how many employees will be moving to the site?

I am advised that the JP Morgan site was submitted in the initial expressions of interest process for a potential site for SA Water.

The site did not meet essential criteria outlined in the expression of interest document so was not short listed. This has been communicated to the parties named in the submission.

GRADUATE TEACHERS

In reply to **Mr BRINDAL** (11 February).

The Hon. J.D. LOMAX-SMITH: Twelve male Country Teaching Scholarship holders were offered permanent employment from 2005 and all accepted.

43 male graduates have been recruited to the primary sector of DECS in 2005 (including 14 to permanent positions and 29 to contract positions as at 15 February). Of these, 3 were Country Teaching Scholarship holders.

CHILD ABUSE

In reply to **Mrs REDMOND** (11 November 2004).

The Hon. K.O. FOLEY: The Commissioner of Police has advised that the Adelaide Local Service Area is responsible for managing rallies within the Central Business District and inquiries indicate that the Adelaide Local Service Area had no communication from any person about the proposed rally.

South Australia Police (SAPOL) advise that a search of SAPOL information data bases established that no formal report was made to police in relation to any alleged threats against organisers or participants.

I am advised that the honourable member has provided police with contact details of the victim of the alleged threat. This person has been contacted by police and has confirmed that no formal report was made of the incident. SAPOL advises that the victim contacted an associate, who is a SAPOL member, only to seek advice and with no expectation of any action or documentation.

SAPOL further advises that the victim wishes that no official report be made of the incident. Police have advised the victim of support available through police, and has been provided with a specific contact officer for direct advice or assistance.

CROWN SOLICITOR'S TRUST ACCOUNT

In reply to **Hon. DEAN BROWN** (14 February).

The Hon. K.O. FOLEY: My office has investigated the questions referred to by the Deputy Leader, and I am advised that the information sought in those questions was provided to the House on the days on which the questions were asked. Other information relating to the questions was provided in a Ministerial Statement delivered on October 27 2004.

If the Deputy Leader still feels that the information sought has not been provided, I would ask that he contact my Chief of Staff and outline what information he requires.

DEPARTMENTAL FUNDS

In reply to **Hon. R.G. KERIN** (27 October 2004).

The Hon. K.O. FOLEY: The Commissioner for Public Employment has advised a public servant has been stood down from the Attorney-General's Department on full pay but without accruing leave entitlements pending a disciplinary inquiry under the Public Sector Management Act.

The Chief Executive of the Attorney-General's Department has not ruled out further disciplinary action against other employees following the completion of the inquiry into the employee who has been stood down.

POLICE, MOBILE PHONES

In reply to **Hon. M.R. BUCKBY** (14 September 2004).

The Hon. K.O. FOLEY: The Commissioner of Police has advised that communication services has been an area of rising usage and cost that has put pressure on SAPOL's budget. Therefore this area was reviewed and opportunities such as changes in business practices with respect to calls made to or from mobiles explored.

The cost of calls from land lines have increased significantly over the past years as a result of a change in mix from local calls to mobile calls to customers. Calls to mobiles can account for approximately 50 per cent to 60 per cent of call related costs (i.e. local calls, mobile calls, STD, International) at Services and Local Services Areas (LSA's). Changes to business practices being implemented include requesting land line details from customers and this being the preferred contact number with the customer.

Sensible business practices require that all expenditure, including communications, is properly managed. Local Services Area Managers are required to consistently review communications usage to ensure usage is appropriate.

Police officers replace uniforms in accordance with SA Police general orders on a condemnation basis. This process has not changed for some years.

The 2004-05 state funded budget for police uniform is $1.846 million. This is a $0.294 million or 19 per cent increase compared to the 2003-04 actual spend of $1.552 million. This includes funding for additional police officers.

LAND TAX

In reply to **Ms CHAPMAN** (25 November 2004).

The Hon. K.O. FOLEY: You state that community based childcare centres and preschools do not pay land tax. Childcare centres and preschools may be exempt from land tax on the following grounds:

- Land owned by a Government entity is non-taxable, therefore childcare centres or preschools on Government owned land do not pay land tax.
- The *Land Tax Act 1936* ("the Act") provides an exemption from land tax for land that is owned or occupied without payment by any person or association carrying on an educational institution otherwise than for pecuniary profit, and that is occupied and used solely or mainly for the purposes of such an institution.
- The Act also provides an exemption from land tax for land that is owned by an association that is established for a charitable, educational, benevolent, religious or philanthropic purpose and is declared by the Commissioner of State Taxation to be exempt from land tax on the grounds—
  - (i) that the land is or is intended to be used wholly or mainly for that purpose; or
  - (ii) that the whole of the net income (if any) from the land is or will be used in furtherance of that purpose.
- In order to receive an exemption from land tax the land would need to be owned by a not-for-profit association, where the association could provide evidence that the land is used for educational purposes.
- The listed exemptions do not apply in the case where the activity is conducted on a commercial basis.

The Government appreciates that the strong uplift in property values over recent years has led to significant increases in land tax bills for many land owners.

Reflecting this, the Government has announced a land tax relief package costing close to $245 million over the period to 2008-09.

The package involves adjustments of the land tax threshold and rate structure to provide broad-based relief. The tax free threshold will be lifted from $50 000 to $100 000, with the number of taxable brackets increased from three to five enabling marginal rates to be smoothed.

An estimated 44 000 landowners will pay no land tax as a result of lifting the tax-free threshold from $50 000 to $100 000. A further 77 000 taxpayers will benefit from the re-scaled land tax structure.

The maximum benefit is $2 850 for land ownerships valued between $550 000 and $750 000 (total taxable site value).

An *ex gratia* land tax rebate will apply to 2004-05 land taxpayers equal to 50 per cent of the savings under the new land tax scales.

The rebate will be determined by recalculating the tax that would have been payable in 2004-05 under the new tax structure that will apply from 2005-06. This amount will be compared to the taxpayer's actual land tax liability in 2004-05 and 50 per cent of the difference will be the rebate amount. Revenue SA commenced issuing rebate cheques in April 2005.

In addition to the broad-based relief to be provided through the restructured land tax scale, the following specific amendments will be introduced to provide additional relief to particular categories of land ownership, at an estimated annual cost of $5 million or $20 million over the four years from 2005-06 to 2008-09.

Property owners conducting a business from their principal place of residence, in particular operators of bed and breakfast accommodation, will be able to claim full or partial land tax exemptions, depending on the proportion of the house area used for the business activity.

Effective from the 2005-06 assessment year, a full exemption will be available if the home business activity occupies less than 25 per

cent of the house (excluding outside/garden areas) and a part exemption will apply to home business activities that occupy between 25 per cent and 75 per cent of the house area based on a sliding scale that moves in 5 per cent increments. No relief will be provided where the home business activity occupies more than 75 per cent of the house area.

Land used for caravan parks and for residential parks (where retired persons lease land under residential site agreements for the purpose of locating transportable homes on that land) will now be exempt from land tax.

The criteria for determining eligibility for a primary production exemption for owners of land located in "defined rural areas" (close to Adelaide and Mount Gambier) will also be amended to broaden eligibility.

These amendments, along with the restructured tax scales, deliver over $50 million of relief to land taxpayers each year. The rebate cheques being sent to eligible landowners will deliver further relief of $21 million in 2004-05.

ENVIRONMENT PROTECTION AUTHORITY

18. **The Hon. I.F. EVANS:** Will the Environment Protection Authority be adopting the guidelines contained in the World Health Organisation's publication—'Protection of the Human Environment—Guidelines for Community Noise (1999)' and if not, why not?

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

The Draft Environment Protection (Noise) Policy (Draft EPP) has been developed in accordance with the principles established in the World Health Organisation's publication—'Protection of the Human Environment—Guidelines for Community Noise (1999)'.

The new Draft EPP ensures that new developments that are referred to the Environment Protection Authority meet the WHO standards. In addition, existing noise sources in residential zones will be required to meet the WHO standards.

DEPARTMENTAL FUNDS

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

1. Why have Departmental Grants and Subsidies expenditure increased by $4.5 million in 2004-05?

2. Why have Intra-Government Transfers increased from $4M in 2003-04 to $12 million in 2004-05?

3. Why have Departmental Fees and Charges increased by 50 per cent in 2004-05?

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

1. Departmental grants and subsidies expenditure has increased by $4.5M in 2004-05 mainly reflecting an increase in budgeted expenditures associated with actively managing wetlands and returning flows to the River under the River Murray Environmental Flows Fund ($2.8M) and the State's contribution to the Murray-Darling Basin Commission ($1.6M).

2. The increase from $4M to $12M for Intra government transfers reflect:

- a reclassification change from supplies and services of 2004-05 budgeted expenditures of $3.7M for the Animal Plant and Control Commission and $2M for the Catchment Management Subsidy Scheme; and
- a budget transfer from Primary Industries and Resources Department that includes $2.8M for payment of Rural Solution services provided to the Department of Water, Land and Biodiversity Conservation.

3. Departmental fees and charges for the Natural Resource Management Program were budgeted to increase by $0.5M principally reflecting an increase in fees associated with water licences and well permits. The River Murray licence holders have been exempt from the increased fees associated with the temporary transfer of water allocations.

CANE TOADS

30. **The Hon. I.F. EVANS:** What action is being undertaken to prevent the cane toad infestation from reaching South Australia?

The Hon. J.D. HILL: I have been advised that cane toads have entered the upper reaches of the Murray-Darling system but are still in the order of 800 km from South Australia. Whilst there is no immediate threat to South Australia, the Government is very concerned about any potential long-term threat of cane toads spreading downstream. Research by CSIRO suggests that current climatic conditions in South Australia are generally unfavourable for cane toads, but that a small population might persist along the River Murray itself at the extreme limits of their environmental adaptation.

To date, scientific research has not delivered a solution to prevent the cane toad spreading. Even well resourced programs in the World Heritage Area of Kakadu National Park could not prevent their natural dispersal. The Federal Government previously allocated $1 million over two years under the Natural Heritage Trust's National Feral Animal Control Program to fund bio-technological research to reduce the impact of cane toads on native wildlife. CSIRO scientists from the Cooperative Research Centre for Pest Animal Control are searching for a bio-technological solution based on a gene that is critical to toad development. This research is unlikely to deliver a short-term solution to the spread of the cane toads into the Murray-Darling system, however it is the best opportunity to control cane toads in the longer term. The Animal and Plant Control Commission maintains close links with the current research and will seek to use any practical methods to control the pest should it ever spread to South Australia.

The Animal and Plant Control Commission will continue to investigate reports of cane toads in the State, including those accidentally introduced in pot plants, furniture and vehicles, and attempt their eradication. The Commission has recently produced a new cane toad fact sheet that has been circulated to fruit and vegetable importers, nurseries and around 1300 transport companies throughout South Australia. The Australian Quarantine and Inspection Service also had a display on cane toads during Frog Week at Adelaide Zoo in November 2004.

ABORIGINES, PROJECTS

81. **The Hon. D.C. KOTZ:** Are all Departmental projects expected to be completed in 2004-05 and what component will be from Commonwealth funding?

The Hon. J.D. HILL: The Minister for Aboriginal Affairs and Reconciliation has provided the following information:

The Department for Aboriginal Affairs and Reconciliation anticipates that all projects will be fully completed during the 2004-05 financial year, with the exception of the transmission system for the State/Commonwealth funded Central Power Station being constructed on the Anangu Pitjantjatjara Lands at Umuwa.

It is anticipated that Commonwealth funds of approximately $4.8 million along with State funds of $1.138 million will be spent during 2004-05 in completing the construction of the power station and initial work on the transmission system. A further $5.187 million in State funds will be available to complete the project during the 2005-06 financial year.

The only other project involving joint Commonwealth and State funding is one to provide a water and effluent supply authority for rural and remote Aboriginal communities at a cost of $475,000 in 2004-05, with $250,000 being provided by the Commonwealth and $225,000 by the State. This project is recurrent and it is anticipated that all funds will be used during the 2004-05 financial year.

In addition, there are various capital infrastructure projects in remote Aboriginal communities fully funded by the Commonwealth during 2003-04 that had approximately $4.3 million in funds remaining as at 30 June 2004, which will be spent during 2004-05 in completing the outstanding works.

ABORIGINES, ECONOMIC DEVELOPMENT

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

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

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

To effectively pursue and create economic development opportunities for Aboriginal communities in South Australia, however, requires close linkages with other Ministers and agencies. As an example of this cooperative across government approach, the Minister for Aboriginal Affairs and Reconciliation and the Minister for Industry and Trade are progressing the development of an Aboriginal Economic Development Strategy, which will recognise the importance of developing living and business arrangements that

are specifically Aboriginal, as well as the need for Aboriginal people to benefit from mining and other development opportunities. This strategy will sit under the South Australia's Strategic Plan and will support and focus Government efforts in achieving economic development objectives and improving the economic viability of Aboriginal people, communities and ventures.

The strategy will draw together state departmental plans that incorporate Aboriginal economic development initiatives and provides an opportunity for agencies to consider future initiatives. The strategy will respect the principles of self-determination and acknowledge that economic development is a joint effort that can be enhanced by participation in local, regional and national economies. It is also intended that an Indigenous Economic Development Seminar will be held in early 2005, to publicly showcase a number of successful Indigenous ventures that provide employment, training and other related benefits for Indigenous communities.

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

COMMUNITY FACILITIES GRANTS

94. **The Hon. D.C. KOTZ:** Why are the Community Facilities Grants carryovers for 2002-03 being paid over 2003-04 and 2004-05?

The Hon. M.J. WRIGHT: This question was asked in the Third Session of Parliament (Question On Notice 135). I refer the Member to the answer tabled on 24 November 2003.

SOUTH AUSTRALIAN SPORTS INSTITUTE

95 (fourth session) and 462 (third session) **The Hon. D.C. KOTZ:** With respect to the South Australian Sports Institute gymnasium:

(a) what benefits have resulted from excluding the public from the gymnasium;

(b) how many athletes currently use the gymansium and which sports do they represent;

(c) what are the opening hours;

(d) what were the staffing levels at July 2003 and July 2004 respectively; and

(e) what is the total funding allocation for 2004-05 and how much of this is operating and capital expenditure respectively?

The Hon. M.J. WRIGHT:

With respect to the South Australian Sports Institute gymnasium:

(a) what benefits have resulted from excluding the public from the gymnasium;

As a result of the exclusion of public membership, the South Australian Sports Institute (SASI) has been able to restructure its service delivery mechanisms to allow for more efficient and effective service delivery in its core business areas, namely the development and preparation of high performance athletes.

(b) how many athletes currently use the gymnasium and which sports do they represent;

Approximately 500 SASI/National Program athletes have access to use the SASI gymnasium.

SASI currently offers strength and conditioning services to 15 Sports Plan Programs, 2 National Programs (cycling and beach volleyball) and over 50 High Performance Scholarship holders. Athletes from all of these programs currently use the gymnasium facility.

The facility is also available to visiting elite sports teams and athletes on a negotiation or reciprocal rights basis. Elite athletes from non-SASI sports are also eligible to access the facility with the endorsement of their respective State Sporting Association and SASI.

(c) what are the opening hours;

Opening hours are flexible and designed to best suit the demands required by the SASI Programs at any time. These hours change constantly throughout the year based on the seasonal preparation demands of various sports. The gymnasium is opened for the specific use of each SASI program under the supervision of their coach and/or allocated strength and conditioning specialist. This may occur by negotiation at any time that it is required during any day of the week.

The gym is also staffed on Monday, Wednesday and Friday mornings at 6am-8am and at 4pm-7pm Monday to Friday. The usual range of hours span from 6am to 9pm, from Monday to Friday, 7am to 12pm Saturday with occasional Sunday sessions.

(d) what are the staffing levels at July 2003 and June 2004; and

In July 2003, the SASI gymnasium was staffed by two full-time staff. Casual staff were employed on average for 20 hours per week for gym supervision purposes. One strength scientist was also employed through the Sports Science Unit to conduct strength and conditioning specific research and to service all SASI programs.

At June 2004, three full-time tertiary qualified strength and conditioning specialists are employed in the Sport Science Unit to provide strength and conditioning services and to deliver sport science services. These services are also provided to SASI scholarship holders both within the facility and in the field by those three staff. Casual staffing requirements are approximately 3-4 hours per week.

(e) what is the total funding allocation for 2004-05 and how much of this is operating and capital expenditure, respectively?

The funding allocation related to the provision of the new suite of strength and conditioning services is now integrated within the Performance Enhancement Services budget. Operating expenditure of $180,000 has been budgeted to meet the staffing (three full time equivalents) and operating costs. No separate capital expenditure has been specifically budgeted for the SASI gymnasium facility in the 2004-05 financial year.

YOUTH SPORTS STRATEGY

97. **The Hon. D.C. KOTZ:** Why was a Sydney-based consultant engaged to prepare a youth sports strategy in lieu of the Office of Recreation and Sport's Participation Unit?

The Hon. M.J. WRIGHT: This question was asked in the Third Session of Parliament (Question On Notice 137). I refer the Member to the answer tabled on 24 November 2003.

WATER LICENCES

110. **Dr McFETRIDGE:**

1. How many licences are there in South Australia to take water from Prescribed Areas?
2. How many prescribed areas are in South Australia?
3. Which prescribed area has the most water licences?
4. How is the usage of water from all licences calculated?
5. What is the water consumption of each water licence held?
6. Are water licences along the South Australian length of the River Murray and Lake Alexandrina considered to be one prescribed area?
7. What is the average cost of a water licence and to whom are the fees paid?
8. What revenue is likely to be earned from the sale and use of water licences?
9. What are the names of all South Australian water licence holders in 2000, 2001, 2002, 2003 and 2004, respectively?
10. How many water licences are currently held in the Adelaide Metropolitan area and what are the category names of these water licences?
11. How many current licences are held by interstate interests?
12. What is the entitlement of each licence and how is this monitored?
13. Does South Australia sell any River Murray water to Victoria and if so, what are the details?
14. What were the capacities at 30 June 2003 and 2004, respectively, of the following reservoirs - Mount Bold, Happy Valley, Clarendon, Myponga, Millbrook, Kangaroo Creek, Hope Valley. Little Para, South Para, Barossa and Warren?

The Hon. J.D. HILL: I have been advised as at 14/12/04:

1. There are 9990 water licences issued in South Australia to take water from Prescribed Areas.
2. Twenty-six prescribed areas exist in South Australia, with a further seven areas currently subject to a Notice of Intention to Prescribe.
3. The River Murray Prescribed Watercourse has the most water licences, with 3253 licences currently issued.
4. The majority of prescribed water resources are fully metered. Where prescribed water resources are not currently metered, such as the underground areas in the South East, the Government is undertaking a structured program to have meters installed by June

2006. If a meter is not installed, the licence holder is required to submit an annual water use report, which is verified against aerial photography and random site visits.

5. Individual water consumption information is not made publicly available due to its commercial in confidence nature, except for the River Murray where a specific exemption exists to release that information to facilitate water trading. However, given the large number of water licences, it is not practicable to provide water consumption details for each licence in this response.

6. Yes. The River Murray Prescribed Watercourse comprises the South Australian length of the River to the barrages, including Lakes Alexandrina and Albert and portions of the Finniss River and Currency Creek.

7. The application fee for a new water licence is $155.00. In areas where the prescribed water resource is fully allocated, a water allocation can only be obtained by transferring water from another licence holder. The application fee for an allocation transfer is $255.00. A water levy may also be payable against the water allocation endorsed on a water licence, or the recorded water usage, or both the water allocation and usage. The levy rate is recommended by the relevant catchment water management board and is set at a level to fund on ground and other work within the catchment area. The levy rates across the State vary from 0.197 cents per kilolitre in the South East to 2.072 cents per kilolitre on the Eyre Peninsula. Application fees and water levies are paid to the Department of Water, Land and Biodiversity Conservation (DWLBC). Water levies are collected on behalf of Catchment Water Management Boards.

8. The revenue that Government is likely to earn from the sale and use of water licences varies depending on the quantity of water transferred or used. Stamp duty is payable on the transfer of a water allocation and licence based on the amount paid for the water. During 2003-2004 and 2004-2005 ex gratia relief has been provided from payment of stamp duty for all temporary transfers in recognition of the impact of adverse seasonal conditions and the restriction placed on the amount of water that can be taken from the River Murray. Significant financial penalties are imposed as a deterrent to the overuse of prescribed water resources. Revenue from water levies is appropriated to catchment water management boards to fund on ground works and other programs identified in their catchment plan.

9. Given the large number of licence holders and numerous changes in licence ownership since 2000, it is not practicable to provide the requested information in this response. Current licence details are publicly accessible from DWLBC, which maintains a Public Register of all current water licences.

10. No water licences have been issued for the inner Adelaide Metropolitan area because the water resources in this area are not currently prescribed. There are prescribed areas to the north and south of Adelaide, such as the Northern Adelaide Plains around Virginia, the Barossa Valley and McLaren Vale. In these areas all commercial use of water is licensed.

11. Interstate interests hold 180 licences (less than 2 per cent) of the current water licences issued in South Australia. The majority of these licences are held by corporate interests, particularly winemakers, that have their administration centre located interstate.

12. All water licences and water entitlements are maintained and monitored by DWLBC. The Auditor-General's Department ensures that appropriate audit controls are maintained. As mentioned above, it is not practicable to provide the requested information in this response. Current licence details are publicly accessible from DWLBC, which maintains a Public Register of all current water licences.

13. South Australian licence holders may sell River Murray water to Victoria and New South Wales. Water can be sold either permanently or temporarily, the latter is usually for one year. South Australian licence holders are also able to purchase or lease water from licence holders in Victoria and New South Wales. The sale and lease of water is managed between the States and the Murray-Darling Basin Commission to ensure that the Murray-Darling River system is able to supply the water transferred and the allocation caps are managed effectively. The majority of permanent water trade is into South Australia but temporary trade is usually from this State. However, during the dry conditions in 2003-2004 there is more temporary water traded into South Australia. A summary of water trade on the River Murray, including trade within South Australia, for 2002-2003 and 2003-2004 follows:

Source/ Destination	Type of transfer	2002-03 (GL's)	2003-04 (GL's)
Into			
South Australia	Permanent	1.4	1.3
	Temporary	5.5	29.6
From			
South Australia	Permanent	0.5	1.8
	Temporary	13.6	23.6
Within			
South Australia	Permanent	12.9	21.9
	Temporary	49.6	40.6

* Note: 1 GL (giga litre)=1000 ML (mega litre): 1 ML=1000 kL (kilolitres)

15. The Minister for Administrative Services has provided the following information:

Reservoir	Storage holding as at 30 June 2003 (megalitres)	Storage holding as at 30 June 2004 (megalitres)
Mount Bold	10547	9719
Happy Valley	8500	9110
Clarendon Weir	320	193
Myponga	19982	20890
Millbrook	6111	4952
Kangaroo Creek	1223	2274
Hope Valley	2712	2522
Little Para	8568	10480
South Para	14550	22890
Barossa	4412	4291
Warren	4886	3169

AGEING WORKFORCE ACTION PLAN

111. **Mr HAMILTON-SMITH:** In relation to the recently announced $500,000 Ageing Workforce Action Plan for South Australia:

(a) who will be paid by this funding to and how much will Mr John Spoehr receive;
(b) what are the terms of reference and timelines for this project; and
(c) what are the expected outcomes of this plan?

The Hon. S.W. KEY: The Member for Waite is referring to the Australian Research Council (ARC) Linkage Project *Demographic change, ageing and the workforce: An integrated model to inform workforce planning and development in Australia.*

This project was successful in receiving Commonwealth funding in the 2004 ARC Round Two application process, announced in July this year. The project involves a partnership between the University of Adelaide, Flinders University, the University of South Australia, the Department of Further Education, Employment, Science and Technology and the Office of the Commissioner for Public Employment.

The project aims are:

- to identify the implications of demographic change and ageing for workforce development and planning in Australia
- to identify national and international best practice approaches to workforce development and planning
- to develop a conceptual framework and model to inform workforce development and planning in the context of demographic change and ageing
- to demonstrate and evaluate the utility of the conceptual framework and models through case studies in the public and private sectors in South Australia
- to better inform policy makers in the areas of workforce development and planning
- to build a nationally and internationally significant workforce development research and research training capacity to support the public and private sectors.

The results of the project will be communicated through relevant journal articles, books, conferences, research reports and a web site.

The project is of three years' duration and has attracted over $150,000 in Commonwealth funding. This funding is being supplemented by $115,000 from the universities and $45,000 from the State Government. The State Government is also providing in-kind support to the project, which will build on the capacity within the South Australian public sector to develop policies and programs to respond to the workforce implications of demographic change.

The State Government contribution of $15,000 per annum over three years will result in significant benefits for South Australia. Mr John Spoehr will not be paid personally by the government for his role in the project, the consortium will disburse funding to hire researchers and purchase capital equipment.

The securing of the project in South Australia helps build on and strengthen the capabilities already present here in demographic

population and labour market research, analysis and policy development.

WORKCOVER

113. **Mr HAMILTON-SMITH:** Has an impact assessment been carried out on the effect on restaurant, catering and entertainment small businesses of the WorkCover Industry Levy rate increasing by 10 per cent and if so, what is the likely impact of this increase on these businesses and if not, will an impact assessment be undertaken?

The Hon. M.J. WRIGHT: I am advised that under policies that were in place in WorkCover under the former Government, impact assessments have never formed part of the annual review of the levy rates for each class of industry.

I am advised that the increase in the restaurant/catering levy rate is almost entirely due to a rise in that sector's claim costs.

WorkCover is well aware of the impact of the workers compensation levy on all employers, particularly small employers. Much work is being done to identify ways in which to improve the efficiency and effectiveness of WorkCover and the Scheme, so it can reduce costs to employers.

Also, employers can make a very direct impact on the cost of the Scheme and their levy rates by working to improve their own claims performance.

I am advised that for the 2004-2005 financial year close to 800 businesses classified as cafes and restaurants are included in WorkCover's bonus and penalty scheme. I understand that of these, 720, mostly small businesses, will receive a bonus averaging around 10 per cent to 20 per cent, and pay less than the industry rate.

STATE THEATRE COMPANY

114. **Mr HAMILTON-SMITH:**

1. What is the government's long term vision for the State Theatre Company and what future funding will be provided to accommodate this?

2. How many productions will the State Theatre Company be able to sustain over each of the next three years?

3. What is the future of the 'Laboratory'?

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

1. The Government's vision for the State Theatre Company is that it creates great theatre that is challenging, entertaining and of the highest quality. Furthermore, as a flagship arts organisation in South Australia, the Government expects the company to provide a leadership role to the theatre sector in South Australia. The State Theatre Company, as a major performing arts organisation is funded under a tripartite agreement between the company, the Major Performing Arts Board of the Australia Council and Arts SA. Under that agreement, the SA Government is providing an annual operating grant of $1.618 million for the triennium 2004-06.

2. The State Theatre Company is planning to present 8-10 plays each year, over the next triennium.

3. The State Theatre Company Board and the new Artistic Director are committed to continuing the On-Site Laboratory as a centre of excellence in the development of new work as well as maintaining and upgrading the skills of theatre professionals.

RECREATION AND SPORT, OFFICE

198. **The Hon. D.C. KOTZ:** What are the details of the Office for Recreation and Sport's revenue stream adjustments made by the Department of Treasury and Finance which indicated a variance in the classification of 2002-03 items and what is the outcome of the adjustment to these revenue streams?

The Hon. M.J. WRIGHT: The Office for Recreation and Sport (ORS) has worked with the Department of Treasury and Finance (DTF) to adjust its revenue budgets to ensure that they reflect changes in ORS operations, Government operations and Treasury policy change.

Since 2002-03 a number of changes have impacted on ORS revenue budget, including:

- The transfer of the Office for Venue Management from SA Tourism to ORS.
- Additional budget to support the debt repayments for Hindmarsh Stadium on behalf of the South Australian Soccer Federation.
- Additional revenue from the Australian Sports Commission and other State Government agencies for program delivery initiatives.
- Various budget bilateral initiatives, such as the State Physical Activity Strategy and the State Sporting Facilities Strategy.
- Various DTF saving initiatives.
- DTF policy changes, such as the Cash Alignment Policy and the impact of the removal of interest revenue.

In the financial year, further adjustments have occurred to reflect additional revenue from the Sport and Recreation Fund, and ORS is reviewing revenue to make sure it better aligns with DTF classifications.

The outcome of the various adjustments is that DTF revenue budget better reflects the actual revenue of ORS.

NATIVE VEGETATION ACT

223. **The Hon. G.M. GUNN:** What steps are being considered to rectify those Regulations under the Native Vegetation Act 1991 which prevent farmers and land managers from carrying out fire hazard reduction programs, such as controlled burning and building access tracks and will the Government accept responsibility for any damage or loss of property arising from the application of the Act and Regulations?

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

1. In recognition of the need to facilitate fire safety measures, the *Native Vegetation Act 1991* and the *Native Vegetation Regulations 2003* (which came into operation on 25 September 2003) provide a number of options to allow for the establishment of fire protection works on a property. The provisions in the regulations take advice from the CFS, the outcomes of the Premier's Bushfire Summit and negotiations with the Member for Stuart during debate on the *Native Vegetation (Miscellaneous) Amendment Act 2002*, passed by State Parliament in November 2002.

The Regulations now provide for wider fuel breaks (fire breaks) in particular regions of the State, as designated by the Native Vegetation Council, and extended provisions for hazard reduction clearance, including control burning. In addition to these measures, departmental officers supporting the Native Vegetation Council are working with the CFS to ensure that assessment processes are streamlined and take into account fire safety needs. As part of this, the CFS will be invited to comment on proposed fire prevention measures brought to the Native Vegetation Council.

The key features of the exemptions are as follows:

Clearance around dwellings

Exemption 5(1)(k): provides for the clearance of native vegetation, other than tall trees, within 20 metres of a dwelling. The approval of the CFS is required for the removal of large Eucalyptus trees as the CFS considers that such trees may facilitate fire safety by taking a fire over a building.

Exemption 5(1)(n): in some circumstances, the clearance of an area greater than 20 metres may be appropriate for fire safety purposes. The Native Vegetation Council has prepared guidelines to facilitate clearance without approval for up to 50 metres around a dwelling.

Emergency situations

Exemption 5(1)(o): a CFS officer may clear native vegetation in emergency situations in accordance with Section 54 of the *Country Fires Act 1989*.

Hazard reduction measures

Exemption 5(1)(m): reduction of combustible material on land may be carried out (by burning or by other means) in accordance with a management plan prepared by a landholder, a group of landholders, or the district bushfire prevention committee and approved by the Native Vegetation Council. Subject to Regulation 5(2), when considering a management plan, the Native Vegetation Council will have regard to the appropriate time of year to undertake the work and must have regard to protecting people and property, the need to conserve significant native vegetation, and the method of fuel reduction that causes the least amount of environmental damage.

Fuel breaks

Exemption 5(1)(v): provides for the establishment of fuel breaks, including:

- fuel breaks of up to 5 metres wide anywhere in the State;
- fuel breaks of up to 7.5 metres wide in parts of the State determined by the Native Vegetation Council; this is a new exemption included at the request of the Member for Stuart; and
- fuel breaks of up to 15 metres wide subject to the approval of a District Bushfire Prevention Committee.

Exemption 5(1)(w): provides for the establishment of wider fuel breaks subject to a management plan prepared by a

landholder or a District Bushfire Prevention Committee, and approved by the Native Vegetation Council.

Parks and reserves

Exemption 5(1)(za): provides for clearance for fire prevention purposes in a reserve constituted under the *National Parks and Wildlife Act 1972* or *Wilderness Protection Act 1992* in accordance with standard operating procedures agreed to by the Native Vegetation Council.

It is considered that these exemptions provide a range of measures that a person, a group of people, or a district bushfire safety committee may utilise to undertake fire hazard reduction programs. The measures provide an appropriate balance between necessary fire prevention measures and the need to conserve the State's significant native vegetation resource.

2. The liability for damage to property caused by wildfire would be subject to appropriate consideration of the courts.

RECREATION AND SPORT, OFFICE

232. **Dr McFETRIDGE:** Does the Office for Recreation and Sport liaise with the Office of Business and Consumer Affairs to assist recreation and sporting clubs formulate sporting codes of conduct, and if so how?

The Hon. M.J. WRIGHT: The Office for Recreation and Sport (ORS) has liaised with/worked with the Office of Consumer and Business Affairs since the *Recreational Services (Limitation of Liability) Act 2002* legislation was enacted.

The ORS has assisted in the development of publications on the Act by the Office for Consumer and Business Affairs, has conducted industry seminars on Tort Law reform at which Office for Consumer and Business Affairs officers were speakers and where they took questions from industry representatives.

Currently the ORS has undertaken to work with the recreation and sport industry to develop three safety codes for registration under the Act. The purpose of this project being to show the industry how to develop and lodge codes, to develop industry expertise regarding the codes and to develop codes in three areas of identified need.

The areas selected were outdoor recreation, in partnership with Recreation SA, equestrian activity, in partnership with Horse SA, and sports medicine, in partnership with Sports Medicine Australia, SA Branch.

To protect the integrity of the system the Office of Consumer and Business Affairs is not directly involved in the development of the safety codes, but is providing advice and direction consistent with its role for this project.

It is anticipated that the liaison will continue in the future.

COMMUNITY RECREATION AND SPORT FACILITIES PROGRAM

233. **Dr McFETRIDGE:** How many funded Community Recreation and Sport Facilities Program initiatives were undertaken by local councils in each year since 2001-02, and what are the details of the largest grant awarded in each of these years?

The Hon. M.J. WRIGHT: In the 2001-02 financial year six local government authorities received funding. The largest of these grants was allocated to the Wattle Range Council who received $70,000 to construct a skate park facility.

In the 2002-03 financial year 16 local government authorities received funding. The largest of these grants was allocated to the City of Victor Harbor, Naracoorte Lucindale Council and the City of Whyalla. Each of these three organisations received funding of $150,000 to provide a youth park, reconstruct the Naracoorte Swimming Lake, and construct change rooms and toilets at Memorial Oval respectively.

In the 2003-04 financial year ten local government authorities received funding. The largest of these grants was allocated to the Clare and Gilbert Valleys Council, which received $300,000 to construct a regional recreation facility.

RECREATION AND SPORT, OFFICE

234. **Dr McFETRIDGE:** Has the budgeted $181,000 reduction in operating costs for 2004-05 and the $112,000 savings for 2003-04 been achieved and if so, what are the details?

The Hon. M.J. WRIGHT: The 2003-04 budget paper identified a $112,000 efficiency measure savings initiative required of the Office for Recreation and Sport for the 2004-05 financial year. Additionally, the 2004-05 budget paper identified a $181,000 administrative measures saving initiatives for the 2004-05 year.

The Office for Recreation and Sport has implemented its budget strategy for the 2004-05 financial year. These savings targets will be achieved via:

- changes in finance service delivery, utilising the Department for Administrative and Information Services centralised finance services;
- changes in general administrative practices, including the reduction of 1 FTE administration officer;
- salaries and wages savings through restrictions in backfilling of positions during the recruitment and selection process required for the filling of vacant positions.

Service delivery will be maintained.

235. **Dr McFETRIDGE:** What are the details of each consultancy costing over $50,000 engaged by the Department of Recreation and Sport in 2003-04?

The Hon. M.J. WRIGHT: In the 2003-04 financial year the Office for Recreation and sport did not incur any consultancy costs over $50,000.

SCHOOLS, RESIDENT SECURITY OFFICERS

248. **Ms CHAPMAN:** What plans are there to locate resident security officers on school sites?

The Hon. J.D. LOMAX-SMITH: There are no plans at this stage to locate resident security officers on sites owned by the Minister for Education and Children's Services.

The department has consulted with the Northern Territory Department of Education and received independent expert advice that indicates that the benefits to be derived through the use of caretakers are debatable and not supported by crime prevention research.

FRINGE FESTIVAL

266. **Mr HAMILTON-SMITH:** Will the Fringe remain financially and managerially competent given the recent resignations of key staff?

The Hon. J.D. HILL: I am advised that the Fringe has had only one resignation of a key staff person—that of Chief Executive Officer—in recent times. All other recent staff departures have been as a result of the normal winding-down of functions in the period between biennial Fringe Festivals. The Fringe has a timeline for the filling and vacating of temporary positions as specific functions are required to be undertaken within the usual programming for a Fringe Festival.

The position of Sponsorship and Development Manager has been advertised as part of this normal two-year staffing cycle.

Ms Gail Carnes has been appointed to the position of CEO of the Fringe. Ms Carnes spent a decade in arts administration in the United States and South Australia.

She has previously held positions including Executive Director of the Chamber Orchestra of Albuquerque, New Mexico; Trustee of the New Mexico Symphony Orchestra; and Commissioner of the New Mexico Arts Commission, in Santa Fe.

The new management team is looking to improve the Fringe's financial situation.

ARTS SA

273. **Mr HAMILTON-SMITH:**

1. Which organisation did Arts SA recommend on 4 September 2003 to own and operate the Southern Cross Replica Aircraft?

2. How much did the review of the tender process by the Prudential Management Group cost?

3. How much has it cost to store the damaged aircraft at a Parafield hangar during the delayed tender process?

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

1. On 4 September 2003, Arts SA recommended that the ownership of the Southern Cross Replica Aircraft be transferred to the Historical Aircraft Restoration Society (SA) Inc.

2. There was no specific cost charged by the Prudential Management Group for its review of the tender process for the transfer of the ownership of the Southern Cross Replica Aircraft. The review was considered part of the core business of the Prudential Management Group and was managed from within its existing resources.

3. Since the commencement of the tender process in July 2003, the damaged aircraft has been stored in a hangar at Parafield for $861.25 per month. The total cost of storage of the aircraft has so far amounted to $14,641.

COMMUNITY RECREATION AND SPORT FACILITIES PROGRAM

298 (4th Session) and 352 (3rd Session) **Dr McFETRIDGE:** Which organisations received grant funding under the Community Recreation and Sport Facilities Programs in 2003-04, and in each case—

(a) what is their State electorate and suburb location;

(b) how much did they receive; and

(c) what are the details of each program allocation?

The Hon. M.J. WRIGHT: The Government of South Australia has approved $3.296M in funding to community recreation and sport facilities across South Australia. This will result in over $10M of capital works for the State.

The aim of the program is to ensure the provision of sustainable recreation and sport facilities that meet community needs. The State Government, through the Office for Recreation and Sport, is committed to promoting the social, physical and economic benefits of participation in recreation and sport activities. Access to quality recreation and sport facilities is fundamentally important to the existence of a healthy lifestyle, both in metropolitan and rural communities.

As a result of the funding, 41 projects will go ahead under the Community Recreation and Sport Facilities Program.

Attached is a list of organisations that will receive funding.

Organisation	Electorate	Suburb	Approved	Project Description
Booborowie Recreation Ground Committee	Stuart	BOOBOROWIE	$31,000.00	Resurface of tennis courts for multi purpose use.
Cambrai Sports Club	Schubert	CAMBRAI	$32,840.00	To repair and resurface the tennis/netball courts and to install court lighting.
Central Yorke Cougars Netball Club	Goyder	MAITLAND	$40,000.00	Construction of a new clubhouse.
Christies Beach Bowling Club	Kaurna	CHRISTIES BEACH	$47,500.00	To replace existing synthetic green and sidewalls.
City of Charles Sturt	Cheltenham	ROYAL PARK	$55,000.00	To construct a skate facility at Carnegie Reserve.
City of Holdfast Bay	Bright	BRIGHTON	$90,000.00	Construction of a skate facility with half court basketball, netball and family area catering for beginner-intermediate skaters.
City of Mount Gambier	Mount Gambier	MOUNT GAMBIER	$20,000.00	Installation of equipment providing recreation opportunities for people with a disability. Includes hydraulic lift for pool access and liberty swing.
City of Port Adelaide/Enfield	Enfield	CLEARVIEW	$195,000.00	Construction of a new clubroom facility to be located at St Albans Reserve home to several sports.
Clare and Gilbert Valleys Council	Frome	CLARE	$300,000.00	To develop a regional recreation facility in Clare including a 25m 8 lane swimming pool, therapy pool, baby and medium pools.
Cleve Sporting Bodies Club	Flinders	CLEVE	$20,400.00	Installation of a pop-up sprinkler system on town oval including pump, tank etc.
Coorong District Council	MacKillop	COONALPYN	$20,000.00	To install solar heating and a cover to the Coonalpyn swimming pool and provide extra shaded areas.
District Council of Elliston	Flinders	ELLISTON	$21,800.00	Installation of skate equipment to the playground located at Elliston.
District Council of Le Hunte	Flinders	WUDINNA	$30,000.00	Construction of a bike/walking trail from the Wudinna township to Mt Wudinna, which is to traverse the Council owned Polda Rock Recreation Reserve en-route.
District Council of Loxton Waikerie	Chaffey	WAIKERIE	$91,000.00	To establish a multi purpose skate BMX facility for skaters, bikes and in line skaters.
Georgetown Memorial Tennis Club	Frome	GEORGETOWN	$51,930.00	Resurfacing of tennis courts.
Glandore Recreation Centre Board of Management	Ashford	GLANDORE	$116,000.00	Redevelopment of the Glandore Oval main clubroom building including construction of new changerooms, ablution facilities and extension of social facilities.
Goolwa Regatta Yacht Club	Finniss	GOOLWA	$80,730.00	To construct disabled toilet facility, storage for sail ability boats, improve access for disabled people to rear of club house, sullage facilities and general storage.
Henley South Tennis Club	Colton	HENLEY BEACH SOUTH	$39,400.00	Reconstruction of two hard court tennis courts to alleviate surface and drainage problems.
Kadina and District Recreation Centre Committee	Goyder	KADINA	$110,000.00	To rebuild, upgrade and enlarge the gymnasium and fitness instruction facilities.

Kingston SE Golf Club	MacKillop	KINGSTON SE	$32,000.00	Extension of the Kingston Golf Club to include 5 new fairways and greens.
Light Regional Council	Light	ROSEWORTHY	$50,000.00	Construction of tennis/netball courts and surrounding recreation grounds.
Marleston League SA	Ashford	MARLESTON	$46,000.00	To upgrade courts and the clubroom to provide a safer playing field and comfortable clubroom hall.
Mid Hills Netball Association	Kavel	WOODSIDE	$50,000.00	To resurface four netball courts with a rebound pro-cusioned surface to reduce injuries and ensure long life of courts.
Mount Gambier Motor Cycle and Light Car Club	Mount Gambier	MOORAK	$92,000.00	To develop a multi purpose facility for motorcycle sport rider training, competition and recreational use at McNamara Park.
Mylor Tennis Club	Heysen	MYLOR	$34,800.00	Resurfacing of courts and improvement of drainage.
One Tree Hill Sports & Recreation Club Association	Napier	ONE TREE HILL	$61,000.00	Extension to clubrooms, installation of floodlighting and resurfacting of courts at One Tree Hill Oval for tennis/netball/soccer and scouts.
Penola Sports Club	MacKillop	PENOLA	$175,000.00	Construction of a multi-use fully lit facility allowing for night sport consisting of eight tennis courts that provides for six netball courts within the McCorquindale Park complex.
Port Adelaide Rowing Club	Port Adelaide	LARGS NORTH	$74,000.00	Upgrade and extend existing clubrooms bringing them to acceptable modern standards, including more accessible change rooms and toilets.
Port Lincoln Netball Association	Flinders	PORT LINCOLN	$300,000.00	Construction of clubroom, administration and changeroom building in conjunction with a new 12 court (8 with lights) netball complex.
Quorn Netball Club	Stuart	QUORN	$26,000.00	Apply Rebound Synpore Acrylic Resurfacer over four courts (netball/tennis combined).
Riverland Hockey Association	Chaffey	BERRI	$240,000.00	Removal of old deteriorated pitch and replacement with a new water base surface.
Robe Tennis Club	MacKillop	ROBE	$30,000.00	Reconstruct two courts and apply a non slip acrylic surface.
Salisbury Amateur Athletic Club	Ramsay	SALISBURY DOWNS	$15,000.00	To conduct a feasibility study into the construction of a high profile regional athletics facility in the City of Salisbury. The facility will provide for the co-location of two Little Athletics Clubs with the senior Salisbury Athletics Club.
Seacliff Sports Club	Bright	SEACLIFF	$249,000.00	Replacement of the artificial surface and reconstruction of the base for tennis and hockey use.
Southern Sprint Kart Club	Taylor	BOLIVAR	$50,000.00	Construction of a new multi purpose training facility.
Tranmere Bowling and Tennis Club	Hartley	TRANMERE	$24,500.00	Installation of new overhead lighting system for 12 lawn bowling rinks.
United Bowling & Sporting Association	Giles	COOBER PEDY	$82,000.00	Construction of a multi purpose artificial turf sporting complex. This will provide for tennis, basketball, netball and volleyball with the opportunity to use the area also for indoor cricket and soccer.
Volleyball SA	Ramsay	MAWSON LAKES	$180,000.00	To develop and operate a 3 court flood lit Beach Volleyball facility at Mawson Lakes.
Waikerie Community Sports Centre	Chaffey	WAIKERIE	$30,000.00	Provision of lights and security back drops to the Waikerie Combined Sports Facility.
Whyalla Netball Association	Giles	WHYALLA NORRIE	$23,000.00	Upgrade court facilities for increased safety.
Yankalilla Sporting Club	Finniss	YANKALILLA	$40,000.00	Construction of medical, shower, toilet, storage and changeroom facilities.

YOUTH OBESITY

307 (4th Session) and 524 (3rd Session) **Dr McFETRIDGE:** How much of the $410,000 allocated to the Statewide Physical Education Strategy for 2004-05 will go towards assisting physical education teachers in schools to curb youth obesity?

The Hon. M.J. WRIGHT: The $410,000 will be used to support the implementation of the State Physical Activity Strategy and will complement existing funding in the area of physical activity. This funding will be used to support the Government's commitment to increasing levels of physical activity for all South Australians and therefore it will impact on levels of obesity across the community.

The across Government focus on obesity across all age groups is also being addressed by the work of the Healthy Weight Taskforce, which is being coordinated by the Department of Health.

Education is focusing on the physical activity issue through its ***be active – Lets Go*** program which will support and assist schools and teachers to increase the physical activity levels of school children, with physical education teachers playing their part in their individual schools.

RECREATION AND SPORT, OFFICE

308 (4th Session) and 525 (3rd Session) **Dr McFETRIDGE:** Why has there been a reduction in total expenses for 'ordinary activities' from $32M in 2003-04 to $31M in 2004-05?

The Hon. M.J. WRIGHT: The 2004-05 budget reflects a range of changes to the Office for Recreation and Sports' ordinary expenses. Significant variations included:

- Additional money available to complete the $6.2M—5 year commitment to the recreational trails program.
- Increased funding for the Statewide Physical Activity Delivery.
- Reductions in the Office for Recreation and Sports' operating costs.
- Increase in depreciation expenses.
- Changes to the forward estimates resulting from the changed accounting treatment for grants.

RACING, EXPENDITURE

309 (4th Session) and 526 (3rd Session) **Dr McFETRIDGE:** What is the basis for the 25 per cent increase in actual expenditure in 2003-04 to the budgeted expenditure in 2004-05 for Racing?

The Hon. M.J. WRIGHT: The Office for Racing's actual expenditure in 2003-04 was $501,000. The budgeted expenditure for 2004-05 is $499,000, which represents a $2,000 saving and not a 25 per cent increase referred to in the member's question.

RACING INDUSTRY ADVISORY COUNCIL

310 (4th Session) and 527 (3rd Session) **Dr McFETRIDGE:** How many times did the Racing Industry Advisory Council meet and what issues were discussed?

The Hon. M.J. WRIGHT: Last session the Hon. A. Redford MLC asked the same question (Question On Notice 277). I refer the member to the response tabled in the Legislative Council *Hansard* on 14 September 2004.

RECREATION AND SPORT, OFFICE

312 (4th Session) and 529 (3rd Session) **Dr McFETRIDGE:** Were there any savings made in the Office of Recreation and Sport in 2003-04 and if so, were these savings reallocated elsewhere in the agency?

The Hon. M.J. WRIGHT: As specified in the Budget Statement 2003-04, the Office of Recreation and Sport (ORS) identified the following saving initiatives:

Efficiency measures—reduction in operating costs across the Agency.

The ORS reviewed its business and administrative services, which resulted in the centralisation of the finance function within the Department for Administrative and Information Services (DAIS) and other improvements in administrative efficiency.

SASI program efficiency measures and restructuring of sports programs in line with structure.

SASI reviewed and restructured its volleyball, strength and conditioning and administrative services.

Additionally, the ORS made savings of $56,000, which was provided to DAIS to support a range of corporate initiatives.

GAWLER RACING CLUB

314 (4th Session) and 531 (3rd Session) **Dr McFETRIDGE:** What is the government's position in relation to the shifting or sharing of facilities at the Gawler Racing Club?

The Hon. M.J. WRIGHT: Last session the Hon A Redford MLC asked the same question (Question on Notice 274). I refer the member to the response tabled in the Legislative Council *Hansard* on 14 September 2004 page 8.

RACING INDUSTRY

315 (4th Session) and 532 (3rd Session) **Dr McFETRIDGE:** Is the identification of opportunities for growth in the Racing Industry in the 2002-03 Budget an on-going process and if so, what are the details?

The Hon. M.J. WRIGHT: Last session the Hon. A.J. Redford MLC asked a similar question (Question on Notice 276). I refer the member to the answer tabled in the Legislative Council *Hansard* on 14 September 2004.

CHILDREN, SPORTS PROGRAMS

364. **Mr HANNA:** Has the Government commissioned any research into the availability and costs of children's sports programs in South Australia and if so, what are the details and will an income based subsidy scheme be introduced to make these sporting activities more affordable to lower income families?

The Hon. M.J. WRIGHT: The Government has not commissioned any research specifically in relation to the availability and cost of children's sports programs in South Australia.

In 2003-04 the Government, through the Office for Recreation and Sport (ORS) provided $12.31 million in funding to recreation, sport and community organisations. This funding contributes significantly to the sport and recreation infrastructure in this State.

The newly created Move It! funding program, specifically targets a range of population groups with lower levels of physical activity than the average South Australian. Grants of up to $50,000 are available to sport and active recreation organisations to address the barriers in service provision for these targeted populations. The Move It! program encourages organisations to think creatively about the programs and services that they offer. It ensures that these programs are structured, using the funding available from the ORS.

Additionally the ORS itself facilitates a number of specific programs that aim to provide low cost opportunities for young people.

The Australian Sports Commission's Active After-School Communities project also represents an excellent opportunity to access sport and recreation at no cost.

CLEAN SEAS GROWOUT PTY LTD

375. **Mr HANNA:** Does Clean Seas Growout Pty Ltd currently hold a lease and license under the Aquaculture Act 2001 for marine finfish aquaculture at on the former SARDI site in Boston Bay at Port Lincoln and if so, why is this not registered under Section 80 of the Act and if not, is it lawful for this aquaculture activity to continue?

The Hon. R.J. McEWEN: Australian Tuna Fisheries Pty Ltd, a fully owned subsidiary of Clean Seas Growout Pty Ltd, currently hold a fully valid aquaculture licence and lease for 5h of the 20h site previously licensed to SARDI. These approvals allow for the farming of marine finfish on this site. Across the aquaculture industry a number of associated hold licences and leases.

In accordance with Section 80 of the *Aquaculture Act 2001*, details of this aquaculture site including licence/lease number, licence/lease holder and licence/lease type can be found on the Atlas of South Australia. This web site, developed to provide a common access point to maps and geographic information about South Australia in an interactive atlas format, provides a spatial representation of aquaculture sites. The aquaculture data is updated monthly by PIRSA Aquaculture and is accessible through the PIRSA web site.

In addition, a hard copy version of the Aquaculture Public Register is available at the PIRSA Aquaculture office, level 14, 25 Grenfell Street, Adelaide. The register contains copies of all aquaculture licences and leases and environmental monitoring reports. This is available for viewing during normal office hours.

POLLS

387. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

The Hon. K.O. FOLEY: On the basis that polls are an analysis of public opinion on a subject, usually by selective sampling, I am advised by the Commissioner of Police that community satisfaction with policing services is surveyed annually. The Australasian Centre for Policing Research (ACPR) manage a *Community Satisfaction with Policing* survey on behalf of Australian police jurisdictions. The results are published in the national *Report on Government Services* and police jurisdictional Annual Reports.

In South Australia, for the period July 2003 to June 2004, approximately 2000 people across the State (1000 in the north and 1000 in the south) completed the telephone survey conducted by an independent survey contractor (AC Nielsen).

Historically, and during this period, SAPOL achieved a very high level of public satisfaction with the delivery of policing services. The 2003-04 survey results were:

- 75.7 per cent of South Australians were satisfied with the services provided by police (national average 71.8 per cent).
- 69.9 per cent of South Australians believe that police treat people fairly and equally (national average 65.6 per cent).
- 83.9 per cent of South Australians believe that police perform their job professionally (national average 79.4 per cent).
- 85.6 per cent of South Australians have confidence in police (national average 81.0 per cent).
- 81.0 per cent of South Australians believe police are honest (national average 75.4 per cent).

398. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

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

For the purpose of this response, polls have been defined as an analysis of public opinion on a subject usually by selective sampling. The following polls were undertaken within the Environment and Conservation portfolio in the past 12 months.

Three polls were undertaken by the Environment Protection Authority (EPA) since March 2004. They were:

1. Evaluation of the 2004 Woodheating Advertising Campaign (completed March 2005).

- The results highlighted that the percentage of woodheater users intending to adopt correct practices for the coming winter, is higher than those who have adopted those practices in the previous winter.

2. Community Awareness and Acceptance of Container Deposit Legislation (completed June 2004).

- Nearly all respondents agreed that CDL is good for our environment. The vast majority thought that extending the scheme to cover additional beverage/containers such as fruit drinks and flavoured milk containers was a good idea.

3. WaterCare Tracking Survey Findings (completed February 2005).

- Findings of the February 2005 Telephone Tracking Survey shows significant positive correlations between campaign exposure and water issues awareness, attitudes and, to a lesser extent, behaviour change.

399. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

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

The Office for the Southern Suburbs has not undertaken any polls in the past 12 months.

403. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

The Hon. S.W. KEY: At 10 March 2005, no polls of the South Australian public had been conducted over the previous twelve months by, or on behalf of, the Minister for the Status of Women or the Office for Women.

404. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

The Hon. M.J. WRIGHT: I have been advised the meaning of the term 'poll' is "an analysis of public opinion on a subject usually by selective sampling". I am advised that there have been no polls of the South Australian public conducted over the past 12 months by, or on behalf of the Department for Administrative and Information Services or me.

I provide the following details of the polls undertaken by SA Water.

Permanent Water Conservation and Water Efficiency in the Garden

SA Water is undertaking a series of surveys in conjunction with its advertising campaigns relating to permanent water conservation measures and water efficiency in the garden. These surveys are being conducted by McGregor Tan and will conclude at the end of the campaigns. McGregor Tan contacts South Australian people at random from both metropolitan and regional areas.

To date, two omnibus surveys have been undertaken in November and December 2004 and a final survey was undertaken in March 2005 and will be reported in April 2005. True analysis of the results will not be possible until all surveys have been finalised.

Water Proofing Adelaide

In December 2004 McGregor Tan Research conducted a random telephone survey of 606 people from around South Australia, but mainly focussing on Adelaide, to ascertain the level of support for the Water Proofing Adelaide draft strategy. Respondents were asked a series of questions about the draft strategy's main recommendations.

The research indicates that there were very high levels of agreement with the proposed initiatives that were tested as part of the Water Proofing Adelaide strategy.

405. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

The Hon. M.J. WRIGHT: I have been advised the meaning of the term 'poll' is "an analysis of public opinion on a subject usually by selective sampling". I am advised that there have been no polls of the South Australian public conducted over the past 12 months by, or on behalf of Public Sector Workforce Relations, Workplace Services, WorkCover or me.

406. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

The Hon. M.J. WRIGHT: I have been advised the meaning of the term 'poll' is "an analysis of public opinion on a subject usually by selective sampling". I am advised that there have been no polls of the South Australian public conducted over the past 12 months by, or on behalf of the Office for Recreation and Sport, Office for Racing or me.

407. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

The Hon. M.J. WRIGHT: I have been advised the meaning of the term 'poll' is "an analysis of public opinion on a subject usually by selective sampling". I am advised that there have been no polls of the South Australian public conducted over the past 12 months by, or on behalf of the Department or me.

409. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

The Hon. J.D. LOMAX-SMITH: A poll is 'an analysis of **public opinion** on a subject usually by selective sampling'.

It can be distinguished from a questionnaire or other means of determining client satisfaction with a particular government service or services or questionnaires which are designed to determine whether a particular service or regulation is understood.

The South Australian Tourism Commission (SATC) has not conducted any polls.

417. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

The Hon. K.A. MAYWALD: I refer to my earlier response. I am now advised that the Department of Trade and Economic Development conducted a market research exercise in the last 12 months, although not directly related to the regional development portfolio.

The Department commissioned Harrison Market Research in July 2004 to explore the opinions of expatriate South Australians and others living in Sydney or Melbourne about moving to Adelaide. The market research (telephone survey) involved 14 focus groups moderated by a Harrison's consultant in Sydney, Melbourne and Adelaide and a telephone survey in Sydney and Melbourne at a total cost of $45,000.

The research focussed on identifying and exploring drivers on what might encourage a move to South Australia rather than another state and test creative advertising and marketing material being considered. The findings were subsequently used to develop the *Adelaide. Make the Move* advertising campaign.

418. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

The Hon. K.A. MAYWALD: I refer to my earlier response. I am now advised that the Department of Trade and Economic Development conducted a market research exercise in the last 12 months, although not directly related to the Small Business portfolio.

The Department commissioned Harrison Market Research in July 2004 to explore the opinions of expatriate South Australians and others living in Sydney or Melbourne about moving to Adelaide. The market research (telephone survey) involved 14 focus groups moderated by a Harrison's consultant in Sydney, Melbourne and Adelaide and a telephone survey in Sydney and Melbourne at a total cost of $45,000.

The research focussed on identifying and exploring drivers on what might encourage a move to South Australia rather than another state and test creative advertising and marketing material being considered. The findings were subsequently used to develop the *Adelaide. Make the Move* advertising campaign.

LUCAS, Hon. R.I.

441. **Mr KOUTSANTONIS:** How many written representations from the Hon R I Lucas MLC on behalf of South Australian constituents have been received since March 2002?

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

Within the Environment and Conservation portfolio there have been no written representations on behalf of South Australian constituents from Hon. R.I. Lucas. There have been a number of Freedom of Information requests.

442. **Mr KOUTSANTONIS:** How many written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents have been received since March 2002?

The Hon. J.D. HILL: I have been advised that there have been no written representations received in relation to the Southern Suburbs portfolio.

447. **Mr KOUTSANTONIS:** How many written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents have been received since March 2002?

The Hon. M.J. WRIGHT: I am advised that there have been no written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents received by the Department for Administrative and Information Services since March 2002.

There has been one written representation received from the Office of the Hon. R.I. Lucas MLC regarding water and sewerage rating information, however, this did not state whether it was on behalf of a constituent.

448. **Mr KOUTSANTONIS:** How many written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents have been received since March 2002?

The Hon. M.J. WRIGHT: I am advised that there have been no written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents received by Public Sector Workforce Relations, Workplace Services, WorkCover or me since March 2002.

449. **Mr KOUTSANTONIS:** How many written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents have been received since March 2002?

The Hon. M.J. WRIGHT: I am advised that there have been no written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents received by the Office for Recreation, Sport and Racing, Office for Racing or me since March 2002.

450. **Mr KOUTSANTONIS:** How many written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents have been received since March 2002?

The Hon. M.J. WRIGHT: I am advised that there have been no written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents received by the Department or me since March 2002.

457. **Mr KOUTSANTONIS:** How many written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents have been received since March 2002?

The Hon. R.J. McEWEN: The Department of Primary Industries and Resources SA has not received any written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents since March 2002.

458. **Mr KOUTSANTONIS:** How many written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents have been received since March 2002?

The Hon. R.J. McEWEN: Forestry SA has not received any written representations from the Hon. R.I. Lucas MLC since March 2002.

459, 460, 461 and 462. **Mr KOUTSANTONIS:** How many written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents have been received since March 2002?

The Hon. K.A. MAYWALD: I have received this advice:

The Hon Karlene Maywald MP, Minister for the River Murray, Minister for Regional Development, Minister for Small Business and Minister for Consumer Affairs has received no written representations in her Ministerial Office from the Hon. Rob Lucas MLC since 23 July 2004.

Within the River Murray portfolio there have been no written representations on behalf of South Australian constituents form the Hon. R.I. Lucas MLC. There have been a number of Freedom of Information requests.

The Department of Trade and Economic Development has no record of the Hon. R.I. Lucas MLC writing to it on behalf of a South Australian constituent in the time period March 2002 to March 2005.

The Office of Consumer and Business Affairs has no record of Hon. R.I. Lucas MLC writing to it on behalf of a South Australian constituent in the time period March 2002 to March 2005.

The Office of the Liquor and Gambling Commissioner has no record of Hon. R.I. Lucas MLC writing to it on behalf of a South Australian constituent in the time period March 2002 to March 2005.

MARKET EXPORT PROGRAM

469. **Mr HAMILTON-SMITH:**

1. What base level of funding will be provided to support the Market Export Program over the next three years and how much of this funding will be provided for in the form of grants or programs?

2. How many successful funding applications have been made under the program and of these, how many have been made from the Council for International Trade and Commerce South Australia members following the removal of dedicated Council funding for export programs?

3. How many applications for Program funding have been received and which companies have applied?

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

1. $2.05m has been budgeted to support the Market Access Program (MAP) over the next three years. Of this, $1.95m has been set aside to directly fund successful applicants.

2. There have been 27 successful MAP applications (comprising 47 companies) as of the 15 December 2004 round.

Under the MAP guidelines, Council for International Trade and Commerce South Australia (CITCSA) members, as associations, are

ineligible to apply for funding directly. However, any eligible company holding membership in a CITCSA association can apply to MAP.

One application has been made to MAP for funding by a member of the Council for International Trade and Commerce South Australia (CITCSA), on behalf of 7 member companies that received funding directly.

3. There has been a total of 45 MAP applications received as of the 15 December 2004 round comprising 95 separate companies, subject to their consent, the Government intends to publish a list of successful applicants at the end of the 2004-05 financial year.

GC GROWDEN PTY LTD

475. **Dr McFETRIDGE:** How many claims have been made under the compensation scheme for those who incurred losses from investing with GC Growden Pty Ltd, what is the total value of these claims, will the balance of funds left after all claims have been processed be used to compensate for loss of interest earnings by claimants and if so, how will this amount be calculated?

The Hon. K.A. MAYWALD: I have received this advice:

The special compensation scheme for those who incurred losses from investing with GC Growden Pty Ltd, brought into existence through the *Land Agents (Indemnity Fund – Growden Default) Amendment Act 2004*, has resulted in just over 950 new claims up until the closing date of 21 December 2004. These claims are in addition to those made under the provisions that existed prior to the scheme coming into operation.

The total value of the claims under the special compensation is not yet known. The vast majority of the claimants have not been able to quantify their loss. They simply advise the Office of Consumer and Business Affairs of the name of the mortgage they invested in and/or the amount they invested with GC Growden and/or any other details they can recall or have records of. The Office of Consumer and Business Affairs then uses ledgers retrieved from GC Growden Pty Ltd, records from the liquidator, records from the Lands Titles Office and any other available material to determine the amount invested and the amount recovered from the sale of the property and any other amounts recovered, to determine the quantum of the loss. Each claimant's loss is individually calculated and the calculations are sent to the claimant for their verification and acceptance. Whilst it is not yet possible to accurately assess the total value of claims under the scheme, some approximate calculations have been done, using the value of the mortgages that defaulted and the average value of the proceeds of sale, and from those calculations it has been determined that the cap of $13.5 million will not be exceeded. This means that each claimant is being re-paid 100 per cent of their capital investment (less any amount already recovered) without the need for a pro rata reduction on each pay out.

There is no provision under the *Land Agents (Indemnity Fund—Growdens Default) Amendment Act 2004* for the balance remaining from the $13.5 million (once all claims are paid) to be used to compensate claimants for loss of interest under the mortgages. Such a proposal was considered and rejected during debate on the Bill.

MUNDULLA YELLOWS

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

1. Since the cause of Mundulla Yellows has been linked to soil factors, has the presence of herbicides contained in those soils been adequately considered?

2. Have any areas in South Australia been adequately tested for soil herbicides as a factor in causing Mundulla Yellows, especially in the Mundulla locality?

3. How many of the Victorian scientists researching Mundulla Yellows were plant toxicologists or environmental toxicologists?

The Hon. J.D. HILL:

1. I am advised that the research team at the Victorian Department of Primary Industry's Institute for Horticultural Development at Knoxfield obtained strong relationships between Mundulla Yellows expression and soil factors other than herbicides, therefore they decided not to proceed with testing for herbicide residues. In addition, they have Mundulla Yellows symptoms at study sites in undisturbed native vegetation that have no history of herbicide use, and they have induced and reversed the symptoms of Mundulla Yellows without the use of herbicides, adding weight to their conclusion that herbicide is not a primary causal factor. Because of these findings, and a number of other factors, the research team chose not to invest in herbicide testing as part of their research program.

2. The team that is conducting the Mundulla Yellows research supported by the South Australian Department for Environment and Heritage has not undertaken herbicide testing. I am unaware of whether other researchers are undertaking such testing elsewhere in South Australia.

3. Although none of the Victorian scientists on the research team are plant toxicologists or environmental toxicologists, they have consulted widely where expertise beyond their specialist fields was required. This extended network of expertise has been one of the strengths of this research program. With regard to herbicide toxicology and testing for residues, the team identified this issue in the early stages of the project and consulted with toxicologists to ensure that this was adequately considered in their research.

SOUTH AUSTRALIAN GREENHOUSE STRATEGY

483. **Mr HANNA:** When will the government release the South Australian Greenhouse Strategy?

The Hon. J.D. HILL: I have been advised that the South Australia's Greenhouse Strategy is scheduled for release in early 2006.

BUSINESS HELPLINE

495. **Mr HAMILTON-SMITH:**

1. How adequate is the $110,000 annual funding to the Business Helpline and how many hours per week does this funding enable the Helpline to be staffed?

2. How much funding will be committed to the Helpline over the next two years and will this be adequate to meet the demands of small business?

3. What plans does the government have to improve the Business Helpline?

The Hon. K.A. MAYWALD: I have received this advice:

1. The Business Helpline is staffed from 9 a.m. to 3.30 p.m. Monday to Friday (32.5 hours per week). In the six months to 31 December 2004 the service received a total of 261 calls. Funding is appropriate to meet the level of demand.

2. The South Australian Government, through the Department of Trade and Economic Development, currently has a three year funding agreement with UnitingCare Wesley Adelaide expiring 30 June 2007 with the annual funding for the Business Helpline set at $110,000.

3. The Office of Small Business, Department of Trade and Economic Development, receives regular reports from UnitingCare Wesley in relation to the operation of the service.

ION AUTOMOTIVE

496. **Mr HAMILTON-SMITH:** How much has the government spent on legal fees resulting from the EPA pursuing Ion Automotive over noise and odour compliance?

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

The legal action in which the EPA (Environment Protection Authority) is involved, in relation to ION Automotive, was initiated by the company prior to the appointment of an Administrator, which resulted from a decision by Castalloy Manufacturing Pty Ltd (which trades as ION Automotive) to appeal EPA licence conditions imposed at the renewal of the company's licence in October 2003.

Legal advice relating to the appeal has been provided by one Crown Solicitor, 'out-posted' to the EPA, with additional support provided when required by a Senior Solicitor located within the CSO.

ONESTEEL

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

Leave granted.

The Hon. M.D. RANN: It is my pleasure to inform the house that the board of OneSteel has today announced its approval for the company to proceed with the new investment program Project Magnet, a move that will give security to the workers of OneSteel and its many contractors and to the city of Whyalla, whilst also improving environmental conditions for the people of Whyalla. A new bill, which is aimed at

extending the life of OneSteel's Whyalla operations until at least 2027, will be introduced into parliament later this year.

OneSteel has for some time been planning to implement Project Magnet, which will deliver investment, jobs and export targets, as well as vital environmental improvements. However, the company needed greater regulatory certainty before it could commit to hundreds of millions of dollars of capital expenditure. As a result of the undertaking by the South Australian government to provide regulatory certainty via changes to the Indenture Act, OneSteel has today announced final approval for the $325 million project—formerly to be a $250 million project, but now a $325 million project. The proposed bill will modify the BHP Company Steelworks Indenture Act 1958 primarily to provide for the EPA to give the company a fixed 10-year licence.

The measures to be put forward in the bill will apply only on condition that OneSteel proceeds fully with Project Magnet. Completion of Project Magnet (expected in the first half of 2007) will realise many benefits for the community and environment. These include:

- $325 million capital investment, much of which should flow to local and regional service and supply businesses.
- Expansion of the mining operation to three times its current production capacity.
- Increased levels of steel production over the life of the project, with lower steel production costs.
- Conversion of the steelworks from haematite to magnetite feed, which will mean a change from a dry to a wet process, and transporting the magnetite to Whyalla via a slurry pipeline. These are changes that will substantially reduce red dust emissions; this is about reducing red dust emissions.
- Enclosing the haematite stockpiles near Whyalla within a large shed and improving enclosure of conveyors and other handling plant and equipment—further measures that will reduce emissions of red dust.
- Relocating the crushing plant, which is a major source of the red dust, to the mine site, some 80 kilometres from Whyalla. So, the major source of the red dust will be shifted 80 kilometres from Whyalla.
- Boosting international exports of iron ore to around 4 million tonnes a year for 10 years (valued at more than $150 million per year).
- Establishing a new deep water transhipping facility for the exports.
- Providing 250 new jobs for the duration of the construction of the project.
- Safeguarding the jobs of more than 2 000 local employees and contractors in Whyalla now and for the next 25 years.

I congratulate OneSteel, its work force and the people of Whyalla on achieving an outcome that secures jobs and the future of the city, as well as providing a substantially cleaner environment.

Members interjecting:

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

PAPERS TABLED

The SPEAKER: The Deputy Premier has the call.

The Hon. K.O. FOLEY (Deputy Premier): We know one of their shadow cabinet members is treacherous; we just need them to find out which one.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I have a few ideas from form, I can tell you.

The following papers were laid on the table:

By the Treasurer (Hon. K.O. Foley)—

Water and Wastewater Prices in Metropolitan and Regional South Australia—2005-06—Transparency Statement—Parts A, B and C

By the Minister for Industrial Relations (Hon. M.J. Wright)—

Regulations under the following Act—

WorkCover Corporation—Claims Management Agreement

CHILDREN IN STATE CARE COMMISSION OF INQUIRY REPORT

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I lay on the table the interim report of the Children in State Care Commission of Inquiry.

Ordered that the report be published pursuant to section 12 of the Civil Liability Act 1936.

The Hon. J.W. WEATHERILL: I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: Mr Speaker, I have just tabled the interim report of the Children in State Care Commission of Inquiry dated 12 May 2005.

The Commissioner, in his report, states the following:

> There has been widespread interest in the commission since it was established. As the inquiry has progressed it has become apparent that many persons who were sexually abused as state children have needed the opportunity to relate what happened to them in order to participate in a healing process, to try to find closure and move on in their lives.

The commission has been thorough in its communication of the inquiry throughout the community, including newspaper advertising throughout Australia as well as interviews for television and radio. The Commissioner's concern that the publicity might not be reaching those who would not ordinarily access mainstream media resulted in more innovative ways to communicate the commission's work more widely.

The commission established a web site providing information about the inquiry to which there have been 1 108 visits, 74 per cent from Australia and 26 per cent from overseas. Shortly after commencement of the inquiry the Commissioner arranged a meeting at Parliament House open to all members of both houses as part of the process of providing information to the community. Posters, handouts and pamphlets have been distributed widely amongst schools, universities, doctors' surgeries, hospitals, government agencies, regional community organisations, local councils, churches, police stations, prisons and community correctional centres—to name a few. The commission has also advertised in various journals and newsletters which the Commissioner refers to in more detail in the report.

The Commissioner and his staff have also travelled to regional areas and prisons to inform as many people as possible about the work of the commission. Commissioner Mullighan reports that, as at 6 May 2005, 501 people had approached the commission of inquiry to provide information. The Commissioner has personally taken evidence from 86 of these people, producing some 5 956 pages of transcript. He intends to take evidence from all those wishing to speak with him. Transcripts of the evidence of 21 people alleging sexual offences have been forwarded to the police with the

approval of the witnesses. Some have still not decided whether they want transcripts of their evidence to be given to police.

The evidence taken so far indicates that there are numerous important issues about the care of state children in homes and institutions and in foster care in both the past and present that must be addressed. Chapter 20 of the report refers to allegations of sexual abuse in 34 homes and institutions. For example, allegations have been made that six girls aged between 11 and 17 years were sexually abused at Vaughan House and six people allege sexual abuse at Seaforth Children's Home. However, it is encouraging that the Commissioner reports that, without exception, every person who alleges being a victim of child sexual abuse and who has given evidence has said that the experience of telling their story has been valuable and worthwhile. Many said that, in giving their evidence, it had been the first time that anyone had listened to them and they felt a real sense of relief. The victims acknowledged that in giving evidence they felt that they were participating in a healing process and that some degree of closure was now possible.

The Commissioner also reports that he is unable to estimate, with any degree of accuracy, how long the inquiry must continue in order to discharge its functions, but is confident that the task cannot be completed before 30 June next year. Therefore, Her Excellency has approved extension of time to 30 June 2006 for the completion of the inquiry.

Mr BRINDAL: On a point of order, Mr Speaker: I have a copy of the interim report of the commission. It is generally the case that copies of the minister's statement are circulated. Have they been circulated?

The SPEAKER: It will be distributed. I do not have a copy yet; they are being delivered right now.

QUESTION TIME

KAPUNDA ROAD ROYAL COMMISSION

The Hon. R.G. KERIN (Leader of the Opposition): Did the Attorney-General consult with the new DPP, Stephen Pallaras, regarding the Kapunda Road Royal Commission decision? In *The Advertiser* on 10 May 2005, the Premier said in relation to Mr Pallaras:

> He was, I am told, even informed in advance about the terms of reference and thanked the Attorney-General for giving him a heads-up on the inquiry.

In a letter to *The Advertiser* on 12 May 2005, Mr Pallaras wrote, and I quote from the letter:

> I wish to confirm my position with respect to any suggestion by the Premier, Mr Rann, or anyone else, that the government consulted me before deciding to establish the Kapunda Road Royal Commission. I was not consulted in any way, shape or form about the setting up of an inquiry. On 29 April, shortly before the Premier announced the inquiry, I was advised by the Attorney-General that it had been decided to conduct an inquiry and that it would be announced later that afternoon. I thanked him for advising me. I had no input. I was informed, not consulted.

The Hon. M.J. ATKINSON (Attorney-General): The difference here is between the words consulted and informed. The Director of Public Prosecutions was informed in advance of the setting up of the Kapunda Road Royal Commission. He was not consulted about the terms of reference in the sense that he was asked, 'What would you like the terms of reference to be?' because, as the opposition must know, the Office of the Director of Public Prosecutions is under scrutiny over the Eugene McGee trial, so it is not for the office of the DPP to draft the terms of reference for an inquiry which will partly scrutinise the office.

Ms Chapman interjecting:

The SPEAKER: Order! The member for Bragg is under scrutiny from the chair.

The Hon. M.J. ATKINSON: This is a most peculiar question. I do not understand the gravamen of it. I am sure that the opposition has better questions to ask.

The Hon. K.O. Foley interjecting:

The Hon. M.J. ATKINSON: They don't.

The Hon. R.G. Kerin interjecting:

The Hon. M.J. ATKINSON: The Leader of the Opposition assures the house that he has no better questions than this stale interrogation.

The Hon. R.G. Kerin interjecting:

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

The Hon. R.G. Kerin interjecting:

The SPEAKER: Order! The leader is defying the chair. The leader will be warned in a minute.

HOUSING TRUST PROPERTY VACANCIES

Ms CICCARELLO (Norwood): My question is to the Minister for Housing. What is the situation with Housing Trust property vacancies in South Australia?

The Hon. W.A. Matthew: Vini, if you are going to ask a question, look in the paper first. That might be in the paper.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL (Minister for Housing): Contrary to the member for Bright's interjection, you will not find the answer to this question in the paper. In fact it is the reportage in *The Sunday Mail* of last week and of this week, for the Sunday just passed, that has led to the confusion. The material contained in those two reports is grossly misleading, and it is important that the public record be clarified.

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Those opposite might believe everything that they read in the paper.

The Hon. R.G. Kerin interjecting:

The Hon. J.W. WEATHERILL: That's right; the leader certainly agrees with me. The article back on 15 May described an alarmingly high number of vacant housing trust properties—the argument being therefore that it was scandalous that somehow there were all these people on the waiting list and we had all these vacancies. The article incorrectly states that 500 of the 1 600 vacant properties were immediately available for rental and implies that there was some untoward delay. At any one point in time there is a stock of about 52 000 houses. Of course, people are being managed in and out of these homes. It is just the stock and flow process that occurs in a very large stock of properties. There are about 400 to 600 tenable dwellings going through a vacancy process.

The real point is the length of time for reletting. In these properties the maximum time we allow is something like 22 days, and the average turnaround time in 2004-05 was 18.3 days. Only a moment's thought would allow one to understand that. Of course, when someone moves out often some routine maintenance needs to occur before a new tenant moves in; and that is why we have that short delay before we relet these premises.

Mr Brokenshire interjecting:

The Hon. J.W. WEATHERILL: No, it is not months at all. That is a complete nonsense.

Mr Brokenshire interjecting:

The SPEAKER: The member for Mawson is out of order.

The Hon. J.W. WEATHERILL: This is the genius that believes that because something is true of one property it is therefore true of the whole system. The truth is that, where properties have been laying vacant for a lengthy time, usually it is because we are assembling them for the purposes of regeneration of those areas.

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Well, it's true. We have the oldest public housing stock in the nation, and many of them are configured in a way which does not meet our current needs. There is a need to get enough of them together at the one place so that we can then regenerate that stock. Unlike the previous government, the idea of actually disrupting the lives of people in these premises by emptying them out well before we need them is something we do not go in for.

We need to assemble a certain number of houses in an area before we can bulldoze that block of houses and go for the regeneration of the stock. The other assertion, and the member for Heysen—

Mr Brokenshire interjecting:

The Hon. J.W. WEATHERILL: Well, he does agree. I think the member for Enfield, with whom I have been working closely, understands all too well the issues associated with Housing Trust stock because he has a viable interest in it. A large proportion of his electorate is comprised of Housing Trust stock, and he has been of great assistance in advising me on these issues.

The member for Heysen asserted that the private sector can do this better. She makes the assertion that she is constantly amazed at the cost and delay in the delivery of these public services and that the private sector with a turnaround time that long would send a property manager broke. I will give some facts about this. The private sector vacancy rate was reported at 2.3 per cent in December 2004.

Mr BRINDAL: I have a point of order, sir.

Mr Koutsantonis interjecting:

Mr BRINDAL: I did not have to be beeped off public radio. The point of order is relevance. A question was asked—

The SPEAKER: I uphold the point of order. The minister is starting to debate the issue. I call on the Leader for the next question.

KAPUNDA ROAD ROYAL COMMISSION

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. Why did legal counsel representing the Attorney-General in the royal commission invite the Commissioner to make a suppression order when publishing his report on Kapunda Road; and did he do so at the request of the Attorney-General? It has been publicly reported that counsel for the Attorney-General, Chris Kourakis QC, submitted to Commissioner James that he could 'ensure confidentiality by making an order preventing publication of Your Honour's report'.

The Hon. M.J. ATKINSON (Attorney-General): I will talk to the Solicitor-General about the matter and get details of his submission, which I have read, to the royal commission. I will ask him the purpose of that matter and get a full answer for the Leader of the Opposition. It seems that some Liberals are not in favour of having a royal commission at all.

The Hon. R.G. KERIN: I have a supplementary question. Did the Attorney-General ask Chris Kourakis to ask for—

The Hon. P.F. Conlon: Sir, he has asked that question.

The Hon. R.G. KERIN: —the confidentiality?

The SPEAKER: The Attorney does not have to answer.

The Hon. M.J. ATKINSON: My recollection is no.

Members interjecting:

The SPEAKER: Order! The member for Davenport will be warned in a minute. The leader will be warned. And the member for Bright is in dangerous territory.

Members interjecting:

The SPEAKER: The house will come to order. When the house comes to order, we will have the question. The member for Reynell.

PAP SMEAR, ADVERTISING CAMPAIGN

Ms THOMPSON (Reynell): Will the Minister for Health inform the house about the new Pap smear advertising campaign?

The Hon. L. STEVENS (Minister for Health): In the past week we have had a very high profile case about the importance of early detection, with Kylie Minogue being diagnosed with breast cancer. Kylie's experience has been a wake-up call to the whole community, and it seems that the public have taken note. Women in South Australia have responded to the message that preventative screening is important for everyone. Just in relation to breast screening, BreastScreen SA has experienced a threefold increase in its regular calls following the news last week that Kylie Minogue had a lump detected in her breast. It is a reminder that cancer can happen to anyone at any time, famous or not, and that early detection, as in the case of Kylie Minogue, makes an enormous difference.

Our current advertising campaign on cervical screening is based on this message. The message is all about prevention. We know that many women are not being regularly tested, particularly older women, those in rural and remote regions and women from culturally and linguistically diverse backgrounds. National guidelines recommend that all women should have a Pap smear every two years, at least until they are 70 years old. Our current advertising campaign, 'Don't just sit there: make an appointment', is targeting women who have not had a Pap smear in the past two years.

We know that 90 per cent of cervical cancers are preventable with regular screening, and that regular Pap smears save more than a thousand women from cervical cancer in Australia every year. Pap smears can detect early and small changes in the cells of the cervix, which can then be treated. The experience of Kylie Minogue has certainly caused women to act and get those regular check-ups, and the cervical screening campaign highlights the need to not be complacent about getting those regular check ups. Don't just sit there: make an appointment.

Preventative health checks apply to everybody, no matter who you are—and that includes men—be it prostate, cervical or breast cancer. Prevention is the key and that means regular health checks.

KAPUNDA ROAD ROYAL COMMISSION

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Attorney-General. Does he believe that it is desirable that he and the DPP are being represented at the Kapunda Road Royal Commission by lawyers funded

by taxpayers? In parliament on 4 May 2005, the Attorney-General stated:

> We regard it as most undesirable for taxpayers to be funding lawyers for every person affected by the commission.

During the opening hearing of the royal commission on Thursday 12 May 2005, Chris Kourakis (Crown Solicitor) said that he was representing the Attorney-General and that lawyers David Lovell and Sam Doyle are representing the Office of the DPP.

The Hon. M.J. ATKINSON (Attorney-General): I am still of the view that it would be desirable if there were not so many lawyers at the royal commission, and one has only to read the transcript for Friday morning to know why. But the Solicitor-General is already on the government payroll, so he is down there representing the government. The DPP made a request for legal representation because he felt that one of his prosecutors' reputation was on the line in the royal commission and needed representation. Similarly, the Police Commissioner. And I have responded to their pleas.

The Hon. R.G. KERIN: I have a supplementary question. Why then do the Attorney-General and other government employees have a taxpayer-funded lawyer, when key witnesses, the Zisimou brothers, are not entitled thereto?

The Hon. M.J. ATKINSON: I am not sure that the Leader of the Opposition has caught up with things, but on Thursday Claire O'Connor was hired at Legal Services Commission rates to represent the Zisimou brothers.

Members interjecting:

The SPEAKER: The house will come to order!

Members interjecting:

The SPEAKER: The house will come to order!

Mr Brokenshire: Who's paying?

The SPEAKER: The taxpayer is paying for the parliament while members mess around. Does the member for Hammond have a point of order?

The Hon. I.P. LEWIS: Yes, I do, Mr Speaker. It seems to me that the disorder to which you refer when you ask for the house to come to order is that of the Deputy Premier and the Minister for Infrastructure, whereas, in other circumstances, you refer to the member by name and, in any event, largely, they ignore your pleas.

The SPEAKER: Order! I take the member's point.

The Hon. K.O. Foley interjecting:

Members interjecting:

The SPEAKER: Order! I will name someone at any second now. The Deputy Premier is getting very close to defying the chair. I think the member for Hammond has made his point.

The Hon. I.P. LEWIS: I have another point that I wish to make; that is, that the Deputy Premier should withdraw the slur he has cast on all electors in Hammond and me as their representative by referring to them or me as being lucky to be here.

The Hon. P.F. Conlon: We're all lucky to be here: it is a great honour.

The SPEAKER: Order!

The Hon. I.P. LEWIS: Then that was not the tone of the interjection made by the Deputy Premier whose abusive adjectives and epithets were used to describe others in doing so.

The SPEAKER: Order! The member has made his point. I did not hear the Deputy Premier make that remark, but if he did and people take offence—

Members interjecting:

The SPEAKER: If the Deputy Premier wants to withdraw he can—

The Hon. K.O. Foley interjecting:

The SPEAKER: —but he does not wish to.

Mr BRINDAL: Mr Speaker, I have a point of order. I ask you to reconsider. To consider that we are here by luck is a slur on the electors of South Australia. It is a slur on all members. We were voted here. We did not get here by luck, sir.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Some members will be out of the chamber soon and that will be not by luck but as a result of their defiance of the chair.

The Hon. I.P. Lewis: The Deputy Premier gets here by deceit.

The SPEAKER: Order! With regard to the point made by the member for Unley, it is not unparliamentary, although it may be inappropriate. However, the member for Hammond should be very careful making an accusation like that.

The Hon. I.P. Lewis: I refer to the whole front bench, Mr Speaker.

The SPEAKER: Order! It is reflecting on members to say that they are here by deceit. I ask the member for Hammond to withdraw that because to say that people are here dishonestly is a reflection. That is a reflection on members and I ask him to withdraw.

Members interjecting:

The SPEAKER: Order! No member in here other than the member for Hammond has said that other members are here by virtue of deceit and dishonesty—and that is what 'deceit' means. I ask the member for Hammond to withdraw without any equivocation that that is a reflection.

The Hon. I.P. LEWIS: I withdraw, Mr Speaker.

The SPEAKER: The member for Florey.

The Hon. I.P. Lewis: That does not mean that it is not true.

The SPEAKER: Order! The electors judge people in the course of time. The member for Florey.

The Hon. P.F. Conlon interjecting:

The SPEAKER: The Minister for Infrastructure is out of order and he will be warned in a minute. Members need to settle down. I do not know why they are getting excited—perhaps there is something in the budget, I do not know—maybe no taxation. The member for Florey.

TOURISM AWARDS

Ms BEDFORD (Florey): Thank you, Mr Speaker. I stand here ever ready to ask the Minister for Tourism my question. Would the minister let the house know the new initiatives that are being implemented by the South Australian government to further strengthen the South Australian tourism awards?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Florey for her question about the tourism awards. She knows that achieving excellence through the awards process is important in any industry but nowhere more important than in the tourism industry, where it is important to win an award and be able to market both nationally and internationally to potential customers.

Last week, I had the opportunity of attending a great destination in the Deputy Premier's electorate, the Port Dock Brewery Hotel, where we launched the call for entries for this year's tourism awards. This was an important occasion,

because many small operators do not realise the advantages that can be gained from becoming involved in these awards. When you enter these awards, there is the opportunity not just to win but to analyse your business, look at your cash flows and occupational health and safety and training issues, and develop a business model. Many operators who apply for the first time for these awards are stunned by the advantages that accrue to their businesses.

This year we wanted to strengthen the position of sustainable tourism within the awards structure, so the government has sponsored for the first time ever a sustainable tourism award in South Australia. This, of course, has indelibly positioned South Australia in this area and, more so, it encourages operators to work harder in this environment. The Department for Environment and Heritage is a co-sponsor with the SATC, demonstrating the ongoing collaboration between these two departments. In addition, we are working closely with the education department and DFEEST. The Adelaide Institute of TAFE is involved in supporting those who apply for these awards. This is good for the operators who are given access to computer and graphically literate students, and it is also good for students to get into a real business and analyse its workings.

This year, in addition, Education Adelaide is involved. A new initiative that we have taken is how to enhance the advantages of winning for South Australian winners who might achieve greatness, not just in the South Australian awards but also in the national awards. To date, we have been involved in cooperative marketing, but, ever mindful of wanting to continuously improve our achievements, we have undertaken an awards benefit audit to look at what winners and applicants actually achieve by being entrants in this awards system. We are doing this for one reason only: to improve the benefits for those businesses involved.

I must say that operators in South Australia have fabulous products. I encourage all of them to be involved. You have to be in it to win it, and there are opportunities even for those who just participate, because doing so will seriously lift their profile and their returns through having to analyse what they do and trying to do it better.

JUVENILE OFFENDER

Mr HANNA (Mitchell): My question is to the Minister for Families and Communities. Does the minister accept that, if he had intervened with appropriate supervision at an earlier stage, the situation which led to a 12-year-old child being held at the Magill Training Centre could have been avoided? In December last year, this boy's family appealed to me for help. Three years ago, the boy was first referred to FAYS, which is now known as Children, Youth and Family Services (CYFS). Despite this referral, the boy continued with vandalism, truancy, roaming with gangs at night, taking drugs, and other anti-social behaviour. Partly due to his mother's illness, the boy was temporarily removed from his mother's care in May last year.

Following more misbehaviour in September, the Youth Court placed him under the care of the minister. However, he ran away from CYFS accommodation after just one night. It was clear that the boy was not been properly supervised or cared for, and there was an ongoing danger that he would commit further offences. On 15 December, as a matter of urgency, I wrote to the Minister for Police and the Minister for Families and Communities advising them of the situation and requesting that the boy be apprehended so that he could be dealt with according to law and transported to a place where he would be safe. Last week, the boy was charged with raping his carer.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I preface my answer to this important question by saying that there is a limit to how much I can offer to the house by way of detail because the matter is presently under police investigation.

The Hon. I.P. Lewis interjecting:

The Hon. J.W. WEATHERILL: By the courts. In fact, this person has been charged, so the matter is before the court. As I understand, the relevant person has been charged with a serious offence and there is a court date pending. Therefore, I will answer the question in broad terms.

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson has already been warned. He is in danger of being named if he is not careful.

The Hon. J.W. WEATHERILL: The sad truth about some children is that, when we intervene to take them into our care because they are at risk of harm in their family circumstances, especially when these children are perhaps older and not young infants, the question of their behaviour becomes important. The placing of a child in an ordinary foster home—where they can experience a normal family environment—is, of course, the ideal situation and one which we strive for in almost all cases. The young people in question do not always accept that it is in their best interests to be taken from their families. We make those decisions fearlessly, based on the best evidence we have available and without the assistance of those carping from the opposition benches. When we make those difficult decisions, one of the things that confronts us when we have a child in those situations is the issue of putting them into another home-based environment where there might be other children who might be at risk if we were to put a child with very difficult behaviour into that home.

We are also confronted with another difficulty if we place the child in a community residential cottage, where there might be other children. There are two difficulties with that: we might be faced with the question of the contamination of that child by the behaviours of other people in that facility.

Finally, we have provided for 10 new cottages that will be staffed by FAYS-CYFS staff to support young people who are coming into care. It will always be the case that the service delivery system will need motel accommodation, and accommodation of that sort, to deal with urgent and crisis situations.

I do not accept the contention that there was not appropriate supervision of this particular young person. There are other issues about the particular circumstances of this case that I am not at liberty to go into at this time. However, I do not accept that this child was not under the supervision of a person who had a relationship with the state government agency associated with the care and protection of children. What in fact is alleged to have occurred here is something that occurred while that person was under that supervision, and the nature of the supervision and the circumstances surrounding that is a matter that will be explored in the criminal courts.

It seems that the contention contained in the member for Mitchell's question is that somehow there was a failure by the agencies to intervene and take this person into care and provide supervision to them. This person was in supervision at the time of the relevant events. The adequacy or otherwise

of that supervision and what, in fact, occurred during that supervision are matters I cannot go into in this place, because they will be matters of contention in the criminal courts.

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Attorney-General. Has the new DPP, Stephen Pallaras, made any submissions opposing the recommendation of the Kourakis report for the appointment of a Crown Counsel in the DPP's office, who will report directly to the Attorney-General?

The Hon. M.J. ATKINSON (Attorney-General): I do not recall our discussing it yet. However, I imagine that we will get around to having a full and frank exchange of views about the matter.

The Hon. R.G. KERIN: I have a supplementary question. The question was perfectly clear: has Stephen Pallaras made a submission?

The Hon. Dean Brown interjecting:

The SPEAKER: Order! The deputy leader is out of order. Supplementaries should be genuine supplementaries, and three are allowed. Does the Attorney wish to add anything?

The Hon. M.J. ATKINSON: I will make a search to see whether there is such a written submission.

ADELAIDE CUP AND MAGIC MILLIONS CARNIVAL

Mr KOUTSANTONIS (West Torrens): My question is to the Minister for Recreation, Sport and Racing. How will the creation of the Adelaide Cup Magic Millions Carnival 2006 provide a focus for South Australian racing?

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): I thank the member for West Torrens for his question. I know that he is a keen advocate for the racing industry. The government recognises the importance of this carnival not only to the racing industry in South Australia but also to the local economy through tourism opportunities. The 2006 Adelaide Cup public holiday will move to Monday 13 March as part of the creation of a week-long South Australian racing extravaganza that will include both the traditional running of the Adelaide Cup and the Magic Millions Racing and Sales Carnival. Following a joint submission from Thoroughbred Racing SA and Magic Millions, the government has allocated financial assistance totalling $513 000 to market the 2006 event as a truly state-wide carnival with a strong focus on interstate and international tourism, as well as intrastate regional opportunities for South Australians. Thoroughbred Racing SA and Magic Millions have undertaken to work together with all the appropriate racing bodies to coordinate the efforts of the SAJC and other provincial and country racing clubs to conduct events during the period and to seek to develop partnerships and alliances with the other major festivals during the corresponding period, to add value to these events through cross-promotion. I am advised that racing events will be scheduled in regional South Australia at this time, including the Port Lincoln Carnival and themed race days in Clare, Balaklava and Naracoorte, which will generate economic and tourism opportunities in these areas.

The racing industry in South Australia is moving in the right direction. The thoroughbred racing attendance growth rate is currently running at 6 per cent. The Magic Millions Sales and Racing Carnival has been a resounding success, with sales achieving a 9 per cent increase in aggregate over last year to a record of over $16 million, and reportedly over 9 000 people going through the gates to the Magic Millions Race Day. With Adelaide Cup day to be brought forward next year to coincide with the Magic Millions Carnival, it is expected that this success will be further built upon, showcasing South Australian racing and providing the opportunity for thoroughbred horse breeders to sell their stock to buyers from interstate and also from overseas. Through the promotional efforts of TRSA and Magic Millions, supported by the government, there will be economic benefits generated for the state. Regional South Australia will benefit with a focus on local race meetings, and Adelaide will truly be the focal point of the racing calendar both nationally and internationally next March.

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. Was the Treasurer referring to the justice portfolio and, in particular, the DPP's office when he stated the following on 5AA Radio on 11 May 2005:

> There's one area of government that has been pretty vocal in the last week about not having enough money to deliver a particular service. I checked the books to find that that department, or the agency in fact, is underspending their budget, that is, that on current projections they won't have spent all the money we've given them anyway, yet they're out there complaining that they haven't got enough.

The Hon. K.O. FOLEY (Treasurer): The poor old leader, so paralysed is he that he asked the Attorney-General a question about something I said. Clearly, it is a leader—

Members interjecting:

The SPEAKER: Order! The Treasurer should answer the question.

The Hon. K.O. FOLEY: —with a degree of confusion.

Mr Hamilton-Smith interjecting:

The Hon. K.O. FOLEY: With strategic geniuses like the member for Waite I am sure they will be a more formidable opposition.

The Hon. R.G. KERIN: On a point of order, sir: the Deputy Premier was totally debating the issue then and you did not pull him up.

The SPEAKER: He was debating it; exactly. The Treasurer should answer the question.

The Hon. K.O. FOLEY: I have made public statements on a number of occasions about one of the aspects of this job as Treasurer that aggrieves me. One of them is departments underspending. Often government programs funded—and this was a problem of the last government; it is not something that is just happening under this government, and involves government agencies underspending, unable to spend their money. The simple observation I made was that some of the grumbles and complaints that sometimes come from my colleagues, and that are sometimes aired publicly, are sometimes departments that themselves have underspent their money.

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson will be named any second.

The Hon. K.O. FOLEY: Honestly, if, after a two-week break in parliament, that is the best the Leader of the Opposition (under severe threat from his ambitious colleagues) can come up with—

Members interjecting:

The Hon. K.O. FOLEY: —then God help the opposition.

The SPEAKER: I warn the leader for defying the standing orders.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: The Attorney-General is warned.

APY LANDS

Ms BREUER (Giles): Will the Minister for Environment and Conservation explain what programs in the Anangu Pitjantjatjara Yankunytjatjara lands are protecting the local culture and environment?

Ms Chapman interjecting:

The Hon. J.D. HILL (Minister for Environment and Conservation): I invite the member for Bragg to ask me such a question, if she likes. I thank the member for Giles for the question and acknowledge her great interest and strong advocacy for the people of the APY lands. I visited the APY lands two weeks ago to witness first-hand the operation of the unique Kuka Kanyini land management program (and I know the member for Morphett, with the member for Giles, was part of a delegation the day before, so I am glad he paved the way). The Kuka Kanyini (which means 'looking after game animals') program was initiated in 2002 by the Anangu people with assistance from the Department for Environment and Heritage with on-ground work beginning in 2004. In just two years it has become a unique partnership between the Watarru community and the school, APY Land Management and the Department for Environment and Heritage.

The project is based on the remote Watarru community, which is about 1 600 kilometres from Adelaide. It is the most remote Aboriginal community in Australia and I assume, therefore, the most remote community in Australia. This program encourages young Anangu people to get involved in the process of caring for and healing their land. The local environment is benefited by surveys and monitoring of threatened species, by protecting rock culture and feral animals (particularly camels), undertaking patch burning, and mustering camels. In fact, they have an excellent program of capturing and selling camels for pet food—and also for racing purposes in the Middle East.

The program is about much more than protecting the environment. It helps to build pride into the community, sharing the Anangu's traditional knowledge such as tracking, the use of fire and the use of plants and animals used for medicinal purposes and food. It passes their belief system onto the next generation. The lives of the participants are becoming healthier as the program replaces highly processed foods with bush foods, reducing a number of health issues. It is also one of the few sources of stable employment for people in the Watarru community: 11 people are employed full-time and 10 are employed on a casual basis.

I also visited two arts centres on the lands. Kaltjiti Arts at Fregon, where some 30 or more artists are producing cutting-edge contemporary indigenous art, is attracting the attention of the international art world, and I saw the textile products and unique rugs that are hand woven by a family in Kashmir. This is a unique cross-cultural project owned by the Kaltjiti artists and one that is delivering important financial returns. I also visited Minymaku Arts at Amata and one artist I met, Ruby Williamson, was on the eve of travelling to Tasmania for the opening of her first solo exhibition. It was also to be her first time in an aeroplane. These arts and environment programs are delivering employment for local people and conservation for the lands and are building pride in the traditional culture. I commend everyone involved in the program, and I particularly congratulate officers Leanne Liddle from the Department for Environment and Heritage and Colin Koch from Ku Arts.

JUSTICE PORTFOLIO

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Treasurer. Is it because of underspends in police salaries and the DPP's office that the Treasurer tabled documents in the house detailing underspending for all portfolios except the justice portfolio, despite being asked to do so during estimates committee questioning in 2003-04? The Treasurer has now tabled answers on underspends for all departments except the justice portfolio.

The Hon. K.O. FOLEY (Treasurer): I tell you what: if underspending of government agencies is the highest priority for questioning in the house, that is fine.

The Hon. R.G. Kerin interjecting:

The Hon. K.O. FOLEY: I announce a budget, then I do not spend it. Members opposite belt me all the time because supposedly we do not spend enough. Members opposite conduct themselves like old-time socialists. The member for Waite in the paper on the weekend said that we should have higher wages in this state.

The Hon. R.G. KERIN: On a point of order, sir, we are up to the sixth question. The government has debated every one and has not given us one answer. I ask you to pull them into order.

Members interjecting:

The SPEAKER: Order! The Treasurer will resume his seat. The chair cannot make ministers answer the question. It is question time; it is not necessarily answer time.

The Hon. K.O. FOLEY: I apologise, Mr Speaker. Clearly the Leader of the Opposition is feeling a little under pressure—a little under the pump—and if I had an article like that about me in the *Sunday Mail* I would feel under pressure, too.

Mr BRINDAL: I rise on a point of order, Mr Speaker, as to relevance.

The SPEAKER: I uphold the point of order; the Treasurer is debating the question, not answering it.

The Hon. K.O. FOLEY: Sorry, sir; I apologise. I honestly, truthfully, cannot remember the specifics of the—

Mr Brokenshire interjecting:

The SPEAKER: I name the member for Mawson. Does he want to be heard in explanation? He has been repeatedly interjecting, despite cautioning by the chair.

Mr BROKENSHIRE: I am happy to be heard in explanation, and if I have upset you I apologise. We have sat in here week in, week out, and the community deserves better from a government than for it to take the stand that it does in this parliament. We are entitled to answers on behalf of the South Australian community, and I ask you, sir, to give us an opportunity to get decent answers from the government.

Mr BRINDAL (Unley): I move:

That the explanation of the member for Mawson be accepted.

The SPEAKER: The member for Mawson has not really justified his repeated interjections. The chair has been very tolerant. His behaviour improved during part of the last sitting week, but he is now degenerating into unacceptable behaviour. He talks about the electors, but the electors expect him to behave himself in here as well, and abide by the standing orders. This is his last warning today. Member for

Mawson, if you defy the chair again, you will be named and out.

Mr BROKENSHIRE: I apologise, sir.

The SPEAKER: Is the apology accepted?

The Hon. K.O. FOLEY: I can give an answer to the question specifically. I have just been advised by my office and, as with all these things, I will double check to make sure that it is absolutely correct. But in first checking, the opposition asked each minister a question about underspending. It has taken us some time to compile the answers, but my officers have just told me that the opposition asked every single minister the question except for the Attorney-General, and that is why an answer has not been provided. I can only assume that it was the member for Bragg's responsibility. If I am wrong, I stand to be corrected. So, the member for Bragg forgot to ask the Attorney-General. Talk about an own goal. On a day like today you would think that the Leader of the Opposition would have checked his facts. I state again that, on the advice provided to me, the opposition asked that question about underspending of all ministers except for the Attorney-General. I will double check that, and if I am wrong I am happy to give a more detailed response, but that is the early advice.

Members interjecting:

The SPEAKER: Order! I think the Treasurer should sit down. The Treasurer has answered the question.

An honourable member: No, he hasn't.

The SPEAKER: The Treasurer has given an answer.

STATEWIDE INDIGENOUS LAND USE AGREEMENT

Mrs GERAGHTY (Torrens): Can the Attorney-General inform the house whether there have been any developments in the government's Statewide Indigenous Land Use Agreement negotiations?

The Hon. M.J. ATKINSON (Attorney-General): It gives me great pleasure to tell the house that the ILUA main table meeting held on 10 December last year adopted a statewide negotiation strategic plan for the next four years. Much thought and energy went into the plan, which provides a clear direction to the statewide ILUA negotiations with a view to achieving, ultimately, a resolution of native title across the state. The options that will be used to obtain this result include determinations for native title by consent in appropriate cases and withdrawal of claims by agreement.

The statewide ILUA negotiation strategy was first approved by cabinet in 1999 under the then Olsen Liberal government and commenced in early 2000. I commend the Liberal government on the ILUA initiative. It is one of the best things that government did and, in particular, I commend the Hon. K.T. Griffin, whom I had the pleasure to see this morning at the special sitting to commemorate the life of the late Justice Brad Selway. I also posthumously commend Brad Selway for his role as Solicitor-General in pioneering indigenous land use agreements. It was a great strategy by a Liberal government and a good public servant.

Initially, these negotiations included the state, the Aboriginal Legal Rights Movement Incorporated, the South Australian Farmers Federation and the South Australian Chamber of Mines and Energy. In 2002 the newly elected government reaffirmed its support for the statewide process, and, subsequently, the negotiations were joined by the Local Government Association, the South Australian Fishing Industry Council and the Seafood Council. The approach adopted by the negotiation parties, who meet regularly as the 'main table', is to make template agreements in sectors such as minerals exploration, local government, pastoral, fishing, national parks and towns in Outback areas. And that is because, as we have seen today with the announcement about OneSteel, this is a government for growth.

Most of the templates have been tested or are being tested in on-the-ground negotiations. The main table parties are now in a position to roll out these agreements into claims areas across the state, the object and effect of which is to settle, ultimately, all existing claims either by ILUA and withdrawal, or ILUA and consent determination. Six ILUAs have already been signed and registered or are in the course of being registered, and currently one minerals exploration ILUA and a pastoral ILUA are nearing completion.

On 10 December 2004 the main table parties adopted a statewide negotiation strategic plan. The plan provides a framework and structure for negotiating ILUAs in a coordinated manner across South Australia, sector by sector. It provides for the publication of information for funding authorities, whether state or federal, and a means for parties to keep their constituents informed, as well as keeping the Federal Court, the National Native Title Tribunal and government informed.

Flexibility is one of the strengths of the plan. No party to a claim should be deterred by the indicative timetables outlined in the plan. Any party to a claim should be encouraged to enter into negotiations as and when opportunities arise. I am glad to have brought to fruition a commendable policy of a previous Liberal government.

ACCIDENT STATISTICS

Mr BROKENSHIRE (Mawson): My question is to the Minister for Police. Sorry, sir, my question is to the Minister for Police; yes.

Members interjecting:

Mr BROKENSHIRE: I left my glasses in the car.

The SPEAKER: Order! It is question time, not cross-examination time.

Mr BROKENSHIRE: Will the minister provide information to the house detailing the incidence of accidents causing injury and accidents causing fatalities at traffic light controlled intersections throughout South Australia?

The Hon. P.F. CONLON (Minister for Transport): I am more than happy to take the question. I cannot give the data in full, although in anticipation of such question I have asked our statisticians to put this information together. It clearly relates to the opposition's concern that we are funding more red light cameras in South Australia, a concern that has led, I must say, to a state of confusion. I have a press release from the Leader of the Opposition claiming that we are putting 59 more red light cameras in. It is in fact 48, but that—

Mr BROKENSHIRE: On a point of order, again we are hearing debate rather than answering the substance of the question.

The SPEAKER: When members take a point of order, they should indicate the point of order, not make a statement.

Mr BROKENSHIRE: It is 98, sir, as to relevance.

The Hon. P.F. CONLON: I am happy to get the particular detail, although I can provide some. The use of this type of red light camera, as I understand it, would have been first introduced in 2001 by the then (Liberal) government, and it was a good initiative. Where they have operated since 2001,

casualty crashes have been reduced by 4.5 per cent, and we are advised by the police that the number of speeding offences has dropped significantly since the cameras were installed—which is the outcome we want to see. The 48 new cameras compares well with the fact that Victoria will have an additional 83 red light cameras—and that is 48, not 59, Leader of the Opposition—and that in New South Wales over 300 red light and fixed speed camera sites exist.

It puts us where we should be. They are a very important tool for road safety. They plainly have an effect on reducing casualty crashes and the incidence of speeding at those sites. What I do not understand is why an opposition which in government started the red light cameras now thinks that they are a bad idea. They are not a bad idea: they are an important road safety tool across Australia; and it is very hard to understand the position of the opposition.

Mr BROKENSHIRE: As a supplementary question, based on what the minister has just said, will he table the business case and/or submission from the Road Safety Council that indicates the benefit of additional red light cameras?

The Hon. P.F. CONLON: I am not sure that the Road Safety Council deals in business cases. Can I tell the member for Mawson, road safety is not about business: it is about lives. It is about saving lives. If the member for Mawson does not understand that running red lights is inherently dangerous, I cannot help him. If the member for Mawson does not understand that speeding through red lights is dangerous, I cannot help him. What I will say is that members opposite understood it in 2001 when they introduced the red light cameras. I will provide the member for Mawson with full detail on this, but let me make very clear: we are not dealing in business cases; we are dealing with lives, we are dealing with injuries and we are dealing with road safety.

MINISTER'S REMARKS

The Hon. R.G. KERIN (Leader of the Opposition): Will the Deputy Premier apologise to this house for his previous answer today which misinformed the house as to whether certain questions were asked in estimates in both 2003 and 2004?

The SPEAKER: Order! That question has more than an inference: it is a loaded question in terms of 'misleading'.

The Hon. R.G. KERIN: Sir, I will prove it with the explanation.

The SPEAKER: The honourable member can ask a question but should not suggest misleading. That needs to be done by way of substantive motion.

The Hon. R.G. KERIN: Excuse me, sir: I did not say 'misleading'.

The SPEAKER: My apologies: it sounded like—

The Hon. R.G. KERIN: I said 'misinformed the house'.

The SPEAKER: Misinformed, all right.

The Hon. R.G. KERIN: On 18 June 2003, the member for Bragg asked the Attorney-General to provide information on the following: for all departments and agencies reporting to the minister, what is the estimated level of under-expenditure for the year 2002-03 and has cabinet approved any carry-over expenditure for 2003-04? Further, on 18 June 2004, again the member for Bragg asked the Attorney-General the question: in the financial year 2002-03, for all departments and agencies reporting to the minister, what under-spending on projects and programs was not approved by cabinet for carry-over expenditure in 2003-04? The Deputy Premier can tidy it up now, rather than making an explanation at midnight tonight.

The Hon. K.O. FOLEY (Deputy Premier): I made it very clear that, if I was wrong, I would be happy to correct the record.

Members interjecting:

The SPEAKER: The Treasurer will take his seat. The house will come to order!

The Hon. K.O. FOLEY: I refer to *Hansard* of 3 May 2005 where we have the answer—and the Attorney-General's Department is not mentioned. The advice which I was given was that the question was not asked of the Attorney-General. However, I tell you one thing, sir: I heavily qualified my answer and said that if I was wrong I would correct it. If it is an apology the member wants, I will tell you one thing I will do—

The SPEAKER: The Treasurer is debating the question.

The Hon. K.O. FOLEY: —I will apologise to the Leader of the Opposition, but will any one of you apologise to him?

The SPEAKER: Order! The Treasurer will resume his seat. The Treasurer is debating the question and defying the chair.

ROAD SAFETY

Mr VENNING (Schubert): Will the Minister for Transport assure the house that none of the 61 people who have died on our state roads this year was involved in an accident caused by drivers under the influence of illicit drugs and, if not, will the government now support my drug driving bill which I first introduced to this house in December 2003 and which has been delayed on six previous occasions by this government?

The Hon. P.F. CONLON (Minister for Transport): I do think the member is testing the house.

The Hon. I.P. Lewis interjecting:

The Hon. P.F. CONLON: Sorry, you are a long way away; I can barely hear you. I will answer the question again, as I have so many times. First, on the issue of the law, we put a bill out for consultation. It came back and we are now considering it. We actually think that, if you put a bill out for consultation, you should take into account the submissions. We are committed to introducing that bill later in the year. The great frustration for the member for Schubert is that he is not the government. We understand that he had a 20-second go at the leadership of the Liberal Party a while ago. We know he is frustrated; we know he would like to be the leader.

The SPEAKER: The minister is debating the question.

MOTORCYCLES, ELECTRIC

The Hon. I.P. LEWIS (Hammond): Mr Speaker, my question is directed to the Minister for Transport. Why has it taken him more than two months to answer the question which you put to him prior to ascending to the office of Speaker about the inappropriate use by electric motorcycles of footpaths?

The Hon. P.F. CONLON (Minister for Transport): I will get straight on to it.

MAGIC MILLIONS RACING CARNIVAL

The Hon. D.C. KOTZ (Newland): Will the Minister for Recreation, Sport and Racing explain to the house when government policy was altered to enable a half million dollar payout to the Magic Millions Racing Carnival in the election month of March 2006 after continuously refusing to allocate funding to other racing events in the past three years? On 15 July 2003, in explaining why the Labor government would not provide financial assistance to the Interdominion Harness Racing Carnival (which was subsequently lost to South Australia), the minister stated in this house that, in terms of the racing industry, 'the role of government is not to be a provider of direct financial support'. Further, on 27 November 2003, the minister stated in relation to the same matter: 'We will not simply use taxpayers' dollars to fund events that are now the responsibility of the corporate entity.'

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): No policy has been altered—no policy whatsoever. What came to government was a joint proposal from Thoroughbred Racing SA and Magic Millions. They put a very good case and we have accepted that case. They have sought $513 000 from the state government to provide some support—

Mr Goldsworthy interjecting:

The SPEAKER: The member for Kavel will come to order!

The Hon. M.J. WRIGHT: —for the movement of the Adelaide Cup to line up with the Magic Millions Racing Carnival next year. They argued a very good case: we supported that case. If anyone else from the racing industry—whether it be Harness Racing South Australia or Greyhound Racing South Australia—comes forward with a quality proposal, obviously we will have a close look at that as well.

The Hon. I.F. EVANS (Davenport): I have a supplementary question for the Minister for Recreation, Sport and Racing. Why is it that you can find $513 000 for Thoroughbred Racing SA for the Magic Millions but you cannot find one cent to help Riding for the Disabled to transfer its facility from Blackwood to the recreation park, on which the Speaker is chairing a committee? Your government is not providing one cent for that.

The Hon. M.J. WRIGHT: I am not sure whether that is a supplementary question, but we have to look at all these proposals. I recently announced some additional money for the recreation and sport facilities program. That is an additional $2 million for sporting and recreational facilities. I would have thought that that is a fantastic story for the sporting and recreation community.

The Hon. D.C. KOTZ: I ask a supplementary question.

Members interjecting:

The SPEAKER: Order! The chair will allow the question although it is borderline.

The Hon. D.C. KOTZ: Will the minister table the submission to the government that was prepared by Magic Millions and any other partners?

The Hon. M.J. WRIGHT: The member refers again to Magic Millions. As I have said on three occasions, this was a joint proposal brought by Thoroughbred Racing SA and the Magic Millions. Thoroughbred Racing SA is the corporate structure, which, by the way, was put in place by the former government. I would not have thought that this would be a concern for Thoroughbred Racing SA, but the member for Newland and any other member can go to Thoroughbred Racing SA and ask for a briefing from them.

Mr BRINDAL: I rise on a point of order, Mr Speaker. Former Speaker Lewis ruled that when a minister purports to quote from a document it is the right of this house to scrutinise that document to see whether the minister has properly presented the facts. I ask you to consider the minister's answer and rule accordingly.

The Hon. M.J. Wright interjecting:

The SPEAKER: Order! The minister is out of order. The chair is unable to ascertain whether or not the minister quoted from a document.

GRIEVANCE DEBATE

QUESTION TIME

The Hon. R.G. KERIN (Leader of the Opposition): I rise today to highlight the absolute arrogance that we saw from the government today during question time: it was a breathtaking exhibition of absolute arrogance. Question time is supposed to be about the government being accountable to this parliament and the people of South Australia. What we saw today was an absolute disgrace. We saw the Attorney-General not willing to answer any questions about the Kapunda Road Royal Commission, which is of great interest to the people of South Australia. From the answers that we were given, either the Attorney-General has absolutely no interest whatsoever in what is going on or he just does not know what is going on within his own portfolio. Even worse, we actually saw the Attorney-General outdone today by the Deputy Premier. What absolute arrogance! This is becoming a real habit of this government, something we have never seen before. In the past, if the minister made a mistake, he would come back to this place quickly. We might have seen that every couple of months.

The SPEAKER: Order!

The Hon. R.G. KERIN: Nearly the whole frontbench has actually told this house about things that were not correct. Rather than coming straight back in and correcting it, they leave it until the middle of the night when all the media have left. That is absolute arrogance. I ask you, sir, to take note of this, because I think it amounts to contempt of this house. This cabinet has no respect for this institution and no respect for the people of South Australia.

Mr Koutsantonis interjecting:

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The member for West Torrens and the Attorney are both out of order.

The Hon. R.G. KERIN: Mr Speaker, I ask you to talk to the Deputy Premier, because what he did today was absolutely inexcusable. He tried to make fun of a serious question. We understand that this government is too embarrassed to tell us about the underspends in Justice, because it has been about not having enough staff for the DPP's office. It has also been about this government announcing funding for police salaries and the numbers of police—putting it in the budget, but then not filling those positions, which causes an absolute carryover. Today, the Deputy Premier, when questioned about that issue, came back with the cynical response that no question had been asked. It is there in *Hansard*. I will not quote them

again, because I have already quoted them.

The Deputy Premier owes this house an apology as soon as possible. If we had not been able to pick that up during question time, we would have come back in here at 11.30 tonight and found the Deputy Premier, under the cover of darkness, correcting a mistake, as all his colleagues have continued to do over the last couple of years—a new practice for this parliament, one which is totally unacceptable. It has not been accepted in the past, and it should not be accepted now. It shows the absolute arrogance of this government.

The Attorney-General failed miserably today. The Attorney was asked a series of questions, and to every one of those questions we heard from the Attorney what was a Sergeant Shultz plea: 'I know nothing.' They were very important questions that were raised. As I said during question time, this Attorney-General makes Carmen Lawrence look like Barry Jones. He has taken the issue of a bad memory to a whole new level. Over the last 12 to 18 months, we have constantly heard from the Attorney about how he can remember nothing: 'I didn't know about that.' This Attorney is making an art form of remembering only what is useful for him to remember. When the *Hansard* is available, I invite all members to go back and have a look at what questions were asked and the answers that came from this Attorney—very serious questions about the serving of justice in this state. They are the type of questions not only being asked by the media but also by people on every street corner out there.

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: We know the type of questions that the people of South Australia are asking, and the contempt with which—

Members interjecting:

The SPEAKER: Order! The member's time has expired. The member for Florey.

Mr BRINDAL: I rise on a point of order, Mr Speaker. As you know, sir, this house is governed by you as Speaker, in cooperation with both sides of this house. The interjections made by the Attorney and the member for West Torrens were not only offensive to me but offensive to every member of the opposition. Therefore, I ask you to caution members opposite, because this house could soon become ungovernable, if members opposite are not careful, and that would put you in an invidious situation, sir.

The SPEAKER: Order! I did not hear the remarks to which the member took exception. However, no member in this place should reflect on any other member. All members should know the rules. The member for Florey.

KRAFT CHEESE FACTORY

Ms BEDFORD (Florey): Part of my itinerary at the very successful regional sitting of the House of Assembly in Mount Gambier was a visit to the Kraft factory at Suttontown. One of four plants in Australia, it is of equal importance, in my view, to the Port Melbourne factory that manufactures the national Kraft favourites peanut butter and Vegemite. Along with the members for Napier and Playford, the members for Heysen and Waite were part of the tour of facilities conducted by plant Manager Ken Davis and his very knowledgeable production manager Penny Holmes.

With 92 employees, Kraft is the biggest local processing factory for dairy milk sourced in the South-East of South Australia, using millions of litres of milk a year. The Suttontown plant proudly manufactures the legendary Philadelphia Cream Cheese range of products, and it also manufactures the full range of the very popular Kraft dips. Beyond that, the cream cheese that the factory manufactures is the mainstay product for the bulk food service, dip and cheesecake manufacturing market here, supplying the catering and hospitality industries. Additionally, Kraft at Suttontown is proud to be adding new value to this state by exporting about 25 per cent of its product to Asia, particularly South Korea and Japan, and South Africa. It is the largest cream cheese manufacturing plant in the Asia-Pacific region. We were able to sample one of the products that is the most popular in that region—a Philadelphia cream cheese, flavoured with either strawberry or pineapple. It is not available in Australia, but I am sure that every member who tasted the samples we brought back were very impressed. We are looking forward to being able to purchase it at supermarkets some day soon.

One of the newer innovations from the plant is what has quickly proven to be a national favourite, that is, the savoury product called Sweet Chilli Philly, which was totally conceived and created in Suttontown. Interestingly enough, whilst it may not seem something that could easily be done, Vegemite, which is the largest selling product in the Kraft range, was recently outsold by Sweet Chilli Philly. This is an enormous fillip for the plant and its innovations. The plant recently received the first City of Mount Gambier Innovator of the Month Award at the dinner that was part of the sitting week.

While the plant and all its workers should be very proud of that, they should also be proud of their work place safely record, which is 822 consecutive days of no loss of production time, with only two such incidents in the past six years. The high esteem in which Mr Davis is held by his employees was obvious throughout our visit, and I commend him and all the workers at Kraft Suttontown for their commitment to their industry, and I congratulate them on their achievements.

Having returned to Adelaide after the sitting week, it was not long before I returned to the South-East for my annual visit in support of the Modbury High School Stage Band and its participation in the Generations in Jazz event, something that has been a regular and major date on the Australian music calendar for some time, especially for the devotees of jazz. Under the musical direction of John Duncan and his assistant Joan Baker, the band performed magnificently in division 2, with Ben Jungfer, one of our trumpeters, being selected as part of that division's super band. Principal Jay Stradwick and Mr Brendan Harris were also part of the support team, as were the parents who were able to make the trip to Mount Gambier. I thank all the parents of our musical wonders for allowing them to be part of the stage band and for giving them the opportunity to learn a musical instrument.

This year about 60 bands competed in three sections. The highly coveted title of winner of division 1 went to the Marryatville High School Stage Band. That school is, as you would know, sir, a specialist music school in the South Australian public system. Congratulations must go to the musicians and musical director for an absolutely outstanding performance. All the best to them for their foray into international jazz as guests by invitation of the prestigious IJEA event in New York, which will showcase their talents to jazz performers from all over the world. They will also be able to participate in two concerts in Melbourne and Sydney.

The organisation and hospitality in Generations in Jazz were, as usual, superb. James and John Morrison brought a cool and tight rhythm section to accompany the finalists in

the Jazz Vocal Scholarships and instrumentalists in the James Morrison BMW Scholarship. Thanks must go to BMW for its continued support and to the Australian Managing Director Franz Souter and his wife who attended the event. In a fairytale finish, Hugh Stuckey, a guitarist from the South-East, won and will enjoy a wonderful year of performances and exposure to world-renowned musicians. Thanks to all the sponsors of Generations in Jazz, the organising committee and, particularly, Karen Roberts and all her helpers who made the weekend such an outstanding success. I thoroughly look forward to going back again next year and urge all members to do what they can to encourage music in their schools and to join us in the South-East. However, as there will no longer be a public holiday in May; I am not sure how fast we will have to come back to Adelaide on the following Monday.

DRUG DRIVING

Mr VENNING (Schubert): Further to my question about drug driving to the Minister for Transport today, I resent the assertion that I raise this issue for political reasons. I am on record as asking the government to amend my bill if it does not like it and then to introduce that bill. This has been going on since last November. Statistics in today's *Advertiser* reveal the number of deaths on South Australian roads that are alcohol-related. This information is now widely circulated amongst the community, and I support that move. *The Advertiser* highlights the statistics that prove to the community the widespread nature of drink driving in South Australia.

I was amazed at the explicit information in relation to the number of deaths caused by alcohol. It is a very sensitive issue indeed. The question is: what is the difference between drug testing and drug related deaths? Why are the statistics not listed, or do they not know? If drink driving statistics are available, drug related road death statistics should also be released.

People deserve to know these statistics so that they can form their own conclusions about the dangers of drug abuse and the risk to the general public. Adelaide is infamous and becoming the drug capital of Australia, and it is about time we stopped pointing the finger and took responsibility by highlighting the number of people driving while under the influence of drugs and then do something about it.

As you know, Mr Speaker, I have personally been campaigning for over two years for the introduction of random drug testing to take place here in South Australia. The Victorians are now doing it very effectively; why are we waiting? Victoria has been proactive and introduced their own drug driving legislation, which is now being enforced by the police; and it is working well. The results of their work have already been startling, revealing that drug driving is three times more common than drink driving. Look at the 61 deaths and the statistics in today's *Advertiser*, where it says:

> Twenty per cent of motorists involved in fatal crashes in South Australia in the first three months of this year were more than three times over the legal blood-alcohol limit.

Well, if the Victorian statistics show that drug-affected drivers are three times more prevalent than alcohol-affected drivers, what is the figure here? Could it be as high as 60 per cent (that is, three times 20 per cent)? I have tried and tried again to get this government to understand the importance of following in Victoria's footsteps but they continue to push it away.

But wait—the government is going to introduce its own drug driving bill at the start of next year. That is too late for at least another 60 road crash victims who will come to grief. I am estimating, but how many more people will lose their lives during this time? If one looks at the statistics, one realises that it could be 60 people, but I do not know exactly because we do not know that statistic. Is the government prepared to sit back on this decision and let our road toll rise? What is stopping the police from reviewing these shocking statistics? If it is okay for alcohol, then why not drugs? The only differences between the government bill and mine are the reference to blood testing, some of the terminology and the penalties for offenders (mine are much harsher than the government's).

It was interesting to note that two years ago the government threw out my bill on blood testing, yet it is now the government's bill. I tried to have blood testing introduced early in 2004, only for it to be thrown out by this government. It is time that political agendas are put aside and the livelihood of our people is made a priority. Think about the innocent people who will be killed because they are unlucky enough to be on the same road as an illicit drug-affected driver.

I urge the government and the relevant government bodies to release the statistics and reveal how many people are dying on our roads due to drug abuse—or are those figures being hidden in the alcohol abuse figures? The Police Commissioner must know these statistics; why does he not make them public? There is no legislative reason why he cannot, and I challenge him to do so.

CHILD WELFARE SYSTEM

Mr HANNA (Mitchell): I rise today to give two examples of how our child welfare system is failing teenagers in South Australia. Both examples have come up in my electorate this year and, from what I have heard from social workers, these sorts of problems are widespread. Government claims of recruiting additional social workers have not produced the effect sought, and the government's proposal to introduce legislation called 'Keeping Them Safe' would appear to be little more than window-dressing, because it will not solve problems like this.

The first example I raised in question time today was that of a boy who is now 12 years' old and who has for three years been exhibiting behavioural difficulties. These have included vandalism, truancy, roaming with older teenage boys at night, taking illicit drugs and other antisocial behaviour. For various reasons he is not able to be adequately cared for in his own home and, when any sort of discipline is enforced there, he simply runs away. Even when he has been placed in accommodation provided by Children, Youth and Family Services he has run away if he has not liked it. I wrote to the Minister for Police and the Minister for Families and Communities about this boy in December asking them to give their urgent attention to this matter. The response from the Minister for Police essentially said nothing, citing privacy reasons. Although I was after an assurance from the Minister for Police that efforts would be taken to apprehend the boy and put him in a safe place, that did not happen.

In respect of the Minister for Families and Communities, I expected better than the care regime which was implemented following my letter. It included a greater involvement with social workers, taxi transport to anger management counselling, and admission to a program called 'The Outdoor

Classroom', an initiative of Greening Australia, whereby he would be involved in ecological work in the outdoors under supervision. He did not like that program so he did not attend, and that did not work. There is a history of social workers and government agency workers asking the boy to be nice, and to do the right thing, and of him persistently refusing to go along with it. So, it seems that his care and supervision regime are dictated largely by the impulses and desires of the 12-year old boy himself. That is unsatisfactory. It resulted in an incident, allegedly of a serious nature, about a week ago and, as a result, the boy has been taken to Magill Training Centre.

I turn to another case of a young teenage girl. There have been some problems in the family home, the girl was obviously unhappy, and she ran away from home. The mother, who is doing her best to bring the girl home, and to appropriate care, ran into trouble with her local high school, social workers, and with police. It is regrettable that police these days are largely being asked to do the work of social workers and bring runaway teenagers home. The Department of Child, Youth and Family Services was phoned about 26 times in an effort for it to take some action to bring this young teenage girl home from where she was living with a 28-year old drug dealer. She was being used by him along with two other teenage girls to act as agents in the drug manufacture business. They were going around to chemists, getting drugs and supplying them, so that clandestine laboratories could make them into amphetamines. The police may take action yet on that matter, so I will not say anything more about it.

LAW AND ORDER

Mr BRINDAL (Unley): It is interesting that I should follow colleagues whom I respect, such as the members for Schubert and Mitchell, on the subject of drugs. Introducing the topic of drugs, I want to place on the record my disgust at the executive government of South Australia's cant and hypocrisy on the issues of law and order. Almost daily we pick up the papers and see a premier espousing that this is a government which is tough on law and order, and almost daily we see that that is not the case, and is anything but the case. In introducing the topic, I am reminded that on a number of occasions, I have heard Leon Byner on 5AA say that the way of keeping the crime statistics down now is by charging somebody with four or five offences, and when they are convicted of all the offences, recording that there is a conviction against the major offence. And guess what? Statistics seem to suggest that crime is down when in fact it is up. We had the legislation before this house to close down bikie gangs and to remove their fortresses well over a year ago—perhaps heading towards two years—and how many fortresses in South Australia have been closed? How many have been pulled down? I believe that, as we speak, it is not one. But this is getting tough on law and order!

On a more tender situation, for some weeks we have had a blitz on road safety in the Adelaide Hills. While people died in the Adelaide Hills over the last weekend, people forget that a police blitz was going on at the time. What was the blitz? The blitz was to put speed cameras on the main roads of small Hills towns—roads where there has never been a fatality—to book people for speeding, when less than two or three kilometres down the road two of the police's finest met their end against a tree. So the blitz we were having in the Hills area of South Australia did not save those lives—nor will it while tough on law and order means putting speed cameras on the main streets of towns where there has never been a fatality in the history of South Australia.

But it makes the government feel good, and it gives the Premier something to get on breakfast radio to crow about. As I said, this is an executive government filled with cant and hypocrisy, and no more so than over the subject of amphetamines. 'We are tough on drugs.' What a load of rubbish! Recently, it has come to my attention that a person can break into a house—

Mr RAU: I rise on a point of order, sir. I think I detected a word about which we had quite a chat a while ago and which is unparliamentary.

Mr Brindal interjecting:

The SPEAKER: What was the point of order?

Mr RAU: I think we heard an unparliamentary word. We heard another word, which means exactly the same thing but which I do not think is unparliamentary, but we did hear an unparliamentary word, namely, 'hypocrisy'.

The SPEAKER: Members can talk in generalities about hypocrisy, but not call an individual a hypocrite. That is the distinction. It is not a point of order. The honourable member can use it in a general sense, as indicating a double standard, but not to an individual suggesting that person is lacking integrity

Mr BRINDAL: I thank you, sir, for understanding the rules slightly better than the member for Enfield. The fact is that one can go into a house where amphetamines are being cooked—and this is according to the police—and find the amphetamines being cooked, and the police are incapable of effecting a successful prosecution unless there is some end product. You can go into a house, after you can see that the place, quite clearly, has been used as an amphetamine laboratory—the electrics are changed, the raw material packets present, the tubing and all the paraphernalia there—and it is almost impossible for the police to get a successful conviction.

If that is this government's answer to a problem that is affecting all our kids, shame on this government. It is a disgrace. I call on the Attorney-General to introduce immediately legislation to make sure that a reasonable person in a jury can be convinced that an illegal action has taken place, and that it is made an effect of the law; and that this cant and hypocrisy indulged in by the executive government ceases forthwith and that we do something to protect our kids, rather than just mealy-mouthed attempts.

ONESTEEL

Ms BREUER (Giles): Today I welcome with absolute delight the Premier's statement before question time about OneSteel, and the announcement today by the board of OneSteel that it has approved Project Magnet for Whyalla. Very few members in this place understand the significance of this for Whyalla and its community. There has been much negative publicity in recent days about the decision by the government to make changes to the OneSteel indenture act for a 10 year environmental agreement to provide regulatory certainty for the investment. Without this certainty OneSteel, despite what has been implied by many, was not prepared to commit to this massive investment.

Media reports and comments have made it seem that OneSteel has been given unrestricted approval to pollute our environment in Whyalla. This is not true, and I absolutely refute this and any other concerns about the dust issue in

Whyalla. OneSteel will have to operate under stringent environmental controls under these changes. There is no licence to pollute. There is no issue of putting the corporation before the people in Whyalla, as I have heard. If I believed that the residents of Whyalla were going to be worse off, I would fight tooth and nail. But I firmly believe that this is the best, the most appropriate, most viable and most suitable outcome for our city.

One of the issues that was concerning the board of OneSteel was that the EPA was looking to write into its licence conditions a condition that said that it could change its licence at will at any time. OneSteel cannot make a quarter of a billion dollar investment just to turn round six months later and be facing a totally different regulatory environment. It had to look to the future. It had to look at 30 and 40-year projections. You need some sort of certainty to make an investment of quarter of a billion dollars.

Under the current licence conditions, which were put in place in 2000, the conditions that have been put in place since are actually written into the indenture itself. The EPA is the licensing authority. Those conditions have not been taken away. I was in Coober Pedy last week and was asked to comment on these regulations approved, without seeing any of the proposed changes. I was also under the assumption that the details had been released. Some of my comments in the media were taken out of context last week and some were made with some misunderstandings, and I apologise to OneSteel if I said anything that was wrong. But I believe wholeheartedly that this is the best solution for Whyalla.

I actually participated in reaching this solution. I took part in many discussions with ministers, with the Premier, with OneSteel and with the EPA, which came up with this solution. I must point out that I live 1.2 kilometres from the pellet plant, so I do suffer some dust problems. However, they are nothing like the problems experienced by residents in the near vicinity. I certainly acknowledge their problems. They have a severe dust amenity issue, and it is a major issue for them and I do not take that away from them. I do dispute that there is a health issue, and many comments have been made about this. I do not believe the facts are there to say that this is a health issue.

But the pellet plant should never have been built where it was built, and my heart goes out to residents who lived there prior to the building of the plant. A lady I know, called Glenda Creber, and her sister have lived in the family home for all their lives, and that has been there for many years. Hummock Hill, which is part of Whyalla and where the pellet plant is based, is typical of the beautiful country in my part of the desert. It is next to the sea, but it is red and mostly it is ugly. I want my city to be beautiful. I want the yachts at the beach to be clean and I want the beach to be clean. I want to see clean seagulls and clean pigeons. The pellet plant in Whyalla is a major amenity issue.

However, 10 years ago when BHP was there, it would not acknowledge that there was a problem. It never admitted that there was a dust problem. It would say, 'What dust?' OneSteel has acknowledged this dust problem and, I believe, has invested a great deal of time and effort in resolving this problem. It has invested millions of dollars in resolving the problem. Unfortunately, since the Iron Duke mine was opened, this has increased the dust problem, but it is doing its bit. Project Magnet will resolve most of the problem. OneSteel will still have very stringent controls.

Maybe we will not solve the problem: maybe we will need to look at it again in a few years' time. Certainly now, until 2027, we have certainty that OneSteel will be there. It is much better for my community. Short of closing the pellet plant, I believe this is the best solution and I heartily congratulate all those involved.

Time expired.

MEMBERS, QUESTIONS

The Hon. K.O. FOLEY (Deputy Premier): I seek leave to make a personal explanation.

Leave granted.

The Hon. K.O. FOLEY: During question time today I alluded to the fact that the opposition had not asked questions relating to the Justice portfolio, which was the advice provided to me at the time, but I heavily qualified that by saying that I would check my facts. It would appear that the opposition did ask the question. There was an error somewhere in the bureaucratic structures of government. My office was asked to compile the information for every portfolio bar Justice. That was clearly an error. We are getting the information and I apologise to the Leader of the Opposition and to the house for the inadequacy of my answer.

NATURAL RESOURCES COMMITTEE

Mr RAU (Enfield): I move:

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

Motion carried.

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

A quorum having been formed:

STATUTES AMENDMENT (SENTENCING OF SEX OFFENDERS) BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 2518.)

Mr BRINDAL (Unley): I rise to record my disappointment for the serious deficiencies that are inherent in this bill. Before the Attorney ohs, hums and ahs, I draw his attention to the document tabled in this house today entitled 'Children in State Care, Commission of Inquiry Interim Report' dated 12 May 2005. While the—

The Hon. M.J. Atkinson: Have you read it yet?

Mr BRINDAL: I have read a significant part of it. I have read enough to know that over 500 complainants and a Commissioner who now wants more time means that there is a real problem in South Australia which needs addressing. I have read enough to be conscious of the fact that the Commissioner refers to past wrongs and wrongs that are not so far historically past. In other words, I have read enough to see that this may well be an ongoing problem for the state of South Australia, and that fills me (as I am sure it does the Attorney) with a great deal of concern. That is how much I have read on the report. Does the Attorney want me to elucidate any more on the nature of the report or refer to the bill?

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order! What the Attorney

does or does not want is irrelevant. The member for Unley will address the bill.

Mr BRINDAL: I thank you, Mr—

An honourable member interjecting:

The DEPUTY SPEAKER: Order!

Mr BRINDAL: That is not quite true. I cannot help it if the Attorney's reading level is somewhat retarded. I have read much more than one page. I do commend you, sir, on your courage to take on a person whom you admire so greatly in your organisation—factional leader one could say, but one wouldn't.

Mr Goldsworthy: It is true, though.

Mr BRINDAL: But it is out of order. We do not say things that are out of order here. The fact is that this bill is not the best that the Attorney can do, and it disappoints me.

The Hon. M.J. Atkinson: What would you do?

Mr BRINDAL: I will tell you—and I will tell you in some detail. In a sense, this is cosmetic surgery. What does it say? It says that in cases of sexual offences committed against a child we will need to give proper recognition to the policy provided in subsection (4). It then inserts a clear policy statement into the law: that a primary policy of the criminal law is to protect children from sexual predators by ensuring that, in a sentence for an offence involving the sexual exploitation of a child, paramount consideration is given to the need for deterrence. So, it changes and makes clear a statement of policy in the law with which I think no-one in this house would argue.

However, the question that this house should rightfully consider is whether this statement of a change in policy added to the existing criminal law is enough. My contention is that it is not enough. For two or three years we have been dealing with problems that we now know have beset this state involving the sexual exploitation of children. We know that the law is capable of dealing with it through a series of measures in the criminal law, but that series of measures does not differentiate between offences. It might differentiate an offence of sexual assault, as I understand it. I know there are a number of lawyers sitting opposite, so if I get this slightly wrong I can and will be corrected.

The Hon. M.J. Atkinson: You always get it wrong.

Mr BRINDAL: The Attorney says I always get it wrong, and I might in terms of the puerile, stupid, strict legal interpretation of the law, but I say to the Attorney, through you, sir, that what I often do not get wrong is my understanding of commonsense and what the people of South Australia have a right to expect from this parliament. I say to the Attorney (through you, sir) that this place would be better minded to listen to the opinion of ordinary members of parliament such as myself and some of those on the backbench opposite than to be guided by lawyers and solicitors who might be fully conversant with the devious byways and alleyways of the law. All this makes no sense to the rest of us who want nothing more for the children of South Australia than a system of law which we understand and one which protects them.

That is what is required in this place, Attorney. I say to the Attorney (through you, Mr Speaker): you are here, sir, not as a servant of the law but as a servant of this place. You serve this place and your electors, not a lot of black robed people working in the courts in a protected environment. It is about time that the executive government realised that it is here to protect the people, to stick up for the people, and to make the law fit with the people's requirements and not conform to the requirements of the courts.

In that context, I return to my theme. What we have in the criminal law is a series of measures whereby people can be prosecuted. Those offences are numerous, I believe, in the criminal law: sexual assault, unlawful sexual intercourse, and a number of other offences, but those same charges may be levelled against people of almost the same age, and they do not actually rely in laying the charge on a differentiation in age. The Attorney will probably say in his reply: 'Oh yes, but that is where the judges and the juries come in.' When a charge is laid against an adult male for committing such offences on a child, it is taken much more seriously and, therefore, the judges and the juries and everyone else gives a penalty which is commensurate.

The Attorney will say—and this is interesting—that the paramount need in the protection of our children is the need for deterrence. That is interesting, because judges, in talking about the needs of sentencing, habitually talk about the need for deterrence, the rightful need of a wronged person for revenge and institutional revenge being a motive of the court and, finally, the need for rehabilitation. It is really interesting in relation to the most serious offences, where all writing seems to suggest that it is very difficult to break these people from a cycle of lifetime abuse, that we are now faced with a law being introduced into this state that almost ignores that underpinning of sentencing which says that rehabilitation and this aspect of a law is primarily about deterrence. Well, let the Attorney explain that to the people of South Australia, because I think it should be about deterrence. I agree with the Attorney that it should be about deterrence, but equally I think that there is no excuse at all for ignoring any stone that might lead to the rehabilitation of an offender.

I have to say that this government should hang its head in shame, as should our government when we were in office, for not doing enough while people were in prison convicted of sexual offences against children in respect of demanding that they seek rehabilitation and treatment for what is quite clearly not in the normal range of acceptable behaviour for adult human beings. Enough was not done and is not being done, and I am not sure that this addition to the law will help to get not only some deterrence but also some rehabilitation for people who, writing says, are most likely to be serial, repeat and almost compulsive offenders.

The Hon. M.J. Atkinson: All of them?

Mr BRINDAL: Most will be. I did not say that writing says that they all will be. The Attorney would acknowledge that they are a very difficult class of people to reform and a very slick class of person. The very attributes which make them successful at their predation on children are often the attributes which make them equally successful in beguiling parole boards—

An honourable member: Adults.

Mr BRINDAL: Adults generally, but that includes parole boards, psychiatrists and a whole group of people, who are beguiled into believing that they have truly repented and found a new way in life, just so long as the key is turned and they get out of prison. Six months later, they have all the reasons in the world why they are back in prison again, because they are good at conning people, whether they be adults or children. The Attorney said, 'What would you do?' My answer is quite simple.

I will be looking, with my colleague the member for Bragg, at introducing some amendments into the committee of either this house or, if the amendments are not prepared in time because they are quite complex, another place—or,

alternatively, if it is the considered opinion of my party, introducing separately a private member's bill. Any of those options is available to us, but the one option incumbent on us is to try to get it right. What is it that we should get right? I believe, Attorney, this should be an offence of paedophilia. I would like the Attorney to explain to the people of South Australia how he can talk about paedophiles—

The Hon. M.J. Atkinson: I don't: I talk about pederasts.

Mr BRINDAL: Yes, the Attorney does, and he does not understand the difference. Pederasty is not necessarily illegal; paedophilia invariably is. I suggest that the Attorney—

The Hon. M.J. Atkinson: If the member understood any Greek, he would know why I use the former. Unfortunately, Ancient Greek is no longer taught.

Mr BRINDAL: If the Attorney looked up the two differentiations of the word in the dictionary, he would understand that maybe he does not have all knowledge or all wisdom on his side.

The Hon. M.J. Atkinson: Philo—lover of.

Mr BRINDAL: The Attorney can understand as much Greek as he likes: I speak English, and so does everyone in this place, and it is the English translation or meaning of the word—

The Hon. M.J. Atkinson: Yes, but these are not words of English origin.

Mr BRINDAL: It is the English meaning of the word defined in the dictionary that is acceptable to this house, not the original Greek. Most people do not speak the original Greek. Most people understand the word—

The Hon. M.J. Atkinson: The member is so unlearned.

Mr BRINDAL: I find that a very good example of the arrogance coming from this government. I may well be unlearned. I do not pretend to be much of an intellectual: I just pretend to be an ordinary person trying to represent the people of Unley.

Members interjecting:

Mr BRINDAL: I hear the chortles from members opposite.

The DEPUTY SPEAKER: Order! The member for Unley will come to order. This has gone on long enough. I ask that members allow the member for Unley to proceed with his speech uninterrupted. The Attorney-General and others on my right are interjecting and baiting the member for Unley, but I advise the member for Unley that responding to interjections is also out of order.

Mr BRINDAL: I am chastened by your admonition, sir. It is difficult, having been a school teacher, to ignore pig ignorant comment without making a corrective statement, but I promise that I will. The fact is that in the law there appears to be no crime of paedophilia and, when you discuss that with people in the street—the member for West Torrens looks a bit shocked; I suggest that he go and look—

An honourable member interjecting:

Mr BRINDAL: One of the members opposite said, 'What's it mean?' I actually think that that is germane to the consideration of this house. When you talk about paedophilia, or even when you talk about pederasty and use the words interchangeably, people understand what you are talking about. It is one of the most abhorrent things to most adults in Australian society and, in fact, in world society. It is generally condemned in societies as being abhorrent and an abomination. Everyone understands what it is. Why then is there nothing in the law that says that this on its own is a crime? Why is it that the sexual predation of children, especially under puberty, is not called what it is—paedophilia, and is not treated as a class of crime in its own right? It might involve elements of every other sexual crime, including unlawful penetration.

All of those things might be wrapped up in paedophilia, but I say to this house that paedophilia is not those things. Paedophilia is more than any of those things. Paedophilia is not about rape; in the strict sense, it is about rape. It is not about unlawful sexual intercourse. It is not about all of those things; yet it is. But it is more, because paedophilia involves the violation of innocence in our children. It often involves the taking of a prepubescent child and so destroying their life that they may never recover from it. Paedophilia is not just these things with knobs on. Paedophilia there is something on its own, something heinous, and something important. I think it deserves its own category of offence.

This legislation does not do this. This legislation rightly says, 'Well, if kids are involved, we will make these types of offences more serious.' My contention—and I hope that of many of my colleagues—is no; this is a serious matter in its own right. It deserves to be a crime in its own right, not a glorified add-on to a lot of offences. I would say to the Attorney that I think he has removed a lot of these. Over the years a lot of these have been removed. When I came in here it was rather quaint, because you read the criminal law and if somebody broke into a house between something like 8 p.m. and 5 a.m. the crime that they had committed was burglary. If you actually went into somebody's house, cleaned the house and stole some things it was called larceny, I think, by a bailee. There were other crimes called theft. There were whole categories of separate crimes, all of which most people in the street thought were called theft. There was burglary, there was larceny by a bailee, there was theft—

The Hon. M.J. Atkinson: How about talking to the bill?

Mr BRINDAL: I am making the point—

The Hon. M.J. Atkinson: When are you going to get around to the bill?.

Mr BRINDAL: I have. I was making the point to the Attorney that, if it is good enough to have separate classes of the act of intentionally depriving somebody of their belongings or valuables, it is surely good enough to come up with an offence of paedophilia to acknowledge the seriousness that this parliament holds for this crime.

The Hon. M.J. Atkinson: You are missing the whole point of the bill. You are off on frolic.

Mr BRINDAL: The Attorney says that I have missed the whole point of the bill. I look forward to debating this matter with him on 5AA and Bob Francis and all the rest of it.

The Hon. M.J. Atkinson: You are never on it.

Mr BRINDAL: No; but I will make a point of going on it, because if the Attorney thinks the sort of people that he panders to in those audiences understand the nuances of his genteel remarks in this house—

The Hon. M.J. Atkinson: I will tell them what you said.

Mr BRINDAL: Yes; repeat it exactly, because if you don't I will sue you. If you don't, if you misrepresent what I have said in this house, you wait and see what the consequences will be.

The Hon. M.J. Atkinson: I think David Pisoni has done pretty well with your litigation.

Mr BRINDAL: The Deputy Speaker cautioned you; I should not have to. This bill is not well thought through. This bill does not do enough to protect young people in South Australia. This bill is typical of those introduced previously by this executive government—

The Hon. M.J. Atkinson: What do you want?

Mr BRINDAL: If the Attorney listened to me rather than to his own voice so consistently in the last 20 minutes he would know the answer. I have told him. I suggest he read *Hansard* and he will find what I want. In the meantime, I think this bill is flawed and I think this bill has failed. I think this bill lets the house down, and I will seek to have my colleagues amend it so that it has substance rather than show.

Ms THOMPSON (Reynell): I have listened carefully to the member for Unley but I did not hear anything in his remarks that led me to believe that he has actually read the bill which is being considered.

Mr BRINDAL: I rise on a point of order. It is wrong to cast aspersions on another member other than by substantive motion. To suggest that members in this house are not cognisant with the bill on which they are to vote is to cast an aspersion.

The DEPUTY SPEAKER: The standing order actually refers to making personal reflections on another member. I think things like that have never been considered to be personal reflections. The member for Reynell.

Ms THOMPSON: This bill, the contents of which I will now focus on, as this house has not heard much about it yet, is one that typifies the Rann government's tough approach to law and order. It is only a matter of weeks since the South Australian Supreme Court handed down its decision in the case of R v Kench. That case identified a disturbing loophole in our criminal laws. According to the court in Kench, sex offenders prosecuted for offences committed many years ago should be sentenced according to the standards of yesteryear. This decision could not be allowed to stand, and this bill addresses that specific issue. Most governments would still be trying to work out what to do about such a judicial decision. Most governments would still be consulting with the lawyers, and letting them take months to recommend decisions which achieve little change. However, the Rann government is different. Its mind was clear; that is, child sex offences are heinous offences which have serious, long-term effects for their victims, and paedophiles must be dealt with severely. This is also the mind of the vast majority of the public. Children must not have their sense of innocence and trust ripped from them; they must not be made to feel dirty and humiliated; and penalties for sex offences against children must reflect the devastating impact that the behaviour has on victims.

Penalties for child sex offenders are much greater these days than they were, say, pre-1982. However, the public today recognises the gravity of sex offences committed against children and it expects offenders to be dealt with severely. So a few weeks after the Kench decision our Attorney-General already had a bill introduced in this place. Today, a short time later, we are able to debate the bill and, I hope, pass it expeditiously. The law in this area is complicated and the amendments are technical. The lawyers have been consulted and their views carefully considered, but the fundamental principle has remained clear and the Rann government has not been diverted from its task.

The bill also achieves another important goal. The amendment goes to the heart of the principles upon which our criminal law is based: it is about the primary policy of the criminal law. Members will recall that this parliament has already established primary policies of the criminal law with respect to home invaders and bushfire arsonists. The bill before us today inserts an additional subsection into section 10 of the Criminal Law (Sentencing) Act. As a result of this bill, a primary policy of the criminal law will be to protect children from sexual predators by ensuring that, in any sentence for an offence involving sexual exploitation of a child, paramount consideration is given to the need for deterrence. Who can argue with that? This is an excellent example of the Rann government, and our Attorney-General in particular, aligning the criminal law with the values and beliefs of the majority of the public.

The Hon. I.P. LEWIS: I rise on a point of order. Is it now to be the convention of the chamber to refer to governments by the names of premiers rather than by the party?

The DEPUTY SPEAKER: I uphold the point of order: the member for Hammond is correct. The member for Reynell should not refer to either the government or individual members by their family names.

Ms THOMPSON: I am sorry, sir: I will be more cautious. Judges weigh up many factors in sentencing, such as the prospect of rehabilitation of the offender, their level of contrition and whether they have pleaded guilty. When it comes to dealing with child sex offenders, the balance has to be placed on deterrence, and perpetrators must have no doubt that they will suffer serious consequences for the serious detriment they do to innocent children.

Paedophiles may claim that theirs is a crime of passion or that the victim connived in the offence. This is completely wrong. Paedophilia is not impulsive nor spontaneous: it is calculated. The victim is courted and the perpetrator makes conscious choices over a sustained period. They disempower children and convince themselves that the failure of a child to kick and scream or go immediately to authorities is compliance. This is simply not so.

The effect of this bill should be clear to all: molest children and we will throw the book at you—you will go to jail for a long time. Jail is an unpleasant and risky place for any prisoner, and it is even more unpleasant and riskier for those convicted of sex offences against children. The act currently imposes more severe penalties where the victim is below the age of 12. The bill raises the age to 12, and that means that those who breach section 49 unlawful sexual intercourse, section 56 indecent assault, section 66 sexual servitude, section 67 deceptive recruiting for commercial sex services, or section 68 using or profiting from a child in commercial sex services against a 12 or 13 year old will face the higher penalties.

Members will recall the government's recent bill allowing a court to declare certain violent criminals to be serious repeat offenders. The bill extends these provisions to the most serious sexual offences such as rape, unlawful sexual intercourse and indecent assault. Serious repeat sex offenders face disproportionately long sentences and non-parole periods—at least four-fifths of the head sentence. Again, the government is imposing the toughest deterrent it can. We want to deter paedophiles if at all humanly possible and, if these people refuse to be deterred, we will lock them up longer to take them off the streets and away from our children.

The last major result of the bill closes a loophole, and I am sure that the community wants this loophole to be closed. The current act allows the Supreme Court to order a convicted sex offender to indefinite detention if they are incapable of controlling their sexual instincts. It is very sad indeed that some of these criminals are capable of controlling their sexual instincts by the use of drugs and other medical treatment but are unwilling to undertake this preventive course. That sort of attitude is a disgrace, and I have no problem at all in giving the court the power to lock these people away indefinitely or

until they are prepared to access the treatment that is available to them.

All oppositions like to criticise the government of the day, and the shadow attorney-general in another place has been saying for some time that ours is a 'do nothing' government; he says that we are all talk on law and order. I do not know what sort of fantasy land the shadow attorney-general is living in, but I understand that since the election the Attorney-General has passed around 60 bills and 60 individual pieces of legislation. Collectively, the law and order bills amount to the biggest shake-up of the criminal law in the state's history—a shake-up which has moved our criminal law into much closer alignment with the hopes and aspirations of ordinary South Australians. Certainly, many people who patronise everyday activities in my community tell me of the increased confidence they have in our laws as a result of the many changes that have been made by this current government. At the moment, some of them still tell me that they are not certain that the justice system actually understands justice. They still have many worries about that but they believe that the laws are moving more closely to what they are looking for.

Ordinary honest citizens are too often the victims of crime and they want their government to set the framework for a safer and more just community. When this is combined with the extra 200 police that the government is funding, the work it is doing on social inclusion, early intervention, truancy, crime prevention and on diversion courts, which attack the causes of crime, then it is patently obvious that this is a tough on crime government. The changes that the government has made, and will continue to make, are changes of substance, and it is making these changes quickly and decisively. We are already seeing falls in most crime rates, and long may that continue. We are also seeing an increase in school attendance, an increase in school retention, and a greater focus on good behaviour and positive citizenship within our community. I commend the bill to the house.

The Hon. I.P. LEWIS (Hammond): I am unhappy that it is ever necessary for us to have to contemplate a subject as repugnant to most of us as this must be, and one would be abnormal if they did not consider paedophilia and those who perpetrate the offence to be repugnant. It is all very well for us to say that we should not steal the innocence of children but it is worse than that, and deserves from our perspective a better explanation of the consequences of allowing adults to do so, or to even think that they can do so, or that the tariff that they have to pay for doing so is worth paying for the delight that they get from doing so. It is also important for us to canvass the consequences of their acts on the children whilst they are children, as well as adults once they have gone through puberty and adolescence, and how it not only affects but also afflicts them, in the main, for the rest of their lives.

I have said to this house before that the consequences so far as I see them—whether in this country, or this state as part of the country, or any other place on earth—are at least as serious as forced child labour and, for that matter, slavery. Slavery itself is bad enough because those who were its advocates took the view that the life of one person is less worthy of enjoyment for that person than the life of another person, for whatever subjective reason there may be, and it is not always race in our history that determined that slaves would be slaves. Australia, of course, has never had slaves, and it is the only democracy on earth in which that is the case—at least we have never had slaves lawfully. There are no doubt instances where slavery per se has been found to be committed, and it is a serious criminal offence, and regarded as such then by the current government, to its credit, as being no less serious than paedophilia.

I think, though, that the crime of paedophilia is more serious, and even more serious than the forced labour or enslavement of children for work done—not as part of their contribution to their homes and their domestic circumstances, which all of us must learn to do as children, and the sooner we learn it the better—but rather as a contribution made by the child for their upkeep and sustenance to be derived from outside of the resources of the home as a contribution to the material welfare of the home, especially in terms of the money which the home needs to spend to get the materials and services required by the people living there. The worst kind of abuse of children is that which is related to their sexuality, and the worse kind of abuse in that category is when the child is put to work for the gratification of sexual desires of an adult—not necessarily the parent or the care-giver, but the sexual desires of someone outside the family altogether in return for which the adults of the family and other members of the family get money which can be spent on procuring those material benefits. That is the double whammy, where there is not only paedophilia but also slavery and, at present, the worst perpetrator in our history as a state has been the crown itself, and the Mullighan inquiry is directing its attention to the consequences of that sexual abuse and slavery.

The burden of my remarks, which I have not heard other members address, is in those circumstances. It is bad enough if and when we can catch up with the bastards who do it to bring them to book. Too often the cry is made by those who have responsibility for doing it—and I know this all too well—that there is no hard evidence; and that, in plain common Australian speak, is bullshit. There never will be hard evidence. How can you expect a child of seven years of age to procure it? How do you treat a child, even a minor up to the age of 14 or 15, who has been subjected to that, not just in that year of their life but, more importantly, an earlier time in their life throughout their life?

This bill does not go far enough. It does not address the double-whammy situation in which an adult, with the responsibility of providing care and sustenance to the child, abuses the position established in law and in trust by society, to take advantage of the child and sell the child into sexual slavery whether for a minute, an hour, a day or several times in their life. It is horrible. You can puke at the thought of it, yet the state allowed that to happen, and until very recently it continued. Children, the responsibility for whom was taken by the state in law, were put in institutional care, and those who provided that care were not properly audited and checked as to the fashion in which the care was provided and the safeguards that were provided in those institutions to the extent that they allowed the children to be taken from the institutional care on outings or exeats by what were euphemistically, and quite improperly, referred to as uncles and aunties for the gratification of those uncles and aunties, and still others besides. People such as Bevan Spencer von Einem, presently still in prison, know plenty about that; and there are some still running around the streets today who have participated in those activities, yet remain anonymous, yet without being apprehended, yet able to get away with it because they know the tricks that are involved to discredit their victims' stories and anyone who may corroborate them. It has happened, and it has happened in very recent time. I do

not have an instance of where it is happening at the moment. It may not be, but I would doubt that.

I do know of instances where it is alleged to have happened as recently as last year. I do know that people who are claimed to be the perpetrators and participating in it know that they have been able to cover their tracks and get away with it. The bill does not address that double-whammy situation. That is slavery and it is also sexual abuse. It destroys for all time, too often, far too much of the self-esteem of those children in the process. They cannot think of themselves as being entirely free of guilt because of the way in which the paedophiles who recruit them, and then those other paedophiles who abuse them, brainwash them in the process of doing it. The cunning trick that is involved in doing that is to make the child feel dirty.

I drew attention to such an occasion, although not where the children were wards of the state, when we were last sitting in Mount Gambier; where the so-called process of grooming in classic terms was undertaken by that school teacher who has still not been prosecuted for his offences. I will come forward with affidavits which will ensure that the minister knows that the—

The Hon. M.J. Atkinson: Have you read the evidence?

The Hon. I.P. LEWIS: And that is exactly what I will present to the Attorney-General in the very near future. It is not just about penetration. As the Attorney-General knows, it is also about procuring a child to commit an indecent act. The bloody teacher had the gall to stand children in the corner until they soiled themselves and then ridicule them in front of the rest of the class. I have sworn statements to that effect, and I will get them as affidavits because that goes one step further. That is a court document, not just sworn to be true in the general case but, rather, sworn before a notary public in the courts that it is the truth; and I will get them and rub your face in them in the same way in which those children had their face rubbed in it by that miserable rock spider sod in St Martins in Mount Gambier called Glen Dorling, who still goes free under a cover-up deal that was made. You cannot tell me that any man or woman who had been accused of such offences would not have claimed wrongful dismissal or redeployment had they not been guilty. Yet that is what happened in that case—and that is what continues to happen until we address it. It is not yet before the courts so it is not subjudice.

The Hon. M.J. Atkinson: He has not been charged.

The Hon. I.P. LEWIS: And that is the tragedy—because he required children, not on just one day or one month but week after week, to stand in the corner not for an hour but, rather, until they soiled themselves.

The DEPUTY SPEAKER: Order! The member for Hammond will take his seat.

The Hon. I.P. LEWIS: I am speaking about the terms of this bill, Mr Deputy Speaker.

The DEPUTY SPEAKER: The member for Hammond will take his seat. I think the member for Hammond has made his point. It does not really go to the bill and the bill is not an opportunity for the member for Hammond to be raising allegations against individuals, however strongly he might feel about them. I ask the member for Hammond to return to the actual bill before us.

The Hon. I.P. LEWIS: If this measure was about murder, sir, then it would most certainly be the contribution of more than one member to describe the nature of the crime for which we were amending the statute; and this bill is not about murder. If this bill were about arson, then members would be describing the crime for which we sought to amend the statute to deal with them; but this bill is not about arson. If this bill were about theft, then the members in this place would be describing the crimes that required the statutes to be changed to address the problem of that theft, be it blue collar, white collar or any other kind of theft.

The DEPUTY SPEAKER: Order! The member for Hammond has made his point.

The Hon. I.P. LEWIS: If the honourable Deputy Speaker wishes to caution a member, he can rise.

The DEPUTY SPEAKER: Order! The member for Hammond will resume his seat. I am not going to enter into a dialogue with the member for Hammond. If he does not agree with my ruling, then he is free to move dissent. I take the point of the member for Hammond. I have allowed him to go on somewhat on this point. I do not agree with him that debating on any particular bill allows members of parliament to get up and raise any allegations that they want against any person who may be potentially guilty of that offence. To talk about the offence in general is in order, and the member for Hammond was doing that for the first half of his speech, and that was fine.

However, if we go down this track, where I think the member for Hammond is heading, of using his speech as an opportunity to raise allegations against individuals, then I think the house will descend into chaos, and I am not going to allow that to happen. If the member for Hammond does not agree with me and thinks that he is within his rights to raise whatever allegations against individuals that he wants to in the course of his speech, then he is free to move dissent in my ruling. But my ruling is that he must desist from raising allegations against individuals. I am happy for him to talk about the offence in general and to talk about the bill in question, but I will not allow him to go down that track. The member for Hammond.

The Hon. I.P. LEWIS: In the general case, which is illustrated by events that have occurred in our midst as a community in a fashion that the chair prevents me from referring to, nonetheless there are teachers who have stood children in the corner in the process of grooming them to make them potential victims predisposed to the advances of paedophiles, who deserve to be dealt with in law in more serious terms than this statute amendment proposes, because they are part of the double jeopardy should the children become uncontrollable and become wards of the state and fostered. And that is part of the risk that I know is now likely to occur in at least some of those instances in a school that the Deputy Speaker and I both know is situated in South Australia.

Sexual servitude or deceptive recruiting for or using children in sexual services or persistent sexual abuse of a child form part of this, but not sufficiently seriously. For a teacher to be allowed to get away with doing those things, perpetrating those crimes in the classroom, just because the school tells the parents that there will be a cost—and this is a hypothetical case, Mr Deputy Speaker. As you and I both know, I am forbidden by your ruling to refer to any particular case, but the school tells the parents that if they persist in their claims, the school calls them, of reporting what has happened to their children, then of course the school and the church that runs it will have additional costs to bear in the damages suits that will be brought against them.

And they do not want that to happen to their church or school, do they? And they do not want to bring their church or school into disrepute in the wider community, do they? So,

the majority of parents who belong to the church and the school agree with the principal of the school to cover up the offences and then to attack the parents who do not agree and say that they are malcontents. More particularly, the worst part of it all is that then the policeman in the community in question in this hypothetical case says 'The majority of parents do not agree with you', in this hypothetical case, when the parents come along and complain, and will not take statements from them. He turns them away.

I say that the police involved should also be charged with an offence. When the affidavits come from any such hypothetical circumstances to which you insist I must refer, then I trust that hypothetically, without any reservation whatsoever, members of this gutless, spineless government that has been driven to this by no-one else but me will deal with it in the way in which they parade themselves as reformers, like the member for Reynell's speech implied they were. Which they are not.

Mrs Geraghty: That's your opinion.

The Hon. I.P. LEWIS: And I'm entitled to it. And if you want to make a contribution, may I say to the honourable member for Torrens, get on your feet and show you've got some guts and make it. Stick up for those who can't stick up for themselves; because to date you haven't. I say that with a considerable amount of feeling on behalf of those who have been victimised in such an outrageous fashion.

The DEPUTY SPEAKER: Order! The member for Hammond will sit down when I call order. The member certainly insisted on it when he was speaker. The member for Torrens takes objection.

Mrs GERAGHTY: I most certainly do and I ask that he withdraw his comment. It is offensive and untrue—withdraw.

The DEPUTY SPEAKER: Order! The comment of the member for Hammond was not unparliamentary. If the member wants to make a personal explanation or to make comments in the course of the debate, she can. The member for Hammond's time has expired.

Mr HANNA (Mitchell): I speak on behalf of the Greens in relation to the bill. Once again, I am reminded of the saying 'Good headlines make bad law.' This is part of a series of legislative proposals brought forward by the government in response to issues which find their way to the front page of the daily paper. That is not a bad thing in itself, except that there seems to be no overarching plan of reform to the criminal law. So much is done ad hoc, depending on the passions stirred up in the community from time to time. That is all I have to say about the bill at this stage. There are a couple of truly objectionable clauses which I presume we will come to when the bill is dealt with in detail.

The Hon. M.J. ATKINSON (Attorney-General): The member for Bragg asked many broad questions in her second reading contribution and I will try to answer them as far as they can be answered. The first question was:

> . . . I would be obliged if the Attorney in his second reading reply or in the committee stage of the debate would refer the house to any dicta of any sentencing or appeal judges on the meaning and effects of the two earlier inclusions of primary purpose; and will he also enlighten the house on the number of cases in which those new primary purposes have been applied?

The answer is that I am aware of only one decision explicitly on the point and that refers to section 10(2): 'Little weight need be given to the factor where the residence was unoccupied at the time of the offence.' The case is Rowe v The Police 2003 SASC at page 160, Justice Sulan 6 June 2003. However, the raft of changes considered as a whole led to a considerable addition to the severity of penalties applicable to home invasion. One need only refer to R v Delphin 2001 79 SASR at page 429 and the host of the subsequent cases that refer to it. The second question was:

> Does the Attorney have any estimate based on experience in the past five years of the number of cases which the government claims might be affected by this measure?

The answer is that it is difficult to know what the question means. If it asks whether there is an estimate of how many cases might be affected by the new statement of sentencing policy, then the question asks the government to estimate how many sex offences of the relevant description might be prosecuted to sentence in the next five years. It is not possible to give a sensible answer to that question. The third question was:

> Given that the government is amending section 20B so soon after its initial enactment, will the Attorney indicate to the house whether the new section has been the subject of any judicial application or interpretation?

The answer is: in R v Robinson 2004 SASC at page 189 the Court of Criminal Appeal decided that section 20B did not apply to offences committed before 27 July 2003; and with respect that is right. That being so, it is unsurprising that there appears to be no other decision on the section yet. The next question was:

> . . . I ask that the Attorney provide the house with details of each prisoner being held in South Australian gaols [under the current section 23] with details of their terms of detention?

The answer is: I am informed that the DPP records show three applications made before March 2002 and 13 after that date. Of the 13, four were successful, four are pending, two were withdrawn and three were dismissed. The terms of detention for each are identical and required by statute. The detention is indeterminate—at the Governor's pleasure. I think the member for Bragg would be a bit reluctant in future to rely on information from the Hon. R.D. Lawson. The next question was:

> I ask the Attorney to confirm that this new regime will apply to persons in respect of whom, (1), orders have already been made; (2), orders have already been applied for; (3), those who are already in prison; and, (4), those who have been released on parole.

The answer is: (1), no; (2), no; (3), yes; and (4), no. The essence of the power referred to lies in clause 7 of the bill inserting section 23(2a). The power to make a section 23 application will not be relevant if a person is already subject to a section 23 order; and the section makes it quite clear that the person must be in prison at the time the application is made. The next question was:

> We query why the expression 'offences involving paedophilia' is now adopted. The language is not used in either of the decisions in R v D, or R v Kench, or in the legislation.

The phrase 'offences involving paedophilia' is defined quite specifically in section 29D(2) and does not bear any colloquial or dictionary meaning. Mode of expression is a matter of drafting at the discretion of parliamentary counsel. I am advised that parliamentary counsel thought it an accurate description of the policy to be implemented.

The final question from the member for Bragg was: I would be obliged if the Attorney-General would place on record whether the amendment changing the age from 12 to 14 follows from the recommendation of any consultation or committee. In addition, does the government have any statistics to indicate the number of victims aged between 12 years and 14 years in relation to these offences over the past five years? The answers are: no and no.

The member for Unley spoke about competing requirements of deterrence and, in particular, rehabilitation. That will continue to be so for two reasons: first, because the policy says 'primarily' not 'wholly'; and, secondly, because it covers not the entire range of offending but because it refers to cases of sexual exploitation. In other cases, at the discretion of the court the balance may differ. The member for Unley's understanding of the word 'paedophilia' offers an illustration of why paedophilia should not be an offence in itself.

I now turn to the member for Hammond's contribution. I refer him to sections 66 to 68 of the Criminal Law Consolidation Act: sexual servitude and related offences and use of children in commercial sexual services. The maximum penalty in the case of children runs to life imprisonment. This bill raises the trigger age for these offences from 12 to 14, so they will apply to more children. The bill does address the very issue that the honourable member raises, and I refer to clauses 12, 13 and 14.

As to the matter which the member for Hammond raised in the second half of his contribution—and I shall choose my words carefully—the man he has named in both the Mount Gambier sitting of parliament and today has not been charged with any offence. My understanding is that the police are not considering charging him with any offence. My understanding is that the police have formed the view—and this is a matter which in a free society we delegate to the police independently of any political interference—that there is not sufficient evidence of any offence to charge the man. Nevertheless, the member for Hammond has named this man twice now as being guilty of an offence. When I was in Mount Gambier, on the last night I attended dinner with two friends from Millicent at The Barn. At that restaurant, the member for Hammond was seated with some parents who had concerns about this teacher. I was called over to the table by those parents and I listened to their complaints and I undertook to look over the file relating to the teacher.

The Hon. I.P. Lewis: I think you volunteered to join them rather than being called over.

The Hon. M.J. ATKINSON: No, I was called over. However, I was happy to listen to their complaints, and the member for Hammond will recall that I listened to them patiently over a long period. I undertook to look at the file. What is available to me as the Attorney-General is the Police Complaints Authority's file, and I have looked over that. What has now been made available to me is the proceedings of the Teacher's Registration Board on an application to have this man deregistered as a teacher.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: Because the matter was run by the Crown Solicitor's Office. I am in the process of reading that, as promised, and when I have finished reading it I will write to the member for Hammond and the other people at that table. I think it is important for the house to know that not only have the allegations against the teacher not amounted to proof beyond reasonable doubt or a reasonable prospect of conviction but before the Teacher's Registration Board, where there was a charge of disgraceful and improper conduct which had to be proved only on the balance of probabilities, after hearing all the evidence—

The Hon. I.P. Lewis: Nonsense. They refused to allow the parents to say what they understood happened.

The Hon. M.J. ATKINSON: That's not true.

The Hon. I.P. Lewis: It is true.

The Hon. M.J. ATKINSON: After all the evidence was presented, the Teachers Registration Board refused the application to deregister the teacher, which can only mean one thing: that the Teachers Registration Board did not find the allegations proved on the balance of probabilities. It is not a matter for me to tell the police which prosecutions to bring, and it is not a matter for me or any politician to compel a tribunal to believe certain allegations, although the member for Hammond seems to think that is part of the functions of a minister or a member of parliament. I will conclude my study of that file; I will do what I promised to do. I commend the bill to the house.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr HANNA: The government seeks to make a primary policy of the criminal law the protection of children from sexual predators, and everyone would agree that that is a worthy thing to do. However, in sentencing, the government says that the paramount consideration is given to the need for deterrence. Upon what science is based the conception that longer periods of imprisonment will act as a deterrent when people are considering committing these vile crimes?

The Hon. M.J. ATKINSON: The clause does not say explicitly to the courts that the courts must sentence offenders for longer. That is the function of the serious offending section (section 20B). However, assuming that it did say what the member interprets it as saying, the science is that, by imprisoning offenders for longer, we incapacitate them from committing offences against people, other than prison warders and fellow prisoners, during the period they are incarcerated. The second science is that of commonsense.

Mr HANNA: I understand from the Attorney's reply that deterrence in the legislation refers to specific deterrence, not general deterrence in the way in which those terms are used in criminology, and one cannot argue that longer sentences do not provide specific deterrence. I wonder whether the government considered adding another consideration and giving it greater weight, namely, the desire for retribution.

The Hon. M.J. ATKINSON: The answer to the second part of the question is no. The answer to the first part is that, if we had meant specific deterrence or general deterrence, we would have said so. My answer to the member for Mitchell's first statement is: not necessarily.

Clause passed.

Clauses 5 and 6 passed.

Clause 7.

Mr HANNA: For the record, I want to state the Greens' position in relation to offenders incapable of controlling sexual instincts, and I will refer in detail to the existing section. Section 23 of the Criminal Law (Sentencing) Act 1988 contains definitions about institution and offences to which the section applies. Subsection (2) provides:

> Where a defendant is convicted of an offence to which this section applies by the District Court or the Magistrates Court, the court may, if of the opinion that the powers under this section should be exercised in relation to the defendant, remand the defendant in custody or on bail to appear for sentence before the Supreme Court.

I understand that that same trigger is more or less repeated in section 7 of the proposal before us, except that the prosecutor can apply to have the defendant dealt with under this section. I ask the Attorney whether failure of a prosecutor to apply to have the defendant dealt with under this section might be the subject of a direction by the Attorney-General under section 9 of the DPP Act if the government was concerned about a

public outcry that a person had not been sentenced sufficiently severely after conviction in the District Court or the Magistrates Court?

The Hon. M.J. ATKINSON: The opposition and the Greens are still very sore about what the government did in the Nemer case. Of course, if the opposition and the Greens had had their way, Paul Habib Nemer would never have served any prison time. I would have hoped that that was an ancient grievance that was behind us. However, as it happens, yes, such a direction could be given.

Mr HANNA: In answer to that, if the Greens had their way the DPP would have independence from the executive. In relation to one of these defendants, section 23 of the Criminal Law (Sentencing) Act currently allows the Supreme Court to direct two qualified medical practitioners to inquire into the defendant's medical condition, and report to the court 'as to whether the defendant is incapable of controlling his or her sexual instincts'. The critical amendment in the proposal before us would allow the Supreme Court to direct two qualified medical practitioners to inquire into the mental condition of the defendant as to 'whether the person is incapable of controlling, or unwilling to control, his or her sexual instincts'. The Greens fully support the existing legislation.

In relation to a sexual offence as specified in the section, if a defendant is incapable of controlling his or her sexual instincts, it stands to reason that we would want to prevent that person from being at liberty, because there is nothing they can do about reoffending. If they have the opportunity they will do it again. They do not have the mental capacity to restrain themselves.

The question of whether or not a defendant is willing or not to control their sexual instincts is a question that, in a sense, is dealt with by sentencing courts every day. If the person shows contrition it is going to be a matter that is taken into account in sentencing. If there is a likelihood of reoffending, that will be taken into account. There is a real question here about how psychiatrists, or anybody else, will be able to make an assessment of volition, as opposed to mental capacity. So I put that question to the Attorney: how are psychiatrists or other medical practitioners going to make an assessment of volition, as opposed to mental capacity?

The Hon. M.J. ATKINSON: We consulted a learned psychiatrist in the field, and no reservations were expressed about the wording.

The Hon. I.P. LEWIS: Mr Chairman, I seek your direction as to under which of the clauses, whether it ought to be 7 or 8, I might seek from the Attorney an explanation of what he means by the term 'evidence' when he refers to evidence of a crime of the kind which is contemplated by the principal act and these amending provisions? Is it under this clause that I may ask him about the nature of evidence, or under clause 8?

The CHAIRMAN: I guess it is a matter of to which clause the question relates. It is talked about in either clause. But I am happy for the member for Hammond to proceed with the question in this clause.

The Hon. I.P. LEWIS: I therefore ask the honourable, the Attorney if he will explain for the benefit of the house in general, and me in particular, what is 'evidence' where the only witnesses, apart from the perpetrator, were either the victim in singular or other minors who may have seen some of and be able to corroborate the presence of the people, and something of the nature of where they stood or were sat, or whatever. What is 'evidence' were an act of the kind prohibited by the statute occurs where there is no other adult present at the time that the crime is committed?

The CHAIRMAN: I am not sure that that matter is actually in any part of the bill, but I will not prevent the Attorney-General from answering the question if he wishes to.

The Hon. M.J. ATKINSON: Evidence is what is admissible and relevant at law.

Mr HANNA: Returning to my previous question: is not the fact that a person deliberately goes out and commits one of these awful crimes ipso facto evidence that they are unwilling to control their sexual instincts? Isn't this question going to be determined every time the person is unwilling to control their instincts? They have just been found guilty, according to the circumstances set out in the section, by the District Court or the Magistrates Court, so are they not going to be subject to sentencing in the Supreme Court on every single occasion, and for the Supreme Court to make indefinite detention orders in every single case?

The Hon. M.J. ATKINSON: I do not think the inference which the member for Mitchell draws from the commission of one of these offences is correct. 'Unwilling' is defined in the act as: 'a person to whom this section applies will be regarded as unwilling to control sexual instincts if there is a significant risk that the person would, given an opportunity to commit a relevant offence, fail to exercise appropriate control of his or her sexual instincts.' That is going to have to be proved beyond reasonable doubt in court. That is a lot more than what the member for Mitchell is talking about.

Ms CHAPMAN: I am not sure that I understand that that is the position. Let me use an example. Someone has committed an offence within the prescribed offences we are talking about, they come before the court, and there are two legally qualified medical practitioners who have interviewed the accused and reported to the court. One of the options is that on interviewing the person he or she has said, 'Look, I just cannot help myself,' and, as a result, the psychiatrists have determined that the person is in the category of incapable of controlling. That can then clearly follow a course where the court has powers under the proposed paragraph (b). Then there is the alternative where, during the interview by the two legally qualified medical practitioners regarding the defendant's mental condition, there may even be admission by the accused along the lines of, 'I am not prepared to make the commitment that I will not do this again.' He or she therefore immediately goes into the capacity of being within the definition that, given the opportunity, there is significant risk that that person would fail to exercise control.

As I understand the Attorney-General's answer, it would be a question of the evidence given. That is clearly what we are talking about here—where the accused is found by these two medical practitioners to either refuse or be unable to commit to some kind of promise that they will exercise control over their sexual instincts in the future. That is what the assessment is all about: not so much the evidence on the definition of unwilling at the court per se, but on what is the assessment of these two legally qualified medical practitioners. Of course, the court has to ultimately accept or reject that evidence but I think there is a little confusion in what the Attorney-General has just said, and I would like that clarified.

The Hon. M.J. ATKINSON: The member for Bragg gives us two choices, and the answer is that it is both. It is clinical assessment.

The Hon. I.P. LEWIS: Would the Attorney-General

explain what he means by the word 'evidence' as it appears in clause 7(1) and its several paragraphs which rely upon the necessity to find evidence of, say, a person who is unwilling? What would constitute evidence of them being unwilling to control their sexual urges?

The Hon. M.J. ATKINSON: That evidence would be the testimony on oath of the two psychiatrists.

The Hon. I.P. LEWIS: May I therefore ask what evidence would the psychiatrists be referring to in the context of the relevant offence where the evidence indicates that the defendant may be incapable of controlling or unwilling to control his or her sexual instincts? Is there any difference between the evidence of where they are incapable and the evidence of where they are unwilling, as would be accepted by the court from the psychiatrists where it relates to the sexual instincts of the accused?

The Hon. M.J. ATKINSON: One is incapacity, the other is unwillingness. It is a question of volition or no.

The CHAIRMAN: This is the member for Hammond's fourth question.

The Hon. I.P. LEWIS: What the Attorney fails to understand, Mr Chairman, is that I want to know how the person—who in this case is the accused—is assessed by the psychiatrists, thereby enabling the psychiatrists to determine that they are either on the one hand unwilling or on the other hand unable or incapable (that is the word used here) of controlling their sexual instincts? What constitutes the evidence of one as distinct from the evidence defining the other—one being incapable and presumably unable, and the other being unwilling? What is the difference between the two? The Attorney's glib answer does not help me understand what are clearly two distinctly different cases as to the way in which they need to be dealt with in the rehabilitation of the criminal, because we all know that we have to make our prisons more about rehabilitation than they have been.

I take strong exception to the remarks made by the member for Reynell in her second reading contribution where she said that gaol is a risky place, as though that forms part of what she regards as punishment or retribution. Gaol ought not to be a risky place: gaol ought to be about curtailment of freedom and, more important than that, as part of punishment for the crime it ought to be about rehabilitation so that the offender will not reoffend.

This entire clause is aimed at preventing re-offending. It is, therefore, in my judgment, incumbent upon the member for Reynell to do a bit of an ideas search in her brain to find out why the hell she reckons it is legitimate for gaols to be risky places, and even riskier for rock spiders, and sees that as an effective way of deterring such behaviour—in other words, lay on some stick. That is not what the crown or the parliament is here to authorise, but the member for Reynell's remarks imply that parliament is. Secondly, the crown in its approach to the detection and prosecution of offences should not see, nor should the courts see, the gaols as risky places for rock spiders. They ought not to be subject to violence and physical abuse from other inmates. The culture of that ought to be stamped out; it is a crime in itself. For anyone in the government, or anywhere else in this place or the other place, to argue that the institutional misconduct that goes on in prisons is a legitimate part of punishment—stick—is just ridiculous and improper.

The Hon. M.J. Atkinson: And who do you say did that?

The Hon. I.P. LEWIS: The member for Reynell said, and I quote, 'Gaol is a risky place.'

The CHAIRMAN: Order! The member for Hammond has made his point. If he wants to respond to what the member for Reynell said—

The Hon. I.P. LEWIS: But I have 15 minutes to ask this question, Mr Chair.

The CHAIRMAN: Order! I will not be spoken over. The member for Hammond needs to learn that he is no longer in the chair, and he will not speak over the Chairman or the Speaker while I am addressing a point of order, or whatever. If the member for Hammond wants to respond to what the member for Reynell has said—he has made his point—he—

The Hon. I.P. Lewis interjecting:

The CHAIRMAN: Order! If he wants to go on at further length responding to what the member for Reynell said in her speech—

The Hon. I.P. LEWIS: Standing orders give me 15 minutes.

The CHAIRMAN: It also gives you three questions, and you are on your fourth.

The Hon. I.P. Lewis interjecting:

The CHAIRMAN: If you want to respond to what the member for Reynell said in her speech, there are plenty of opportunities to do that in your third reading speech. I call the minister.

The Hon. I.P. LEWIS: With the greatest respect, I had not finished the reasoning that I was putting to the chamber for getting a clarity of understanding on why we needed—

The CHAIRMAN: I am inviting the minister to respond.

The Hon. I.P. LEWIS: I don't care about that. I am entitled as a member under standing orders to argue my case, and to get on the record a clear understanding, which I have and which the house does not have.

The CHAIRMAN: It was your fourth question. You are indulging in irrelevance and, under Standing Order 128 I have the power to sit you down, and I am sitting you down.

The Hon. M.J. ATKINSON: In so far as there was a question in all that, the answer is the diagnostic criteria employed by psychiatrists.

The Hon. I.P. Lewis: I can't hear any of that.

The CHAIRMAN: You can read the *Hansard*.

The Hon. I.P. Lewis: That does not enable me to continue effectively in the debate.

The CHAIRMAN: The minister may wish to repeat his answer.

The Hon. M.J. ATKINSON: Yes; listen carefully. In so far as there was a question in your last contribution, the answer was the diagnostic criteria used by psychiatrists generally.

Ms CHAPMAN: As a matter of practice, there may be a circumstance where a court is to make a determination as to whether it will refer the defendant to two legally qualified medical practitioners, and it has been identified under subclause (2) that there are proceedings before a court which enable the court to even consider doing this. It identifies circumstances where there has to be a case already before it—before the sentencing, and indeed instead of the sentencing—and it can proceed to this course of action. If in the course of the trial it is determined that the defendant has sufficient mental capacity to be tried and if the defendant gives the court the commitment—if asked the question about any future activity—that he will exercise all possible repression of any instinct that he might have to cause any significant risk, as it is defined, to commit a further offence, would that prevent the court from referring him in any event? In other words, a personal undertaking could effectively wipe out the whole purpose of this clause, which is to send offenders off in a

situation and hold them until further order.

The Hon. M.J. ATKINSON: Not necessarily, although the court makes its judgement on a range of factors, not just the offender's undertaking.

Clause passed.

Clause 8.

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

(New section 29D), page 5, lines 31 to 42 and page 6, lines 1 to 7—

Delete 'policy' wherever occurring and substitute in each case: standards

The effect of this amendment is to change the phrase 'sentencing policy' to 'sentencing standards' wherever it occurs. The amendment arose after correspondence with the Supreme Court. The court has insisted in cases in the past that the correct title is 'sentencing standard' rather than, for example, the more colloquial expression 'tariff'.

The Hon. I.P. LEWIS: Will the minister give some explanation of the difference in practice since the 1997 amendments, and what was intended should result from them, which now requires us to make the amendment to which he refers?

The Hon. M.J. ATKINSON: The member for Hammond would help the committee if he were able to tell us to which 1997 legislative amendments he is referring. The bill is designed to apply, more broadly, to the decision of the court in R v D.

The CHAIRMAN: The question is that the amendment standing in the name of the minister be agreed to.

The Hon. I.P. LEWIS: Mr Chairman—

The CHAIRMAN: I have been reasonably indulgent with the member for Hammond. It would be handy if he gets to his feet before I put the question. Do you want to proceed with your question? Therefore, I will put the question.

Amendment carried; clause as amended passed.

Clause 9 passed.

New clause 9A.

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

Page 6, after line 16—

Insert:

9A—Amendment of section 5AA—Aggravated offences.

Section 5AA(1(e)—delete ', under the age of 12 years' and substitute:

(i) in the case of an offence against Part 3 Division 11A—under the age of 14 years;

(ii) in any other case—under the age of 12 years;

The proposed amendment and amendment No. 4 that follows are about the same thing. After the passage of the Criminal Law Consolidation (Child Pornography) Act 2005 consensus was reached at the national level that consistent national child pornography laws should include provisions for aggravated offences of child pornography that involve children under the age of 14. Consensus was reached about that. The government intended to do this anyway in the bill, because it was in this bill that the general amendments raising the aggravated age in other offences from 12 to 14 would be proposed. This was the right place to do it. Alas, this was overlooked when the bill was being drafted, so these amendments propose the aggravation of the appropriate child pornography offences that involve a child under the age of 14.

Ms CHAPMAN: It seems this is an oversight for amendments requiring the input of amendments Nos 2, 3, 4 and 5. I am disappointed to note that notice of these amendments was received two hours before the sitting of parliament today. It is concerning that the opposition should receive such late notice. At first blush—

The Hon. M.J. Atkinson: This is Nos 2 and 4, not Nos 3 and 5.

Ms CHAPMAN: That is why I wanted some clarification, and I will come back to it. At first blush on this issue in relation to aggravated offences it appears to be in order. We will have a good look at it. I have looked at the principal act since receiving the amendment, but it is concerning that we received such short notice. Therefore, we are unable to properly debate this aspect, but I note the Attorney-General's indication. On that basis I indicate that we are likely to accept it.

New clause inserted.

Clause 10 passed.

Clause 11.

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

Page 6, line 23—

Delete line 23 and substitute:

Section 56(2)—delete '12' and substitute:

That is a drafting amendment which merely clarifies where in existing section 56 the amendment goes.

Amendment carried; clause as amended passed.

New clauses 11A, 11B and 11C.

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

Page 6, after line 24—

Insert:

11A—Amendment of section 63—production or dissemination of child pornography

Section 63, penalty provision—delete the penalty provision and substitute:

Maximum penalty:

(a) for a basic offence—imprisonment for 10 years;

(b) for an aggravated offence—imprisonment for 12 years.

11B—Amendment of section 63A—possession of child pornography.

Section 63A(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

(a) for a first offence—

(i) if it is a basic offence—imprisonment for five years;

(ii) if it is an aggravated offence—imprisonment for seven years;

(b) for a subsequent offence—

(i) if it is a basic offence—imprisonment for seven years;

(ii) if it is an aggravated offence—imprisonment for 10 years.

11C—Amendment of section 63B—Procuring child to commit indecent act etc.

(1) Section 63B(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

(a) for a basic offence—imprisonment for 10 years;

(b) for an aggravated offence—imprisonment for 12 years.

(2) Section 63B(2), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

(a) for a basic offence—imprisonment for 10 years;

(b) for an aggravated offence—imprisonment for 12 years.

The amendment was explained previously. It is about the offences of child pornography.

New clauses inserted.

Clause 12 passed.

Clause 13.

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

Page 6—Delete the clause.

This is a drafting amendment. The bill proposes to amend the

wrong No. 12.

Amendment carried; clause negatived.

Remaining clauses (14 and 15) and title passed.

Bill reported with amendments.

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

That this bill be now read a third time.

The Hon. I.P. LEWIS (Hammond): Sir, I am chastened by the remarks which you have made to the committee, which clearly indicates to me that the government, with the assistance of whomever may be in the chair, is determined to gag me from contributing in a way which standing orders, as I have understood them in the 26 years I have been here, otherwise would have enabled me—

The DEPUTY SPEAKER: Order! That is a reflection on the chair. I direct the member for Hammond to withdraw his remark that the chair has undertaken to gag him.

The Hon. I.P. LEWIS: Then I withdraw, and I must have misunderstood what you told me from the chair, Mr Chairman. Notwithstanding that, I find it amazing that it is necessary to interpose in the remarks that I am making. In every other speech about wheat marketing, say, whenever a member refers to a particular set of circumstances, they are acceptable. If it is a case in point of, say, industrial relations reform law in which, say, a former member such as Keith Plunkett was involved, then it is permissible to use that to illustrate the point that is being made. But in this case, because members feel precious about it, it is not okay.

That is what is hurtful to me: that I am prevented in this context from referring to a particular subject matter known to me that drives me to make the remarks I do on behalf of those I represent and who ask me to do it; being prevented from doing so because of the precious nature of some members in this place. Equally, I take up the offer made by you in the course of committee, Mr Deputy Speaker, that I should refer to the member for Reynell's speech, since I was not able to contribute in the course of my remarks to what that implied to me as being a deficiency in either the house's understanding or her understanding of the role of prison.

It is not a place that provides the chance for the Crown to rely upon other prisoners to belt up someone whom they regard as being in the lower order of things in their social structure, lower in the pecking order than themselves; where it has been conventional to regard rock spiders (who are paedophiles) as the lowest in the pecking order. That to my mind is not an appropriate role for either the inmates of the prison or our prison system and, therefore, the Crown to rely upon. It is entirely improper. The role of prisons is to formally produce not just the removal of freedom but other stick, if you like, other punishment aspects in a formal fashion.

Indeed, as I have understood it, it is against the law to attack another prisoner and it should be stopped. And all of us ought to decry it and not imply or otherwise state that we encourage it. Indeed, the purpose of sentencing must in the future be more to achieve rehabilitation than retribution, and the object of parole and the condition of parole ought not to be in our law something granted just because time has passed. It ought to be because the prisoner has demonstrated to those responsible for their rehabilitation that they have achieved a measure of understanding of their mistaken mindset that enabled them to conclude that they were entitled to commit that crime before they were caught, prosecuted and sentenced for it.

The purpose of prison must be to achieve rehabilitation. It is pointless having prisons unless we do that. It does not protect society one jot or tittle to have them sent out without having renovated their mindset at all and probably feeling even more angry with the world around them and the majority of us who live in it because they have been to prison. They need to understand what they have failed to understand since childhood, probably, and developed attitudes that justify their view that they can take their will and way with whomever they please on those actions in which they engage that are antisocial and destroy, by some measure, our right to a civilised life.

Even if we as individuals are not the subject of their criminal activity, nonetheless we, especially as members of this place, have to take it that we are here and all of us are here in the wider community to ensure that such behaviour is not encouraged or perpetrated but dealt with properly, according to law and within the system. In so far as that relates to this measure, I say that the bill still fails where it should compound the felony and show that there is a greater measure of disturbance and dysfunction in the mind of a person who believes, first, it is okay to sexually abuse a child—whether in intercourse or not is beside the point—and to engage in activities that involve their sexuality, and their biological sexuality as well as their psychological sexuality, and destroy in some measure the soul of that person and their self esteem from childhood onwards into adolescence and adulthood, in the same way as that fellow Ratcliff had happen to him.

Where that happens, and it also happens that they are used by another adult for gain, that should be compounded and the sentence ought not to be arithmetic. It ought to be in some measure greater than the sum of the two offences. And it ought to require—because it does require—a greater measure of insight from those who are going to get a rehabilitation of the mindset for that person before they can be released into society. They have done two things, Mr Deputy Speaker: in the first instance they have done an injury to the life of that child, which will have enduring consequences for the rest of their life; and they have also done another heinous act, that is, to benefit materially from it.

And it is not so simple, as I have pointed out, to just allow the two crimes and the sentences for which those crimes are applied to be added arithmetically. Clearly, the mind is more disturbed than that for the people who perpetrate it. That is the burden of my argument about the failure of this legislation to address the need not to punish but to rehabilitate. And it seems that if I do not express it with some anger—I have had rational conversations with people for 20 years and they have ignored me. That is why I resort now to venting my anger in the manner in which I have on this measure and to try to get from the government an understanding that I did not want this government, of all governments in the parliament since I have been here, to be tainted with it.

I told the government that privately in May 2002 and I then said it publicly the next month in June 2002, shortly after the election, and I was laughed at; and I continue to be treated with disdain over these measures and the necessity to address them by members in the government who want to cover up the problems that have been there in the past and not sensibly and analytically as responsible legislators address them. That is the reason for my anger and my dismay. I have done my best and it saddens me that, because of it, I am to be victimised in being prevented from properly putting my

points of view and my inquiries in this place not only in the second reading contribution but also in the committee stage. It is a shame on every damn one of you for engaging it in. You are sicker than the criminals you reckon you are trying to address.

Ms THOMPSON (Reynell): Given the recent comments of the member for Hammond, it is important that I clarify the remarks that I was making. I was referring to society's opprobrium of those who offend against children and recognising that that also occurs within prisons. I did say that prisons are risky places. I did not condone that. It is something that I think we all recognise—

The Hon. I.P. Lewis interjecting:

The DEPUTY SPEAKER: Order!

Ms THOMPSON: We all recognise that prison is not a pleasant place. Certainly I have been confronted with a number of parents who are very fearful about their children who have got into trouble on going to prison because of the abuse that occurs there. That does not mean in any way that it is condoned: it is simply a statement of what happens. I was careful to use language as respectful as possible of all concerned in my remarks. I am offended by someone who consistently refers to people who have a number of problems as 'rock spiders' and consider that we should practise what we preach. If we are asking other members to be careful about their remarks, I suggest similar care is required by all members.

Bill read a third time and passed.

STATUTES AMENDMENT (LIQUOR, GAMBLING AND SECURITY INDUSTRIES) BILL

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

No. 1. Clause 14, page 9, line 4—
Delete 'Section 36(1)—after paragraph (k) insert' and substitute:
Section 36—after paragraph (g) insert
No. 2. Clause 14, page 9, line 5—
Delete '(l)' and substitute:
(h)
No. 3. Clause 14, page 9, line 7—
Delete 'after subsection (1) insert' and substitute:
after its present contents as amended by this section (now to be designated as subsection (1)) insert
No. 4. New clause—
After clause 14 insert:
14A—Amendment of section 36A—Inquiry
Section 36A(2)—delete 'section, and' and substitute:
section and, subject to section 12,
No. 5. Clause 27, page 13, line 43—
After 'licence' insert:
(other than a temporary or limited licence)
No. 6. Clause 27, page 14, lines 6 to 8—
Delete proposed paragraph (e) and substitute:
(e) the conversion of a temporary licence into a permanent licence; or
No. 7. Clause 27, page 14, lines 12 and 13—
Delete proposed subsection (2) and substitute:
(2) The Commissioner—
(a) must give a copy of each application to which this section applies; and
(b) may give a copy of any other application,
to the Commissioner of Police.
No. 8. Clause 42, page 19, after line 33—
Insert:
(2a) Section 3, definition of ***director***—after paragraph (b) insert:
and
(c) a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the body corporate or who has the capacity to affect significantly the body corporate's financial standing;
No. 9. Clause 44, page 22, line 10—
Delete 'may' and substitute:
must
No. 10. Clause 44, page 22, line 17—
Delete 'may' and substitute:
must
No. 11. Clause 44, page 22, lines 22 and 23—
Delete 'may, without further notice, refuse the application but keep the fee that accompanied the application' and substitute:
must, without further notice, refuse the application (but may keep the fee that accompanied the application)
No. 12. Clause 51, proposed new section 23B, page 26, line 32—
After 'is charged' insert:
by a police officer or the Director of Public Prosecutions
No. 13. Clause 51, page 28, proposed new section 23E, after line 13—
Insert:
(2) The Court must hear and determine an appeal under this section as expeditiously as possible.
(3) If an appeal under this section is not determined within three months of the commencement of the appeal, the suspension to which the appeal relates will, unless the Court orders otherwise, be stayed until the appeal is finally determined or withdrawn.
No. 14. Clause 53, page 35, after line 25—
Insert:
(2) Section 26—after 'setting out' insert:
, subject to section 5B,
No. 15. New clause, page 36, after line 42—
Insert:
58—Amendment of Schedule 2—Repeal and transitional provisions
Schedule 2—after clause 2 insert:
3—Transitional provisions relating to *Statutes Amendment (Liquor, Gambling and Security Industries) Act 2004*
(1) The Commissioner must, within 2 years after the day on which section 1 of the *Statutes Amendment (Liquor, Gambling and Security Industries) Act 2005* comes into operation, by notice in writing, require—
(a) each natural person who is on that day the holder of a security agents licence; and
(b) each director of a body corporate that is on that day the holder of a security agents licence,
to attend at a specified time and place for the purpose of having his or her fingerprints taken by a police officer.
(2) As soon as reasonably practicable after fingerprints have been taken from a person by a police officer pursuant to a requirement under subclause (1), the Commissioner of Police must make available to the Commissioner such information to which the Commissioner of Police has access about the identity, antecedents and criminal history of the person as the Commissioner of Police considers relevant.
(3) If a person fails to comply with a notice under subclause (2), the Commissioner may, by notice in writing, require the person to make good the default.
(4) If the person fails to comply with the notice within a time fixed by the notice (which may not be less than 28 days after service of the notice), the person's licence is cancelled.
(5) A person whose fingerprints have been taken under this clause may, if his or her security agents licence is cancelled or voluntarily surrendered, or if he or she was required to provide the fingerprints because he or she was the director of a body corporate that has since dissolved, apply to the Commissioner of Police to have the fingerprints, and any copies of the fingerprints, destroyed.
(6) The Commissioner of Police may grant or refuse the application as the Commissioner of Police sees fit.
No. 16. Schedule 1, clause 3, page 37, line 32—
After 'offence is committed' insert:

, or alleged to have been committed,

Consideration in committee.

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

That the Legislative Council's amendments be agreed to.

I thank the Hon. Nick Xenophon for his careful attention to the detail of the bill. He is a most accomplished member of parliament and we are pleased to accept the amendments he has proposed.

Motion carried.

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

A quorum having been formed:

STATUTES AMENDMENT (LOCAL GOVERNMENT ELECTIONS) BILL

Adjourned debate on second reading.

(Continued from 3 May. Page 2478.)

Mr BROKENSHIRE (Mawson): I thank my colleagues for allowing me to finish my contribution to the debate on this bill following our successful time in Mount Gambier. I had reached the point in the debate about the term of office. I have checked with a number of councillors and, by and large, the straw vote is that they would prefer to have a three-year term. The reason for this is clear, and I will highlight why in a moment. I have spoken to the Local Government Association about this and, whilst it says that the majority of councillors who responded want a four-year term, I believe that, if you have a close analytical look at the responses, they cannot assume that those who did not respond—and there was a significant number—did not do so because they were happy with the four-year term.

I am happy to put on the public record my support for my father-in-law, the mayor of Yankalilla, a very busy man, a volunteer (as are all other councillors), but he can make a commitment three years in advance because he would have a rough idea of what he is going to be doing for the next three years. However, it is very difficult for volunteers to lock themselves into a four-year term. What worries me is that this may pull a lot of good people from the business sector, who would have gone into local government, out of local government if they have to put up for a four-year term.

I do not see any problem with a three-year term. I think the two-year term was too short because it takes a while to get projects up and running, but if the federal government can have a three-year term why cannot the same situation apply to local government, because in that way we would ensure that we get the best of both worlds. What worries me is that there is the potential with a four-year term to have people coming into local government on single issues. They do not have the broader picture with respect to what needs to be involved in managing a council area, they become the dominant factor as elected representatives, and we miss the opportunities for those people who can look three years ahead but who do not want to get into a four-year term.

The other point I want to touch on in the debate in the short time remaining to me is that there is a debate around what should happen with salary structures or honorariums for councillors. When I was minister, it did not matter what meeting I went to, if one particular councillor was there he always advocated that there should be a significant increase in the salary or honorarium of an elected councillor. I do not support that. I do support the fact that councillors should be resourced properly. I still think that some councillors do not have the same basic resources as others such as fax machines; a financial payment for their mobile phone, which is necessary these days; computers; a payment for their landline phone or at least the rental, similar to what happens in the parliament with home phones; out-of-pocket expenses; and sufficient money for them to be able to attend functions.

I think there is grave danger of making the financial reward the carrot for people to go into local government rather than what happens now where people go into local government because they are committed volunteers with a passion for working for their local community. They go into local government knowing that they will not make a lot of money out of it but that they can make a real difference in their local area. We need to be very cautious if we as a parliament allow significant increases to the point where being a councillor becomes a full-time position. For a start, it would be extremely costly. Secondly, we should look at the situation in Brisbane where they are professional councillors from a salary point of view. I am not saying for one moment that our volunteers are not professional, but I do not believe we need that sort of heavily politicised council structure as a third tier of government. I think the best way is to make sure that out-of-pocket expenses are covered but that anything over and above that should remain as it is. Of course, mayors have a different package because they have an extra workload, and I have no problem with that. I ask the parliament to consider these points in the overall debate.

Mr VENNING (Schubert): There is one minute to go before the dinner adjournment and I want to speak on this bill. Having had 10 years' experience in local government, I have a strong opinion about this matter. During my 10 years, it was very difficult to encourage people to stand for local government, particularly as then it was for only a two-year term. I think getting a commitment from people for four years will also be very difficult. I have consulted widely amongst my local government friends and my own councils—and they are the same—about this, and I have heard very different and converging views. I am strongly of the view that there is a very good general consensus of opinion in the electorate for a three-year term of office. I think that, for volunteers, which is basically what councillors are, four years is a very long commitment.

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

Mr VENNING: Having resumed after the dinner break, I will start at the beginning of my contribution. The Local Government Association led a review of local government elections and representation provisions and then made recommendations for the desirable legislative reforms.

In relation to local government elections, the government is pushing for a four-year term. The draft bill was widely distributed, and 62 submissions were received—32 from councils and 15 from various groups. As I said earlier, I also consulted widely with councils within my electorate in relation to this issue, as well as with friends who are still in local government, and I heard a wide variety of ideas. As I said to the minister during the dinner break, I served 10 years myself. We had two-year terms then, so I served five two-year terms. But, today, you really have to prevail on people in some communities to become involved. I have done that in the Barossa, and I have to be careful how I say that. If

people are doing it out of duty, they see four years as a big commitment. That is why I see three years, being a figure between two and four years, as a pretty good compromise, and I hope the government will agree with me.

I am also concerned about the change of date from May to November. November is getting into the hot part of the year when people are very busy, particularly in country communities. Most councils are now doing their balloting by mail, which is very easy to overlook during the busy time of the year. I would be much happier with September or October, and I cannot see what difference it would make. The minister might like to tell my why it has to be at the end of the year in November, when people are much busier.

The issue of dual candidacy has been raised with me. I have always had a concern that, when two people are vying for the mayoralty, usually one or both have been councillors. The victor is victorious, but the loser is lost not only to the mayoralty but also to the council, and for many communities that loss is a big price to pay. Although dual candidacy does not get a berth in this legislation, councils should have the power to raise issues such as this, because it has a lot of merit. Every council and every situation is different, and I think that the decision should rest with each council and the council should be empowered to decide how it elects its mayor—whether the council does it at large, as is currently the situation, or whether it does it within the council itself by an election of the councillors. At the moment, under the current act, it is confusing, when the council can meet and elect a person to be its leader, as it has always done, and that person is called the chairman. However, under the previous act, that person can also be called the mayor. That is confusing, and it needs to be sorted out. I do not know why we have the title of chairman, because I think the title of mayor is the proper title for the leader in a community, and I think it is important that leaders in our community have that title.

I also refer to the decisions in relation to wards. I have always supported councillors representing an individual ward and not being elected at large. In the Barossa, councillors are elected at large, which concerns me. I believe that, if you wish to nominate yourself for the council, you nominate for the ward in which you live or the ward you choose and that, if you do not like a particular councillor (or councillors), they can then be targeted in the same way I, as the member for Schubert in state parliament, can be targeted and someone can stand against me in my seat. What is the difference with a council ward? Not having wards may be smart in the short term, but in the long term there are always problems. If you are trying to encourage the best councillors and rewarding your best performers, you can bet your boots that the person who makes the hard decisions is your best performer and will often pay the penalty at local government elections, particularly with voluntary voting, and I can quote many instances where that has happened. So, that is a concern.

The average age of councillors is also a worry. They have to be recompensed for their time—more so than they are. What is happening now is that only those who have surplus time to serve on council do so. Of course, that is usually retirees, and we have a high percentage of people in that category. Extending the period of time before an election is called to fill casual vacancies from five to 10 months I agree with as it saves money and gives that council flexibility. The bill changes the time frames for various stages in the election processes, including the nomination period, the close of voting and the period of conducting a recount. Why are we discussing these matters? Why are we discussing this bill tonight? We have a couple of local government officials left in the gallery. We may have bored them out of their brains, or they are having a long dinner break. Why are we discussing these issues? We need to ask these questions. The minister is looking at me. He served in local government as a mayor.

Why are we discussing these matters? Because local government currently comes under the state government act, but should it? Should one level of government have this sort of control over another? I have always had some concern that we can sit in judgment on all councils in South Australia. I believe councils should have autonomy—not only autonomy of control over deciding what they should do but also over the funds they receive. That ought to be at a strict percentage of income tax receipts, as was mooted some years ago, otherwise local government trades with its hand behind its back because it has to look after big brother, and that is us. The minister may like to comment. The minister is a minister of new ideas and has some radical approaches to life and I would like to hear what he has to say. I have no problem with giving local government entire autonomy of not only control but also with its finances. Shouldn't they make these decisions and not us?

We abolished the Department of Local Government and the minister for local government years ago and set up the minister for local government affairs. Local government is the government closest to the people. Worrying to me are the inconsistencies between councils, especially in the planning area. I mention a personal experience I have had, which is dangerous as an MP, but it is a good example. I have been negotiating with the Charles Sturt Council for a long time over renovations to our house at West Beach. The interpretation of the act differs in every council and Charles Sturt does not have a very good reputation. My daughter and son-in-law made a similar application in a neighbouring council six months after I did and they are now living in their new additions and I am yet to start. I have agreed to heavily modify our plans, but I am not happy at all and very frustrated by the whole process. I know we do not expect preferential treatment as MPs, but to get stuffed around like this has left me with a sour taste and a determination to bring some sanity and consistency into the process.

I am also concerned at the way some of these local government people act. One of the planners from Charles Sturt I was pleased with, but two or three others I was not happy with, particularly its head of planning. She was rude to me. Whether she knew who I was did not matter. The minister might take it up. You have to have some consistencies and local government should have regular meetings and decide on criteria—the act is there for them to use. If they are to interpret it differently they need to tidy it up, otherwise that power should be taken away from them. It is controversial, yes, but if it does not work something should be done.

I am also concerned at the level of administration in some councils and the cost of those administrations. Of concern to me is the percentage of rate revenue in most councils being spent on the administration of the council and not on roads and all the other processes. When you raise this matter with councillors and council employees, you can be assured of one thing: they can always justify it. I know it is argued that local government is given more roles to play by other levels of government without the accompanying funding. But burgeoning bureaucracy is a problem at all levels of government, including this one, and we must put a brake in it. We must put something in the process that allows some accountability.

You just cannot keep on employing people to do the jobs that you create. After a while you are employing people to pay the people you employ; it goes around and around and around in an ever burgeoning circle.

When the previous government introduced the local government amalgamation processes I was very pleased to be involved. I believe that, individually, we put clauses in that bill to put in a benchmarking process so that we can benchmark councils against each other. Councils with similar rate revenues, roads and assets should, therefore, have a similar level of administration, particularly when you look at the percentage of administration against all the other costs. But that got lost along the way and it did not come out in the final wash, and I am very, very sad about that. I have said to both the minister and the shadow minister that I think it is a challenge, because people are starting to speak up. The rate level is very, very high, and does not really take into consideration the capacity of the people who live in these homes to pay. A valuation is put on the building, the improved valuation, and that is what you pay. These rates are now getting up. By the time you pay your council rates, land tax, water rates and electricity bills, it is cheaper to go and live in the Hyatt. It really is getting to the point where we have to address that.

The Hon. R.J. McEwen interjecting:

Mr VENNING: I know the minister says something about the relevance, but this is local government. I have always said in life that if you are not happy with the process fix it yourself. Well, sir, I might just do that. In fact, when I leave this place in a few years' time I might go back there and do just that, because I came from there. Reading bills like this, I think I should go back there, and I think I will. I support the bill with amendments.

The Hon. G.M. GUNN (Stuart): I want to make a brief contribution. First, in relation to this particular bill, which has attracted considerable amount of debate and discussion, I firmly believe that the electors at large, wherever possible, should elect their spokesperson, the mayor. I believe that in a democracy it is not only their right but their role. The suggestion that the Enfield and Port Adelaide council has put up (because some of the political players in that council did not like the mayor they changed the system) is an affront to democracy. It is an indecent suggestion that should be rejected out of hand. Such an arrogant attitude has no place in our democratic system, in my view. There are people who are annoyed with the current mayor. It is a bit like people who are often annoyed with the Mayor of Port Lincoln, or the Mayor of Port Augusta. The electors at large support and want them. That is democracy. It is not for a few political hatchet people to want to suddenly manipulate the situation so that they can take turns in these positions. I say to the minister that that is a course of action which I sincerely hope will not take place, and I hope that he will ensure that democracy prevails. I think that three years is a fair and reasonable time, and I have had some discussions with councillors in relation to this matter.

The other matter is that I think we need to be very careful that we do not go down the role of taking council powers away and enforcing them to be subservient to unelected bureaucracy. I think we made a terrible mistake in relation to the National Resource Management boards. Looking at their composition, we now have unelected people, and some of them are quite unsuitable. I will have more to say about that on another occasion, and we will have some amendments to put forward, because what has happened there is appalling. In my view, many of the functions of some of these statutory authorities should be run by councils, because you can get rid of elected councillors but you cannot get rid of these appointed bureaucrats.

I think the public is getting sick and tired of having the will of some of these people imposed on them for no good reason. I also think it is fair and reasonable that councillors are giving more and more of their time. They are reasonably compensated for their out of pocket expenses and for the time they put in. Amendment 11 on page 6 of the bill provides:

(5) A council must, in order to commence a review, initiate a preparation of a paper (a representation options paper) by a person who, in the opinion of the council, is qualified to address the representation. . .

Then it has a nasty little sting in the tail. Down a bit further in (6)(a) it provides:

if the council is constituted of more than 12 members—examine the question of whether the number of members should be reduced;

In my experience, every time you let some outsider look at the local government authority the first thing they want to do is reduce the number of elected people, as you get foolish people wanting to do here. It is completely against democracy, because the reason they want to do it is simple—the smaller the group, the easier it is for the executive to manage and manipulate it. The mother of parliament has 659 members in it—the Sir Humphreys do not like it and even the government cannot control it, but that is no reason for reducing it if you believe in democracy.

The reason some of these people want to do these things is that they can never get elected. They are so far out of touch with reality, so far off the beam, that they are never going to get elected. Therefore, they put up these unnecessary and unwise propositions to take people's rights away. I think it is entirely up to the council to determine; it should not be imposed on them or recommended by outside people.

I think we have to be very careful when reducing the size of anything. It is just like the debate we have going on in relation to hospital boards. I put it to you, Mr Speaker, that it will not be too far in the future when people will be begging to do away with these amalgamations because they will lose their autonomy, their influence and their ability and they will have Sir Humphreys running their affairs in a most dangerous, unwise, unnecessary and unwelcome manner.

I strongly support the role of local government and the role of elected officials in working hard for their communities and acting as spokespersons, and the amendments we make to the local government act should encourage, assist and consolidate their activities, not dilute their powers. One of the things of great concern is people wanting to override their planning authority and bringing in other requirements that will be expensive and perhaps unnecessary. With those few comments, I support the second reading and look forward to the remainder of the debate.

Mr WILLIAMS (MacKillop): Let me state at the outset that I have for a long time been concerned at the way this chamber thinks about local government.

Mr Venning: Were you a mayor?

Mr WILLIAMS: I was never a mayor: I was a chairman of a council. I had the happy experience, from 1981 to 1989, of being involved in local government as an elected member—half that term as the chairman of a small district council—and it taught me a lot about public office and public administration.

To go back to my opening comments, for a long time I have been disturbed by the way this parliament thinks about local government. We like to think that local government is a creature of the state government, and we like to think that we can tell it what to do, how to do it and when to do it—and we like to change our mind regularly. I think all of that undermines the very important work that local government does. Although this bill seems relatively innocuous on the surface, I think it also undermines the very good work that local government does.

In the 1980s when I was involved in local government—and I think the minister was involved in local government a little bit after that—my term in council was two years and, after I retired from local government, the term for councillors became three years, and there was a lot of discussion about that at that time. Let us not forget that local government representatives are basically volunteers. They volunteer their time for an incredibly good cause, and I suspect that the time that councillors put in today is far and away more than was required of a councillor back in the 1980s. I can recall the agenda from a council meeting expanding from being about a quarter of an inch thick when I started in 1981 to being about three quarters of an inch thick when I retired in 1989, and I suspect that it has become worse. These people are volunteers, yet we are now suggesting that they should volunteer for a term of four years. I think a term of three years is probably at the upper end.

When I was involved in local government, and closely allied with people who were thinking about becoming involved in local government or with people who had become involved in local government, by and large they were more than happy with a two-year term. I am suggesting that in the first year of a two-year term most councillors are learning the trade. It does not matter what the length of the term of office is, I think that you will find that most councillors will take at least 12 months to two years to learn the trade, to find out the nuances of the job, what they should or maybe should not do, and how the system operates. It does not matter what line of endeavour you go into, I think that you will find a similar case.

We must bear in mind also that in volunteering to represent their local area at the local council level, by and large, they take a fair bit of stick and they get picked on pretty heavily. In a couple of months' time, rate notices will be going out all over the state, and I know what will happen to councillors: they will be under a huge amount of pressure. At the moment they will be having preliminary discussions and meetings, and that will go on for the next month, about setting the general rate and the other rates for their council area. They will be drawing up their budgets, and they are under an extreme amount of pressure, yet this bill wants these people to put their hands up and volunteer for a four-year term. I think that is asking a bit too much. What we may well achieve by this bill is to get people in local council who are not necessarily the best people, because some of the best people may be deterred by having to put their hand up for four years. I do not know why the government has put this particular clause before the parliament. I cannot see any rationale for going from three years to four years.

I think I said in my opening remarks that I was a member of a relatively small district council. We only had six members, so the council was more like a committee. It was a very good council and it worked very well, and I would argue that we do not want big, cumbersome councils with 15 or 18 members. I do not have a problem with councillors being asked to review if they have more than 12 members; I think it is an unworkable committee if you have more than eight or nine members to be quite honest.

During my third term with that council, when I became the chairman, I had a great deal of difficulty doing what you, sir, are doing in this parliament and representing the people who asked me to represent them on that council; that is, to chair the meetings, basically act as the Speaker of this place, make sure that the processes all happen, as well as do the job that I had been put there to do, namely, representing my electors. I formed the view then, and I have held it ever since, that the presiding officer of a council—and I do not mind what you call him or her, although I suspect that they probably should be called a mayor irrespective of the size of the council—should represent the council at large. They should be elected by the electors or ratepayers of the council at large and be answerable to them. They should not have a deliberative vote but, rather, a casting vote only. I know this is not what we are debating in this bill, but I think they should have only a casting vote and be elected from the district or area of the council at large. Their sole responsibility is the day-to-day running of the council, not the administration side of council but, rather, the council and the councillors themselves, and to be the figurehead and spokesperson for that body.

It is most difficult for the chairman or mayor of a council to perform that function to the best of their ability if they are beholden to a certain faction within a council. It is wrong that the chairman, mayor or spokesperson for a council is elected from within the council. That is something which I think this parliament should address and do away with altogether. We should say that at local government level the only way in which someone can be mayor is for them to be elected from the whole of the council and make their role somewhat different from the role of a councillor. That is one of the things this parliament has failed to understand over the years when drafting, redrafting and amending the Local Government Act as time has gone on.

I do not want to take too much of the house's time, but I feel strongly about this particular matter as a result of the experience I gained all those years ago. The main reason I have chosen to add my comments to the debate tonight is that I feel very strongly about local government. Local government is an incredible, vital part of the governance of this nation of ours. I despair at our coming in here from time to time and changing the goalposts too readily and too easily without taking full cognisance of the effect it will have on the ground.

In my electorate I have a number of councils. I have two relatively small councils, which chose to stay out of the amalgamation process, and two very large councils, which are an amalgamation of three former councils and which are large and powerful councils. The large ones do not work better than the small ones. They do not represent the ratepayers better or worse than the small ones. I think to say that one size fits all is wrong. Local government is about making local decisions at a local level for the right reasons, and the less we interfere with local government and the processes therein the better. Let them get on with the job. Let us not forget that these people are volunteers.

Quite often, one of the strengths of local government is that a lot of people who volunteer for local government are at the end of their working life when they find they have spare time. The children have left home, their career is probably getting towards its sunset and they say, 'I have a vast amount of experience. What can I do with that experi-

ence?' All of a sudden a few of them say, 'I can go into local government, utilise my experience and help my community to do the sorts of things I have argued should have been done in this community for years.' But we say to them, 'If you take that decision you have to make a commitment for four years.' That will deter a number of very good people from taking on the responsibility which we are asking them to take on; that is, representing their local area at the local level. This is a bad measure. As I said, I would be happy if it was reduced to two-year terms. I do not think that would be a problem. I conclude my remarks and urge the minister to take on board some of the matters I have raised.

The Hon. R.J. McEWEN (Minister for State/Local Government Relations): I thank all members who have spoken on this bill and who, I might add, ranged well beyond it. Certainly, they have taken the opportunity to address matters that are in the bill and matters that are also in a bill that we will debating some time in the future, the financial accountability bill. Equally, they have debated the principal act and in some cases even gone back before that principal act. But that is positive. It shows that as a sphere of government we are very respectful of the fact that another sphere of government works with us and complements the services we add, and that we must always look at the fact that we have a shared constituency.

In responding particularly to the members for Morphett and Unley, I need to make some comments about the status of local government and the process leading up to the bill and, in doing that, support some of the comments that the member for Schubert made. However, the member for Schubert might just have had a lapse of memory, because there was actually a referendum on this matter and the member for Schubert's colleagues advocated the no vote in the referendum. Notwithstanding that, local government arrives at its mandate in two ways: directly through the electoral process and indirectly through the conferral of powers by the state parliament.

There is no contradiction between respecting councils as democratically elected governments accountable to their communities (and, consequently, treating local government as responsible policy makers on behalf of local communities, separate and distinct from the state government of the day) and, at the same time, recognising local government as an integral part of the public sector of South Australia, accountable to the state parliament. As minister I have emphasised the need for local government to take responsibility for developing solutions to its own problems and directions for its future, rather than looking to state government for intervention.

I might add that the member for Morphett made that comment, when he said that I have consistently advocated that view, right back when I debated the principal act in 1999; and, further, because I believe it is the best way to end up with a system of local government that lives up to its potential. Of course, the legislative framework for local government needs to be updated and improved on a regular basis, but legislated objectives and requirements are not going to produce the intended result if local government has no real commitment to them. Rather than imposing a specific reform agenda on local government, my approach has been to encourage the development of debate within councils and communities and build on a consensus for necessary change within the local government sector itself.

I think that is contrary to the point that the member for MacKillop was making, where he chose on one hand to say that local government ought to be making these decisions and on the other said that we ought to be imposing some change upon them. I need to point out to the member for MacKillop that these changes were debated and this whole debate was managed by local government at arm's length from the state government, and all we are doing is respectfully reflecting their requests in this bill. The member for Unley suggested that this bill is flawed because I asked the local government sector to lead the review, the contrary point of view to the one that the member for MacKillop was making.

I asked the local government sector to lead the review of local government representation and election provisions, including broader public consultation. I believe differences of opinion between councils and council members should be sorted out within the local government sector where possible and that local government should develop its collective capacity to present objective policies about its own future. This, of course, is about local government itself having a diversity of views and needing to put a majority position forward. This is the challenge, of course, that some members in this place have found difficult.

This does not mean that I have avoided my duty in parliament as the responsible minister. This bill is the combined result of the Electoral Commissioner's recommendations; consideration of submissions made in the LGA-led review; the LGA submissions; exchanges between me and the LGA in which some positions were reconsidered and others refined; consideration by cabinet; consultation on a draft bill conducted by the Office of Local Government in the usual way; and consideration of submissions including the LGA's submission made on the draft bill.

The level of submissions received was fairly typical for a local government bill of this type. Parliament will now determine the final outcome, and I am sure that members will take account of the views expressed in the whole of the process leading up to this point and focus on the broader public interest rather than on their own agendas.

This bill was not designed to deal with topics beyond the current scheme for local government representation arrangements and elections, although some of the contributions did range well beyond that. I agree with the speaker who referred to the proposals in the bill as incremental rather than visionary and, to some extent, that reflects the general view that those provisions are working fairly well and do not need to be radically reshaped. It also reflects the fact that, on the basis of the submissions made, there is no majority public or council support for alternative policies such as the introduction of compulsory voting or dramatic changes to the franchise or the current options for councils' representation structures.

I recognise that the majority of resident and ratepayer groups that made submissions on the consultation draft bill did not support four-year terms. However, there does not seem to be much general public interest in local government terms of office, despite ample publicity for the proposed move to four-year terms. Some members, like some resident and ratepayer groups, referred to problems in particular councils in support of their objections to longer terms. If better machinery is needed to deal with a council that is seriously failing in its responsibilities, then that is what should be addressed, rather than holding back the development of the whole of local government.

The LGA's support for four-year terms recognises that this is not the unanimous view of all councils, but if, as the member for Unley claimed, 'most' councils have real reservations about four-year terms, then the majority of councils would have campaigned against it. There was a stronger reaction from local government on the issue of the title of the principal member than there was on terms of office. Several speakers opposed four-year terms for reasons to do with the anticipated burden on councillors of a longer term and the concern that this may disadvantage candidates, in particular young people or those busy with families and other responsibilities. As I said when introducing the bill, the government certainly recognises those concerns, although it is difficult to quantify the precise effect that extending terms of one year might have on trends such as the ageing profile of council members.

The issue of this parliament is whether we take the approach of moving to four-year terms for local government and addressing those concerns by providing increased and sustained encouragement and support for candidates and members, or whether we keep the status quo which is slowing down the development of local government in South Australia. I make the point that 83 per cent of councillors nominate for another term. So, obviously at the time councillors nominate, many of them have a view of serving beyond one term.

In relation to the suggestion that councils should not be able to change from having a direct elected mayor to a principal member chosen by council members without a poll of electors, the government accepts that some form of poll may be warranted. It was not possible for a council constituted with a mayor to change to having a chairperson until the act was rewritten in 1999, when the member for Unley was minister for local government. In 1999, the reference to making a change from a chairperson to a mayor in the provision dealing with the Governor's power to make such a proclamation was replaced with a broader reference to changing the composition of a council, and there was a consequential effect on the scope of the changes that could be made by a council following a review of representation.

The change was not highlighted in descriptions of the reforms included in the 1999 rewrite and did not feature in any debate. That this change was not considered significant may be due to the fact that by 1999 there were no longer any real distinctions between municipal and district councils and arbitrary restrictions on councils' representative structures had progressively been removed. Local Government Act provisions relating to polls of electors have a long and complex history involving significant debate about such matters as the percentage of electors required to vote in order for the majority view to be binding. The only current provision for a binding poll of electors applies to a structural reform proposal that has been made by the Boundary Adjustment Facilitation Panel on the basis of submissions from electors.

In that case, 10 per cent of eligible electors in relation to the proposal can trigger a poll at the conclusion of the panel's process, and, if 40 percent or more of the relevant electors vote and a majority of those vote against the proposal, the result is binding and the proposal cannot proceed. To avoid doing something ad hoc and out of sync with the act as a whole, the government will need to consider carefully the specifics of amendments proposing polls.

The government does not support the form of poll proposed by the member for Morphett because it does not take into account the factors that influence turnout in a voluntary voting system. But it will between the houses consider the merits underpinning the proposal of the member for Morphett. The requirement for an absolute majority of electors for the area to vote in favour of the proposal would mean that the option of choosing to have a principal member who is selected by other council members would no longer be a realistic possibility for most councils, even if the overwhelming majority of their electors who vote in elections do not have a problem with it.

The member for Morphett asked: 'Why is it that the Lord Mayor of Adelaide can have only two terms?' He suggested that perhaps we should be looking at a fixed term of incumbency for all mayors. The current restriction in relation to the Lord Mayor was introduced in the City of Adelaide Act 1998 by the current member for Unley when he was the Minister for Local Government on the basis that it was the wish of the Adelaide City Council. He made it clear at the time that it was considered a special provision particular to Adelaide City Council and that there was no intention for it to set a precedent for local government generally.

The issue of possible restrictions on terms was examined as part of the LGA-led elections review. It had very little support in either community or council submissions. Consistent with the policy approach of previous reviews, which has been to keep eligibility restrictions on candidacy to a minimum and to leave it to electors to decide who they want to represent them, this bill does not limit the number of terms a member can serve.

Several members referred to the option of 'split' four-year terms in which half the council members go to election every two years, as happens in Tasmania and Western Australia, and the member for MacKillop also alluded to his own experience in that regard. The member for Heysen expressed surprise that there was not more local government support for the concept. I think it is a positive sign that the majority of councils do not support split terms, because they would have the effect of reducing councils' political accountability. All-in, all-out elections for local government increase competition between candidates in multi-member electorates and allow preferential voting systems to work more effectively, ensuring all candidates face elections in the same circumstances, and increase electors' power to fundamentally alter the membership and, consequently, the policy directions of their council. The local government view also reflects the experience that in practice it is fairly rare that all or most of the members elected to a council are new members.

The members for Morphett and Schubert mentioned dual candidacy but indicated that it was not an issue they would be raising at this stage. The work done by Norman Waterhouse for the LGA, to which the member for Morphett referred, was a discussion paper on candidacy, the filling of casual vacancies and election campaigning, published as part of the LGA-led review. It sets out the case both for and against dual candidacy. The arguments for dual candidacy include that it may prevent the loss to council of unsuccessful mayoral candidates, provided of course that they are elected as councillors, and that a larger number of contested mayoral elections and a larger field of candidates contesting mayoral election may have a positive impact on turnout. The member for Schubert referred to a similar matter.

The arguments against it include possible elector confusion about who they are voting for in what position, or concern about the effect of the system on their vote for councillor. One solution would be to hold two rounds of

elections with the mayoral election conducted first, but this would be a major change and effectively double the election time and costs. Other difficulties include longer counting times, potential instability if a council is comprised of a number of members who were unsuccessful mayoral candidates and the possible public perception that dual candidacy is more favourable to sitting members and limits opportunities for new candidates. There would also be a negative impact on election costs due to a larger number of contested elections and a larger field of candidates contesting elections. Although costs alone would not be a basis for opposing an electoral reform, it is a legitimate consideration alongside the policy arguments.

As the member for Morphett mentioned, dual candidacy applies in Western Australia and New South Wales. However, the cost and complexity is reduced in Western Australia because it has first past the post voting. The reason why dual candidacy was initially raised as an option by some members of the local government family was the desire to avoid the loss of experienced members who were unsuccessful mayoral candidates—and, I might add, I also promoted that debate. There are other ways to address this where it is seen as a problem, such as changing the council's constitution to one where the principal member is chosen by council members or appointing unsuccessful candidates with skills and experience that the council values to council committees. I think that is well worth while considering. Only 13 councils that made submissions during the LGA-led review in relation to candidacy matters supported dual candidature.

Broader community consultation, as reported in the community consultation report independently produced for the LGA by Janet Gould and Associates, revealed divided views on the issue. Taking all of this into account, there were no clear policy grounds for asking the Local Government Association to reconsider its position on dual candidacy. Consequently, dual candidacy was not included in the draft bill for consultation. In submissions on the draft bill, only two councils, one resident and ratepayer group (the Electoral Reform Society) and several individuals raised support for dual candidacy. If there is greater public and local government support for the concept in future reviews of local government electoral divisions, then it would be reconsidered.

Along with local government, I welcome the support that members have expressed for the concept of training and development for council members, which is promoted in this bill by the requirement for councils to have a formal training and development policy for its members aimed at assisting them in the performance of their roles. Again, rather than reintroducing the restriction removed in 1999 that candidates standing for principal member must have pre-requisite experience as a council member, the preferred approach is to leave it to the electors (or in the case of a principal member chosen by council members, the council members) to decide who would best represent them and to ensure that an appropriate course of education is available to new members, including principal members.

The member for Heysen expressed concern that people should have to pay for a copy of the members' training and development policy. This bill follows the general scheme established by the member for Unley in 1999 where documents that are to be made publicly available by councils may be inspected for free but that council may charge for providing a hard copy. The charge is intended to be nominal. Under section 188(2a) of the current act it must not exceed a reasonable estimate of the direct cost to the council of providing the copy, such as the cost of photocopying. It is not meant to be onerous; it is just meant to reflect the fact that there will be some cost recovery.

When I introduced this bill I said that a revised scheme for council members' allowances and other benefits and more council support for member training and development may be part of the solution to attracting and training young council members. I am sure the LGA does not need my help to respond to the member for Unley's suggestion that the LGA's support for a four-year term is simply motivated by a desire for council members to be paid allowances at the level of professional salaries. The LGA can also provide the honourable member with details of the fees and allowances paid to local government members interstate.

There is a comparison in the discussion paper recently released by the LGA's independent Council Members Allowances and Benefits Review Panel, to which the member for Heysen referred. The member for Unley will see that the difference between South Australia and states such as Victoria and Tasmania is not that council members in those states are considered paid professionals rather than volunteers and remunerated accordingly but that they have adopted schemes that categorise councils for the purpose of providing allowance levels according to the formula involving population or electors and revenue.

This is a way of reflecting both the level of responsibility exercised by council members and the community's capacity to pay in the level of allowance paid. I do not know what the panel will recommend to the LGA, but I am happy to assure the member for Heysen that when the LGA gives me its submission I will give it serious consideration. If a revised allowance scheme is introduced for council members elected at the 2006 local government elections it will need to be done by regulation, so the parliament will be able to consider it then.

The member for Unley argued that, if we are going to lock council members into four-year periods that are out of kilter with state elections we ought to make it less easy for serving mayors or councillors to seek preselection for service in state parliament. That is not the case. Council members elected or re-elected in November 2006 who are interested in doing so would be able to stand for state parliament in March 2010 having served three years and four months with the council. If they are successful, the council vacancy they create will not be filled by a supplementary election because it will arise after 1 January of that year, so they can run for state parliament without being concerned that they may be putting their local community to the cost of a fresh election.

The vacancy would be filled at the periodic local government elections in November 2010. If they are unsuccessful, they can complete the term on the council and stand for another term if they so choose. On the other hand, if three-year terms are retained, council members elected or re-elected in November 2006 who want to stand for state parliament would have to make a difficult choice. They could renominate for council in November 2009 or risk causing a supplementary election in March 2010, only four months into the council term. I do not think the member for Unley is reflecting on his view. Alternatively, they could choose not to stand for council in November 2009, in which case they will not be able to continue as a council member for that term if they are not successful in their bid for election to state parliament. A pattern of four year terms in which local government periodical elections regularly follow state elections should

facilitate serving council members seeking election to state parliament.

The member for Morphett suggested that documents such as any representation options paper and a council's policy on member training and development should be added to the list of documents in section 132 of the Local Government Act and that councils should, as far as reasonably practicable, make them available on the internet. The current list tends to include documents that have a longer life than a representation options paper, but if the member wants to move amendments to that effect the government would not oppose them. The majority of councils would be likely to do this without legislative encouragement.

The member for Morphett referred to the proposed provisions enabling the Electoral Commissioner to issue a formal reprimand to a person who, in the opinion of the Electoral Commissioner, has been guilty of a breach of the provisions of the Local Government (Elections) Act. He suggested that a reprimand may not be enough in those circumstances. I point out that the Electoral Commissioner already has power to investigate breaches and to bring proceedings for an offence against the act. This amendment is designed to provide for the Electoral Commissioner to issue a reprimand in cases where it is not in the public interest to prosecute; for example, where the breach is technical and trivial.

The member for Heysen asked some questions about local government franchise. Local government franchise is a combination of adult residential franchise and the property franchise available to sole, group and corporate owners and occupiers of rateable property listed in the council's assessment record. No significant changes to the current franchise are proposed. However, the Electoral Commissioner has recommended, and the LGA supports, changes to clarify the enrolment process for residential occupiers so as to maintain the integrity of the roll and the voting process.

At the moment, large numbers of residential occupiers can simply be added to the assessment record on the basis of information that comes to the CEO's attention, including names provided to the CEO by candidates. Many residential tenants will already be entitled to vote on account of being enrolled for the House of Assembly, adding to the task of removing duplicates when enrolment information for the House of Assembly is merged with the information sourced from the council's assessment record to create the council voters' roll. In addition, residential tenants do not receive rates notices so they do not necessarily have the same interest as principal ratepayers who are either the owners or business tenants that have agreed to pay the rates in ensuring that the council's assessment record is accurate.

Consequently, the bill provides that a person listed in the council's assessment record as a sole or joint occupier of rateable property used for residential purposes and who is not an owner of that rateable property will no longer be automatically enrolled on that basis. They will need to ensure that they exercise the entitlement available to them as residents by either enrolling on the House of Assembly roll or by lodging an application for enrolment as a resident with the council prior to the closing of the voters' roll. This way there will be an application form with their signature on it, which is more secure than an entry in an assessment record of which they may not even be aware. Transitional provisions ensure affected individuals are notified and informed before a change is made in their case.

The member for Heysen also referred to the prohibition against the same individual voting in more than one capacity, for example, as a resident in their own right and as the voter for a company or group that is an owner of rateable property, which currently only applies in the City of Adelaide. The situation in the City of Adelaide prior to this prohibition was that there were individuals who could exercise up to 30 votes on behalf of different electors. An option raised in the review was whether this prohibition should be extended to local government generally. This was not done in 1999 and was similarly rejected in this review because outside the City of Adelaide the cost of doing this outweighs the potential for multiple entitlements exercised by the same individual to influence election outcomes to that extent.

There are a couple of other points I would like to make in closing. The member for Stuart said he would raise three matters, and he discussed four. I think we have well canvassed the view about mayors and about councils changing back from where they are at large to one electorate from within, and I have indicated to the member for Morphett that we will further explore that. I think the other matters raised by the member for Mawson only dealt with the four year term and, beyond that, his debate extended beyond what is in this bill.

Earlier, the member for Schubert argued that people may regard four-year terms as an inhibition, and I pointed out to him the fact that 83 per cent of people choose to serve again does not seem to support his view on the matter. I was delighted that the member for MacKillop rebutted the point made by the member for Schubert, namely, that, if there are more than 12 councillors, that should be reviewed. There is no compulsion to reduce the number, but it provides that the question should be asked: is it appropriate?

In closing, I reflect on correspondence I received today from the office of the President of the Local Government Association, in which he discusses this bill. He states:

> Further to my letter of 12 April 2005 the LGA (Local Government Association) is in receipt of proposed amendments to the Elections Bill. Specifically, the amendments are 91(1), 91(2) and 91(3), as proposed by the Opposition and Mr Kris Hanna MP.
>
> With one exception the amendments in the Elections Bill refer to matters that the LGA has already determined its position on.

I think that is important, as the LGA is telling me that it has determined its majority position on these matters. The letter states that the LGA's submission was forwarded to me in October 2004 and on 21 February 2005, following public comment on the consultation draft bill circulated by the government. The letter continues:

> The one exception is the process by which a Council may seek to change the method by which the principal member of the Council is determined.

I have covered that issue on two occasions. The letter further states:

> As this issue has not previously been considered by Councils during the consultation process that has led to the current Bill, the LGA will now consult with all Councils in order to develop an LGA position. This was determined at the LGA state executive committee meeting held on Thursday 19 May 2005.

As I have indicated, I will take that into consideration between the houses. The letter continues:

> The LGA will conduct a shortened consultation process on this issue. Feedback from Councils will be considered by the LGA Senior Executive Committee when it meets on 16 June 2005. I will be pleased to provide you with the LGA position on this issue following the meeting.
>
> The Opposition's amendment 91(3) has implications for both metropolitan and country Councils. The LGA has identified

shortcomings with the Opposition's amendment such as the threshold figure of 5 000 principal ratepayers being too low to achieve the policy intention of not disrupting arrangements some Councils have had in place for a very long time.

The LGA proposes that the issue of the process by which a Council may seek to change the method by which the principal member of the Council is determined be examined in a collaborative manner prior to the Bill being considered in the Legislative Council. This will enable the LGA to consult with all Councils on what is an important topic.

I confirm the LGA is supportive of the bill as introduced. Consistent with our previously advised position, I advise that the LGA is not supportive of any of the amendments introduced by the Opposition and Mr Kris Hanna MP.

With those comments, I thank the LGA for its support and I compliment it on the way it has managed the consultation process. I think that it demonstrates a level of maturity between the two sectors of government we have not seen to this point. It shows that the LGA is capable of managing the consultation process at arm's length and putting a robust majority view to this parliament. Equally, I have consistently reflected that view in this house.

Mr BRINDAL (Unley): I think what I raise is a matter of privilege, but the house needs to be made aware of it before it goes into committee. I made a second reading speech to this house, when I set out the basis on which I would vote for this bill. Subsequently, I have received a letter from the President of the LGA asking me to apologise in respect of a number of matters. I have no intention of doing so, and I will more fully inform the house, as I alleged some corruption. Mr Speaker, I ask you whether that is an attempt to influence my vote in these proceedings and whether it compromises my ability to continue to participate in this debate, because I feel put under some duress by the LGA in exercising my right as a member of parliament in the proceedings of this house. I ask you to consider the matter.

The SPEAKER: I think that the member for Unley may be confusing what the chair regards as lobbying with an attempt at undue influence.

Mr BRINDAL: I will show you the letter, Mr Speaker, at your convenience, and I would like you to make a ruling on it. I think you may well be right, sir, but I took it to be close to contempt of the parliament and an attempt to coerce my vote.

The SPEAKER: If the member for Unley can provide a copy of the letter, the chair will have a look at the matter.

Bill read a second time.

In committee.

Clauses 1 to 9 passed.

Clause 10.

The CHAIRMAN: There is an amendment in the name of the member for Mitchell, but he is not here to move it. Unless another member is willing to put their name to it, the amendment lapses.

Clause passed.

Clause 11.

Dr McFETRIDGE: I move:

Page 6, lines 2 and 3—delete subclause (1)

This is really the test clause for one of the major parts of our push. I will not over go every word that has been said and every nuance that has been made about changing from a three-year term to a four-year term. As everyone in this place and, hopefully, in local government and out in the general public, would be aware, the opposition does not support the change to a four-year term. We want to delete the subclause which provides:

Delete 'six years' and substitute 'eight years'.

Deleting that subclause would mean that the government accepts our desire for the continuation of the three-year term. If this clause gets up, a number of clauses will be considered, otherwise the committee stage could be considerably shortened.

I would like to say, though, that, to the best of my knowledge, the number of submissions to the LGA by local government was something like 30 or 32, I think; it was less than 50 per cent. After further discussions and telephone calls, even as late as this weekend, with mayors and councillors, I am still strongly of the opinion that the general consensus is for a three-year term. I know the LGA has a different opinion, which it is pushing. However, that is not what I am hearing, and I am very concerned about the issue of a four-year term. The minister and I have spoken on radio a number of times, and he has said, 'If you are not happy with your council, vote them out.' That is politics and democracy at work, but if you go to a four-year term you are stuck with them for another 12 months. If you want to give people the opportunity to make changes with their councils, you give them the opportunity every three years.

The minister said that about 83 per cent of people go on for a second three-year term. I wonder how many will sign up for a second four-year term. I would be surprised if quite as many sign up for a second four-year term. Six years is a lot shorter than eight years. There is a need for attracting a much wider range of people into local government because it is a tough job. They volunteer. We strongly support the need to look at training and even some financial recompense for the effort, time and cost they put in. To expect young people, business people and family people to go out to council meetings until late at night and even until early in the morning and then go to work or look after their family is a disincentive. If you have to sign up for four years, I am worried about that. The opposition is strong on this position. Should we not get it up on the voices we will divide, as it is a position we need to have recorded in *Hansard* for posterity so that we can say we supported three years, as we think it is the way to go.

The Hon. R.J. McEWEN: The government does not support the amendment. I thought the member for MacKillop made a valid point when he said that he sees local government as an independent sphere of government. They should be allowed to make these decisions and we should not undermine them. This amendment does undermine a decision that local government has made on its behalf. I acknowledge that it is the majority view—there has been significant debate within local government on this issue. If we truly say to local government that we believe it is mature enough to conduct this debate and that we will respect the decision it makes, then we have to come into this place and reinforce that message. We cannot then come in and say, 'Well, we still don't like it, so we will ignore you.' The fact remains that, after a robust consultation process and significant debate, the majority view of local government on balance is that four years best serves its purpose. I will champion that cause on its behalf.

Mr WILLIAMS: The minister has forced me to my feet by quoting something I said. He starts talking about the autonomy of local government and that this is about giving local government more autonomy. I certainly said that and I wish that local government could feel that it had more autonomy and did not have to look over its shoulder to see

what we are going to visit upon it next. If you go and ask those who are already serving in local government about what sort of term they want, if you gave them the option of saying that they can stay in office until they wish to retire and not face another election, irrespective of how long that would be, you would find the majority of them would say that that would be a good option and that they will stay for another five or 10 years or even longer.

I know plenty of people in local government who spend 15, 20 and more years in local government. They are fine councillors and great representatives of their area. If you asked the same question of those who would aspire to be in local government, you might get a very different answer, and that is what this is about. It is about finding a balance, about maintaining and building democracy in local government. It is about saying: what is the balance between those who have already gotten themselves over the line in an electoral sense and got into their local council and fulfilled their ambition and who are now trying to fulfil their desire to continue that ambition? That desire might be more to do with their ego than their wont to do great things for their community. We must find the balance between that and those people who are still out there outside of local government, and who would aspire to be in local government. For the minister to say that we have asked local government—the people you ask when you ask local government are those who are already over that electoral hurdle. It is not necessarily reflective, in my opinion, of what local government should be about.

We know what incumbency is about; there is not one person in this parliament who does not understand that incumbency gives them a bit of an edge. It would be like coming in here and asking us to decide whether we want to continue with the four-year term, or those of us who believe that we can get over the line at the next election in March next year could have a five, six or seven-year term. I know what the majority would say. I am absolutely certain of that, because they reduce their risk by extending the term. I argue that it has clouded the results that have come back from a survey of local government councils. I think that it is borne out of the fact that such a large percentage of those people who are already over that hurdle (something like 83 per cent of people who go into local government) go on for a second term, and that is fantastic. I argue that, by increasing the term, you may well reduce that substantially. I made the point in my second reading contribution that a lot of people who go into local government probably spend, for the initial three year term, at least 12 and up to 24 months learning the ropes, and it is good that they are able to go on for the second term.

Having learnt the ropes and hopefully having had a couple of years of being a very effective councillor, now we are asking them to go on for that second term which has, all of a sudden, gone out from a total commitment of six years for the two terms, to a total commitment of eight years for the two terms. I go back to what I said in my second reading that, by and large, these are volunteers. The one thing that I invariably get from the councillors in my electorate when I talk to them on a range of matters is that it is a huge commitment. By and large, they feel that they are out-of-pocket. I think we should recognise that probably the most effective councillors are those who are still actively involved in some sort of career, because they really do have their finger on the pulse. I made the point that those who are moving towards the end of their career have life's experiences and wisdom behind them. But I do not think we should be undermining the ability of the young or those in the middle or early part of their career and who are relatively young who have been able to put up their hand and say, 'Look, this is going to be a three-year commitment. I'll have a go at it. If I'm enjoying it, and if I find that I can fit the rest of my life around it, I may well do a second term.' Put that out for four years and I think we will find that we will be missing out on the benefit that can be given to local government sector by a lot of people. I support the amendment.

The Hon. R.J. McEWEN: The member for MacKillop is sadly underestimating what local government did when it consulted. He is implying that all local government did was ask elected members. That is a total misrepresentation of not only the thoroughness but also the independence within which local government conducted the whole consultation process, particularly that part about the timing and duration. I can reassure the member for MacKillop that this is not on about self-interest: this is on about a thorough and independent review where local government consulted all of the stakeholders. In fact, it produced reports around the community consultation process, etc. So, let me assure the member for MacKillop that its review was extensive, thorough and independent.

Dr McFETRIDGE: I am a bit concerned that the minister is still convinced that the LGA is the fount of all wisdom. I said in my second reading speech that I did not think I was and, God bless it, I do not think the LGA is. In the broad consultation and submissions that were given to me, 10 of 14 submissions from ratepayer groups opposed going to a four-year term, the Electoral Reform Society opposed going to a four-year term, and the key finding No. 1 in the local government community consultation report of October 2004 states that retaining a three-year term was the predominant view.

The committee divided on the amendment:

AYES (19)

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

NOES (22)

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

PAIR(S)

Scalzi, G.	Rann, M. D.
Matthew, W. A.	Ciccarello, V.

Majority of 3 for the noes.

Amendment thus negatived.

The CHAIRMAN: Member for Morphett, there are two amendments, which appear to me alternatives, amendment

No. 1 on page 91(4) and amendment No. 2 on page 91(1). Does 91(4) supersede 91(1)?

Dr McFETRIDGE: I understand that the government is willing to discuss this particular amendment between houses and I will be guided by you as to how we proceed from here.

The CHAIRMAN: So, I take it from the member for Morphett that he does not want to proceed with either amendment?

Dr McFETRIDGE: No, not tonight. I have the assurance of the minister that we will discuss this, and he is a trustworthy man.

The Hon. R.J. McEWEN: We are putting on the record that we need to do further work with this. We do not think, as I indicated in my second reading summary, that the solution put forward in this amendment is totally satisfactory, but we understand what we are trying to achieve. We need to work on another form of words. Equally, we will need to have some discussions either prior to going to the Legislative Council, or with some members in the other place, because the Hon. Nick Xenophon has also indicated that he has a view on this matter.

The CHAIRMAN: We now have the member for Morphett's amendment No. 3 on page 91(1).

Dr McFETRIDGE: This amendment will not be proceeded with, and neither will Nos 4, 5 and 6. They are all consequential to having lost that first amendment.

The CHAIRMAN: The member for Mitchell has an amendment to clause 11 which is exactly the same as the member for Morphett's amendment No. 4. Does the member for Mitchell wish to proceed with this amendment No. 2?

Mr HANNA: I move:

Page 8, lines 20 to 23—
Delete subclauses (1) and (2) and substitute:
(1) Section 51(2)—delete subsection (2) and substitute:
(2) The term of office of a chairperson must not exceed—
(a) until the conclusion of the periodic election to be held in 2009—three years;
(b) thereafter—four years.
(2) Section 51(4)—delete 'The term not to exceed three years'.
(2a) Section 51—after subsection (4) insert:
(4a) The term determined under subsection (4) must not exceed—
(a) until the conclusion of the periodic election to be held in 2009—three years;
(b) thereafter—four years.

The CHAIRMAN: The advice to the chair is that your amendment No. 2 is consequential to your amendment No. 1 which you were not here to move.

Mr HANNA: Normally, it is a courtesy that one of the whips will let me know when I am at a meeting elsewhere that I am wanted in the chamber.

The CHAIRMAN: Whatever the member's arrangements are with the whips, it is not an issue for the chair.

Mr HANNA: But the point is that I am proceeding with the amendment because, if it is passed, there will be cause to recommit the amendment to clause 10. I am making the simple point that when a group of elected members, whether it be parliament or local government, is elected for a specific term, they should continue to that term no more or less unless there are extraordinary circumstances. Here we are not dealing with extraordinary circumstances but, rather, the intervention of a higher body of government, at least in the hierarchy of our political system.

It seems to me that the principled way to proceed is to amend this bill so that the May 2006 elections proceed. My amendments taken together provide a system whereby there would be a further election in 2009 and then four-yearly elections thereafter. That would be in March of each year. The reason is that this parliament has seen virtue in setting state elections in March, and when that fixed time of the year for elections was discussed a variety of views was expressed by different members; some thought November better, some thought October better, and some thought other times of the year but avoiding the heaviest parts of winter or the hottest parts of summer. If it is good enough for the state parliament, I think it is good enough for local government. That is the thinking behind amendments Nos 1 and 9 and other consequential amendments. I put it forward on that basis.

The Hon. R.J. McEWEN: The honourable member is trying to do two things; first, debate the time of the year in which we have periodic elections and, secondly, talk about a transition from where we are to where we want to be. The parliament has now established on the record, with the support of the other place, that we will be going to four-year terms. The other issue is the appropriate time at which to have an election. Again, it is a complex issue, but the debate within the family of local government has arrived at a majority view that it ought to be November rather than earlier in the year—March or May, which are the two dates the member is talking about.

Obviously, at some stage if we have people already elected early in the year, and at some time in the future we will elect them later in the year, we will either extend or reduce someone's term during the transition phase. Our proposition is to extend the life of the present term of local government to take it beyond the next state election and then, from that point on, have four-year terms.

Implicit in these amendments are two things we do not support. One of them is that future periodic elections be earlier in the year rather than later and, secondly, the transition arrangements proposed. We simply see the extending of the present term through until November 2006 as being satisfactory.

Amendment negatived; clause passed.

Clause 12 passed.

Clause 13.

Mr HANNA: I move:

Page 8, after line 19—Insert:
(a1) A person is not eligible to be chosen to be a chairperson of a council unless he or she has been a member of the council for a period of at least 12 months.

The principle here is about the election of the person chairing council meetings. I seek to go back to the previous system whereby those chairing and, indeed, those who are mayors, should have been members of the relevant council for 12 months prior to the election for that position. Members will note that my amendment number 11 matches this one in respect of mayors. From the people I have spoken to in local government (leaving aside the LGA, who were courteous enough to discuss the issues with me), it is of immense benefit for mayors and chairpersons to have experience on the council concerned prior to election and that, when someone comes in from outside, so to speak, there can be intense divisions, which is not helpful to the governance of the council.

There are a couple of examples in suburban councils as we speak, or there have been in recent times. I think that there is merit in requiring people to have experience on the relevant council prior to election to the position that will result in that person chairing the meetings of that council.

The Hon. R.J. McEWEN: We are actually revisiting a debate that was held at the time when the new act was

introduced, the principal act that we are now further amending, and at that time the view that is now being canvassed by the honourable member was debated and it was felt that, on merit, it was better to cast the net more widely in terms of a community being able to decide who might have this responsibility or the council actually electing its presiding member. They should be able to choose from their number, not putting in place such restrictions as prior experience in local government. There are many other experiences beyond local government that might be equal or better in terms of the skill base required to conduct the affairs of the council and represent the council.

The other thing is that we must continue to emphasise the ongoing need for continuous skill development within local government, be it the presiding member or elected members at large. Obviously, there is a role early in the election of any council to ensure that the appropriate training is available to fill any gaps there might be in the skill base of the individuals serving in the different roles within the council. That is far preferable to mandating some prior experience and keeping that narrowly to experience in local government. We now ought to be recognising that there is an extensive skill base required, there will be some gaps, and it is better for councils to have a robust process in place in terms of identifying competencies and skill gaps rather than mandating a specific prerequisite.

Amendment negatived; clause passed.

Remaining clauses (14 to 51) passed.

Schedule.

Dr McFETRIDGE: This supersedes the amendment that was listed on page 91(1). I realise that the minister has agreed to discuss this issue with us between the houses, because in its letter the LGA also said it is concerned about it; the figure of $5 000 causes concern. I was given some incorrect information and I want to work with the LGA and councils to achieve a sensible outcome. We are more than happy to go on and discuss this between the houses. I point out that there is a small change between pages 91(1) and 91(3): new clause 6A(1)(b)(ii) provides, 'is to have a chairperson from an election to be held after the commencement of this act'. We can discuss that between the houses. That is the only other issue that we have with respect to this bill.

The CHAIRMAN: The member for Morphett is not proceeding with amendments Nos 14 or 15 or amendment No. 1 on page 91(3), is that correct?

Dr McFETRIDGE: Yes.

The CHAIRMAN: Has the member for Morphett finished?

Dr McFETRIDGE: I wish to make a comment on clause 49, with your indulgence. I want to correct something.

The CHAIRMAN: We have dealt with it, but go on.

Dr McFETRIDGE: Sir, I crave your indulgence and that of the committee for a few moments rather than making a personal explanation, which I think would be a bit over the top. I was supporting the actions of the Electoral Commission and I said in my second reading speech that in the APY lands that it dipped people's fingers in ink. There was discussion about using ink, but it was an indelible ink, and that was not used in the end. Anyone who wants to know the details of how the APY elections were conducted should see me, because it was a fantastic effort, and that is why we are supporting the role of the Electoral Commissioner in conducting the local government elections. Thank you for that indulgence, sir.

Schedule passed.

Title passed.

Bill reported without amendment.

The Hon. R.J. McEWEN (Minister for State/Local Government Relations): I move:

That this bill be now read a third time.

The Hon. I.P. LEWIS (Hammond): The remarks I wish to make are quite simply in acknowledgment of the fact that, as the bill comes out of committee, having passed the second reading stage to go into committee, the opposition and the government are quite happy to acknowledge that it is less than perfect and make the observation quite consciously that the measure will go to the upper house, therefore illustrating the point that I make in the general case that the house is lazy and will not do its job as a legislative chamber because it does not suit the parties to do it. The propositions that the member for Morphett knows need attention he has on the record acknowledged will now be dealt with, as he puts it, in discussions between the houses.

Damn it! It is as if the parties matter more than the people, so that all members within each of the parties can feel comfortable with one another This is the place where that debate is supposed to happen, not in the party rooms. There is no record of that for the benefit of the public to understand the points for and against and the strength of feeling which each member may have about those points. It is less than sincere for other honourable members to presume that they serve the interests of their electors at all well—leave alone the needs of their conscience, if they have any ethical consideration of that—and, if it is not about conscience, it ought to be about intellectual rigour—indeed, it ought to be about both. They ought to be able to make up their mind based on factual information. That means that they ought to be able to rely on good facts and science to determine an opinion that is called policy where facts and science cannot take us but where we must go in the day after this one and the next in determining what is to be done.

I make those observations, and I also make a general observation that the gracious courtesy extended by the chair to the member for Morphett to revisit a matter over which the committee had passed was not extended to the member for Hammond earlier this day when the member for Hammond was interrupted and taken to task by the chair several times. That strikes me as being anomalous in the extreme. All members in this chamber are not equal, and it is a matter of disposition as to how the chair feels from one moment to the next as to whether one member will be given some discretion to revisit a matter over which the committee has already passed.

I do not begrudge the member for Morphett that opportunity. When the Speaker was chairman of committees that happened frequently, but it seems that the government has now determined that I, as the member for Hammond, shall not be granted any such discretion from the chair to do any such thing at any time. I regard myself as having been dealt with today quite harshly and unfairly. Whether others see me likewise is for them to decide. I shall circulate those remarks to my electors and the public at large, any of them who may be interested to learn of it.

I hope we get to the point soon where, regardless of who as a personality in this place is speaking, the member being a member no more or less than any other is given the same as every other in terms of opportunity to address the measure

that is before the chamber without interruption. Before I sit down, may I say that the measure as it comes back from the Legislative Council is likely to be more interesting and relevant to this chamber in what it should have done for the people of South Australia than it is at the present time.

The Hon. R.J. McEWEN (Minister for State/Local Government Relations): I acknowledge that, in exploring this bill during the second reading debate, we did come to the point that it was not perfect in every regard. We had a choice when we went into committee either to report progress and explore an in-depth solution at this point or to do what I have seen done in this house many times, that is, to acknowledge the imperfection and to indicate that it will be explored at some length between the houses. The third option that could have faced us tonight was to rush into an imperfect solution. I thank the opposition for not wanting to rush into their solution, which I believe is imperfect, but to acknowledge the alternative of exploring it further between the houses. Rather than noting progress, I think that was an acceptable way to move forward.

I acknowledge therefore that I expect some further improvement to this bill and hope that it could be the government, even, that proposes to further amend it in another place once we have explored all of the solutions to the deficiency that has been pointed out in the debate in this house. With those comments, I thank all members for participating in the debate and look forward to the bill's returning with further improvements.

Bill read a third time and passed.

RAILWAYS (OPERATIONS AND ACCESS) (REGULATOR) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

PUBLIC SECTOR MANAGEMENT (CHIEF EXECUTIVE ACCOUNTABILITY) AMENDMENT BILL

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

Amendment No. 1
Clause 5, page 3, line 8—
After 'communicated' insert:
in writing.

ADJOURNMENT DEBATE

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

That the house do now adjourn.

ABORIGINAL LANDS

Dr McFETRIDGE (Morphett): I take this opportunity to inform the house of some of the activities and opportunities that you get as a member of parliament, and I refer to my role on the Aboriginal Lands Parliamentary Standing Committee. I will not be talking about parliamentary business, just some of my experiences and opportunities through my involvement in this particular committee, which are absolutely amazing; as well as the places we have been over the past few weeks. When I was in Mount Gambier I said that I would be as far away from Mount Gambier as you could possibly get without leaving this state, and I did not mean that in any derogatory way to Mount Gambier.

Two weeks ago the committee visited the western side of the Anangu Pitjantjatjara Yankunytjatjara lands, and we went to Watarru, Pipalyatjara, Kalka and Amata. We also dropped in at Umuwa for a while. The great connection that we have with the lands was demonstrated on Saturday night at AAMI Stadium when I went to watch the Aboriginal lads from the APY football team and the Maralinga football team who had come down to play each other. What they lacked in skill they certainly made up for 10 times over in enthusiasm. Their natural ability and skill was fantastic considering that they normally play on rocky, prickly surfaces with no boots, yet they came and performed exceptionally well on the grass of AAMI Stadium in footy boots—and it was quite a dewy grass and a very slippery ball. APY beat Maralinga quite soundly, but both sides played exceptionally well. When we were in the lands we saw some of the lads at Pipalyatjara and Amata practising. As I say, they were out on the dirt and prickles of their football fields. How they can run on them is a credit to their natural ability.

However, the sad side of visiting those communities was evident also, particularly in Amata. Unfortunately, there is still a considerable number of young people who are petrol sniffing. It was really sad to speak to some of the carers in the community who say they are able to talk to some of the sniffers and show them what would happen to them if they keep sniffing. By that I mean they wheeled out two brain-injured people in their mid 30s who had been chronic sniffers. They were being cared for in the community by professional carers from Anglicare, I think it was. This was a first-hand piece of evidence for these sniffers as to their likely fate if they continued to sniff petrol. Opal petrol, which I think is a BP petrol which does not have the same hallucinogenic or intoxicating effects of ordinary petrol, is now widespread through the lands. Unfortunately—

The Hon. I.P. Lewis: The damage has already been done.

Dr McFETRIDGE: As the member for Hammond says, the damage has already been done in many cases. Thirty years ago, when I was driving the school bus from Port Augusta to the then Davenport Mission, I remember some of the people from the mission lying in the gutter either drunk or intoxicated from petrol. So, this is not a new or recent phenomenon; it has been around for a long time and, certainly in many cases, the damage has been done. However, with the continued importation of petrol from Alice Springs, Marla and Mintabie, it is a significant issue that will exist for a long time to come.

We need to ensure that the government does what it says it will and that it does not just allocate $25 million to the problem of petrol sniffing, because it will take a lot more than money. It will take considerable effort in order to establish places to which the sniffers can be taken to be educated and distracted from their unfortunate addiction. In 99 per cent of cases, the addiction is due to boredom, and the government needs to do something about that. I know that, in Mount Gambier, the Premier said that there was evidence of something being done, but we did not see any.

This time, we flew to the lands, which gave us more time in each community and the opportunity to talk to the locals and the people working there. We did not see evidence of any real progress, although I am sure it exists, because the people in the communities are very dedicated, particularly the

indigenous members and the elders. They are absolutely resolute in their desire to get rid of not only petrol sniffing but also the use of marijuana that is now coming onto the lands. It is absolutely disgusting that people peddle both petrol and drugs into those communities.

We hear of the terrible downside of the lands, but we also saw the great upside, and I emphasise the great potential of the communities in the Far North. PIRSA was there discussing the significant mining opportunities, and the communities will work with PIRSA and with the mining companies to look at those opportunities. They will deal with the opportunities in a sensitive way so that mining can be instituted in the APY lands, and the communities will benefit from the income they will derive from those royalties. Rio Tinto was one of the big sponsors of the football match at AAMI Stadium on Saturday night, and I thank the company for its support.

Another big opportunity for the APY lands is tourism. Mount Woodroffe is the highest point in South Australia and, as we flew over the country, we realised what a fantastic pristine area of South Australia it is. While we were overnighting, there was a sudden thunderstorm and hail storm and the land had half an inch of rain. We slept out in swags, as the member for Giles will verify.

Ms Breuer: I'm still pulling out the prickles!

Dr McFETRIDGE: It was a very interesting and wonderful experience. Ecotourism provides a huge opportunity for the lands. We saw some beautiful country, and I am sure that millions of tourists from all over the world would love to visit it. The artwork being produced by old and young, male and female, is absolutely fabulous and is beyond comprehension unless you physically see it. As I have done before, I encourage all members of parliament to take the opportunity to visit these communities with the member for Giles, or any other members or ministers, because they are fantastic.

We hear of the downside all the time, but there are big opportunities. We need to put in more money, in addition to the swimming pools and the new schools. Amata is getting a new school, which is well and truly overdue, as nobody in the metropolitan area would put up with such a school. The communities are something to be proud of, because we can do something with them. I am referring not perhaps to what is there now, because we should be ashamed that we have allowed some parts of the communities to get into their present state. We really need to make sure that we maximise the opportunities not only for the locals but also for the whole of South Australia and the world. Tourism and mining will be the saviour of that area.

The minister talked today about going to Watarru and looking at Kuka Kanyini. 'Kuka' is the Pitjatjantjara word for meat, and 'kanyini' is the Pitjatjantjara word for camel. We had the opportunity to go out to look at the camels in the camel yards, because they had caught some camels that day. They were big, beautiful camels, which they are selling off for pet food, unfortunately, because the overseas market seems to have died. Being in such a remote area, they are obviously having some problems with transport, of which I am sure the government will take note. Certainly, a new truck for Kuka Kanyini is something that is required, not to transport them all the way to Alice Springs, but to bring them into the holding paddocks they are building at Watarru.

The opportunities are great, and I encourage every member of parliament to get up to the lands to see what is going on and to come back with good stories. Members will see some interesting sights up there, and they will wonder why we have allowed some of the communities to exist the way they do, because they deserve far more. It is not so much a lack of desire, but a lack of coordination, and I am glad to see that that is now happening between state and federal governments. However, members of parliament in this place should go up there to see for themselves first-hand. I know they would come back with a renewed enthusiasm for that part of the state and for the people who live there, and they would look at the opportunities in a different way. I encourage the officers in PIRSA to continue with what they doing, and also I encourage SA Tourism and the arts people to work with and help the communities.

Time expired.

COOBER PEDY

Ms BREUER (Giles): Tonight, I want to talk about Coober Pedy, where I spent a couple of days last week, after coming back from the lands. As the member opposite said, it was a very important trip to the lands on the previous three days. I then spent two days in Coober Pedy, which, of course, is part of my electorate. Coober Pedy is a wonderful town, and I am always very happy to go back there. It was a really successful two-day trip, and some very good news stories came out of that trip. Of course, the Minister for Mineral Resources Development was there on Friday, when he handed over the drilling rig to the Coober Pedy miners for their exploratory work in the area. This has been an ongoing issue for Coober Pedy. While it has become a tourism icon in this state because of its mining activities, over the years the number of miners has gradually diminished—they have got older, and they have retired or passed away. Many of their young sons are not continuing in the businesses because the opal fields are just not there, and they are not able to find new fields. This drilling rig will be tremendously successful for that community, because they will be able to go out and look for new fields. There has been a recent find 50 kilometres south, which gives hope to everyone, but I am sure there is a lot more in that area that can be discovered. So, this rig will do great work in doing that, and I was very pleased in having a part in helping them get that rig. I congratulate the minister for the energy and time he also put into it.

Another event I attended whilst I was there was the opening of the new clubrooms at the Coober Pedy Golf Club. The previous clubrooms burnt down a couple of years ago, and the golf club has been in the process of building new clubrooms since then. I jointly opened the golf club with Barry Wakelin, who is the federal member. Of course, the unique thing about the Coober Pedy Golf Club is that there is not one patch of grass on the whole course. It is very much desert country and very much unique to Coober Pedy. It is beautiful country, but the golf course has no green anywhere. However, it is a very good club, and it has beautiful new clubrooms. The unique distinction of the Coober Pedy Golf Club is that it is the only golf club in the world which has reciprocal rights with St Andrew's in Scotland, something about which they are extremely proud. They occasionally have telephone link-ups with St Andrew's in Scotland, which is the crème de la crème of golf clubs. I congratulation the Coober Pedy Golf Club for going out and getting that sort of distinction and also for its wonderful effort in getting its clubroom together.

The most exciting part of my trip was meeting with the Coober Pedy Football Club, which recently had considerable publicity as it started up after 15 years. It has not had a

football club there for 15 years. Some of the community got together and got a club going, and it was one of the most rewarding experiences I have had as a member of parliament to meet with the club and see them off when they went to play their game Saturday week ago. The unique part of this football club is that 95 per cent of the players are indigenous, and many come from the Aboriginal lands, some from Oodnadatta, from Coober Pedy and from other areas in the state, and 95 per cent are indigenous players. Some are former sniffers. There are some issues with the club, but they have done a wonderful job pulling these young blokes together, getting them together and getting them keen. They are so keen: I have never seen looks on faces like I saw on those fellows that day. They were passing around a copy of the Roxby newspaper, which had their photo on the front page. They were so proud of themselves.

This young club has had difficulties financially, which I will talk about in a minute, but I was so pleased to meet with them on the Saturday morning. They asked me to see the club off when they went down to play at Olympic Dam for their third game. They travelled an 800 kilometres round trip to go and play a game of football. They travel off in the morning, play a game and come back at night. To see them off, the new local police inspector came along in his police car. He drove the police car with the siren going and the lights flashing in front of the bus with all the footballers, and behind that the troopie carried the coaches and ball boys. They drove up and down Hutchison Street, the main street in Coober Pedy, in a wonderful cavalcade. All the people in the town, including the Aboriginal community, came out and waved them goodbye and cheered them on. These fellows grew in their own estimation—they were so proud of themselves and it was wonderful to see.

Unfortunately, they lost 40 goals to 1 point; however, they played again last Saturday and they got two or three goals to about 20 goals, so they are getting better. They are so proud of themselves. They are turning up for training each week. Some of the issues we have in this community have been alleviated. The young fellows have got over the boredom, which the member for Morphett was talking about in relation to some of the issues with young people on the lands. A lot of the problems are caused by boredom and lack of self-esteem and confidence. This team is doing an incredible job to alleviate that. It is a positive success story and the community has pulled together.

Robin Walker is the president; treasurer Mark Bell is a keen footballer; and secretary Chris Butler contacted meabout the club and asked me to come and have a talk to them and see what is happening and what I can do about funding for them. Unfortunately, while we have a number of local sponsors, a major sponsor they thought they had for the year has pulled out and they are left virtually penniless. They have some money through the Active Club and have some new guernseys. I was told that they were so proud the week before when they went off to their first game because they were wearing brand new clothes: many had never worn anything brand new before. They made the comment that they had never worn anything that nobody else had worn before, so that speaks for itself. They are short of money and I am looking for sponsorship or assistance for them through the state government, and I hope I am able to do that. Aside from the football team, which is going to play down there, they are also involved with the Auskick Juniors. It was really good to see a lot of the young fellows and girls in the town coming out to wave goodbye to the team. They are also getting involved in the club. They will be the potential footballers of the future.

We have a number of champion Aboriginal footballers in the Crows and the Power in South Australia, but it is very, very difficult for young fellows like this to come down to the city and become part of a club. There is a different culture and environment, and they suffer extreme homesickness. I am certainly hoping that through the Coober Pedy Football Club we will be able to develop some real talent there. We will be able to get them down to Adelaide and let them make a real future for themselves, and serve as really good role models for other indigenous youth. I think that this program is worth supporting; I think this program is marvellous.

My sincere congratulations to everybody who is involved in getting the Coober Pedy Football Club going, and having the guts to hang in there. At this stage, there are only two or three white youth involved in it, but it is hoping that as the team goes on and gets better—hopefully win a game fairly shortly—that some of the other kids in town will become involved in the club. I believe that that will also have a great deal to do with race harmony in the community. I am hoping that I am able to get money for this club in some way. I am hoping that the club continues. It has taken a long time (15 years) to get them to go. I cannot imagine the young people in many of the metropolitan clubs in Adelaide travelling 800 kilometres every weekend to go and play football. I think they have one home game this year, and I am certainly hoping that I am able to go up there. I am sure the whole community will turn out to see what is happening. But for them to travel this 800 kilometres every week is just an amazing thing. So, yes, it was a wonderful experience to meet with them, and to see the enthusiasm. I have some wonderful photos of all they are doing. The police are very much involved in the club. A couple of police officers are coaching, and that has also done wonders for the relations between the police and local youth. Everybody has hoed in and done a great job and congratulations to everyone concerned.

Motion carried.

At 9.42 p.m. the house adjourned until Tuesday 24 May at 2 p.m.