HOUSE OF ASSEMBLY

Wednesday 6 July 2005

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

HOLDFAST BAY COUNCIL

A petition signed by 459 residents of South Australia, requesting the house to urge the Minister for State Local Government Relations to suspend the City of Holdfast Bay council and its administration and install an administrator until the next local government elections to undo the amalgamation of the former cities of Glenelg and Brighton, was presented by Dr McFetridge.

Petition received.

PAPER TABLED

The following paper was laid on the table:

By the Treasurer (Hon. K.O. Foley)—

Human Services, Department of—Review of Financial Management—Stage One Final Report—31 January 2005.

ERNST & YOUNG REPORT

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

Leave granted.

The Hon. K.O. FOLEY: In mid-2003 the new chief executive of the then Department of Human Services, appointed by this government, advised cabinet of serious concerns within the department. The concerns included the shifting of commonwealth funds between Housing and Health to fund hospital debts; the use of capital funding to meet day-to-day expenses; the creation of 'virtual budgets' to hide shortfalls in the Family and Youth Services budgets; and the making of pre-payments for capital items at the end of the financial year to run down cash reserves.

In response to the departmental executive's concerns, in December 2003 the government authorised the immediate allocation of $50 million to fill the funding black hole left by the previous government. At the same time, the government also made the decision to separate the Department of Health from Families and Communities and Housing portfolios to improve administration and financial accountability.

To address the underlying structural issues within the department, the government commissioned an independent review by Ernst & Young in February 2004. Today, I am able to table Ernst & Young's final report into the review of the financial management of the former Department of Human Services. I am advised that Ernst and Young has encountered significant difficulty in reconciling the financial position of the then Department of Human Services with that held by the Department of Treasury and Finance. In fact, Ernst & Young note the following in the report:

> These difficulties highlighted a range of serious deficiencies in the quality of financial management systems and processes in DHS over the review period.

A lack of financial accountability and transparency over the review period was one of the most significant deficiencies identified by Ernst & Young. As one of its key findings, the report notes:

> There was a managerial culture in some parts of the portfolio, built up over a number of years, that did not support appropriate financial accountability, responsibility and ownership of budgets.

The report finds that for most of the review period, the former Department of Human Services had overallocated its cabinet approved budget to its agencies. The report states:

> Throughout the period under review, the department exceeded its expenditure authority each year, with the underlying level of over-expenditure ranging from around $40 million to $70 million per annum. DHS had allocated budgets to agencies and divisions within the portfolio in excess of the cabinet approved budget. On that basis, the DHS budget recorded in its internal financial system was inconsistent with the DHS budget loaded in the DTF Hyperion system. This process became known as creating 'virtual budgets'.

The report has raised serious concerns over the department's ability to properly manage and account for Commonwealth funds. The report states:

> In some circumstances, there were insufficient funds in the DHS operating account to meet obligations arising from Commonwealth government programs, giving rise prima facie to the notion that some cash had been used for purposes other than which it was intended and, accordingly, that some inaccurate certifications were made to the Commonwealth in relation to the approved expenditure.

It is important to note that the issues and management cultures identified in the Ernst & Young report pre-date this government and the current chief executive's tenure. In fact, Ernst & Young found that the current CEO of the Department of Health, Mr Jim Birch, and his executive team, in partnership with the Department of Treasury and Finance, has made significant efforts to address the problems identified in the report.

This government was elected to look after our state's health system. This government has worked extremely hard, led by an outstanding health minister in Lea Stevens, to correct the problems of the past and to build in this state a reliable world-class health service. We have learnt from the mistakes of the past that a health system cannot survive on a shoestring budget. We have learnt that a health system cannot be put in jeopardy because of personality and factional clashes between the minister of the day and the Treasurer.

After years in which widening cracks were simply wallpapered over, I am pleased to report that today the problem is under repair. This government has spent an extra $912 million on hospitals and health services since coming to office. We have committed over $500 million in capital works to our major hospitals. We have increased elective surgery procedures by thousands per year, compared to the last year of the former government. Much progress has already been made in implementing recommendations arising from the Ernst & Young report. We will continue to address the issues raised in the report and continue to increase funding for our health system to ensure that it remains world-class. The Deputy Leader of the Opposition was a disgrace as the health minister, and he should resign.

The SPEAKER: Order! That is comment, and it is out of order.

The Hon. D.C. KOTZ: On a point of order, sir, in the Deputy Premier's ministerial statement, he said, 'Today, I am able to table Ernst & Young's final report.' I do not believe that the report has actually been tabled.

The SPEAKER: I am sure that members will have access to it shortly.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 23rd report of the committee, on the appointment of the Electoral Commissioner.

Report received.

STATUTORY OFFICERS COMMITTEE

The Hon. M.J. ATKINSON (Attorney-General): I bring up the 1st report of the committee.

Report received.

QUESTION TIME

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. How could the Attorney-General yesterday give an absolute assurance to the house that no-one in his office passed the information to Mr Nick Alexandrides when he had apparently not even raised the issue with his chief of staff? On Monday, I asked the Attorney-General: 'Was it the Attorney's office or the Hon. Carmel Zollo who alerted Nick Alexandrides to the contents?' The Attorney responded: 'I do not know, but I will try to obtain an answer for the Leader of the Opposition.' During question time on Tuesday, which is 24 hours later than Monday, the Attorney-General told the house and I quote: 'I can make one assertion without fear of contradiction. No-one in my office passed on the memo to Nick Alexandrides.' The Attorney-General then came back into the house after question time, when the media had gone, to correct the record that it was in fact his Chief of Staff.

Members interjecting:

The SPEAKER: Order! The Attorney.

The Hon. M.J. ATKINSON (Attorney-General): The protocol that a minister other than me—

Members interjecting:

The SPEAKER: Order! The Attorney will resume his seat until the house comes to order. The chair is not going to tolerate this continual ruckus, so members need to settle down. The Attorney.

The Hon. M.J. ATKINSON: The protocol that a minister other than me handle all DPP matters associated with the Randall Ashbourne trial was a good one, and I believe the opposition endorses it. I was careful to obey the protocol. Accordingly, a minister other than me, namely, the Hon. Carmel Zollo, handled the memo about the Premier's legal adviser. The Hon. Carmel Zollo asked that my chief of staff obtain legal advice about what to do with the memo. That legal advice said that the memo should be faxed to the Premier's legal adviser in the interests of natural justice so that he could know the complaint against him and be able to respond to it. The legal advice was sought, and the memo faxed at 5.50 p.m., that is, about three hours after the phone call of which the opposition complain; no issue in it. It was faxed under the instructions of the responsible minister, minister Zollo. I was not informed until yesterday of this sequence of events, because, under the protocol, it was not my business.

The Hon. R.G. KERIN: Supplementary question, sir: given the Attorney's responsibility to this house, why then did the Attorney come in and tell the house yesterday: 'I can make one assertion without fear of contradiction. No-one in my office in my office passed on the memo to Nick Alexandrides'?

The Hon. P.F. CONLON: Point of order, Mr Speaker: it is not a supplementary to repeat exactly the same question.

The SPEAKER: It is not exactly the same question. The Attorney.

The Hon. M.J. ATKINSON: Mr Speaker, it is precisely the same question. It has been asked and answered. Under the protocol another minister deals with these matters. I am not that minister. I did not have knowledge, nor should I have had knowledge.

Members interjecting:

The SPEAKER: The member for Enfield will remain in his seat because it may take a while for the house to come to order. However, we will not progress until it does. The member for Enfield.

LAW REFORM COMMISSION

Mr RAU (Enfield): My question is to the Premier. Has the Premier considered a proposal to form a law reform commission into the criminal law in South Australia?

The Hon. M.D. RANN (Premier): The idea of establishing a law reform commission to consider the criminal law has been raised many times over many years in this state. In the past it has been rejected, as I understand it, as often by Labor governments as by Liberal governments in this state. I remain deeply uncommitted to it: in fact, I am deeply opposed to having a law reform commission.

An honourable member: You would be!

The Hon. M.D. RANN: So, I understand, are members opposite, from what they did in government. We as a government and as a parliament must not abdicate our clear responsibility to the people of this state when it comes to addressing criminal law reform. In my view, a law reform commission is simply code for decreasing sentences for criminals, and that is not my idea of law reform. A law reform commission is code for taking the reform agenda away from the people and putting it in the hands of lawyers—many of whom would like to soften the law, not toughen it up. That also is not my idea of reform, and it is not other people's idea of reform, either. The people of this state want their government, and they want this parliament, to be tough on the law and tough on sentencing.

When we came into government we drew up a law and order contract with all South Australians that was signed by me, by the Attorney-General, and, most importantly, by a citizen of this state who is the state's most prominent law reform campaigner, Ivy Skowronski. We intend to keep that contract. We also want to make sure that when our hard-working police catch the criminals the courts deliver the justice due to them. We are here working hard to make sure that the punishment fits the crime, and that is why we intervened on Nemer and that is why we called a royal commission into the McGee case, even though that is still deeply sensitive in some circles. We want our courts to be courts of justice, not just courts of law.

We have increased, or are in the process of increasing, penalties for violent crimes, crimes against the elderly, crimes involving guns and other weapons, sexual offences against children, repeat offenders, child pornography, bushfire arson, drug offences, and hit and run drivers. We are also reforming the law to create new offences with tougher penalties on

things like hoon driving, criminal neglect and the murder of children.

Other law reform measures include anti-fortification laws for bikies, home invasion laws and broader DNA testing of all prisoners and those suspected of serious offences. These reforms are making it easier for police to do their job, and we will continue to reform the laws in the way that we see fit because, as a government, we have been listening to the people and we are responding to what they want us to do with law reform.

So, we do not need a law reform commission—another expensive lawyers talkfest. South Australia already has a law reform commission—it is called the people, being represented here in this parliament. What we want is people's law; not lawyers' law.

Mr BRINDAL (Unley): I have a supplementary question. If the Premier believes in justice and the rule of law in this state, why is it that he so often and so loudly interferes in those processes whenever he feels like it?

The Hon. M.D. RANN: I am really pleased to answer this question, because this is what the nub of the current controversy is all about. The fact is that there is a group in this state whose club has been unsettled, and they deeply resented our intervention as a government and, on behalf of the government, the intervention of the Attorney-General of the time in the Nemer case. Then they came out and said that we were wrong to do so. They talked about my being charged with contempt of court and how it had not a hope in hell of going through the courts. But we were vindicated not only morally and in terms of justice but also by the Full Court of the Supreme Court and then the High Court of Australia. So we were right in intervening over Nemer, and we were right in calling a Royal Commission over McGee, and that is why there is so much sensitivity from lawyers in this town at the moment.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. Is the Attorney-General aware who passed on to the Randall Ashbourne defence team information which was contained in a confidential memo from the DPP to the Attorney-General?

The Hon. M.J. ATKINSON (Attorney-General): This is a very stale question but I will answer it yet again. I did not take possession, at any time, of the envelope or its contents. Moreover, there is not a scrap of evidence, of which I am aware, that Mark Griffin, leading the defence team, had a—

Mr Venning interjecting:

The SPEAKER: I warn the member for Schubert.

The Hon. M.J. ATKINSON: There is not a scrap of evidence of which I am aware—and, I suspect, of which the opposition is aware—that Mark Griffin, who was defence counsel, or any of the solicitors for Mr Ashbourne, had a copy of that memo. If I can add a little bit of information to the debate—

An honourable member: Breaking news!

The Hon. M.J. ATKINSON: Breaking news—I think the Ashbourne defence team was aware, however, that Ms Barnett, with Mr Pallaras in tow, had approached a witness minutes before he was due to give evidence in the trial—not a particularly good practice and one of grave concern to the defence team. It is bad practice and contrary to protocol.

Speaking of apologies, withdrawals and corrections, I notice that the shadow attorney-general said this morning:

> Good morning. This morning on your program I indicated that someone in the Premier's office engaged in conduct which I characterised as perverting the course of justice—

this is Robert Lawson—

> or attempting to pervert the course of justice. That was not my intention. I unreservedly and unconditionally—

The Hon. R.G. KERIN: I have a point of order, sir. I asked the Attorney—

An honourable member interjecting:

The Hon. R.G. KERIN: My point is one of relevance.

The SPEAKER: Order! The leader will resume his seat. He has made his point. The Attorney needs to wind up his answer.

The Hon. M.J. ATKINSON: The Liberal Party spokesman on the Attorney-General's—

The Hon. DEAN BROWN: Sir, I have a point of order. This has absolutely nothing to do with the question that was asked.

The SPEAKER: Order! I take it that the point of order is relevance. The Attorney-General needs to conclude his answer.

The Hon. M.J. ATKINSON: I will, sir. Mr Lawson said regarding this matter—

The Hon. DEAN BROWN: Sir, if you are going to uphold standing order 97, which clearly says that the matter cannot be debated—

The SPEAKER: The point of order is relevance, and I do not believe the Attorney has gone beyond that at this stage, and I am asking him to conclude his answer. If you ask questions, then you expect to get an answer, and there is some latitude in the answer that is given. But, at this stage, the Attorney has not gone beyond that point. The Attorney.

The Hon. M.J. ATKINSON: The Liberal opposition wants to talk about alleged communications between the Premier's office and the Ashbourne defence team and the supposed leaking of material—

The Hon. R.G. KERIN: On a point of order, sir, the Attorney-General has misrepresented me. My question was simple: is he aware who? I did not accuse the Premier's office. I asked the question clearly: is the Attorney aware who gave that information to the defence team? It is a simple question, sir.

The SPEAKER: As I understand it, the Attorney is responding to a point made on this very issue by the shadow Attorney-General. He needs to conclude his answer.

The Hon. M.J. ATKINSON: Let me share this information with the house.

The Hon. Dean Brown: That was not the issue raised on radio this morning.

The SPEAKER: I have made the point that in an answer there is some latitude in responding and the Attorney needs to conclude his answer.

The Hon. R.G. Kerin: A simple yes or no.

The Hon. M.J. ATKINSON: On radio this morning Matthew Abraham said, 'You may have heard—

Mr WILLIAMS: On a point of order, sir, I refer to Standing Order 98, which provides:

> No debate allowed
> In answering such a question, a minister or other member replies to the substance of the question and may not debate the matter to which the question refers.

The Attorney has not ceased debating.

The SPEAKER: I have already indicated that at this stage the Attorney is still within the bounds of relevance, but he needs to conclude his answer. The Attorney will conclude his answer.

The Hon. M.J. ATKINSON: Are you ready? Matthew Abraham stated, 'You may have heard Robert Lawson—that's the Liberal Party spokesman on this area—on this program this morning. Mr Lawson, we welcome you back.'

The Hon. R.G. KERIN: On a point of order, sir, on relevance I ask that you rule. The question required a simple yes or no. If the Attorney is refusing to answer the question he should say so and sit down.

The SPEAKER: The Attorney has not answered that specific point. He may be getting to it and he needs to get to it quickly.

The Hon. R.G. Kerin: What are you hiding?

The SPEAKER: Order! I will name the leader.

The Hon. M.J. ATKINSON: You're hiding this.

The SPEAKER: The Attorney is debating it now.

The Hon. M.J. ATKINSON: I will give you the answer once I get this out.

Members interjecting:

The SPEAKER: The Attorney should take his seat. The house will come to order. Members are meant to represent the public, and the public expect behaviour to be of a higher standard than we have seen.

The Hon. W.A. Matthew: The Attorney-General is a liar.

The SPEAKER: Order!

The Hon. W.A. Matthew interjecting:

The SPEAKER: Order! The member for Bright is named. I name the member for Bright for talking over the chair. He needs to explain and apologise.

The Hon. W.A. MATTHEW: I humbly apologise, sir. I am simply aggravated by the Attorney-General ignoring standing orders. I withdraw.

The SPEAKER: Some of the members who are seeking to use the standing orders are often the ones who themselves are in flagrant breach of those standing orders. You cannot have it both ways: members cannot get up saying that the standing orders do not suit them and five minutes later want to use the same standing orders. That is absolutely unacceptable behaviour. The Attorney needs to conclude the answer and not debate it.

Mr HANNA (Mitchell): I move:

That the explanation and apology given by the member for Bright not be accepted.

The SPEAKER: I accept the apology.

Mr HANNA: I have moved, sir, that it not be accepted.

The SPEAKER: The member for Mitchell has moved that it not be accepted. I will put it to the house.

The Hon. P.F. Conlon: You want to accept it, don't you, sir?

The SPEAKER: I am willing to accept it, but it is getting to a point where I think the house needs to assert its authority over the behaviour of all members.

Mr Hanna: Now is the time to do it, sir.

The SPEAKER: Does the member wish to speak to it?

Mr HANNA (Mitchell): This has happened repeatedly, and it is about time, in my humble opinion (and I say it with respect), that your authority as Speaker was stamped on this chamber. We have had it repeatedly during question time. This behaviour is not good enough, and on this particular occasion you had settled the house, asked members for silence, and there was uproar from the opposition; and, even then when you called for silence, the member for Bright specifically interjected to oppose what you were saying. Really, it is unacceptable. Let us put an end to it, sir.

The SPEAKER: The member for Mitchell has moved that the explanation not be accepted. I was inclined to accept it, but I have reached the point where the behaviour here is not acceptable to the chair nor to the people of South Australia. The member for Mitchell has moved—

An honourable member interjecting:

The SPEAKER: It was seconded. I do not know who seconded it. Did anyone second it? No-one seconded it. I indicate that the chair is not going to tolerate any more. I have been very tolerant in the interests of free speech, but when members abuse the privilege in here, and the standing orders, the time has come to say that it will not be tolerated any more. I do not want to gag debate, I do not want to stifle democratic interaction, but the behaviour here has reached a point where it can no longer be tolerated. Does the Attorney wish to answer the question?

The Hon. M.J. ATKINSON: Yes, sir.

The SPEAKER: The motion moved by the member for Mitchell lapses.

The Hon. M.J. ATKINSON: The only communication I had, direct or indirect, with Mr Mark Griffin and his defence team was when I was cross-examined during the trial.

An honourable member: Cross-examined?

The Hon. M.J. ATKINSON: Cross-examined. I was a prosecution witness. I came up to proof; I gave them nothing.

The SPEAKER: I call the leader.

An honourable member: Oh no, come on Kero!

The Hon. R.G. KERIN: Well, he said he made no attempt. I have a supplementary question: has the Attorney-General asked his Chief of Staff whether he is aware who informed Randall Ashbourne's defence team of the contents of the DPP's confidential memo of complaint to the Attorney-General regarding Mr Alexandrides?

The Hon. M.J. ATKINSON: The question is rooted in a fallacy, and the fallacy is that Mr Griffin or his defence team know the contents of the memo, or have a copy of the memo. Go and ask them. You have not even done that. I suggest to you that what they knew on the day, following Mr Pallaras's and Ms Barnett's approach to me in breach of the protocol, was what many people on the eleventh floor of my building knew; that is, that they had approached me in breach of the protocol about the Ashbourne case.

Ms RANKINE (Wright): Can the Attorney-General advise whether allegations made by the shadow attorney-general against a member of the Premier's staff were later withdrawn, and on what terms?

The Hon. G.M. GUNN: On a point of order, sir: the honourable Attorney-General took five minutes giving that answer. Obviously the member for Wright was not listening.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Attorney was not asked that question in precisely that form previously. He was answering a different question and was brought back to the original question.

The Hon. R.G. KERIN: I rise on a point of order, sir: I make a request that, seeing the Attorney answered her question before, can he now answer mine?

The SPEAKER: The Attorney has been asked a question by the member for Wright and he will answer that.

The Hon. M.J. ATKINSON: The conjecture is about relevance.

The SPEAKER: The Attorney will just answer the question.

The Hon. M.J. ATKINSON: The conjecture here is about relevance. I think that I can find line and length now.

The SPEAKER: The Attorney is debating the question.

The Hon. M.J. ATKINSON: Matthew Abraham, who we know is a presenter on radio 891, said this morning, 'You may have heard Robert Lawson—

Mr BRINDAL: On a point of order: clearly under standing orders, repetition is out of order, and he is repeating exactly the words he uttered before.

The SPEAKER: The member for Unley is making a frivolous point of order, and frivolous points of order are out of order.

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

The SPEAKER: Order! The member for Unley will resume his seat. The Attorney is answering the question.

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

The SPEAKER: What is the point of order?

Mr BRINDAL: Mr Speaker, standing orders clearly provide that any member is allowed to get to their feet and take a point of order. Are you ruling that that is no longer the case in this chamber?

The SPEAKER: Order! That is not a point of order. The Attorney—

The Hon. R.G. KERIN: I rise on a point of order, Mr Speaker. My point of order is technical. The Attorney has taken great pains to say that he has no responsibility for this case. Therefore, I ask you to rule that he has no responsibility for answering this question.

The SPEAKER: Order! That is not a point of order.

Members interjecting:

The SPEAKER: Order! The Attorney has been asked questions by members on both sides of the house. He is trying to answer this question, we hope. The Attorney should answer the question.

The Hon. M.J. ATKINSON: By your leave, sir, the Liberal opposition, in parliament, has made a series of allegations of criminal conduct against both Labor MPs and staff. Today, one of them decided to make that allegation outside coward's castle. On radio 891 ABC Adelaide at 11.49 this morning Matthew Abraham said:

> . . . you may have heard Robert Lawson, the [Liberal] Shadow Attorney-General, on this program this morning. . . [Robert Lawson]. . . we welcome you back. . . Robert Lawson said:
>
> Good morning. . . this morning on your program I indicated—

Mr MEIER: I rise on a point of order, Mr Speaker. Standing orders specifically prohibit repetition. We heard those exact words a little while ago.

The SPEAKER: Order! That is not a point of order. Members should not use points of order to try to disrupt the proceedings of the house. The Attorney-General should quote the transcript of the interview.

The Hon. M.J. ATKINSON: Matthew Abraham on radio 891 ABC Adelaide—

An honourable member interjecting:

The Hon. M.J. ATKINSON: All right. Robert Lawson said:

> Good morning. . . this morning on your program I indicated that someone in the Premier's Office engaged in conduct which I characterised as perverting the course of justice, or attempting to pervert the course of justice. That was not my intention. . . I unreservedly and unconditionally withdraw that allegation or any imputation of that kind. . . I hope that nobody in the Premier's Office has suffered by reason of it. . . I apologise to them if they have.

If only we had such standards from you in coward's castle.

The SPEAKER: Order! The Attorney was debating then.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! The Treasurer is out of order. He will be warned in a minute.

The Hon. R.G. KERIN: My question is again to the rather rude Attorney-General. What action has the Attorney-General taken to identify how the detail of a confidential memo from the DPP to himself was inappropriately given to the defence team for Randall Ashbourne?

The Hon. M.J. ATKINSON: I am still awaiting evidence that it occurred.

The Hon. R.G. KERIN: I ask another supplementary question. Is the Attorney-General saying that he does not believe the DPP?

The Hon. M.J. ATKINSON: Let me help the opposition with the rules of evidence. If you want to establish—

The Hon. R.G. KERIN: On a point of order, Mr Speaker, I asked a very direct question and the Attorney is debating something else—I am not too sure what.

The Hon. M.J. ATKINSON: If the opposition wishes to establish that Mr Mark Griffin, an officer of the court, and his legal defence team assisting him had a copy of the memo or were aware of the contents of the memo, all they need do is have Mr Griffin or any of his legal team come forward and say that they did. I shall then be happy to investigate, but so far all we have is hearsay. The opposition loves hearsay.

ABORIGINAL PEOPLE, DISABILITY

Ms BEDFORD (Florey): Given that this week we are celebrating NAIDOC Week, will the Minister for Families and Communities inform the house about measures to improve the quality of life of Aboriginal people with a disability?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): It was my great pleasure to attend with the honourable member at Tauondi College at Port Adelaide this morning to announce two initiatives. The first is a web site that helps organisations working with indigenous people with disabilities, to help them gain a greater understanding of people in the Aboriginal community with disabilities. The second initiative was to recognise the world-class training carried out at Tauondi College, a leader in disability issues, in providing a ready-trained, indigenous disability care work force. It is a sad truth that many people within the indigenous community do suffer disabilities, and the disadvantage that goes with being an indigenous Australian is exponentially added to by the additional experience of a disability, and it is a sad truth about that particular community.

However, the community itself, within the community, has chosen to use Tauondi College as a centre of excellence to develop disability services. As members would know, this is NAIDOC Week, which is a celebration of the achievements of Aboriginal people, and so I was very pleased to present certificates to recognise the work of Aboriginal people in this disability area. We know that the state government is working with Aboriginal people with a disability and their families through a statewide committee and targeting funding for

Aboriginal people for day activities, training, care attendant assistance, respite support and early intervention services.

Tauondi has actually become a significant hub for Aboriginal people with disabilities to learn and receive information and for the community generally to be educated on disability issues. More than 40 Aboriginal people with a disability now have a place to meet, to socialise and to take part in adult learning to ready themselves for further training and employment. Tauondi is also, in collaboration with IDSC, working to establish an Aboriginal work force for the disability care sector. It is offering pre-vocational courses, which have been completed by 31 Aboriginal students from all over the state, including the APY lands, with 23 of them enrolling in further training in disability care services.

Tauondi is planning to take those interested students further to study certificate 4 level, and has been working with Flinders University to get the students into disability studies courses. I would like to congratulate this college for taking this initiative and for those students for choosing the disability field as their career choice. Further work in the field is being assisted by the new intranet web site called Social Protocols for Working with Aboriginal Communities. Getting indigenous people into the work force is one thing, but creating an understanding of the specific issues facing Aboriginal people with a disability is another.

The aim of the web site is to give people in the disability sector an important insight into Aboriginal customs and heritage. It was my great pleasure to be there today to celebrate this important achievement by Tauondi College and by Aboriginal people generally in South Australia.

ATTORNEY-GENERAL, BIRTHDAY CELEBRATIONS

Mr HAMILTON-SMITH (Waite): My question is to the Attorney-General. Did Mr Randall Ashbourne attend at the Attorney's office birthday drinks or celebrations, together with the Attorney-General and his staff, during the week of the Ashbourne corruption trial or shortly after? When and where did he attend, and have staff at the Attorney's office expressed any surprise or concern at Mr Ashbourne's presence with the Attorney at that office so soon after the Attorney appeared as a prosecution witness against Mr Ashbourne?

The Hon. M.J. ATKINSON (Attorney-General): I was celebrating my 47th birthday party on the 11th floor of the ING building, 45 Pirie Street. We have a custom in my office that whoever's birthday it is brings in the cake and we put on some drinks, and we all get together and have a good time. It so happened that some hours earlier Mr Ashbourne was acquitted. He was acquitted. That is, not guilty, for the information of the member for Waite.

An honourable member: Consorting with the innocent.

The Hon. M.J. ATKINSON: Yes; I am being accused of consorting with an innocent person. But wait, there's more! I was enjoying my 47th birthday party with my wife, children and staff, and we were going to watch the evening news that night—

An honourable member interjecting:

The Hon. M.J. ATKINSON: Indeed; apparently, Randall Ashbourne, who had been acquitted—that is, not guilty, for the benefit of the member for Waite—was having a cigarette with one of his mates, and the two of them decided that they would come up to join us. So, there they were. When Mr Ashbourne came up, although his arrival was unexpected, I showed him every courtesy, because he deserved that much from me.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: I understand that some non-Labor members of parliament, who gave character evidence for Mr Ashbourne—I refer to the Hon. Julian Stefani, the Hon. Nick Xenophon and, wait for it, the member for Unley—had arranged dinner with Mr Ashbourne that night.

An honourable member: All very cosy.

The Hon. M.J. ATKINSON: All very cosy, as the honourable member says. It was decided to merge my birthday celebrations with the non-Labor—because Mr Ashbourne is not, and never has been, a member of the Labor Party—celebrations. If you want to know what was transacted, ask the member for Unley.

Mr HAMILTON-SMITH: I have a supplementary question. I refer the Attorney to the second part of my question. Have any of the Attorney's staff expressed concern at Mr Ashbourne's presence so soon after he appeared as a prosecution witness against him?

Members interjecting:

The SPEAKER: Order! The Deputy Premier is out of order and he should be setting a better example.

The Hon. M.J. ATKINSON: You do not have your 47th birthday every day. It was a nice celebration. No-one expressed any concern to me about Mr Ashbourne being there. However, some of my work colleagues have expressed their concern about my continuing to consort with the Hon. Nick Xenophon and the member for Unley.

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. R.G. KERIN (Leader of the Opposition): Given that the Premier has advised the DPP that all communication with the government must be in writing, what action will the Premier take to ensure that correspondence from the DPP's office is not leaked by ministers or staff of his government? In the past few days it has come to light that at least two documents from the DPP's office to the government have been leaked. The contents of one document marked confidential was leaked to the Premier's staff and the defence team in the Ashbourne corruption trial. In addition, this morning, some of Adelaide's media have been given a copy of another letter from the DPP to the Attorney.

The Hon. M.D. RANN (Premier): This is extraordinary. I understand that the letter to which you refer was an application, which we can table now. Mr Speaker, I seek leave to table the letter referred to, which is headed:

To the Honourable the Attorney-General
Re: Remuneration Level—Director of Public Prosecutions

It is signed by Mr Stephen Pallaras.

The SPEAKER: The Premier does not need to seek leave.

The Hon. M.D. RANN: I have been advised that, if you look through this letter, it refers to salary on six occasions, remuneration on eight occasions and status on zero occasions.

The Hon. R.G. KERIN: I rise on a point of order. The Premier is obviously not addressing the question whatsoever.

The SPEAKER: The Premier will get to the substance of the question.

The Hon. M.D. RANN: I should think that, given the DPP has been talking about dragging things into the 21st century, he would be pleased that, given that yesterday he publicly said that, in fact, it apparently had nothing to do with

salary—it was all about status—the record be corrected in the interest of the truth and in the interest of accountability. Let me just read it. This is what he wrote, and I leave it to members of parliament to make up their own minds.

Mrs REDMOND: I rise on a point of order, Mr Speaker. The leader's question was clearly about the leaking of documentation from the Premier, other cabinet ministers or their staff. The Premier has gone nowhere in addressing anything to do with that in his answer.

The SPEAKER: The Premier needs to get to the substance of the question.

Members interjecting:

The Hon. M.D. RANN: Oh yes.

An honourable member: How come Dean Brown never asked this question?

The Hon. M.D. RANN: We will perhaps ask the Deputy Leader of the Opposition to give us some advice on the protocols in this matter. Anyway, Mr Pallaras says that to suggest that money is the issue misrepresents it entirely. That is why the letter from Mr Pallaras reveals the truth of the matter.

The SPEAKER: Order! The Premier is debating the issue. Is the Premier going to answer the question? The Leader.

The Hon. R.G. KERIN: Back to the Premier. Given the fact that he will not answer the question, does the Premier still have confidence in the DPP?

The Hon. M.D. RANN: Yes, I have confidence in the DPP at his existing salary.

Mr Hamilton-Smith interjecting:

The SPEAKER: I warn the member for Waite. The member for Bragg.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

Ms CHAPMAN (Bragg): On what basis does the Deputy Premier come to the view that the Attorney-General should stand down just hours after learning of the alleged offer of board positions to Ralph Clarke? In the file note of the meeting of 20 November 2002, between the Premier, the Treasurer, the Premier's Chief of Staff, the Premier's legal adviser, Randall Ashbourne and the Attorney-General, it is recorded that:

> The Treasurer expressed the view that the best course of action was that there be a proper investigation and that the Attorney-General should stand down during this course of action.

The Hon. K.O. FOLEY (Deputy Premier): I stand by the views I had at the time, namely, that there should have been an inquiry, and that is exactly what occurred.

Ms CHAPMAN: I have a supplementary question. Why then was it necessary to stand down the Attorney-General?

The Hon. K.O. FOLEY: I expressed a view which I think is well on the public record that, at times, I take an extreme view on this. I think that when I gave evidence to the court in respect of my reaction to this issue with Mr Ashbourne I actually made the point in the court that—this is my memory, so do not hold me to this—that I took a very extreme view with Mr Ashbourne, and gave him very little opportunity to explain himself. Perhaps, in retrospect, it would have been better had that been dealt with in a more calm manner.

Ms CHAPMAN: I have a question for the Premier. What instructions were given to the Auditor-General in order for him to review the McCann report and report back to the Premier on the appropriateness of the actions that the government took in relation to the Ashbourne Atkinson affair, and how were such instructions given? The letter to the Auditor-General of 20 December 2002 does not instruct him to do anything, but simply states that the Premier is enclosing a copy of the report for the Auditor-General's information.

The Hon. M.D. RANN (Premier): I did the complete opposite of what the Liberals did when they covered up everything. I referred the matter to the Auditor-General, and he came back and said that we had acted properly in the way that we had dealt with it. That is the difference. Your staffers were up there shredding documents, trying to frustrate the Auditor-General, and we had 'premier found to have acted dishonestly'. I am the one who brought it to the Auditor-General, the corruption watchdog, the probity auditor of the state.

Mr BRINDAL: I rise on a point of order. The rules of answering questions clearly preclude debate. You have berated this house for being disorderly but you allow the Premier to incite this house.

The SPEAKER: The Premier was debating the issue.

MINISTERIAL CODE OF CONDUCT

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Premier. How many briefing sessions for ministerial advisers regarding expected standards of conduct, as were committed to by the Premier, have been held? Will the Premier advise by close of today's sitting when they were held and how many ministerial advisers have attended?

The Hon. K.O. FOLEY (Deputy Premier): I recall that on coming into office we did a number of things. From memory, we had the then solicitor-general, the late Brad Selway, come before cabinet to talk about certain matters to do with probity and, again from memory, we had the Auditor-General come before cabinet to talk to us. We then put in place other measures to ensure that ministerial staff were appropriately made aware of their responsibilities. However, I am happy to take this question on notice and come back to the leader with a more considered answer.

AP LANDS, DIALYSIS MACHINE

The Hon. D.C. KOTZ (Newland): My question is to the Minister for Health. Will the minister give an assurance to the house that she will immediately consider the provision of a dialysis machine to be located in the Anangu Pitjantjatjara lands to assist the now ten Aboriginal people who are forced to travel to Alice Springs for treatment? A Pitjantjatjara Aboriginal man was refused a meeting with the Minister for Health to discuss these issues three weeks ago when he was in Adelaide for a clinical assessment of his condition. The Aboriginal man passed away last night in Alice Springs. I am happy to pass the man's name on to the minister, but I will not do so publicly because of Aboriginal cultural beliefs.

The Hon. L. STEVENS (Minister for Health): I am happy to do that.

ATTORNEY-GENERAL

The Hon. W.A. MATTHEW (Bright): My question is to the Attorney-General. Was the Attorney acting in his role

as the state's chief legal officer when he made approaches to the Hon. Nick Xenophon to join the Labor Party and assist in the right wing in getting rid of the Hon. Ron Roberts; if not, what role was the Attorney acting in?

Members interjecting:

The SPEAKER: Order! The Attorney is not responsible; the Premier may answer if he wishes.

The Hon. M.D. RANN (Premier): I can inform the house that, as to Mr Xenophon, not only has he said he will not be joining the Labor Party but I will not be inviting him to become a minister in this government. I want to make that very clear, that I think this issue has been—

Members interjecting:

The Hon. M.D. RANN: No; and I will not be inviting him to be a minister in the next government, because you certainly will not be.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

Mr WILLIAMS (MacKillop): My question is to the Attorney-General. Why did the Attorney-General, as the senior legal officer in the state, advise Randall Ashbourne and the Premier that it was in—I think that should have been 'Why didn't the Attorney-General—

Members interjecting:

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

Mr WILLIAMS: Sir, it disappoints me that, having enjoyed more than 47 birthdays, the physical disability that is occurring to my eyesight is cause for some mirth amongst those in the government. I will start again—

Members interjecting:

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

Mr WILLIAMS: —because I would like the house to know what the Attorney-General is not answering. Why didn't the Attorney-General, as the senior legal officer of the state, advise Randall Ashbourne and the Premier that it was inappropriate to use a taxpayer-funded staffer to do party political work?

The Hon. K.O. Foley interjecting:

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

Mr WILLIAMS: The Attorney-General's own testimony to Warren McCann confirms that Randall Ashbourne was dealing with issues arising from factional conflicts and the Attorney-General has also confirmed that he believed Randall Ashbourne was working with the authority of the Premier.

The Hon. M.D. RANN (Premier): As I mentioned yesterday, I am a factional innocent, almost a boy scout really, and I know that there are a couple of other factional innocents around the place. I am pleased that, despite not being a member of a faction, my pre-selections are still unanimous—are they not? But when I consulted on factional matters I remember that in the room were people such as Mark Butler, Don Farrell and the Minister for Infrastructure—

The Hon. K.O. Foley: Not me.

The Hon. M.D. RANN: No, not him.

Mr WILLIAMS: I have a point of order, Mr Speaker. My point of order is one of relevance. The question was directed to the Attorney-General as the senior legal officer in the state.

The SPEAKER: Order! The member for MacKillop knows that the government has the right to nominate which minister will answer the question. Has the Premier concluded or does the Attorney want to have a go?

The Hon. M.J. ATKINSON: No, sir.

The SPEAKER: The member for Heysen.

ATTORNEY-GENERAL

Mrs REDMOND (Heysen): My question is to the Attorney-General. Does the Attorney-General believe he has the full support of the Premier and all of his cabinet colleagues, and does he agree that his interference in local government and union affairs has detracted from his ability to do his job as Attorney-General? Four state union leaders yesterday called on the Premier to relegate—

The Hon. M.J. Atkinson: No, not yesterday.

Mrs REDMOND: Sorry, the day before—called on the Premier to relegate the Attorney-General to the backbench. They represent a combined 30 000 workers. In a press release yesterday the Attorney-General was described as a 'poor performer' with 'a long list of indiscretions'. The quote continues:

> Mick Atkinson has stepped off his bike into a freshly laid cowpat and, no matter where he walks, he is leaving dirty footprints.

It continues:

> Unfortunately for Labor, the excreta is beginning to stick.

The Hon. M.D. RANN (Premier): I find it extraordinary that it has taken three days for the opposition to catch up with the front page of the *Advertiser* on Monday. I walked in here with a degree of amusement on Monday expecting to be asked this question—a dorothy dixer from the other side. It took three days to percolate. I am quite happy to sit down and help out the opposition with questions for question time, because I think I can come up with some better ones than that.

REGIONAL INFRASTRUCTURE

Mr WILLIAMS (MacKillop): My question is to the minister—

Members interjecting:

The SPEAKER: Order; the members on my right will come to order. The member for MacKillop.

Mr WILLIAMS: Thank you, sir. My question is to the Minister for Regional Development. Can the minister tell the house what specific regional infrastructure projects have been initiated, funded and completed by her government? Minister Maywald said on radio this morning that the South Australian government is putting infrastructure in place, leading to development and a high rate of growth in regional South Australia.

The Hon. K.A. MAYWALD (Minister for Regional Development): I thank the member for the question. It is an interesting question, because the member is quite aware that during the budget process there was a budget regional statement that had a whole range of initiatives that have been introduced by this government. We also had a number of initiatives that are making a big difference to this state in relation to the state infrastructure plan and the regional development plan, and I am quite happy to bring each and every one of those plans, with the funding that has supported it, to this house to provide the opposition with an enormous amount of information to back up the statement.

Members interjecting:

The SPEAKER: Order! The minister cannot answer a question with that noise going on.

The Hon. R.G. KERIN (Leader of the Opposition): I have a supplementary question, sir.

The SPEAKER: I do not believe the minister has had a chance to answer the question. Has the minister concluded her answer?

The Hon. K.A. MAYWALD: Yes, sir.

The Hon. R.G. KERIN (Leader of the Opposition): I have a supplementary question. Does the Minister for Regional Development understand the difference between a plan and an infrastructure project?

The SPEAKER: Does the minister wish to respond?

The Hon. K.A. MAYWALD: It is an inane question.

SCHOOLS, OODNADATTA

Ms CHAPMAN (Bragg): I have a question for the Minister for Education and Children's Services. Will the minister advise whether she can spell 'Oodnadatta' without prompt from her colleagues? When visiting the Oodnadatta Aboriginal school last week with the Hon. Graham Gunn, I was informed that its school pride sign was not up, although I did observe that there were two posts where it was supposed to be. I was advised that the school received its sign from Adelaide, only to find that the school name had been incorrectly spelt and the sign had to be sent back.

Members interjecting:

The SPEAKER: Order! The member for Torrens and the Treasurer are out of order. The Minister for Education and Children's Services.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I do not know how many times the member for Bragg has been to Oodnadatta, but I have to say that it is a stunning community that deserves better than the sniping from the member for Bragg. The reality is that the minister's job is to set policy and strategy and to organise the budget. We know that the member for Bragg yearns to be the CEO of DECS. She wants to get down to the proof reading. I would like the member for Bragg to know that I speak English as a first language and I have looked at her press releases, and they are frankly a minefield of split infinitives, missing verbs, lost adjectives and misspelling, and before she casts the first stone she might check her web site.

The SPEAKER: Some members could learn how to spell standing orders.

De CRESPIGNY, Mr R.

Mr HANNA (Mitchell): Will the Premier advise what safeguards are in place to prevent a conflict of interest between Robert de Crespigny's positions as chair of the Economic Development Board and as a member of the cabinet senior executive committee and his interest in the mineral exploration company Iluka Resources Limited, through the investment company Buka Minerals Limited?

The Hon. K.O. FOLEY (Deputy Premier): We have ensured since coming to office that we have engaged the services of some outstanding business leaders both nationally and domestically in South Australia (and one international business person who has been advising us). We have a carefully constructed conflict of interest arrangement and protocol, and Mr de Crespigny has been at pains to ensure throughout his tenure in advising us that he has declared his—

Mr Williams: Like he did with SAMAG.

The Hon. K.O. FOLEY: Like he did with SAMAG? Mr de Crespigny has ensured that his conflicts of interest, be they real or perceived, are appropriately notified to government, and he has advised the Premier of the particular issue to which the member for Mitchell refers. I was in a meeting yesterday where he again declared that as a conflict in case that particular matter was raised. It was done up front and properly.

The Leader of the Opposition shakes his head about the conduct of Mr de Crespigny in relation to SAMAG. We have confidence in Mr de Crespigny. If the Leader of the Opposition is questioning the integrity of Mr de Crespigny, that is a matter for the Leader of the Opposition to take up with Mr de Crespigny. We believe that Mr de Crespigny has observed the appropriate protocols. If the Leader of the Opposition wants to take exception with that statement and has evidence that what I have said is wrong, he should provide it to me. I do not believe it is.

The Hon. R.G. Kerin interjecting:

The Hon. K.O. FOLEY: Where's the conflict?

The SPEAKER: There will be no banter across the chamber—the Treasurer will answer the question.

The Hon. K.O. FOLEY: Where's the conflict?

The Hon. R.G. Kerin interjecting:

The Hon. K.O. FOLEY: How?

The SPEAKER: I will call on the next question. I think that the Treasurer has answered the question.

Mr HANNA: I thank the Treasurer and Deputy Premier for that. When Mr de Crespigny declares a conflict of interest in those situations, such as was just described, does he then leave the meeting for that item?

The Hon. K.O. FOLEY: I will answer that, but I must say to the Leader of the Opposition that I think he just made the accusation that Mr de Crespigny was chair of AMC at the same time as he was advising this government on SAMAG. I believe that is wrong, and you should correct the record.

The Hon. R.G. KERIN: On a point of order, sir: the Deputy Premier is very selectively quoting me, and putting things into *Hansard*. The whole lot should go in, if any goes in.

The SPEAKER: It is not technically a point of order; the Leader should take it as a personal explanation.

The Hon. K.O. FOLEY: I am only making the point that everyone on this side heard it. There was a reference to Mr de Crespigny being chair of AMC at the time—

The Hon. R.G. Kerin: Which he had been.

The Hon. K.O. FOLEY: Years before; so there was no conflict.

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. Kerin interjecting:

The SPEAKER: Order! The leader can make a personal explanation.

The Hon. K.O. FOLEY: Well, sir, if the Leader is to be critical of Mr de Crespigny he should just make the statement to the house and put it all out for us to read. As to the situation in respect of how Mr de Crespigny conducts himself, for a start he has issues recorded within government, manually. He would advise a particular subject on which he wants to be excused from and not receive briefings on, and, as would be the case if a matter was likely to come up, he can declare a conflict, as do many of the business people working for us. It is then up to the cabinet or the committee or the individuals involved whether or not that should mean he

excludes himself from the meeting, or whether we note the conflict and continue. But the important thing with Mr de Crespigny is that he is consistently up front about all of his financial interests insofar as they would impact on his work in advising this government.

ATTORNEY-GENERAL'S REMARKS

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

Leave granted.

Mr BRINDAL: In answer to a question today the Attorney-General said, I believe, that I helped to arrange a dinner for Mr Randall Ashbourne. I wish to correct the record, and I will be succinct at this time. However, if I hear such accusations again I will be much more fulsome. I received a phone call on the Friday in question from another member of this place to ask if I would like join him and several other members of this place for a drink—

The Hon. M.J. Atkinson: Not this place, the other place.

Mr BRINDAL: 'This place' encompasses the parliament—in order to have a celebratory drink because Mr Ashbourne had been so easily acquitted despite the evidence of senior government ministers. I asked who would be attending and I was told a list of names. I then said that unfortunately that night I was busy, but if I could I would try to call in briefly. I did so, and the house would be absolutely amazed to hear some stories about that, but I will not go through them right now. I did so briefly. The drinks were adjourned and they were subsequently to be somewhere else. I attended briefly from a quarter to ten. I remember well who was in attendance. But I did not arrange anything. And I do not talk about things in here unless they are raised by other people first.

GRIEVANCE DEBATE

CENTRAL NORTHERN ADELAIDE HEALTH SERVICE

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I wish to grieve today about the growing bureaucracy that is occurring within the health system, and I want to highlight what has occurred at the Central Northern Adelaide Health Service. This is one of three new regional super boards created by this government. There is a newsletter on the web site for people to read. This newsletter updates the people on the new superstructure. This is not only a superboard but it has a superstructure. There are 61 new high-powered, highly paid jobs within this superstructure, and that does not include support staff. Many of these people would be on a salary of over $100 000. We do not know what the CEO's salary is, but I would venture to guess that the CEO is on a package of $300 000 or more. I invite the minister to provide to the house the salary package of the CEO of that region and those of the CEOs of the other two regions as well.

Clearly this is a huge superstructure. There are 61 top level bureaucrats, and this is only one of three new health regions in the Adelaide metropolitan area. Clearly, the cost of administering this new superstructure will be $6 million-plus. It is important to point out that our health funds are being put into paying for this bureaucracy; they are being eaten up by bureaucrats and not getting through for the treatment of patients. I did a very quick assessment and I determined that there could be at least 400 hip replacement operations carried out for the cost of maintaining this new bureaucracy—and I stress that this is only one of three.

When I counted the number of new strategic managers I was particularly concerned to find that there were 16 new strategic managers listed in this bureaucracy. Let me name a few: strategic manager, acute services finance; strategic manager, PHC/SADS finance; strategic manager, mental health finance; strategic manager, funding model; strategic manager, procurement and contracts; strategic manager, property; strategic manager, biomedical engineering; strategic manager, ICT; and strategic manager, risk management and audit.

Under another high-powered, highly paid director, there are the following: strategic manager, work force learning; strategic manager, attraction, retention and work force planning; strategic manager, organisational development; and the list goes on. This is like a bureaucratic cancer which is going through the health system. It is eating up any extra money that might be available for treating patients. I highlight that in the first two years of the Rann government on a proportional basis the number of administrators taken on was almost three times greater than the number of nurses. Figures for the most recent year available indicate that there are more non-medical staff within our hospitals than there are medical staff—and I include in 'medical staff' nurses and doctors.

We now have a health system which has become consumed in building new bureaucracies. Of course, that is exactly what was recommended in the Generational Health Review: to build major new bureaucracies here in South Australia. This is a blight on the government, because at this time we have the worst performance in our emergency departments of any state of Australia. We have the longest average waiting time for elective surgery ever recorded in the history of this state. Clearly, the money is not getting through to the patients; instead, it is going into large bureaucracies which are costing millions of dollars—in fact, tens of millions of dollars—to maintain, and these are new bureaucracies within the last 12 months under this Rann government.

CAIN, Mr T.L.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I rise to offer my condolences to the parents, extended family and friends of Timothy Louis Cain, who lived in Medindie and died in a tragic and incomprehensible accident early on the morning of 25 June on Frome Road close to the zoo. There has been much speculation surrounding the manner of his passing, but I wish to speak in praise of his life.

Timothy attended Walkerville Primary School and spent his senior years at Pembroke College, where he captained athletics, obtained an International Baccalaureate and was a star debater as well as a keen and talented member of the drama association. He was in his first year at university. However, such details do not describe his essence or his zest for life, his sheer presence or his good looks. His charisma was complemented by a peculiarly op-shop driven eclectic dress sense and an infectious smile. He was an unusually outgoing young

man—gentle, generous and charming. If there were a party, he made it and he was there. He was also committed to fairness, an opponent of war, a natural performer and obsessed by health and fitness. No doubt, like all teenagers, Tim could push the envelope, but on the occasions when I met this young man I was taken by his enthusiasm for life, his intellect, his vibrant personality and articulate, easy manner.

Last week a vast number gathered to commemorate Tim's life. There were hundreds of his peers mourning the loss of a friend and many parents who came together to express both empathy and support for Tim and his family. On that occasion there was an outpouring of grief at his untimely passing. There were memories interspersed with cello music written by a school friend, a Spanish poetry reading (because he spoke Spanish) and images from Tim's life.

Many questions will be explored in the coming inquest and those matters will, I hope, allow his family to move on in their grief. Whatever the outcome of that process, it is clear that a young man with vast potential has died tragically. Whilst the promise of his future has been cut short, he will always be remembered as the sort of young man who could enter a room and illuminate it by his presence. I offer my condolences to the parents, extended family and friends of Timothy Louis Cain, who is lost but will never be forgotten.

PORT KENNY WATER

Mrs PENFOLD (Flinders): When it comes to one of the most basic human needs, potable water, some South Australians are less equal than others. City dwellers and those who live in large regional centres take for granted that they can turn on a tap and get drinkable mains water. However, go to the smaller regional towns and it is a different story. If you live at Port Kenny or Venus Bay on the West Coast or you are among the hundreds of visitors to the area, potable water is nothing but a pipe dream. With the assistance of Elliston District Council, the residents of Port Kenny had to help pay for a system that pumps water from a bore. This was installed in 1988 at a bore four kilometres from the town, and initially residents had to cart their own water.

In 1991, water was piped into the township into storage tanks and a standpipe and residents still had to cart their water from these facilities. There are 66 consumers in the scheme, of which 10 are businesses. In 1997, a township water plan was installed that provided water to each township block. The condition of supply was that each property had a meter and water went into a storage tank. Water was charged at $1.50 per kilolitre up to 138 kilolitres, and $5 for usage over 138 kilolitres. This water is not drinkable, as it is quite saline. This water supply system is only a short-term solution to a long-term problem.

A report commissioned by the Elliston District Council in 2000 found that the existing use of the bore was outstripping the recharge rate by at least one megalitre per year and it could only supply the town for a very limited time. This is despite the fact that residents and businesses are under permanent water restrictions. There are about 25 permanent residents in Venus Bay and thousands of visitors in the summer, and they have to rely solely on rainwater tanks, which can run out in dry years. Only the Venus Bay caravan park and public toilets have an alternative water supply from a nearby bore provided by council.

Local businesses, particularly the hotel and caravan park in both towns, are restricted in the services they can offer because of the lack of water and its poor quality. New houses cannot be built in Port Kenny until more water is available. The small school that services the area is down to 11 students, and it is in danger of closure. The nearest alternative schools will be at Elliston or Streaky Bay—both over 100 kilometres away and too far for small children to travel every day.

The potential to grow these towns, enabling more schoolchildren, council ratepayers and SA Water customers, is once again being severely constrained by SA Water and this state Labor government's policies. Elliston District Council is now seeking expressions of interest from companies to provide desalination to help ease the water crisis. However, even if desalination can be provided, the council and residents will struggle to afford the full costs.

Ms Breuer interjecting:

The SPEAKER: Order, the member for Giles!

Mrs PENFOLD: The Elliston council covers 6 963 square kilometres, and it is responsible for 1 146 kilometres of unsealed roads and national parks, but it is funded by only 807 principal ratepayers. Last year, in parliament, I asked the Minister for Administrative Services what could be done to provide water to Port Kenny and Venus Bay. His reply was that SA Water could provide some advice to the council but nothing else. To quote the minister:

> The final solution will be one that the community can support financially and is environmentally sustainable.

In other words, the minister says that, if the people of Port Kenny and Venus Bay want a water supply, they have to pay for it themselves. That contradicts the charter of SA Water—

Members interjecting:

The SPEAKER: Order! The house is becoming disorderly.

Mrs PENFOLD: —which states that its aim is to provide quality water services and optimise the geographic and population coverage of those services. SA Water is charged with providing water for growth, development and quality of life for all South Australians. My emphasis is on all South Australians. SA Water cannot fulfil its vision because it is dictated to by the government, which requires SA Water to maximise its payments into general revenue—

Ms Breuer interjecting:

The SPEAKER: Order! The member for Giles is out of her seat and out of order.

Mrs PENFOLD: —currently estimated to be $292 million in the recent 2005-06 budget.

Time expired.

GOLDEN GROVE KINDERGARTEN

Ms RANKINE (Wright): This afternoon I pay tribute to a wonderful little band of volunteers in my electorate. These volunteers are committed, compassionate, sharing, caring and generous. They make a difference, and they are learning new things and sharing their knowledge with others. People often complain that young people do not volunteer, and I know that it is not true; in fact, young people volunteer nearly at the same rate as the general population. These young people are a great example. With young people like this growing up in our community, we really have a bright future.

I am pleased that the Minister for Education and Children's Services is present in the chamber, because I am talking about the children of the Golden Grove Kindergarten. I visited the kindergarten last week to present their volunteer award for an outstanding contribution to the kindy. The award was given to Louise Duffy, who has been involved with the

kindergarten for approximately three and a half years. She is returning with her family to the UK. Hopefully, she will be back very soon; I understand that they are applying to come back to Australia.

The staff and parents at the kindy told me that Louise was going to be greatly missed. She was described as a warm, caring person who has a special talent with children. She is always bright, energetic and ready to help. She has a special talent for working with children who have disabilities. She was a deserving recipient of this year's award. Louise reflects the general atmosphere at this kindy which thrives under the leadership of its Director, Margaret Scown. Margaret has fostered an understanding of other cultures amongst her little charges, and she has promoted respect as well as compassion and responsibility for the children to help out where they can.

When I attended the kindy, they were busily collecting ziplock bags of love to send to the children of Chifundi School in Zimbabwe. For some time, they have had exchanges between the Golden Grove Kindergarten and this school, but recent events have impacted significantly on the lives of the children from Chifundi School. I will give a brief outline from a notice sent out by the kindergarten.

The Director outlined that millions of Zimbabwean families, too poor to have permanent homes, are living in township dwellings constructed of tins, bricks, cardboard, etc. To feed their families, thousands of them set up small stalls selling vegetables, shoe laces, chewing gum, matches—a whole range of things, but over the last month every home, dwelling and 'shop' has been destroyed. Millions of people and now not only hungry but homeless and often sick and are living under bushes and by roadsides. Now that they have had their livelihoods taken away from them they have no means of feeding themselves or their families and no means of finding shelter. The headmaster of the primary school told Margaret Scown in a telephone conversation that there are now deaths every day from starvation and sickness. He said:

> . . . all they can think about is surviving another day. The children are no longer receiving a meal at the school and must rely on their families for food in—perhaps a small meal at the end of the school day.

The principal is managing to grow some vegetables, and is doing his best to support over 600 children at the school. He said the only thing they have to look forward to in their lives is receiving a parcel from the kindergarten. The kindergarten children have been collecting a whole range of things—pencils, pens, textas, etc., small packs of food, and dry biscuits. I was absolutely amazed at the amount of things that they have been able to take into these small bags. I understand that the kindergarten has received strong support from the district office and superintendent David Joliff, and other schools and kindies that have helped with the cost of transporting these parcels. The children want to help. They are helping, and they are developing a habit that will last them a lifetime. The children understand the difficulties that their little friends so far away are suffering. In fact, one little boy described their situation as having nothing of nothing. I am very proud of these children. I am grateful that we have committed community leaders like Margaret Scown in our community, and I greatly appreciate the generosity of the parents of the children of Golden Grove Kindergarten.

BAROSSA WINE TRAIN

Mr VENNING (Schubert): As the house would know, together with other train enthusiasts and various tourism operators, I have been actively campaigning the government to assist in re-establishing the Barossa wine train.

The Hon. J.D. Lomax-Smith: Oh, here he goes.

Mr VENNING: Time and again, I have spoken about this issue in the house—and somebody over there said, 'Here he goes.' For the record I think it was the minister who said that. Well, minister, you shouldn't say things that get heard. Time and again I have spoken on this issue in the house and to the relevant minister, particularly the Minister for Transport and the Minister for Tourism, but, unfortunately, both ministers have failed to render appropriate assistance, which I find extremely disappointing. But I have not given up and I am not being negative, as the minister might think I would be. The Barossa wine train is a South Australian icon, a wonderful coach train, capable of taking people directly from Adelaide to the picturesque Barossa Valley. This unique—and it is unique—service remains withdrawn, in fact in the shed down at Islington, and is in jeopardy, particularly if the trains are taken out and sold due to the escalating insurance costs.

I am pleased to report to the house, however, that discussions in relation to re-establishing the service are well under way with a local Barossa businessman—in fact there are two who have expressed interest—and the signs for the reinstatement of the Barossa wine train are looking reasonable. The situation is looking up; it is more up than down, anyway. Whilst the negotiations are going well and are looking promising, there is still a long way to go before thousands of tourists will be able to travel to the Barossa in style aboard these wonderful icon carriages, which, of course, are the Bluebirds. Support for this train has come from far and wide. It really has been amazing to see the community get behind this project, and it is in the media again this week. It is a talking point across the Barossa as many people understand the benefits that this service can bring to the region. I applaud all those who have been instrumental in the campaign.

In today's edition of the *Barossa & Light Herald*, a local newspaper in the Barossa, the return of the Barossa wine train receives a couple of mentions. Interestingly, there was a letter to the editor from a man who is an advocate for the return of the railcar passenger services to rural Australia. In his letter he says:

> After visiting Tanunda and surrounding areas last year, your area needs the train—

that is the Barossa wine train—

> back to bring more tourists.

He then says:

> Come one, South Australia, get behind your tourism industry.

How right he is. We should be getting behind our tourism industry and adventures, and doing more to promote our tourism assets. Unique experiences like this train journey (and it is unique) are incredibly popular with overseas tourists, and we still get so many inquiries for it even though it has now been over two years since it closed. We should be doing much more to help tourism flourish in South Australia.

I was interested to read another article in the same paper, which was entitled 'Insurance signals halt to Bluebird Wine Train.' This was a very interesting article indeed, and before I continue I would like to state that I wrote to the Minister for Transport, the Hon. Patrick Conlon, on 10 May this year seeking input and advice about the feasibility of the public liability insurance for this service coming under Transport SA's umbrella, but the only response I have received from the minister's office is an acknowledgment of my letter. I must now mention my utter disappointment when reading the article, which states that a spokesperson from the minister's

office said: 'Due to the strict government guidelines the government cannot place an umbrella insurance over the train. Government insurance guidelines require only government agencies be covered by insurance.'

I was extremely disappointed to hear this, as will be the private businessman who was deeply interested in re-establishing the Barossa wine train. Negotiations are going extremely well and look promising, but this is still a long way off. I think, sir, that there is precedence all over Australia and internationally for government to provide assistance by insurance indemnity to private and volunteer-operated tourism ventures—the Pichi Richi Railway is one that comes to mind—and I support the government doing that. In the same article, the Minister for Tourism commended the community for trying to get the service back and says: 'The government would be prepared to assist in cooperatively marketing the experience locally and interstate.' Wow!

This is a positive step for the Rann Labor government, but once again we have to do all the hard work before they step in and take all the glory. I note his comments in the media, but when do I get a formal answer to my letter asking for this information? However, I was pleased that the minister will assist in providing advice on public liability insurance and track access arrangements. Obviously, the tourism minister recognises the potential which exists if this tourism service gets back up and running. Some of her comments appear to be promising and positive. I hope that the Rann Labor can bring it about and get it back on track.

CARER SERVICES

Mrs GERAGHTY (Torrens): Recently, while I was talking to an elderly constituent, she told that she was caring for her husband who suffers with dementia. She has been caring for him for quite some time and is now finding it difficult to manage, as many carers do. Quite often we find that it is the carer who becomes physically and mentally exhausted by the stresses placed upon them. Having had personal family experience of the situation I know of the stress that is placed upon the carer and how the carer, should they become ill, often requires medical intervention—more so than the person they are caring for.

What really concerns me is that some people in this situation—and I must say that it is not gender specific as the carer can be either the husband or the wife, as in our family situation where my nearly 92 year old father-in-law is caring for my 85 year old mother-in-law—do not receive any assistance to help them with caring for their partner, or perhaps they are caring for a relative or friend. It is not that services are unavailable but simply that they do not know where the services (modest as they are, in some cases) are or how they can access them to provide them with some respite from the emotional and physical work involved in caring for a loved one.

When I was speaking to my constituent—and I know that she is doing a wonderful job caring for her husband—I asked her if she was receiving any help, and she replied that she was not and that she really did not know what help was available. I told her of some of the services that she could call on and she asked how much it would cost, as she was only on a pension. I explained that there was a small co-payment in some cases, but that the carer's allowance could be used to contribute to the co-payment, and therefore it was not an additional drain her pension. It was only then that I realised that she, like many others (including my father-in-law), do not know that they are more than likely entitled to receive the carers allowance. She had no idea about the allowance and she did not know how or where to apply for it. I have since made arrangements for her to be interviewed by Centrelink and also to have an ACAT assessment done for her husband. This allowance is extremely helpful for carers; it means that they can have someone come in to help with the care of the person they looking after without, as I said, taking that co-payment from their pension. My constituent brought home to me the fact that there must be many people in this situation. They struggle along doing a wonderful job, not telling anyone how difficult some days are, and simply making do.

As a society, we greatly value the contribution that carers make, and it can be in many different ways and today I am talking about only in relation to our aged folk. People who care for an aged person certainly keep a number of them out of nursing homes, and that certainly adds to our society. Many families are in this situation, and they go about their daily lives with little or no assistance, and only raise their problem when they are really at the end of their ability to cope alone. It is only then that they find that help is available and, if they had accessed that help earlier, their lives may have been different. There are those, of course, who are quite proud and independent and do not wish to ask for help but, generally, it comes down to the fact that they become ill or exhausted and therefore have to look for some support.

Just last Sunday morning, a fellow rang me at home. He is aged and trying to work out how he and his sister can find support and accommodation for their aged mother. Certainly, this is the type of situation that comes to our attention often. We are an ageing population, and the fact that we are living longer means that this problem will grow. We have services available, but information about those services is not well known, particularly to folk who become isolated because of their circumstances. Sometimes the doctor is knowledgeable about these things and sometimes not.

In many cases this is a hidden issue in our community and it is not until, in desperation, people cry for help that we become aware of their need. It is important that we educate our communities that help is available, and I have to say from personal experience that it needs to be easier to understand and access. I am complaining not about the quality of the services but simply about the processes that one sometimes has to go through to obtain the information, and then, often, to obtain the service. So, to all those who are in our communities caring for an aged person—

The Hon. I.F. Evans interjecting:

Mrs GERAGHTY: The member for Davenport just made a comment. I make the point to him that, when I tried through Veterans' Affairs to access federal services that are available, I found it was reasonably easy, but other federal services are difficult to access and, unfortunately, finding the information is incredibly difficult.

Time expired.

NATURAL RESOURCES COMMITTEE

Mr RAU (Enfield): I move:

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

Motion carried.

STATUTES AMENDMENT (RECREATIONAL TRAILS) AMENDMENT BILL

The Hon. I.F. EVANS (Davenport) obtained leave and introduced a bill for an act to amend the Highways Act 1926, the Recreational Greenways Act 2000 and the Roads (Opening and Closing) Act 1991. Read a first time.

The Hon. I.F. EVANS: I move:

That this bill be now read a second time.

I will not hold up the house for long. This is a very simple bill. For many years, the recreational walking community has been concerned about the ongoing sale of road reserves throughout the state. They believe that some road reserves provide valuable walking recreational track access, and therefore should not be sold. Road reserves are generally closed and sold by local government, often at the request of private landholders whose property adjoins the road reserves.

Previously in government I introduced the Recreational Greenways Act in an attempt to assist the recreational walking, cycling and horse riding community to establish trails. A committee was also established at some stage whereby recreational groups were consulted prior to road reserves being closed and sold. In this way, valuable road reserves for recreational purposes could be preserved, because once they are sold and developed or incorporated into other properties and used for other purposes they are gone for all time.

I understand that about 15 years ago a desktop audit was undertaken of road reserves, and it identified road reserves that had high recreational value. That desktop audit I understand has not been updated to any great extent until today. The reality is that recreational groups are now rarely consulted prior to the closure and sale of road reserves, and the walking community, which I strongly support, has asked that I move amendments to the appropriate acts that achieve essentially two outcomes: first, if a road reserve is proposed to be closed and sold, that the walking community be notified and consulted; and, secondly, once a greenway is established, it cannot be closed without the minister consulting the same groups as are consulted when a road is closed. That is essentially the purpose of the amendments and a way of bringing about better consultation with the recreational community about what is proposed with road reserves. I hope the government can find it within its ability to deal with and support this bill prior to the close of parliament. That would be helpful. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Highways Act 1926*

3—Amendment of section 27AA—Closing of roads

This clause amends section 27AA of the principal Act to require the Commissioner of Highways to consult with, and have regard to any comments made by, the Walking Federation of South Australia Inc and any other body prescribed by the regulations when closing a road or part of a road.

Part 3—Amendment of *Recreational Greenways Act 2000*

4—Amendment of section 8—Variation or revocation of proclamation

Section 8 of the principal Act enables the Governor, on the recommendation of the Minister, to vary or revoke a proclamation made under section 5 of that Act that established a greenway. This clause of the Bill provides that the Minister must not make such a recommendation unless he or she has given public notice of the proposed proclamation (the effect of which would be to abolish the whole or a part of a greenway), including inviting public submissions on the proposal. The Minister must also first consult with the Walking Federation of South Australia Inc (and any other body prescribed by the regulations), and finally must have regard to comments made under the measure.

Part 4—Amendment of *Roads (Opening and Closing) Act 1991*

5—Amendment of section 10—Notification of proposed road process

This clause requires a council to give notice of a proposed road process (within the meaning of the principal Act) to the Walking Federation of South Australia Inc (and any other body prescribed by the regulations), in addition to the persons or bodies already referred to in the section.

6—Amendment of section 34—Special power of Minister to close road

This clause requires the Surveyor-General to give notice of a proposed road closure under section 6 of the principal Act to the Walking Federation of South Australia Inc (and any other body prescribed by the regulations), in addition to the persons or bodies already referred to in the section. The clause also requires submissions made by those bodies to be forwarded by the Surveyor-General to the Minister.

7—Amendment of section 34B—Road process proposal may be included in a major development proposal

This clause requires written notice of a proposed road closure (contained in an environmental impact statement, a public environmental report or a development report under the *Development Act 1993*) to be given to the Walking Federation of South Australia Inc (and any other body prescribed by the regulations), in addition to the persons or bodies already referred to in the section.

Schedule 1—Transitional provision

This Schedule contains a transitional provision enabling proposed road closures that are already commenced under the principal Acts to be continued as if this Bill had not been enacted.

Mrs GERAGHTY secured the adjournment of the debate.

KANGAROO ISLAND DOGS

Mr HANNA (Mitchell): I move:

That by-law No. 5, made by the Kangaroo Island council under the Local Government Act 1999 entitled dogs, and laid on the table of this house on 3 May, be disallowed.

This by-law specifies dog ownership restrictions on Kangaroo Island. Specifically, in a small dwelling the limit is one dog and in other types of dwelling the limit is two. The Legislative Review Committee noted that these restrictions are more suited to metropolitan areas as opposed to rural areas such as Kangaroo Island. It raised this issue with the Kangaroo Island council, which indicated that it will amend the by-law to incorporate references to working dogs and to specify limits that are more suited to rural areas.

I doubt that this is a contentious issue. All the parties represented on the Legislative Review Committee thought that it would be more appropriate for the Kangaroo Island council to have by-laws about dogs which reflected the rural community reality.

Motion carried.

SUPERANNUATION RULES: COMMUTATION

Mr HANNA (Mitchell): I move:

That the rules made under Superannuation Act 1988 entitled Commutation, made on 13 January and laid on the table of this house on 3 May, be disallowed.

This is a more contentious matter. These regulations revise the formula for calculating superannuation entitlements for public sector employees who temporarily undertake work for

other public sector entities. These arrangements are similar to what is commonly known as secondments.

The Legislative Council Review Committee found that these regulations were inconsistent with its principles of scrutiny, namely, that they unduly trespassed on rights previously established by law because they purported to diminish the legitimate entitlements of employees.

I will say a little more about this. It is a complex matter but, essentially, there was a particular university employee and, through the university for which he worked, he won a contract to do work for the Department of Education. However, it was done in such a way that the university continued to be his employer—so, it is important that he remained employed by the same entity but at a higher rate of pay.

This man was approaching retirement age, and during the secondment he began to seriously consider retirement. His reading of the relevant superannuation laws led him to believe that the higher rate of pay that he was receiving would be a factor in calculating his superannuation entitlements. He did the right thing. The Legislative Review Committee heard this man in evidence and also heard Deane Prior from Super SA in evidence, and the committee believed that Mr Reid, who was the subject of these regulations, was genuine and sincere. He contacted Super SA and said, 'I believe I am entitled to these certain entitlements.' He did not get a clear answer.

After a history of correspondence, rather than getting a clear answer, these regulations were proclaimed, and these regulations give him a much lower entitlement than that which (a) he expected and (b) which he was entitled to at law when he took the secondment. I am calling it a secondment but, in fact, it was working for the same employer, and that is quite important. Under the existing law at the time, he was entitled to a certain level of superannuation which took his higher pay rate from the university he worked for into account.

So, for government to implement a regulation which reduces his superannuation entitlements without warning, he considered to be offensive to natural justice and unduly trespassing on his rights. It would be a different thing if government introduced a regulation which prospectively cut superannuation entitlements in similar situations. However, it is unfair to pick out the example of one particular worker who has certain entitlements and to make a regulation which takes those entitlements away. The parliament is here to protect people from that sort of heavy-handed pin-pointing regulation by government. Although we did not take names for the vote, a clear majority of the committee was essentially of the view that it was unfair.

The Hon. R.J. McEwen interjecting:

Mr HANNA: I can say that nobody in the committee dissented from the view that I have put forward. I will leave it to the house to make a just decision on these regulations.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: STATUTES AMENDMENT (RELATIONSHIPS) BILL

Mr SNELLING (Playford): I move:

That the 21st report of the Social Development Committee, on the Statutes Amendment (Relationships) Bill 2004, be noted.

I am pleased to report on the Social Development Committee's inquiry into the Statutes Amendment (Relationships) Bill 2004. The committee received over 2 000 written submissions, including 68 from organisations. Of the written submissions, 57 per cent supported the bill and 43 per cent opposed it.

Before continuing, I would like to acknowledge the Presiding Member of the committee, the Hon. Gail Gago, and my former colleagues on the committee: the member for Hartley, the member for Florey, the Hon. Michelle Lensink and the Hon. Terry Cameron. I would also like to thank the committee staff: the research officer, Susie Dunlop, and the secretaries, Robin Schutte and Kristina Willis-Arnold. I also wish to acknowledge the involvement of the Attorney-General and the Minister for the Status of Women, both of whom assisted by providing resources to the committee, including the provision of legal and technical advice from the Attorney-General's Senior Legal Officer, Ms Katherine O'Neill.

The report, which was tabled some weeks ago, was a majority report of the committee. The relationships bill seeks to amend 82 state acts so that same-sex and opposite sex de facto couples are treated the same under the majority of South Australian laws. More than 2 000 South Australian men and women currently live in same-sex de facto relationships, and over 300 of these couples are raising one or more children.

The Social Development Committee has resolved that the law in this state does unjustly discriminate against same-sex couples and therefore supports the bill with some amendments, which I will outline later. There is ample evidence that these people suffer some hardship and expense which cannot be remedied other than through legal reform. For example, a same-sex partner is not entitled to any inheritance if their partner dies unexpectedly without a will. They are also not protected by the provisions of the De Facto Relationships Act in settling property disputes if the relationship breaks down. Their children and families are also unfairly disadvantaged. For example, a child stands to suffer considerable financial disadvantage because their parent cannot access compensation if their same-sex partner is wrongfully killed or injured.

People living as same-sex couples incur higher expenses than other couples. For example, they have to pay higher rates of stamp duty to transfer a property into joint names as though they are two single people. What's more, South Australia is now the only Australian jurisdiction that has not granted comprehensive legal recognition to same-sex de facto couples.

The vast majority of those who opposed the bill argued around general principles. Many supported the individual entitlements proposed in the bill but objected to the way in which it proposes to achieve this. The use of the collective term 'domestic partner' in the bill for both lawful spouses and de facto partners was frequently raised. Many felt that this does not give adequate recognition to marriage. The committee has concluded that it is possible to remove legislative discrimination against same-sex couples whilst adequately reflecting the status of marriage throughout the law. Whilst it will involve some significant redrafting, we have recommended that the term 'domestic partner' be replaced with its component parts, 'spouse' and 'de facto partner'. We also heard concerns from the independent schools sector that the bill might reduce the ability of religious schools to operate according to their beliefs.

From our considerable analysis of this issue, it seems that the risk of this is minimal. Nevertheless, it is important that schools be reassured. The bill already does not propose to

stop religious institutions from legally discriminating on the grounds of sexuality, so the amendment proposed by the Association of Independent Schools would make no practical difference to the entitlements of people living in same-sex relationships. We have therefore recommended that the bill be amended according to the association's proposal to provide further clarity of this intention.

Another key issue raised in evidence was that the bill does not go far enough because it does not address all relationships in the community that are subject to legislative discrimination, namely, mutually dependent non-sexual relationships. There is a lot of evidence, including from interstate, to show that legal entitlements should be available only to carefully defined categories of non-couple relationships. It would be very unwise to assume that all, or even most, people living together for three years or more (for example, flat mates) consider their partnership to be akin to a de facto relationship. Another reason why we must be cautious is to ensure that vulnerable people in our community are not taken advantage of by those who may be motivated to make a claim to their estate.

In summary, it is a legally complex matter. We have therefore recommended that the government undertake further exploration of the implications of extending appropriate legal entitlements to non-couple dependent relationships, with a major focus on carer-type relationships. The government may wish to achieve this through extension of the current bill or, alternatively, through a separate process of legislative change. In conclusion, the committee urges the Attorney-General to expedite our recommendations so that the bill can be passed. It is unacceptable that South Australia remain the only state where same-sex couples are denied the rights that other couples take for granted. A great deal of evidence supports the view that legislation should reflect the reality of the way people in our community are living and should make sure that they and their children are protected by law.

The amendments proposed by the committee represent significant modification of the bill, aimed at addressing the concerns of as many people in the community as possible without undermining the fundamental principles of the bill. The committee has also made some clear recommendations that will enhance the rights of people living in domestic co-dependent non-sexual relationships. The committee agrees with the premise that our government and law should not exclude anyone who has a legitimate claim to legal recognition. Having said that, we live in a society where we know that at least 2 000 people live as same-sex couples, and many of these couples are raising children. These couples have a legitimate claim to legal recognition. They are part of our community and the law in this state should give them the rights they deserve. I urge all members to support this report and its recommendations.

Mr SCALZI (Hartley): I, too, wish to speak on this motion and thank the staff, as the Deputy Speaker has, with regard to the work done on this important reference. Members would be very much aware that the Hon. Michelle Lensink from another place and I have put in a minority report. It is important to note that the majority report consisted of the member for Playford, the member for Florey, and the Hon. Gail Gago from another place, who is the chair, and that majority report became the majority report as a result of a casting vote. The other three members—the Hon. Terry Cameron, the Hon. Michelle Lensink and I—opposed the majority report, so it is important to understand from the outset what is meant by majority and minority and that, in reality, the majority report is really a political report by the government members of the Labor Party.

The Hon. R.J. McEwen interjecting:

Mr SCALZI: The member for Mount Gambier interjects and I apologise, because he too is a member of the Labor Party government. The minority report does not agree with many of the conclusions of the majority report. The Hon. Michelle Lensink and I agree that there are people who are either members of same-sex couples or in a domestic co-dependent relationship who are unable to access the benefits and, conversely, duties that apply to married people and de facto couples. This can place unjustifiable hardship and expense in managing their personal affairs, which needs to be addressed. No-one disputes the fact that we have to address the question of entitlements of these households. Indeed, many so-called opponents of the Relationships Bill from churches and so on all agree that the question of entitlements has to be addressed.

We accept that there is broad community support for this. Further, we agree that a form of safety net or presumptive model that recognises the status of such relationships would address these problems. The Statutes Amendment (Relationships) Bill was introduced into the House of Assembly by the Attorney-General on 15 September 2004. Curiously, an identical bill was introduced into the Legislative Council on 9 November 2004, while the second reading was in progress in the House of Assembly. On 23 November 2004, the government unexpectedly withdrew the bill from the House of Assembly after only three members had the opportunity to speak. One should question why it was withdrawn from this chamber and sent to the other place.

Despite opposition from government members, the bill was referred to the Social Development Committee on the motion of the Hon. Terry Cameron MLC, Independent. The remaining members of the Social Development Committee are government members the Hon. Gail Gago, chair, Ms Frances Bedford MP and Mr Jack Snelling MP. The majority report represents the view of three government members, with the chair having exercised her casting vote. All three non-government members could not support the majority report.

With the Hon. Michelle Lensink, I question, and I have great concern with, the process that took place to produce this report. We are not convinced that sufficient effort was made to elicit responses on this issue in our multicultural community, because publicity was limited to the English-language mainstream print media, and aspects of the consultation process remain a concern because of the short time period allocated to investigate this.

The committee heard oral evidence from 41 people representing 25 organisations and two individuals. Written submissions were received from 2 422 individuals and 60 organisations. Of these, 1 250 individuals (51.6 per cent) were clearly in support of the bill and 1 166 (48 per cent) were clearly opposed thereto. In comparison, the government inquiry elicited signed letters or signatures from 2 116 individuals and submissions from 74 organisations. We are concerned that the majority report, represented by government members, counted in one submission the couples and multiple signatories who signed the same letters rather than counting all individuals' expressions.

Furthermore, 17 organisations were in favour and 43 were against. As each organisation represents a number of

individuals, we are concerned that the majority report misrepresents the true balance of submissions and ignores the community sentiment. We consider that the statistical underweighting of organisations of these groups, in effect, marginalises the view of large sectors of the community with religious orientation, as well as multicultural and multifaith groups.

In conclusion, I believe that in seeking only to address perceived discrimination against same-sex relationships, the bill effectively discriminates against other long-term caring relationships. The government has done this with the superannuation bill and the domestic co-dependent bill, which I proposed a couple of years ago and which is still not being addressed, and the government continues with the same approach.

The bill is based on the premise that two people of the same sex, who share a sexual relationship, should have greater access to recognition and benefits than two individuals who might live together, whether or not they are of the same sex, and who are not in a sexual relationship. I believe that this is a false premise. I am disappointed that the government members did not allow the full exploration of all the means available to address the needs of other groups. It has just given higher priority to one group based on sexuality, even though the committee has received evidence from other groups.

In the absence of a detailed analysis of the implications and costings of the changes to the state's acts, I am concerned, as is the Hon. Michelle Lensink, with a number of subjective and unnecessary statements made throughout the majority report. In particular, we reject the conclusion of the committee, which stated:

> . . . the committee believes that there is no convincing evidence of a link between legislative change relating to same-sex couples and the range of social problems that were raised in evidence opposing the bill.

That was stated in the report's executive summary, which continues:

> The committee believes that an omnibus bill is the best model to address current legislative discrimination. . . The committee believes that the risk of this [that the bill might reduce the ability of religious schools to operate according to their religious beliefs] is minimal.

We do not accept that. We had submissions from the independent schools that later got legal advice which was contrary to the advice given by the Attorney-General. So, issues still must be resolved.

We also believe that this bill requires a conscience vote. It is essential that a matter such as this be addressed with a conscience vote. As I said, from the outset, I believe that we must address the question of entitlements and obligations. I have no difficulty in addressing that issue, because in a household where people live in same-sex relationships, domestic co-dependent relationships or as de facto couples, the reality is that the question of entitlements must be addressed. I support that, but it has to be done in such a way that it does not affect the status of marriage and other categories.

Ms BEDFORD secured the adjournment of the debate.

ECONOMIC AND FINANCE COMMITTEE: EMERGENCY SERVICES LEVY

Ms THOMPSON (Reynell): I move:

That the 52nd report of the Economic and Finance Committee, on the Emergency Services Levy 2005-06, be noted.

The Economic and Finance Committee has examined the minister's determination in respect of the emergency services levy for the financial year 2005-06. Section 10(5) of the Emergency Services Funding Act 1998 requires that the minister refer to the Economic and Finance Committee a written statement setting out determinations that the minister proposes to make in respect of the emergency services levy for the relevant financial year. Section 10(4) of the act requires these determinations to be made in respect of: the amount that, in the minister's opinion, needs to be raised by means of the levy on property to fund emergency services; the amounts to be expended for various kinds of emergency services; and, as far as practicable, the extent to which the various parts of the state will benefit from the application of that amount. Pursuant to 10(5a) of the act, the Economic and Finance Committee must inquire into, consider and report on the minister's statement within 21 days after it is referred to the committee.

The committee has fulfilled its obligations under the act. The committee notes the determinations proposed be made by the Treasurer under section 24, and the determinations proposed to be made by the Minister for Emergency Services under section 28 of the Emergency Services Funding Act 1998 for the 2005-06 financial year. The committee also notes the Treasurer's compliance with his obligation under section 10(5) of the act to refer the determinations to the Economic and Finance Committee of parliament.

The committee notes the total expenditure on emergency services for 2005-06 is projected to be $177.8 million. The total figure comprises $92.5 million from fixed and mobile property owners; $79.3 million in the form of government remissions, government property contributions and pensioner concessions; and $2.5 million from interest and certificate sales. The committee notes that for 2005-06 there will be no increase in effective levy rates for owners of fixed property or for owners of motor vehicles and vessels. The committee further notes that the effective levy rate has remained unchanged since 2001-02.

The committee was told that the levy rate settings for 2004-05 were intended to support emergency services spending of $165.5 million, but that total revenue paid into the community emergency services fund in 2004-05 was expected to exceed budget by $3.4 million. Part of this excess is due to continuing increases in property values. The committee notes that the community emergency services fund cash balances were expected to reach $13.7 million by 30 June 2005, of which $3.5 million is proposed be used in 2005-06 to fund expenditures carried over from prior year's funding approvals. A further $3 million relates to working capital requirements, leaving an estimated $7.2 million in uncommitted cash balances in the CESF by 30 June 2005. With respect to the expenditure of the levy funds, the committee was told that $169.6 million is to be spent on direct emergency services with the balance expended on collection and administration costs.

Regarding collection of costs, the committee notes the evidence that costs continue to fall, and, notwithstanding the particular complexities inherent in formulating and collecting the levy, is of the opinion that these costs should be carefully monitored and further efficiencies pursued, including the use of collection infrastructure for the collection of other levies and rates. The committee notes evidence provided during the hearing indicating that greater integration between the CFS

and the Department for Environment and Heritage is occurring in relation to the issue of controlled burning and management of native vegetation. The committee supports this progress and the role of the CFS in encouraging and assisting the appropriate, effective and prudent management of native vegetation to achieve environmental, economic and fire safety objectives.

The committee sought further information from relevant agencies regarding the levels of funding to the CFS and MFS over time and record management of householder fire-fighting infrastructure by the CFS, but is not able to make specific comment on these issues in this report if it is to comply with section 10(5a) of the Emergency Services Funding Act 1998, requiring the committee to inquire into, consider and report on the minister's statement within 21 days after it is referred to the committee. The committee reserves the right to make further comment on these issues should the information it receives, in the committee's opinion, warrant such action.

Given the foregoing, and pursuant to section 6 of the Parliamentary Committees Act 1991, the Economic and Finance Committee commends to parliament that this report be noted. I also comment that, in the hearing, it was quite obvious that the emergency services fund, particularly the MFS and the CFS, are continuing to obtain an increase in funding for the safety of this community under this government, that the handicap that was placed in the effective use of this levy through the huge collection costs that derived from the complex formula initiated by the previous government is being controlled as much as is possible. They are still too high for any revenue costs, but the agencies involved are doing everything they can to minimise the costs, recognising that we would prefer levy payers' money to be spent on emergency services, not on collection costs. Unfortunately, the structure of the levy requires this inefficiency, but the agencies are doing an excellent job in giving the best value they can for taxpayer dollars as are the emergency services. There also seems to be better coordination between services. I think that we can say that emergency services is an area of considerable achievement by this government, and that the levy is being used to the best effect possible.

Mr RAU (Enfield): I want to say a few words about the report. It does trouble me that this levy, which we have now examined, I think, for the third year in a row, continues to be one of the most inefficient revenue raising mechanisms that exists, as I understand it, in the state.

Ms Thompson: Possibly in the commonwealth.

Mr RAU: Possibly in the commonwealth—I think that that is a fair comment from the member from Reynell—in terms of the dollars expended collection as opposed to the number of dollars collected. To use an analogy, we are basically using a prime mover (in the form of the tax mechanism) to transport a dozen eggs around the place. It is absolutely ridiculous.

I emphasise that this government has not changed the system; it has inherited it. I do that not to provoke or cause any disturbance to those opposite but simply to make the point that the observation I make of this system is one of a settled piece of revenue-raising put in place by the previous government, for better or worse—and I am not going to comment on that. However, the fact is that this revenue is raised from two distinct sources. One source is the motor vehicle levy. That is fair enough, and it is fairly economical to collect. That is quite a reasonable impost in terms of its efficiency, but the land-based levy, because of the concessions and the complex formula involved is, as I said, about as efficient as using a prime mover to transport a dozen eggs around the place. It is ridiculous.

In the fullness of time we will need to review the state tax base and the way in which a very sophisticated tax tool—and let us not be funny about this, this so-called levy is a hypothecated tax like any other tax—needs to be rationalised. Ultimately, it needs to be asked whether this is an efficient way for the state to raise revenue for the very important role of emergency services. It is my belief that, unless there is a dramatic improvement in that efficiency ratio (that is to say, either the prime mover gets a lot smaller or we transport a lot more than a dozen eggs around), this needs to be got rid of, replaced or used in some other way.

The other alternative (bearing in mind that this is a prime mover and that it could transport more than a dozen eggs) is that this particular complex mechanism could be used for providing, for example, a service by way of collection of council revenues, as I think was alluded to by the member for Reynell in her remarks. The actual cost of running the mechanism is basically the same whether it is doing nothing or doing a great deal, and at the moment it is doing next to nothing. I am particularly concerned about that, and it is something that cannot and should not go on indefinitely. Let's face it; people should not be paying tax where an unreasonable proportion of that tax is being consumed in the cost of actually collecting it. It is nonsense.

Surely what we are looking for is a tax base that is efficient, where the taxpayer gets value for money, where as many collected dollars as possible go into government programs—into education and schools, into hospitals, and into policing, for example—and not be wasted and caught up in the system as part of the collection cost. This is something that really does need to be addressed.

In this context, I was also interested in hearing the remarks made by those who commented on the 21st report of the Social Development Committee. It is interesting that in that report we have heard a little bit about a breakdown in the state tax revenue compartmentalisation between individuals, and I will give an example. At present, when someone transfers an interest in property to their spouse, the stamp duty that would normally apply to that transfer is waived. That is an exemption to the general proposition that each individual pay stamp duty on each transfer from (a) to (b), and so on.

As I understand the recommendations of the Social Development Committee report, that would be further watered down to the point people who are recognised as spouses for the purposes of the amended bill would also be able to take advantage of that—and perhaps, if the honourable member for Hartley's proposition were to be taken up, you could even have a couple of elderly people who have lived together for many years being in a position where they could transfer, even though there is no sexual or marital relationship between those two people. I only raise that to make the point that it is interesting that, even at the level of things like stamp duty, the state is now starting to recognise that, for tax purposes, there is a need to move away from each individual being an island and a need to contemplate the fact that there are relationships between people which should not be the subject of intervention by tax.

I look forward to a time when the federal government is prepared to take a good look at the income tax system and

say, 'Well, we recognise that, for example, an individual who is supporting a spouse and several children on a single salary has more to do with their after tax dollars than support a sports car and a drinking habit.' Those people should have some consideration of their obligations brought into the tax they pay, the obligations they have to the family they are supporting and, indirectly, the contribution they are making to the community by supporting that family, doing a good job for everyone in the long run and producing healthier, better-adjusted people who will go on to make a contribution.

I look forward to seeing that at a federal level, and I note with great interest that Lindsay Tanner, who recently took up the position of shadow finance minister, is saying that there is a need to go for a complete review of the federal tax system. I welcome that, and sincerely hope that one of the outcomes will be a recognition that if we are to live as a constructive community we have to actually recognise that everyone is not an island from the point of view of their economic relationships with one another. I am not an island from my children or from my spouse, and nor is anyone else.

I return to the main point. I commend the report, which I think is excellent, and I think the honourable member for Reynell quite properly pointed to the difficulty that continues to exist in this area with the land-based tax element. I hope that in the fullness of time the state is able, after the commonwealth has gone through its own review of its tax arrangements, also to take a broad review of the state tax base to see if it cannot be rationalised and made more efficient. I appreciate that that is not a simple measure because, of course, the commonwealth and the states have very complex interrelationships about tax through intergovernmental agreements and vertical or horizontal fiscal equalisation—I can never remember which one it is, but I know it is complicated. There are certain agreements through the Loan Council, and so on, which mean that one state is limited in what it can do independently of others.

So I accept all those limitations. But, that being said, I hope that when in the next parliament—and I am relieved to say that it will be in the next parliament—the next report comes up (if I am fortunate enough still to be here to listen to it), we will be in a position where the efficiency of the thing is improved to the point that it is acceptable, or people are starting to talk seriously about rationalising this tax and turning it into something which better serves the community of South Australia and delivers the sort of services that we need in the community, instead of consuming an unrealistic proportion of the tax dollar on administration and running costs.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: MULTIPLE CHEMICAL SENSITIVITY

The Hon. P.L. WHITE (Taylor): I move:

That the final report of the Social Development Committee, on multiple chemical sensitivity, be noted.

Multiple chemical sensitivity is a controversial condition that raises some concern in different sectors of the community. Surveys undertaken in 2002 and 2004 of over 4 000 South Australians by the state's Department of Health found that 16 per cent of respondents experience some form of chemical sensitivity and just under 1 per cent identified as having multiple chemical sensitivity. Other studies from interstate and overseas estimate prevalence rates of between 6 per cent and 25 per cent, depending on the definitions used.

One of the most difficult issues that the committee grappled with during the inquiry is that there is no single agreed definition of MCS amongst medical professionals nationally or, indeed, internationally. In addition to the suffering that can be caused by the condition itself, lack of recognition causes a range of other practical problems for sufferers in terms of lack of access to the kinds of assistance available to other people suffering chronic conditions, for example, or disabilities.

Generally, MCS is the term used to describe a chronic and often debilitating condition which has a wide range of symptoms. Many other terms have been used over recent years to describe multiple chemical sensitivity, including: ecological disease, environmental stress syndrome and 20th century disease. The World Health Organisation's International Program on Chemical Safety recommends the term 'idiopathic environmental intolerance'.

These symptoms recur in response to a range of chemicals at levels of exposure that are normally harmless to most people. Chemicals such as herbicides, pesticides, solvents and everyday chemicals found in perfume, diesel fumes and household cleaning products are commonly cited as triggering symptoms. It was also suggested to the committee that MCS symptoms can be exacerbated by environmental agents such as tobacco smoke, vehicle exhaust and even electromagnetic radiation. Evidence presented to the committee was that symptoms commonly experienced by MCS sufferers, as cited in the report, include: burning eyes, nose and throat; concentration and memory lapses; nausea; muscle pain and dizziness; breathing problems; and fatigue. These symptoms often appear in combination and lead to physical and social affliction.

Evidence received by the committee included diverse opinions about the causes of MCS—some, indeed, even refuting that chemicals are the cause of the symptoms experienced. While there is research to support both the view of chemical causation and the opposing view, there is currently no conclusive body of evidence to support any one theory. There is also no definitive diagnostic test for MCS, and there is often an overlap with other conditions, such as fibromyalgia (a condition causing chronic muscle pain and fatigue) and chronic fatigue syndrome. Having said that, I must say that the Social Development Committee heard compelling evidence of real suffering as a result of MCS from people from within South Australia and elsewhere.

Before continuing, I acknowledge the contributions of members of the committee—that is, the Presiding Member, the Hon. Gail Gago, and my colleagues on the committee: Ms Frances Bedford, Mr Joe Scalzi, the Hon. Michelle Lensink and the Hon. Terry Cameron, as well as former committee member Mr Jack Snelling, who was on the committee in the initial phases of this inquiry. I also acknowledge the contribution of the committee staff—the research officer, Ms Veronika Petroff, and the secretaries, Ms Robyn Schutte and Ms Kristina Willis-Arnold.

Importantly, the committee wishes to acknowledge the many individuals who provided evidence to the committee in this inquiry, including a number of people suffering from MCS. The committee heard from 22 witnesses and received 166 written submissions from a range of individuals and organisations both from within Australia and overseas.

The committee heard from many people that exposure to a range of chemicals, harmless to most people, can be very debilitating for them. The body of evidence supporting the link between low-level chemical exposure and the symptoms

these people are suffering is also growing. Many sufferers become socially isolated and experience hardship, exacerbated by lack of recognition. For example, some MCS sufferers cannot maintain paid employment due to chemical exposure in the workplace and often even find it difficult to shop in a supermarket or to visit their GP, even when they do become ill.

As their condition is not recognised, some sufferers have found that they are not eligible for commonwealth disability support pensions when they believe they are entitled to workers' compensation schemes, subsidised housing and health schemes available to other people suffering from chronic conditions or disabilities. Lack of any consensus in the medical and scientific community about many aspects of MCS also makes it difficult to form a coordinated approach at the state or national level to improve access to services and benefits needed by people with MCS.

There is also no consensus in the medical community about any effective treatment regime that could be supported by government. There is, therefore, a need to continue research into MCS with a view to some consensus in the future. Some aspects of the condition, such as the effects of some MCS on fertility, are also poorly understood. The committee has therefore recommended that an adequately resourced and ongoing research agenda be established on a national level, including to monitor prevalence and review existing research.

Without pre-empting the outcomes of that research, there are other recognised conditions, such as chronic fatigue syndrome, which were once treated with cynicism in the past or which have lacked the research to create a consistent approach to recognition. As one medical practitioner who provided evidence to the committee commented, in the early years, both chronic fatigue syndrome and chemical sensitivities had an equal status, that is, disbelief by the medical profession and a tendency to blame sufferers for the illness they experienced. Chronic fatigue syndrome is now relatively well accepted, but chemical sensitivities lags behind.

A national approach is also particularly important in view of the fact that many of the issues for sufferers relate to issues that come under federal jurisdiction, such as Centrelink payments. Meanwhile, the committee has identified a range of strategies that the state government can implement to help MCS sufferers achieve a better quality of life, including improved access to public and community facilities such as health care and support services.

The committee believes that the first step towards relieving suffering is to raise awareness throughout the medical profession and wider community. Simple actions such as changing cleaning products or reducing fragrances used by family, friends and workplace colleagues can make a difference. Support and information about managing symptoms from medical professionals can also be very useful.

The committee recommended the establishment of a state MCS reference group to provide up-to-date information on MCS to state and local government and relevant professional and community organisations. This would also address the concerns of many who provided evidence about the need for greater collaboration between state and local government.

Another key recommendation in the report is that the Department of Health continue its investigation into MCS protocols for hospitals and health services, with a view to providing better access for chemically sensitive patients. A number of European and North American hospitals and health care facilities have adopted policies and protocols to address chemical sensitivity without risking the health or wellbeing of other patients.

The committee has also recommended that the Department of Health consult with existing support services for people with chronic illnesses, with a view to improving access for people with MCS, and that it work with state disability and other government departments and agencies to explore practical ways to improve access to services for people who are disabled by the condition.

Another key finding of the inquiry was that exposure to herbicides used by local councils for weed control has a significant impact on the health of some MCS sufferers. The committee has therefore recommended that the MCS reference group should develop best practice guidelines to enable local councils to introduce no spray registers. These registers would identify MCS sufferers in the community and minimise chemicals used in their immediate environment. The committee also recommends that the federal government should lead ongoing research effort in a national focus on effective, alternative measures for weed control in order to identify herbicides with lower toxicity than those in common use.

With a lack of official recognition of MCS somewhat restricting our ability to address some of the issues raised, the Social Development Committee believes that some of the things the South Australian government and community can start to implement can help raise the quality of life for MCS sufferers. This is especially important in view of those people in the community whose health, in addition to suffering chronic MCS, is also affected by chemical sensitivities.

It is also important that this state advocates for continued research in this area with a view to some national consensus in future about recognition and treatment of the condition. There has been some change in countries such as Canada, parts of the United States, Germany and Sweden that have improved the lives of chemically sensitive people without impinging upon the health and welfare of the community at large, for example, hospital protocols, scent free policies in workplaces and public spaces and occupational health and safety policies that recognise chemical sensitivities.

It is the belief of the committee that a need exists here in Australia to raise the profile of the condition on a national level. Meanwhile, we must do what is within our jurisdiction and raise awareness of the condition towards a better quality of life for South Australian sufferers in future. We believe that the recommendations of this report represent a strong and effective platform from which South Australia can begin this process.

Dr McFETRIDGE (Morphett): I rise to support the report being tabled here by the Social Development Committee. I was first made aware of this issue a number of years ago during the election campaign, when I was door knocking and came across a constituent at Somerton Park who suffers from multiple chemical sensitivity. After speaking to her for a while through her door, I was made well and truly aware of the debilitating condition from which this lady was suffering.

While I have a reasonable knowledge of allergies and sensitivities through the pharmacology and dermatology that I did at vet school, and at my vet practice dealing with animals (and certainly allergies and dermatological conditions are very widespread and common in veterinary practice), the more insidious and all-enveloping condition of multiple chemical sensitivity is not something that was mentioned in

the animal field. However, having spoken to this lady, and having listened to the member for Taylor's speech today, I picked up a copy of the report yesterday evening, and I have not had a chance to look at it yet.

This is a condition that needs to be considered very carefully by all the health authorities, and it is good that the parliament has produced such an in-depth report. I congratulate them on the work that they have done and the report that they have produced, because this is a condition that will not go away. Recognition of sufferers of multiple chemical sensitivity is something that we need to be advancing all the time and, if it happens through reports and the work of the committee, I encourage members of the health industry to further their work and further their recognition, so that people's lives can be improved. If there is a particular immunological condition that may predispose people to multiple chemical sensitivity, it needs to be recognised, because of the millions of chemicals that we have around the place. I am sure that this particular condition, or variants of it, will become more and more common, and it is something that we need to recognise. It is nice to be a part of a parliament that is actually producing some worthwhile results, and this particular report is just one example of that fine work.

Mr HANNA (Mitchell): I will briefly speak in support of the report and the recommendations in relation to those who suffer from multiple chemical sensitivity. It is a serious issue; it is an extremely debilitating condition; and, unfortunately for those suffering it in our society, it is one of those illnesses about which medical knowledge is only just beginning to emerge, so they do not get sufficient support or recognition. It is a condition that will be increasingly prevalent with the amount of pesticides, poisons and, generally, unnatural chemicals that are used in the human environment.

So, it is very timely that this report has been brought into the parliament. I know that a number of parliamentarians are quite caring and passionate about the issue. It is now up to the government to see whether the recommendations of the report will be implemented.

Mr SCALZI (Hartley): I will also briefly speak on this committee report. I commend the report and concur with the member for Taylor's comments because of the time factor. There is no question that many people suffer with this condition and, although it is difficult in many cases to identify exactly the cause of the suffering, the reality is that they do suffer from it. It would be remiss of us as a state not to give people suffering these conditions the proper care and consideration that should be given to any one who is suffering from a range of illnesses.

I found listening to the witnesses who experienced these conditions to be a very moving experience because, obviously, it is difficult for them to carry on with their normal daily duties that we take for granted. So, although it is difficult to come to a definition and to proposals that would address the issue, nevertheless we must try. There should be hospitals and facilities where this is addressed and taken into account. There should also be communications—for example, when there is spraying by local government authorities or any government authorities—so that the least we can do for the people who suffer these conditions is make them aware, so that they are not exposed to the danger and the suffering that they experience. I support the report.

Motion carried.

SELECT COMMITTEE ON NURSE TRAINING AND EDUCATION

Ms THOMPSON (Reynell): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 21 September.

Motion carried.

SELECT COMMITTEE ON THE TATTOOING AND BODY PIERCING INDUSTRIES

Ms THOMPSON (Reynell): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 21 September.

Motion carried.

PARKLANDS

Adjourned debate on motion of Mr Hanna:

That this house establish a select committee to examine and report upon how best to protect the Adelaide Parklands as land for public benefit, recreation and enjoyment, including—

(a) desirable protective measures to ensure the continuing availability of land for public recreational purposes;
(b) arrangements for management responsibility and accountability;
(c) the desirability of legislative protection and the form of legislation, if considered necessary;
(d) the impact and feasibility of seeking to list the Adelaide Parklands on the World Heritage List; and
(e) any other related matter;

and that the committee be entitled to incorporate that evidence previously gathered by the former Select Committee on the Adelaide Parklands established in the 49th parliament.

(Continued from 25 May. Page 2703.)

Mr BRINDAL (Unley): I commend this motion to the house, and I commend the member for Mitchell for moving it. I think it shows great insight and intelligence on his part. The Adelaide Parklands have long been a treasured preserve of the people of South Australia, not quite since the time of Colonel Light, because it is true to say that, at around the time of colonisation, Light's vision was somewhat dimmed by people and governments using the Parklands as a quarry, as a source of timber for housing and firewood, and for keeping cattle and sheep; indeed, it was the site of tanneries and a number of other noxious industries. Latterly, and not so latterly, it has been the site of a number of dumps in the region of the city. There are some particular problems which the city council does not like to talk about in terms of hazardous waste buried under the green swathes of our Parklands.

Partly for reasons of history and partly because it has been a fact for many decades now—certainly, for as long as I can remember—the Parklands are the preserve of this state government. They are crown lands which have been committed to the care, custody and control of the Corporation of the City of Adelaide. As a result, this parliament and the people of South Australia who have an interest in the Parklands often have to have their say on the Parklands almost by remote control, because the care, custody and control of the Parklands is clearly vested in the Adelaide City Council, which, for all intents and purposes, seems to believe that the parklands belong to it. They do not; the council simply holds the Parklands in trust.

This means—and I have seen this in this state all of my life—that we have had decades of debate, controversy and disagreement. This does not happen on a daily basis, but I

would bet money that, if the executive government were to entertain a proposition (as did the last government) to rebuild the tennis centre or replace it with a fitness centre or, in fact, build a wine centre (which was built on part of the Botanic Gardens site), controversy would instantly erupt and be as alive and as well as it ever has been. The proposal to shift the Sky Show from Bonython Park to Victoria Park is something in which the people of the eastern suburbs and the people of the metropolitan area generally have some interest. Anything that involves the Parklands engenders interest and heated debate.

The creation of the City of Adelaide Act under the last government went some way towards setting a new blueprint for a cooperative relationship between executive government (which, after all, represents the will of the majority of this chamber) and the Corporation of the City of Adelaide. During the time of the Olsen government, that committee was working rather well. It was responsible for some significant innovative redevelopments—I mean innovative in the way in which they were funded. The Riverbank Precinct was one of those initiatives. Most notable and still ongoing is the redevelopment of North Terrace. In many places, this project is drawing towards its conclusion, and it has resulted in a much better presentation of our historic buildings.

One thing which has not been adequately addressed and which I attempted to look at while I was minister for local government—the Hon. Dorothy Kotz also attempted to look at this during her tenure as minister—is a better regime for a cooperative approach to the Parklands, particularly, an approach which would make certain the preservation of these open spaces which are now so treasured by many South Australians. Dr Michael Armitage, when he was a minister of the government and the member for Adelaide, came up with a proposition—

Members interjecting:

The DEPUTY SPEAKER: Order! There is too much audible conversation. It is interrupting the member for Unley's flow of thought.

Mr BRINDAL: It sounds like a henhouse. I could not concentrate. What I was saying was that Dr Michael Armitage, when he was the member for Adelaide, came up with a proposition (which was not enthusiastically accepted by the Parklands Preservation Society or the North Adelaide Society) for open space in the Parklands to remain as it is. His proposition was simple: the amount of open space in the Parklands would be calculated and written into law, and there would be only one way in which any future government could actually alter that. If you wanted to put a new building on the Parklands, first, you would have to identify a building that could be pulled down and replace like with like. If you wanted to build a fitness centre or a restaurant, first you had to find a bowling club or something else to pull down. This was not a perfect solution, but it was a solution put forward by Dr Michael Armitage and the Liberal Party which sought to guarantee the amount of open space available in the Adelaide Parklands legislatively and in perpetuity.

At present, one thing that all members can agree on is that the current Parklands are a mess. If you look at Light's vision, the whole of the site of the University of Adelaide and Government House is all designated Parklands. If you look at the area that is the Botanic Gardens, the Zoological Gardens, Royal Adelaide Hospital and the Wine Centre, that big block is not and has never actually been designated as Parklands. It is a government reserve where the police horses used to be kept, where the lunatic asylum was, and various other things have been there. While most people think that is part of the Parklands, technically it is not, whereas where the university is actually forms part of the Parklands. That on its own needs to be sorted out, as do other factors, such as this building.

Technically, if you look at an original map, this building exists on the Parklands. No-one is going to propose that we return this building to open space, pull down the railway station and change that back to open space because that was part of Light's grand vision. So, we do need the sort of proposal put forward by the member for Mitchell. We need to look at these things in a modern and realistic manner to define that which is now Parklands and to enshrine the values of those Parklands in legislation. It is all right for this government to say, 'Look: trust us; we're in government.' It will not always be. And it is all right to say that the Liberals are the ones that will wreck it. That is not necessarily true. It is incumbent on this house to set up this sort of committee to look at this matter so that it can be resolved in an intelligent way that protects for our children and grandchildren those values that have been passed to us by our great-grandparents and grandparents.

We are lucky that we inherited the vision of Light. We owe it to our children to pass on that vision, and the proposal of the member for Mitchell will go some way to intelligently addressing an issue that has dogged this parliament and this state for at least the last 50 years and even further back than that. I look forward to the whole house supporting this measure.

Dr McFETRIDGE (Morphett): I support the member for Mitchell in his motion, and it is important that we look at it in its five paragraphs. I do not see how anyone could disagree with the intent of this motion and not support it, yet I understand that the member for Norwood in her speech to this place said, 'I think this motion should be opposed.' I find that quite extraordinary after the Britannia roundabout decision. The motion is quite explicit, and I understand that this is exactly the same as the select committee that was formed under a previous Liberal government. Paragraph (a) of the motion states:

> desirable protective measures to ensure the continuing availability of land for public recreational purpose;

We know that some people are zealous in their protection of the Parklands to the exclusion of any potential use for public recreational purposes of anything that looks in any way semi-permanent. Let nobody try and in any way say that I am not 100 per cent behind protecting the Adelaide Parklands for the use of all South Australians and for the use of visitors to South Australia, whether from interstate or overseas. That is not to say that, if we are not damaging those Parklands in any way, we should not be able to use the open space for public entertainment and enjoyment. At the same time, we must be sure that we are not irreversibly damaging them in any way.

We have to be very careful that we hang on to this legacy not only for the future of our children but of our children's children and their children. Having recently become a grandfather (to one young Lily), I am very conscious of the fact that the legacy we will leave behind for her is of paramount importance, as it is for all children of South Australia. Paragraph (b) of the motion reads:

> arrangements for management responsibility and accountability;

It is very important that the careful management of the Parklands is thought out, laid out and planned very careful-

ly—and that is just the management, never mind the use of the Parklands. Paragraph (c) states:

the desirability of legislative protection and the form of legislation, if considered necessary;

It is true that the current government has introduced a draft bill and there has been some public consultation on this bill to protect the Parklands. I see no reason why this select committee cannot be formed. It may provide further information to assist in the deliberations and formation of the Adelaide City Parklands Bill 2005 that is going to be put before this place in the future. Paragraph (d) of the motion reads:

the impact and feasibility of seeking to list the Adelaide Parklands on the World Heritage List;

When you fly into Adelaide and see the Parklands, it is an absolute jewel for a capital city to have the extensive Parklands surrounding it that we have in Adelaide. They are a pleasure to walk through and a pleasure just to drive through and certainly to fly over and look down upon as open space. It is a pretty good invitation to this city. Paragraph (e) states:

any other related matter;

It is amazing how other matters come to the fore when you get a select committee looking into issues as important as protecting the Adelaide Parklands. That is why this committee should be supported by all members of the house. Unfortunately, the member for Norwood has said that she will not support it. The member for Norwood in her speech said that there has been extensive public consultation on this bill. I assume that members of the government and their departments have met with the Adelaide Parklands Preservation Association, the Adelaide City Council and other groups, according to what the member for Norwood said. Apparently, there has been extensive consultation.

The member for Norwood said that the government has consulted the various interest groups. However, this morning, when driving to Parliament House from my office at about 11.50 a.m., I was listening to The Soapbox on 891 ABC. A lady who identified herself as Kelly phoned in. She also identified herself as a member of a sub-branch of the Labor Party in Adelaide. She was vocal on how this motion and committee should be supported. It is evidence of how this is supported by rank and file members of the Labor Party. Kelly brought up the issue of the Britannia roundabout and that minister Conlon had said that the changes to the Britannia roundabout plans were not about politics; however, from what Kelly said, that did not appear to be the case. She said that electors had spoken to the member for Adelaide well before the changes to the plans for the Britannia roundabout.

The member for Adelaide then had spoken to the Minister for Transport. They realised the political dilemma that they were in. A number of activists were seeking to do exactly what this motion does—to protect the Adelaide Parklands. These political activists were going to cause quite an upset, if they possibly could, in electorates where members were not supporting the preservation of the Parklands and, in fact, supporting this motion. Kelly also said that it would be interesting to see how the Attorney-General, Mr Atkinson, was going to react. It is her understanding that the Parklands were protected by a public trust, and she was not sure what his attitude was going to be towards that. The Adelaide Parklands Preservation Association, as I understand it from what this caller said, was going to ramp up this preservation as an election issue. A local school did a project on it and members of the government have been aware of that, as I understand it. It is important that people on both sides of the house recognise that this is a political issue, but, unfortunately, the member for Norwood is opposing the establishment of this select committee which seeks to preserve our Parklands.

I know that the member for Norwood has said that there has been some consultation. We have the draft Adelaide City Parklands bill, but let us have a further in-depth look. Let us do what the Adelaide Parklands Preservation Association wants. Let us do what Kelly and other members of the Labor Party want. They need to support this motion. They should be very careful to be aware of the angst out there.

The Adelaide Parklands are the jewel in the Parklands of Australian capital cities. It is important that it does not become politicised, that we do not have decisions made just on political motives and that we do not have the Britannia roundabout plans scrapped under the guise of saving trees. It is not about saving trees: it is about saving the necks of the members for Norwood and Adelaide. As Kelly said, it is a shame that the member for Adelaide did not move this motion before the Greens member, Mr Hanna. I cannot remember Kelly's exact words, but she was beaten to the punch, or something like that. It was interesting to see that there is a lot of support out there for this motion moved by the member for Mitchell. I will be very disappointed if all members of this place do not support this motion as it passes through the house. Having the select committee will not in any way hold up the other consultations and development of a new Parklands bill; in fact, nobody could dispute that it will assist the formation and construction of a Parklands bill that will work.

Time expired.

Mr MEIER (Goyder): I believe that it is only right and proper that the house should support this motion. The reason is very simple. Once again, it seeks to have the whole issue of the preservation of the Parklands considered. I think back about five years when the then member for Adelaide, the Hon. Michael Armitage, and the then member for Colton, Mr Steve Condous, former lord mayor of Adelaide, put forward a proposal. I remember that Steve Condous said at the time, 'I am retiring at the next election. There is one thing I want to get into legislation, and that is a preservation of the Parklands because, as the former lord mayor of Adelaide, I was unable to get anything, but, as a member of parliament, I can.'

Do members know what the solution was? It was very simple. If any area is to be developed, or any extension made onto the Parklands, then an equivalent amount of Parklands has to be reclaimed. In other words, if, for example, another train line were to be constructed on the Parklands, then the equivalent amount of area of land would have to be reclaimed from somewhere else in the Adelaide Parklands. That way, as the members for Colton and Adelaide said, the amount of park land will never ever be less than what it is at that time. That time was about four years ago. They wanted to at least preserve what was there for all time.

It was a simple bill, and I assumed that it would receive overwhelming support. The then opposition, the Labor Party, said, 'No; there's trickery here somewhere; there's something sinister. Why would you want to make sure the Parkland was preserved so that no more is lost?' From memory, the Democrats said exactly the same thing. They said, 'No, we won't agree to this.' So, what has happened over four years?

Nothing. The Parklands have been further whittled away. It was such a simple bill; it was such a simple solution. I was very frustrated. I remember the then member for Adelaide, Michael Armitage, was furious, as was the then member for Colton, Steve Condous. I believe this is at least one way to have the thing looked at again, and for heaven's sake, get a resolution of this Parkland issue once and for all.

The Hon. J.D. HILL (Minister for Environment and Conservation): I indicate that the government does not support the proposition moved by the member for Mitchell, though I acknowledge that he has moved it in good spirit, with the intention of doing the right thing and properly analysing these issues. I will explain to the house why the government has the position that it does. Prior to the last election, we put out a fairly comprehensive policy about Parklands preservation. We said that we would introduce legislation, we would transfer responsibility for the Parklands from the minister for local government to the Minister for the Environment, and we would go through a process of consultation to determine how we would go forward with management of the Parklands. In particular, we said that we would look at establishing some sort of management trust which brought together the various partners who could then work on a management plan for the future of the park.

Since we came into government, we have put this process in place. The Minister for Environment is now the minister responsible for the Parklands. We put out a draft paper. We called for submissions and got a whole lot of views from the community. I attended a number of meetings with the member for Adelaide, in particular, about the proposed plans. We put out a final document which proposed a whole range of ways of dealing with this matter, and I concluded, by and large, fairly detailed negotiations with the city council, with the Parklands Preservation Association, and with a whole range of other interested parties, including the Hon. Ian Gilfillan in another place, and I think that we have made substantial advances.

The government wants to introduce legislation in the next session of parliament. There has been draft legislation which has been out for consultation, and I think we pretty well have a consensus across all of the groups. The city council and the state government have agreed pretty well on all of the elements. We have had a meeting with the Parklands Preservation Association, which had a few issues, and we have been working through them. I think most of its concerns have now been addressed. It is true that we will not satisfy 100 per cent all of the people who are concerned about the Parklands, but let me put on the record some of the things that we will be doing with the legislation.

We will be stopping major development status being used for Parklands development. That is the most substantial protection the Parklands can get. We are taking away the right of any future government to use major project status to cause a development to occur in the Parklands. If nothing else occurs, I would have thought that that would have been a significant advantage. But we are doing more than that. We are establishing a management process which will involve the city council, the state government and community working together for the first time as a management board for the Parklands. I think that is incredibly important, because that will allow a vision, a focus and a forum for dealing with all of the kind of outstanding issues that people have in relation to the Parklands. That body will establish a management plan, which I imagine would go through public consultation—I do not have legislation in front of me at the moment, but that will go through public consultation and we will get a consensus in the community about how the Parklands should be managed, what the priorities should be for investment, what the priorities should be for protection, and what we should do with the Parklands.

My big criticism of the Parklands at the moment is that they are not managed in a coherent or comprehensive way. Bits of them are managed by different bodies. This is not to criticise the city council. I am not bagging the council over it, but, traditionally, they have had a range of bodies within the management of the city council looking after different parts of the Parklands, and I think that is why you have this non-comprehensive, non-integrated approach to Parklands. That is what we want to do. Also, for the first time we will define legally where the Parklands are. There is no legal definition of the Parklands at the moment, and that means that various bodies, Transport SA and others, have been able to go and do pretty well what they like. There will have to be a process in place for any of these proposals in future, and it will be spelled out in legislation what will need to happen. We have seen the roundabout being cancelled at one of the corners of the Parklands, and I know that that has been applauded by the Parklands Preservation Association.

I think we have actually addressed all of the issues that the honourable member for Mitchell wants to explore in his select committee. I would say to him that, if he were successful, we would not get this legislation up before the election. I cannot tell you what will happen after the election. I hope that we are re-elected, but I suspect that if we are not re-elected you would not get any legislation up to do these things, because the Liberals have a track record of wanting to use the Parklands for exploitation. I would say to you that it makes a very great deal of sense to get legislation through now while we actually have it in the palm of our hands. It may not be the most perfect legislation for everybody who has a say in the Parklands, but it goes a lot further than anything that has ever been done before. We have a good working relationship on this issue with the city council. I have been meeting extensively with the Parklands Preservation Society Association, as have other members, and I think it will advance it.

There are issues about heritage listing. We are working through those issues. Putting it on the state heritage list is a bit problematic. We are still exploring this, but it would in some ways cause improvements to the Parklands. For example, getting rid of an old building that is not heritage listed in its own sake, such as an SA Water building, might be made difficult if the whole of Parklands were heritage listed. It is important that we look through it, so that we are exploring the possibility of heritage listing as an heritage area in the same way as Colonel Light Gardens and Port Adelaide, for example, are listed. That would mean that new developments, or any potential development, would have to be consistent with that general zoning.

In addition to these things which we have done, which are legislative things, we have already announced that $1 million dollars will go from Treasury to the new board we are establishing to help run it. That is the $1 million which currently goes from Treasury to SA Water to provide free water for the city Parklands. We think that it is better to give the money to this board so that it can develop a more conservation minded approach to dealing with water in the Parklands. We have also started the process of handing back land to the city council in the name of the Parklands, so we

are working on SA Water land. We are also looking at transferring back the land which is currently used by the rowing clubs. I hasten to add that we are not closing down the rowing clubs; ownership of the land will simply be transferred to the Adelaide City Council to be part of the Parklands rather than being alienated as it is now and held in the name of the Crown.

This is really anticipating the debate we will have when the Parklands legislation comes before the house, but I would be very reluctant to see a select committee or any other process set up which would delay the introduction of this legislation, on which I have been working now for about 3½ years. I believe we have pretty well addressed all the issues that are outstanding, and I would say to the honourable member to have a look at the legislation when it comes up in September. If he still believes that a select committee or some other inquiry is necessary, once the legislation has been tabled there will be an opportunity, during the debate, to send it off to a committee.

Mr HANNA (Mitchell): The minister is promoting some good ideas, and I appreciate what he says about the Parklands issue. However, there is a view afoot in the community that the government does not have all the answers in relation to this. There are some controversial and different points of view in relation to the Parklands, and a very appropriate mechanism for ventilating those views would be through the deliberations of a select committee. So, I see this committee not as detracting from what the government is doing but, rather, adding to it by the addition of an appropriate democratic means of review.

The house divided on the motion:

AYES (19)

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

NOES (22)

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

PAIR(S)

Brokenshire, R. L.	Caica, P.
Hall, J. L.	Ciccarello, V.

Majority of 3 for the noes.

Motion thus negatived.

NATURAL RESOURCES COMMITTEE: MENINGIE AND NARRUNG IRRIGATORS

Adjourned debate on motion of Mr Rau:

That the third report of the committee, on an inquiry into the Meningie and Narrung lakes irrigators, be noted.

(Continued from 1 June. Page 2908.)

Mr RAU (Enfield): I wish to complete my remarks in relation to the Meningie and Narrung irrigators' report, and I will continue from where I left off on 1 June. Obviously, early advice to the Meningie and Narrung lakes irrigators of the potential for low flows and salinity increases would assist them in making more timely management decisions on forward provisions for irrigation or importing stock feed and stock movement.

The committee supports and encourages any initiative that can be implemented by the Department of Water, Land and Biodiversity Conservation and the South Australian Murray-Darling Basin Natural Resource Management Board that could provide much earlier advice than currently is the case. The committee supports this view, and one of its recommendations supports this position.

The committee heard that below average rainfall in recent years has contributed to lower than normal water levels in lakes and a reduction in the natural flushing of the system. We were advised that contributing factors to these low levels might be due to some inefficient use upstream and possible poaching of water. This only exacerbates the difficulties faced by the Meningie and Narrung lakes irrigators. The committee is of the view that, if current rainfall trends persist and lack of flow into the lakes continues, the long-term viability of irrigation in the region is seriously at risk. Accordingly, it has recommended that an audit of water uses and losses along the river be undertaken to assist river regulators in eliminating avoidable losses, and even substantiate or disprove allegations of poaching and inefficient use upstream.

Irrigators advised the committee of some of their frustrations in dealing with government departments over licensing processes. We recognise the necessity for ongoing monitoring of dredging works and other actions that impact on the resources of the area. This is particularly important given its sensitive natural ecosystems and proximity to the Coorong wetland site.

The committee also feels it is in the best interests of irrigators to maximise their environmental performance. It is understood that their efforts to do so are being supported and assisted by associations such as the South Australian Murray irrigators, other locally formed groups and the efforts of various government departments. Nonetheless, the committee is also concerned that government requirements in relation to licensing are not being adequately communicated to irrigators in this area. It must be recognised that there are no alternative water sources in the region and that a minor drop in lake levels significantly impacts on an irrigator's ability to access water from the lakes. The committee therefore supports special dispensation allowing lakes irrigators to undertake emergency dredging work in times of very low levels.

It is our recommendation that the Environment Protection Authority review its processes for advising irrigators of its dredging licence and compliance requirements, with a view to streamlining assessment processes. We have further recommended that any changes to current licensing arrangements in relation to dredging in Lakes Alexandrina and Albert should involve comprehensive consultation with irrigators and take into account their views and operational requirements.

The committee heard evidence suggesting that the Narrung-Narrows causeway may now potentially be restricting natural circular flows in and out of Lake Albert. Without this circular flow it would seem that the salinity in Lake Albert could increase irreversibly. We recognise that this view is speculative and not based on scientific studies, but the committee supports further research into the effects of that causeway and what it may be doing to natural water flows into the lake.

One of our recommendations is for the department to determine who is responsible for the ownership and management of the causeway, with a view to instigating an investigation into the efficacy and feasibility of placing culverts under the causeway to ameliorate salinity issues. The committee also heard that a proposed canal between Lake Albert and the Coorong may assist in flushing the lakes.

The committee reviewed previous research done by the engineering and water supply department in 1998, titled Lake Albert Salinity Mitigation—Channel to Coorong—Supplementary Report. The report found that such a proposed channel was likely to pass less than anticipated flows and result in less than anticipated salinity levels in Lake Albert. Whilst potentially impacting on natural ecosystems and processes in the Coorong, we accept the findings of this report, but given the current change in climatic conditions, and a real reduction in natural flows down the river, further investigation may need to take place in the near future.

The committee sees this area as being of significant economic value, considers that the operations there are in line with good irrigation practice and that they are environmentally sustainable. Our recommendations will be of benefit to the industry there and foster greater cooperation between them and government agencies.

I thank all who contributed to this inquiry by either making a submission to or appearing before the committee. Finally, I extend my sincere thanks to the members of the committee: Mr Paul Caica, who also acted for some time as chair and did a magnificent job; Ms Vini Ciccarello; Mr Mitch Williams; and, from the other place, the Hons Sandra Kanck, Caroline Schaefer and Bob Sneath. I also thank the Secretary and Research Officer of the committee, who did an excellent job of assisting members of the committee both with their work and preparation of the report. I commend the report to the house.

Motion carried.

CRIMINAL LAW CONSOLIDATION (INSTRUMENTS OF CRIME) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

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

That this bill be now read a second time.

At the Leader's Summit on Terrorism and Multi-jurisdictional Crime in April 2002, leaders resolved:

> To reform the laws relating to money laundering including a possible reference of powers to the commonwealth if necessary, for effective offences.

I refer to Resolution 14. The Joint Working Group on National Investigation Powers (JWG), was asked to consider the implementation of Resolution 14. On 28 May 2003, the JWG finalised its report to the Standing Committee of Attorneys-General (SCAG) on Resolution 14. The report recommended that:

> Despite concern that the commonwealth cannot enact fully comprehensive money laundering offences, an effective national response to money laundering can be achieved without a reference of power to the commonwealth by reforming existing state and territory money laundering laws.

The commonwealth has consistently (and alone) refused to accept that recommendation. On 7 August, 2003, at the SCAG meeting, state and territory Attorneys-General expressed the view that the JWG recommendation satisfies the requirements of Resolution 14 and indicated that they did not intend to refer powers to the commonwealth. The commonwealth remains firmly of the view that a reference of powers is required to carry out fully Resolution 14 and notes that the JWG report recognises that there exists a gap in the commonwealth's constitutional powers.

On 2 November 2003, the Prime Minister wrote to state and territory leaders asking them to reaffirm their commitment to Resolution 14 and agree to a reference of powers. One way of reacting appropriately to this is to enact defensible state provisions. I seek leave to have the balance of the second reading explanation incorporated in *Hansard* without my reading it.

Leave granted.

Victoria, for example, has already enacted one version of extended offences. We do not intended to follow that model. The recent decision of *Beary* [2004] V.S.C.A. 229 is highly critical of the Victorian model. In this light, it would not be wise to extend it to this State.

South Australia currently possesses, in effect, the standard national model offences of money laundering of the proceeds of crime. In 2002, as a part of the general modernisation and codification of the criminal law of dishonesty, the *Criminal Law Consolidation (Offences of Dishonesty) Amendment Act 2002* enacted these offences of money laundering:

> 138(1) A person who engages, directly or indirectly, in a transaction involving property the person knows to be tainted property is guilty of an offence.
>
> Maximum penalty:
>
> In the case of a natural person imprisonment for 20 years;
>
> In the case of a body corporate $600 000.
>
> (2) A person who engages, directly or indirectly, in a transaction involving tainted property in circumstances in which the person ought reasonably to know that the property is tainted is guilty of an offence.
>
> Maximum penalty:
>
> In the case of a natural person imprisonment for 4 years;
>
> In the case of a body corporate $120 000.
>
> (3) A transaction includes any of the following:
>
> (a) bringing property into the State;
>
> (b) receiving property;
>
> (c) being in possession of property;
>
> (d) concealing property;
>
> For these purposes:
>
> ***tainted property*** means stolen property or property obtained from any other unlawful act or activity (within or outside the State), or the proceeds of such property (but property ceases to be tainted when it passes into the hands of a person who acquires it in good faith, without knowledge of the illegality, and for value);

These offences were enacted with full consultation, including with the then National Crime Authority.

One of the areas that concerns the Commonwealth and which our existing offences do not cover is the instruments of crime (as opposed to the proceeds of crime). The true laundering of the instruments of crime could be covered by enacting a new offence of dishonestly dealing in instruments of crime. This uses existing concepts in the relevant part of the *Criminal Law Consolidation Act 1935*. There are two of them:

Dishonesty

131(1) A person's conduct is dishonest if the person acts dishonestly according to the standards of ordinary people and knows that he or she is so acting.

(2) The question whether a defendant's conduct was dishonest according to the standards of ordinary people is a question of fact to be decided according to the jury's own knowledge and experience and not on the basis of evidence of those standards.

(3) A defendant's willingness to pay for property involved in an alleged offence of dishonesty does not necessarily preclude a finding of dishonesty.

(4) A person does not act dishonestly if the person—

(a) finds property; and

(b) keeps or otherwise deals with it in the belief that the identity or whereabouts of the owner cannot be discovered by taking reasonable steps; and

(c) is not under a legal or equitable obligation with which the retention of the property is inconsistent.

(5) The conduct of a person who acts in a particular way is not dishonest if the person honestly but mistakenly believes that he or she has a legal or equitable right to act in that way.

(6) A person who asserts a legal or equitable right to property that he or she honestly believes to exist does not, by so doing, deal dishonestly with the property.

and

Deal

A person deals with property if the person—

(a) takes, obtains or receives the property; or

(b) retains the property; or

(c) converts or disposes of the property; or

(d) deals with the property in any other way.

These proposed offences would extend coverage to those people who deal in any way with anything that has been used to commit an indictable offence and do so dishonestly. This would, for example, apply to people who deal in the instruments of crime to avoid criminal assets confiscation. Much hinges on the jury's appreciation and assessment of whether what was done was "dishonest".

Two offences are proposed, mirroring the current scheme. The first, and more serious, offence requires proof that the defendant knew about the fact that he or she was dealing in an instrument of crime and that the dealing may facilitate the commission of a crime or escape detection or other consequences of the crime. The second is equivalent to the existing lesser offence and deals with the case in which the defendant ought reasonably to know that the property is an instrument of crime and is reckless about whether the dealing may facilitate the commission of a crime or escape detection or other consequences of the crime.

The maximum penalties are scaled accordingly.

The proposed offences fill a gap in our criminal law.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Amendment of heading to Part 5 Division 4

The current heading to this Division is "Money laundering". The new heading proposed will be "Money laundering and dealing in instruments of crime".

5—Insertion of section 138A

138A—Dealing in instruments of crime

New section 38A(1) provides that a person who deals in property will be guilty of an offence if—

(a) the person knows that—

(i) the property is an instrument of crime; and

(ii) the dealing may facilitate the commission of a crime or assist an offender to escape detection or avoid any other consequence of the crime; and

(b) the person's conduct is dishonest.

The maximum penalty that may be imposed in the case of a natural person convicted of such offence will be 20 years imprisonment and, if the offender is a body corporate, a fine of $600 000.

New subsection (2) provides that a person who deals in property is guilty of an offence if —

(a) the property is an instrument of crime; and

(b) the person ought reasonably to know that it is an instrument of crime and is reckless about whether the dealing may facilitate the commission of a crime or assist an offender to escape detection or avoid any other consequence of the crime; and

(c) the person's conduct is dishonest.

The maximum penalty that may be imposed in the case of a natural person convicted of such offence will be 4 years imprisonment and, if the offender is a body corporate, a fine of $120 000.

Crimes, for the purposes of this new section, are limited to indictable offences (Commonwealth, State and other jurisdictions) and certain other listed offences. An instrument of crime is defined as—

(a) property that has been used or is intended for use for or in connection with the commission of a crime; or

(b) property into which any such property has been converted.

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

KAPUNDA ROAD ROYAL COMMISSION

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

That this house resolves that any report presented by Mr Greg James QC, Royal Commissioner, that is not 'sealed' and available for public release, be authorised for publication by this house upon receipt by the Speaker.

Motion carried.

FIRE AND EMERGENCY SERVICES BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 5 July. Page 3119.)

Amendment No. 2:

The Hon. L. STEVENS: In further considering amendment No. 2 from the Legislative Council, I have a new amendment to put to the house which, I understand, and have been advised, has been agreed to by both the Minister for Emergency Services and the shadow minister, and has been distributed. I move:

That the House of Assembly disagree with amendment No. 2 made by the Legislative Council and make the following alternative amendment in lieu thereof:

Page 15, lines 31 to 36—Delete paragraphs (e) and (f) and substitute:

(e) 4 members appointed by the Governor of whom—

(i) 1 must be a person appointed on the nomination of the South Australian Volunteer Fire-Brigades Association; and

(ii) 1 must be a person appointed on the nomination of S.A.S.E.S. Volunteers Association Incorporated; and

(iii) 2 must be persons appointed on the nomination of the minister, each being a person who, in the opinion of the minister, is qualified for appointment to the board because of his or her knowledge of, or experience in, one or more of the fields of commerce, economics, finance, accounting, or law or public administration, and each being a person who has suitable volunteer experience as determined under regulations made for the purposes of this provision.

The Hon. DEAN BROWN: This is amazing. There was an agreement in the upper house between the two major parties. The amendments which came into this house last night did not reflect that agreement. There was a huge discrepancy between what was in the proposed amendments and what had been agreed between the parties. The opposition pointed that out and obtained a copy of the letter to highlight this huge discrepancy. The government has now brought in a suitable amendment which reflects that agreement. I highlight the fact that the minister in another place, who is responsible for these amendments, needs to get her act together, and needs to do so very quickly, because if two parties reach an agreement the government has to stick to that agreement. This amendment reflects that agreement, so we support it.

As I indicated last night, the Liberal Party supports this amendment because the Volunteer Firefighters Association and the South Australian SES Volunteers Association have asked for it. The only reason we agree to this amendment is that both those associations have specifically asked for it, and the government wants it. We believe that, similarly to the ambulance board, volunteers ought to be able to be on the board and have a full voting right. If it is good enough to have two volunteers on the ambulance board, why is it not good enough for a volunteer from the CFS or the SES to be on this board? I ask the minister why this has not been done, but I stress that we will accept this amendment.

Dr McFETRIDGE: What a difference a day makes! The original clause proposed:

> Two members appointed by the Governor on the recommendation of the minister, being persons who, in the opinion of the minister, are qualified for appointment to the board because of their knowledge of, or experience in, one or more of the fields of commerce, economics, finance, accounting, law or public administration.

In each alternate year, the member is to be from the South Australian Volunteer Fire Brigades Association and in the other year from the South Australian SES Volunteers Association. That was changed, because there was some disagreement. The clear understanding of the opposition and the VFBA was that the board would be kept generally the same but that the South Australian Volunteer Fire Brigades Association and the South Australian SES Volunteers Association would each have permanent representatives on the board and the presiding member's vote would be removed.

According to a copy of an email that I received yesterday afternoon from representatives of the VFBA, their clear understanding was that the two non-voting ministerial appointments (one from justice and one with a finance background) must be able to demonstrate that they have had at least three years' voluntary experience in some capacity. That is not what we got yesterday. The VFBA representatives who were here in the chamber—

The Hon. Dean Brown: They were in shock.

Dr McFETRIDGE: They were in shock. They had come to an agreement, and the opposition had come to an agreement, but what did we get? We got a clause which just provided that two persons must be appointed on the nomination of the minister, which left it wide open. It is good to see that the government has listened to the opposition and amended this further, because we have the volunteers' interests at heart. The VFBA understood (according to its email) that the two non-voting ministerial appointments would have at least three years' voluntary experience in some capacity. That is not included in this amendment, but we will not argue about that. It merely provides that they must have suitable volunteer experience as determined under the regulations. We look forward to seeing those regulations, and we hope that they contain a provision for three years' voluntary experience in some capacity.

Motion carried.

The DEPUTY SPEAKER: I have to report that the Committee had considered the amendments referred to it and had agreed to Amendments Nos 1, 3 to 11, 18, 19, 21, 23 and 26 without amendment, disagreed to Amendment Nos 2, 14, 15 and 25 and had made alternative amendments in lieu thereof and had disagreed to Amendments Nos 12, 13, 16, 17, 20 and 24.

AMBULANCE SERVICES (SA AMBULANCE SERVICE INC.) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 4 July. Page 3049.)

The Hon. L. STEVENS: I move:

That the Legislative Council's amendments Nos 1 to 4 be agreed to.

The Hon. DEAN BROWN: I was amazed to find when this matter was debated in the upper house that the issue of a tax liability with the Australian Tax Office by the Ambulance Service was raised. The Hon. Carmel Zollo said in another place:

> Members would be aware that the passing of this bill has become urgent because of a private ruling by the Australian Tax Office. The ATO has ruled that SAAS is not exempt from income tax for this current financial year. It has been estimated that SAAS's income tax liability will be approximately $1.7 million. As the opposition has also noted, until the separation of St. John's and the Ambulance Service is finalised, SAAS is neither strictly a charity nor a government entity. The passing of this bill will finalise the withdrawal of St. John's from SAAS and will assist the Department of Health's assertion that the South Australian Ambulance Service is a government entity.
>
> It is hoped that this will help SAAS to successfully appeal the ATO's private ruling that SAAS is not an entity exempt for income tax purposes. A successful appeal will save SAAS its current estimated tax liability as well as future liabilities. Other issues involving the composition of the ambulance board will be considered after consultation.

[Sitting suspended from 6 to 7.30 p.m.]

The Hon. DEAN BROWN: Before dinner, I read part of what the Hon. Carmel Zollo said to another place on this Ambulance Bill, and I would now like to read a later section of what she said to the Upper House, as follows:

> It is a piece of legislation which was hurriedly brought before the parliament, and I thought that it had been explained to the opposition (as I said in the concluding remarks) that, if we did not, at the behest of St John Priory, split that service from the South Australian Ambulance Service, this government would be looking at a bill of $1.7 million this financial year and in future years. So, this amendment bill—we have not tidied up the act, as you have pointed out—simply stops us from paying this taxation bill. This bill reflects that, and we thought that we had some consensus, hence the hurried reason for introducing it. They agreed in the other place, and we thought we would have that consensus here, but now we see an attempt to open up the act and amend it for all sorts of reasons.

At no stage has it ever been brought to my attention that we were bringing in this amendment because of a potential $1.76 million tax liability last financial year or into future financial years. I have read the minister's explanation to the

bill, I have read the explanation of the clauses of the bill and we have had the debate in here. I have received the briefing paper from the minister's department and nowhere was there any mention of the fact that this bill has been rushed through the parliament because of a $1.7 million tax liability. I would have thought that this required some significant explanation by the minister because, if that is the purpose for which the bill has been introduced, why were we not told in the beginning when the bill was introduced down at Mount Gambier?

If the government wanted it through by the end of last financial year, why were we not told in Mount Gambier? Why was I not told when the briefing paper was sent to me? Why was there not some sort of explanation to the opposition? The Hon. Carmel Zollo said, 'I thought that there was consensus in the other place.' The first I knew about it was when the Hon. Michelle Lensink brought it to my attention after the debate in the other place. Before that, I had no inkling whatsoever that this bill was being rushed into the house to deal with a $1.7 million tax liability to the Australian Taxation Office and to change the structure for that purpose. I would like an explanation as to why such a fundamental issue as now revealed by the Hon. Carmel Zollo was not mentioned to this house or in any briefing to me.

The Hon. L. STEVENS: I am happy to provide the clarification. The Deputy Leader may not remember, but informally I did mention this to him when we were speaking one night at dinner about the hold-up in the debate on the bill and the amendments that I was actually going to bring in, which I consequently did.

The Hon. DEAN BROWN: There was no mention of a tax liability.

The Hon. L. STEVENS: Actually, I did, but that is fine: I am happy to put it on the record. I would also have been pleased to speak to the Deputy Leader or provided a briefing in between, but I am happy to put this on the record. The government's intention was always to do this for the very reasons that I mentioned in the second reading explanation, and I do not think there is any need for me to go over the history of the need to move the Priory of St John out of the South Australian Ambulance Services Act. However, there is an additional reason, and it does indeed refer to the tax issue.

It is in the same direction and not something that would conflict with what we want to do, and I will put the detail on the record. There was a review of the South Australian Ambulance Services by the Tax Office in 2004. We received the results of that review in January 2005 and the Tax Office, in its ruling of December 2004, ruled that the exemption from tax that had been enjoyed by the South Australian Ambulance Service was to be taken away because of the arrangements that existed under the current legislation. That is, that it was not clearly a government entity because it had the Priory of St John in the act. Essentially, there was no clear line of distinction, therefore the ruling of December 2004 was that the tax exemption should be taken away.

Our advice is that the Tax Office should take into consideration substance over form. In other words, it should take into account that, for all practical purposes, the continued presence of the Priory of St John is just by virtue of it still being in the act. In terms of the way the service operates, they are separate. So, that is a case of substance over form. That is something that we are pursuing in terms of winning that argument with the tax office and, obviously, as soon as we can get this through, with the issue tidied up once and for all, the better it will be. If we are not successful, we will have to pay up for last year, but we will not be in the same position for future years, because they will be completely separate. However, we are still hopeful that we may win the argument of substance over form, as it applies to 2004. That is for those other months. That is the explanation for the deputy leader.

The Hon. DEAN BROWN: I appreciate the explanation, and I thank the minister. I assure the minister that the tax issue has never been raised with me. On a particular Wednesday, after a meeting of the St John ambulance board on the Tuesday, I remember the minister moving a motion to read and discharge the bill. So, on the Wednesday afternoon, entirely out of the blue, I walked in here and saw on the *Notice Paper* that the government wanted to discharge the bill. I thought it was interesting that the government wanted to completely withdraw from putting this relatively simple bill through—which, of course, meant that there would be no bill whatsoever. I had not been consulted on that.

I recall the minister telling me that amendments would be introduced in terms of the board position, because I tried to ascertain what had been going on with the bill being read and discharged. I asked why we were not dealing with that, and was told that there would be amendments relating to the composition of the board. In fact, it goes further than that. The minister would then put in amendments which introduced the board into the bill whereas, previously, it was under the regulations. That was something that I had found out and taken to our party room. We decided that I should put in amendments, and I got amendments suitably drafted.

I can assure the minister that she has never raised with me the issue of the $1.7 million tax liability. I would have immediately noted that: I would have immediately jumped to it. We came back in after dinner that night expecting to read and discharge the bill. I am not quite sure how you jump from reading and discharging the bill—after I had been trying to get that brought on in order to deal with it—to find that the government was trying to allude to that particular item on the *Notice Paper* and deal with it separately.

My colleague the Hon. Michelle Lensink had a separate briefing after the bill had gone through here, and she said right at the end of that briefing something about a tax liability having been raised with her. It was raised not as the purpose for introducing the bill but rather as some reference to a tax liability being made. She did not understand the significance of its being raised. She only understood its significance after what the Hon. Carmel Zollo said in the other place. In fact, it was at that point that she came to me and said, 'Do you understand what this bill is all about now? It is about trying to avoid a tax liability.' She showed me photocopies of their *Hansard* from the other place and showed me these quotes that I have read out to the house today. I think we need to be very clear.

I express my absolute disappointment that the whole purpose for introducing this bill was to avoid a tax liability, and that it was not mentioned in the second reading speech or in the briefings. In fact, it has not been raised with me at all. It was the Hon. Carmel Zollo who was stressing last week why this bill should be through. I ask the minister whether the fact that the bill passed both houses last week, and was brought back here to the lower house, will materially affect the chance of escaping the imposition of a $1.7 million tax liability from the Australian Tax Office on the South Australian Ambulance Service. I would like to know whether it is the assessment of the minister and the ambulance board and service whether that delay of one week is likely to have

a material effect on the outcome of the hearing from the Australian Tax Office.

The Hon. L. STEVENS: I reiterate to the house that any suggestion that the government has ulterior motives is just not correct. Suggestions that it was covering up the real reason, which was the tax issue, not the removal of the Priory of St John from the Ambulance Act, are just not accurate. Anybody, from either side of the house, would know that there is a long history, and all they have to do is reread the second reading speech to see that the history of this issue goes back some years. In fact, the whole issue started in 1989, which was the beginning of this process that we are finalising now. The process occurred throughout both sides of this parliament being in office. Anyone knows that, in fact, this is where the process was going, and it needed to be completed. In relation to whether this was finished last week or this week, and whether this would materially alter our chances, I cannot say. I mentioned to the Deputy Leader before that our advice was that the ruling should take into account substance over form. A private ruling has already been applied on the ground and has come back negative. So it may well be that we are still not successful in relation to the last financial year. Certainly, the fact that we have had this legislation coming through will be demonstrating that, of course, it is now complete, and we will have to take our chances in terms of what that might be. That is all I can say to the deputy leader in relation to that.

The Hon. DEAN BROWN: Perhaps the minister has not read the *Hansard* of the other house. I would like to read to her what her colleague the Hon. Carmel Zollo said, and this is at the end of one of her explanations. I did not read this out earlier. She states:

> All we are trying to do today is to preclude the state from paying $1.7 million.

That was her summation of what this bill is about. I repeat it:

> All we are trying to do today is to preclude the state from paying $1.7 million.

And then she said:

> Okay?

Carmel Zollo was very clear and very frank indeed in terms of what she saw as the purpose of this bill. It draws to my attention the fact that this house was not told, and I think that is a very serious omission indeed on behalf of the minister. The other issue I would like to know is: did the transfer of the ambulance service from an emergency service across to health, and bringing it under the Department of Health, have any significant impact on any tax liability? If there is a liability for the 2004-05 financial year, is there equally a liability for previous years?

My understanding with these things is that, if there is a liability for last year, unless some material change has occurred during the last year, the tax office can trace you back normally seven years and extract a liability from you for that previous seven year period, if there is no other material reason or change that has occurred during that period. That is why I ask whether, in fact, bringing the ambulance service across to health had any material impact in terms of any tax liability. I stress the fact that this is a pretty significant issue. If, in fact, there is a liability going back seven years, we are looking at a very substantial tax bill of over $10 million.

The Hon. L. STEVENS: My advice is no, the transfer of the ambulance services from the emergency services portfolio to the health portfolio had no effect whatsoever in relation to this matter. The second point you made was whether we would be liable for tax going back in previous years. My advice is that the answer is no. The ruling made by the taxation office is effective from December 2004, so it really is only for the six months, anyway, between December and 30 June this year.

The Hon. DEAN BROWN: I appreciate that. Thank you very much to the minister. I have made the point there, and I do not intend to pursue it any further. The minister has indicated that the government is now accepting the amendments. I point out that these are effectively the amendments that I moved with slight alterations, but they are very close to the amendments I moved in the lower house when the bill was going through in terms of deleting the UTLC representative and bringing on an employee representative from the ambulance service. That would require a ballot; I understand that.

The other change which has been made and which I support is that, if you are going to allow the ambulance unions to nominate one person, and not have to put up a panel of three then, equally, with volunteer ambulance officers and the volunteer administrator, rather than put up a panel of three and have the minister select it, they should be on equal footing with the union representative, and that should also be on the basis that they can nominate one person. Hence, in its wisdom, the upper house has moved to delete the panel of three. In fact, I discussed this when the bill was between houses, and made that suggestion to my colleague, the Hon. Michelle Lensink, who then adopted it. I support the motion, as I understand it from the minister, that the amendments now be agreed to, and certainly would like to see this passed.

The Hon. L. STEVENS: I thank the Deputy leader for the support of the motion. The government's preference would have been to not have these amendments because, as I explained during the second reading, the government's intention all along in relation to this bill was to simply enact the separation of the Priory of St John from the legislation governing the South Australian Ambulance Service.

As I said in my second reading speech, it is our intention over the next 12 to 18 months or so to work through new governance arrangements for the South Australian Ambulance Service following its incorporation under the health portfolio. So our intent was simply to deal with the Priory of St John issue only, and then, obviously, work with the appropriate stakeholders through all the issues around the governance of the ambulance service and come forward with a new arrangement.

However, that was not accepted in the Legislative Council, and I know that there was some frustration for the Hon. Carmel Zollo in the other house in relation to those matters. However, that being said, the government is keen, obviously, that this matter be concluded, for all the other reasons, so it is prepared to accept the position and the amendments moved by the other place.

Motion carried.

The Hon. L. STEVENS: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (SAFEWORK SA) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 4 July. Page 3052.)

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

That the Legislative Council's amendments Nos 1 to 120 be agreed to.

I will speak only briefly. There is a range of amendments, some of which have been suggested by the Legislative Council, of course, as well as others. We have picked up on one which was suggested to us by the shadow minister, and others were referred to in the house by the members for Chaffey and Mount Gambier. Also, an amendment was suggested by the member for Heysen. So, it is a combination of amendments drawn up as a result of suggestions when the bill was first discussed in the House of Assembly. Some amendments were moved by the Hon. Angus Redford in another place, and there are also a couple of government amendments as a result of the suggestions made in the lower house, as well as an amendment from the Hon. Ian Gilfillan.

Motion carried.

PARLIAMENTARY COMMITTEES (PUBLIC WORKS) AMENDMENT BILL

Consideration in committee of the Legislative Council's message.

(Continued from 4 May. Page 2520.)

The Hon. J.D. HILL: I move:

That the Legislative Council's amendments Nos 1, 2, 4 and 5 be agreed to, and that amendments Nos 3 and 6 be disagreed to.

I am acting on behalf of the Minister for Infrastructure, whom I am always pleased to assist. Lifting the threshold for referral of projects to the Public Works Committee from $4 million to $10 million was a recommendation of the previous government's Fahey report, as well as the first Economic Growth Summit, which included the opposition. Therefore, the government finds it difficult to understand why the opposition, which had supported this measure on two previous occasions, has decided on base political grounds to oppose it in this chamber. We know why it is doing it: it thinks it gets credit by being oppositionist. It should be looking at policy on the basis of good understanding of the way our economy works.

The Economic Development Board, the Fahey Report and the Economic Growth Summit have all supported this measure. The bill contains measures that enhance accountability as well as streamline and modernise the act. For example, there is the inclusion of IT as a 'work', a forward plan of works so that the Public Works Committee can prepare to examine them, and a requirement to provide accurate information to the committee.

These commitments stand in contrast to the record of the previous government—the party that lied about its plans to privatise ETSA and then told South Australians that it would lead to cheaper electricity, and whose Premier, John Olsen, had to resign in disgrace over his seven years of misleading over the Motorola affair, to name just two examples, and now wants us to—

Mr LEWIS: On a point of order, Mr Chairman. It is, I understand by your acquiescence now, parliamentary to refer to the statements made by representatives of political parties as though they are statements made by the party itself and, accordingly, if they are lies they may be referred to in this place as lies, and if they have been untrue it is parliamentary to say that the party has lied.

The CHAIRMAN: I have to be honest. I was not listening and paying terribly close attention to what the minister was saying.

Mr LEWIS: The minister will be able to help you, Mr Chairman. He did say that the party had lied; and parties, of course, have natural persons who speak for them.

The CHAIRMAN: Generally, unparliamentary language is when someone imputes improper motives to an individual rather than to a collective. However, having said that, I do not think it is wise for the minister to refer to political parties or groups of members of parliament as liars or as having lied. The minister.

The Hon. J.D. HILL: Let me reword it, Mr Chairman. Before the 1997 election, the Liberal Party said that it would not privatise ETSA—'no ifs, no buts' I think was the expression used by the then deputy leader—who was in our chamber today. But after that election their first priority was in fact to privatise ETSA. I will leave it to the members of this house to determine whether or not that was a lie: that is up to members. But the Liberal Party certainly did not tell the truth before the election. So, John Olsen had to resign in disgrace over his seven years of misleading over the Motorola affair, to name, as I said, just two issues.

Mrs REDMOND: Mr Chairman, I have a point of order on relevance.

The CHAIRMAN: Yes; I think the minister has somewhat strayed from the amendments made by the Legislative Council. Perhaps I might ask him to return to that subject.

The Hon. J.D. HILL: Thank you, Mr Chairman, I take your ruling appropriately. The point I am making is that the Liberal Party says one thing to one audience then another thing when it comes into the house. The Liberal government of the day initiated the Fahey report, and the Fahey report said that Public Works Committee threshold should be $10 million, but when they come in here they vote against what their own government did. They participated in the Economic Growth Summit, which said that the threshold should be $10 million, yet when they come in here they vote against it. They have a history of inconsistency in relation to these issues, and I have pointed out a couple of examples of other inconsistencies. I am sorry that they are sensitive about these issues, but I understand why they are. One of the heavy hitters has arrived; that's good. When the existing threshold of $4 million was in place and the Liberals were in government, how did they show respect to the Public Works Committee. Let us take the Hindmarsh Soccer Stadium as an example: the cost blew out to $41.5 million. The second stage of the project was not needed to host the Olympic soccer—

The Hon. I.F. EVANS: On a point of order, Mr Chairman, the minister has just told the house that the Hindmarsh Stadium cost $41.5 million. I ask you, as Chairman, to check that fact and see if the minister needs to correct the record. The Auditor-General reported—

The CHAIRMAN: Order, the member for Davenport!

The Hon. I.F. EVANS: —that it was around $28 million—

The CHAIRMAN: Order, the member for Davenport!

The Hon. I.F. EVANS: —and that it came in on time and on budget—

The CHAIRMAN: The member for Davenport will resume his seat—

The Hon. I.F. EVANS: —around $28 million.

The CHAIRMAN: The member for Davenport will resume his seat.

The Hon. I.F. EVANS: Well, I am hoping the minister doesn't mislead the committee.

The CHAIRMAN: The member for Davenport will resume his seat or I will name him. As I have said previously, standing orders are not an opportunity to make debating points, and the Speaker has said exactly the same thing. I now direct the minister to turn to—

Members interjecting:

The CHAIRMAN: I want to get through this as quickly as possible. I think the minister has had his go—

Mr Williams interjecting:

The CHAIRMAN: Order! The minister has—

Mr Williams interjecting:

The CHAIRMAN: Order! Don't test my patience, member for MacKillop, please. The minister has had his go. I direct the minister to turn his comments to the amendments made by the Legislative Council and his motion.

The Hon. J.D. HILL: Thank you very much, Mr Chairman. I apologise for stretching your tolerance.

Mr Williams: And the truth.

The Hon. J.D. HILL: Mr Chairman, the figures were provided to me and I read them in good faith. If the member for Davenport or any other member thinks they are wrong, let them present their alternative arguments. Returning to the matter before the committee, the government does not support the $4 million or $5 million threshold: we continue to support the $10 million threshold. In addition to changing the threshold, we have also included in the legislation a number of other measures which provide greater capacity for the Public Works Committee to scrutinise government actions.

I will briefly summarise those. They can be dealt with under two headings: the accountability actions and the streamlining actions. Let me go through the accountability actions. The legislation increases the scope of public works to include ICT projects; it increases the scope of public works to include PPPs and other related initiatives; and it ensures that the government is required to inform the Public Works Committee about all proposed public works above $1 million. That is not the case now, and that gives the Public Works Committee the capacity to investigate anything it likes above that $1 million threshold. It ensures that projects cannot be split up so they fall below financial thresholds; it ensures that if governments provide some assistance or equipment to aid in the construction, that the equivalent reasonable market value be included in the calculation of the financial threshold; and clarifies the term 'actual construction', which is currently ambiguous in the act.

So, there is a whole lot of new measures to give greater accountability to the Public Works Committee. There is also the streamlining actions, and they include increasing the threshold for mandatory referral to the Public Works Committee from $4 million to $10 million, as I have already explained, providing a means to increase the value of this threshold over time, in line with an appropriate index; clarifying that any taxes or charges on the work that are normally refunded back to government are not included in the calculation on the financial threshold; and clarifying that only public funds, not private, are included in this calculation, excluding certain works of a common or repetitive nature, provided the exclusion has agreement from both the minister and the Public Works Committee.

So, there are substantial reforms which give the Public Works Committee greater authority, greater powers, and the only difference between the two parties seems to be over what the threshold is. We are backing the $10 million threshold because that is what has been approved by the Economic Development Board; it was recommended by the Fahey committee; it is something that the government believes is sensible; it allows for all of the works above the threshold of $1 million to be taken by the Public Works Committee if they so choose; and allows the other works which are not controversial to be dealt with in an appropriate way. So, this is a streamlining of the processes for dealing with public works. It ought to be supported by the house, and I commend my motion to the committee.

Mr HAMILTON-SMITH: I will be leading for the opposition on this. Minister, I understand that the government is agreeing to amendment Nos 1, 2, 4, 5, and not agreeing with amendments Nos 3 and 6 that deal with the threshold amount which must apply before a matter goes to public works, so I will focus on that. The minister knows that in this house the opposition argued strongly that the $10 million threshold not apply. The bill went to the upper house and was amended back to $5 million.

Having read the *Hansard* of the debate in the other place, I am extraordinarily persuaded by the cogent argument reinforced there by the lead speaker for the opposition, the Hon. Robert Lawson, and I am even more persuaded by the arguments put up by the Leader of the Democrats, the Hon. Sandra Kanck, who agrees with the opposition on this point. It is quite apparent from any reading of the debate in the other place that the other place is resolved that the limit will be $5 million and not $10 million, and the other place in its great and infinite wisdom has agreed with the opposition that a $10 million limit should not apply.

I must take up some of the issues that the minister has raised in his remarks. I point out to the minister that participation in a summit by members of the opposition does not mean that they agreed with everything that was discussed, and everything that was raised.

The Hon. J.D. Hill: Why didn't you say so at the time?

Mr HAMILTON-SMITH: Well, as a matter of fact, I for one did raise a number of issues, I point out to the minister. I was present at the summit, and so did a range of other members on the side, including the Leader of the Opposition. But the assumption from the government is that it has a summit and invites people along and then everybody who was at the summit agrees with every single matter that was raised and resolved at the summit. The logic of that is just astounding. It is certainly not the case.

The minister might ask, and the government might ask itself, why the opposition and the honourable members in the other place in their great wisdom decided not to agree with the government's proposition. It may be that we all have lost some confidence in the government and that we feel that there needs to be a higher level of scrutiny. It may be that everybody other than the government is of the view that the government should continue to be held to account in the Public Works Committee and the $5 million limit (which is an increase after all) is the best way to bring about that degree of scrutiny. The opposition notes, on reflection of what has come back to us from the other place, that the Public Works Committee has not been a very busy place in this parliament compared to the previous parliament.

Mr Lewis interjecting:

Mr HAMILTON-SMITH: I am sure the member for Hammond, who was chair, agrees with me, and I know that my friend, the member for MacKillop, would agree because I saw them driving off into the distance daily down to the

South East, up to the Far North, down to the Port, running around with their hardhats on kicking tyres and measuring the depth of ditches. They were extremely busy. I must say that from time to time that was probably a headache for the former government. I know it was a headache for the former government from time to time, but we worked through that because that is what parliamentary scrutiny is all about, that is what the people of South Australia deserve—a little bit of openness, and a little bit of accountability. Now, it could be that the reason that the other place has sent the bill back to us in this form, with these amendments, also has to do with the fact that the Industry Development Committee, for example, has been virtually inactive in this government, and that projects are not being put up to the Industry Development Committee, as indeed they are to the Public Works Committee.

Why might this be? Have we a government avoiding scrutiny? Oh no, it could not possibly be the case, Mr Deputy Speaker. In fact, we have been here all week discussing that matter on the related issue of the Ashbourne corruption matter. It is all about openness, it is all about accountability, it is all about making sure the people of South Australia know what is going on and, in these public works that is particularly important. That is why the bill has come back to us in the form that it has from the other place, and that is why the other place is sending us a very clear message that this house must agree to $5 million.

It is quite apparent what is going to happen, and I foreshadow to the minister that it is highly likely that this will finish up either in a deadlock conference, or as a lapsed bill, one way or the other, if the government does not see sense. There has been no attempt to consult with us, there has been no effort to reach any sort of compromise. There seems to be no desire on the part of the government to yield to this clear call from the parliament for continued openness and accountability. So, I say to the government that the opposition will not have it. We agree with the other place. We believe they have considered the matter most carefully, and we feel that the house should simply agree to the schedule of amendments of the Legislative Council in full, including outstanding amendments Nos 3 and 6. We call on the government to yield to the desire of the parliament and make it so.

The Hon. I.F. EVANS: I was not going to speak on this, but I have been sitting in my office listening to the unfortunate contribution of the minister and the matters he raised regarding the previous government and the personalities that were involved. There was no provocation for him to do that; he just decided that, for his own pleasure, he would attack some of those personalities. I rise to support the member for Waite's position on this because, if you believe the government, they are basically saying that the last government was all awful and this government is all good. Of course, this minister has form. One of the first acts of the minister was to mislead the parliament.

The Hon. J.D. HILL: On a point of order, Mr Chairman, this is irrelevant.

The CHAIRMAN: Order! There is no relevance.

The Hon. I.F. EVANS: We know this is true because the government agreed to the opposition's motion to have a privileges committee look into this matter. We all know what happened with that privileges committee: it did not call one witness and it did not call for one document. The minister sits there pointing his finger and making accusations. When the privileges committee (the investigating committee) looked into that matter, because the government had the numbers it did not call for one document and did not call one witness. The minister talks about people in the past parliament. He says that we should trust this government, but the first thing he did was mislead the parliament. What is his admission on misleading the parliament?

The Hon. J.D. Hill: I did not mislead the parliament. That is not true.

The Hon. I.F. EVANS: It was true.

Mr Koutsantonis: It isn't true.

The Hon. I.F. EVANS: It was true. Take a look at the report of the privileges committee. The minister admitted that he did not read the document. The minister had the document twice: once on the way in and once on the way out. You cannot trust the government because this government has form.

The CHAIRMAN: Order! I realise that, because I was distracted, the minister got away with quite a bit in his contribution, so I have allowed the member for Davenport to have a go, but fair is fair, and I ask him now to return to the matter in question.

The Hon. I.F. EVANS: The matter in question is whether you can trust the government to have a capital work of a higher amount go before the Public Works Committee.

The CHAIRMAN: Order!

The Hon. I.F. EVANS: The government is—

The CHAIRMAN: Order! The member cannot talk over the Chairman. The matter in question is the amendments made by the Legislative Council. I think I have been reasonable. I direct the member for Davenport, as I directed the minister, to return to the schedule of amendments made by the Legislative Council and whether the committee agrees with them.

The Hon. I.F. EVANS: One of the amendments made by the Legislative Council with which the government does not agree is lifting the limit so that the Public Works Committee then does not have to scrutinise any project under that amount. As I understand the government's argument, one of the reasons is because they are more trustworthy as a government than we were. The point I was making is that I do not think that necessarily holds. The Attorney-General did not even know that the Crown Solicitor's Trust Account existed, the fact that it had $55 million in it seemed to escape everyone's attention, and when the evidence was given that Kate Lennon told him five or six times, his answer was: I have no recollection of that. Then when Randall Ashbourne made the point that he had told the Attorney-General—

The CHAIRMAN: Order!

Mr KOUTSANTONIS: On a point of order, Mr Chairman, I refer to standing order 98—relevance. The member is bleating to the gallery.

The CHAIRMAN: Order!

An honourable member interjecting:

The CHAIRMAN: Order! The member for Davenport is drawing too long a bow in trying to maintain that what he is saying has any relevance to the schedule of amendments. As I said, I have been reasonable and I have given him a go. I realise what the minister has said, but if the member for Davenport persists in not arguing the point, I will sit him down.

The Hon. I.F. EVANS: I will not continue those remarks because the only point that I wanted to make related to Randall Ashbourne saying that the Attorney was in the room when he talked about more positions, but the Attorney says that he has no recollection of that.

My final point relates to the point made by the minister on the Hindmarsh Stadium project which did go before the Public Works Committee. What did the Auditor-General find about the Hindmarsh Stadium in relation to cost? In his report of October 2001 (part 3), in the detailed findings on the terms of reference—the member for West Torrens will be able to read it because there are pictures and tables in here for him—

Mr Koutsantonis interjecting:

The Hon. I.F. EVANS: I did not introduce this topic; your minister launched an unprovoked attack. He can have the information back. I corrected him within 30 seconds. The simple facts are that the Auditor-General, the independent umpire, found that for stage 1 cabinet approved $9.26 million and the actual cost was $9.259 million. That is actually under budget, the member for West Torrens will be pleased to know. In stage 2—

Mr Koutsantonis: No. You're wrong.

The Hon. I.F. EVANS: The member for West Torrens says that I'm wrong. I am reading from the Auditor-General's Report. In the total for stage 2, the cabinet approved budget was $17 million.

The CHAIRMAN: Order! I cannot allow the member for Davenport to continue to defy the chair. The member for Waite.

Mr HAMILTON-SMITH: I rise to remind the house that the very reason we must agree with the upper house on this issue is that put forward by my colleague the member for Davenport, that there must be some honesty and accountability in public works. When we are here talking to the taxpayers of South Australia in this chamber about what it costs to build a public work, we must be truthful. We must give them accurate information. We had an example of this recently with the Port Adelaide bridges. As a consequence of the matter having to go through Public Works, it has been revealed that having to have opening bridges instead of closing bridges is going to cost the taxpayers of South Australia another $100 million. We would not know that in detail if it were not for the excellent report the parliament was given by the Public Works Committee, which was tabled only recently.

We would not know that the government is going to waste $100 million building an opening bridge it does not even need to build. It is an amount that is now more than twice as much as the Hindmarsh soccer stadium and the Wine Centre combined. It is probably shaping up as one of the greatest Public Works fiascos in recent Australian history, and we would not know it was coming at us like a steam train if it were not for the Public Works Committee. If ever we needed an example of why we need to contain and control a Labor government through effective parliamentary committees, this situation of the Port River bridges is it. That is why we need to agree with the upper house's amendments and that is why we need to ensure that the Public Works Committee has a threshold level of $5 million.

This is a government that cannot be trusted. It cannot be trusted to get its public works right. It cannot be trusted to manage the public accounts. We have been in here all week talking about whether the government can be trusted, and it does not give one much faith when you see propositions coming forward from a questionable government suggesting that thresholds be pushed up and more than doubled to further conceal and hide the truth of what is going on. People need to know how their money is being spent. It is all right for the government: $10 million here, $10 million there; it is awash with cash. We know that it has had exploding revenues, nearly 26 per cent increases in revenue in the last four budgets matched by around 22 per cent of increasing expenditures: a spectacular increase in spending.

It is tax and spend, big figures, hundreds of millions, but it is all taxpayers' money. It is not the government's money. Before the minister commits his government to opposing these amendments by the upper house, I ask him to look at the comments made in the other place by the Hon. R.D. Lawson and also by the Hon. Sandra Kanck. Rule no. 1 in politics is that you must be able to count, and I am afraid that the government does not seem to be able to count the minute it walks out of the House of Assembly. I suggest that the minister wander down, sit himself in the President's gallery in the upper house and count the numbers on this. They are not with the government. The government has lost it.

Fortunately, our bicameral system of parliament and our responsible upper house members have stopped this silly initiative of the government from coming to pass. If government members cannot count, they had better learn quickly because this is not going to happen. If the government's plan is to wait for this to founder, go to a deadlock conference and not pass and then go off to the Economic Development Board and the public and say, 'Well, we tried, but what can we do?' it is a bit of a silly strategy. I put to the minister that a better example to set for the people of South Australia would be if the government actually conceded and said, 'Look: if it is the will of the parliament that openness and accountability be retained, then we accept it.'

To do that, all the government has to do is agree with these amendments from the upper house. All it has to do is say that the threshold limit remains at $5 million. What will it be next? We have this stupid fiasco of the Port River bridges, one of a number of examples of waste emerging from this government at a time when it is awash with cash. It seems that it is prepared to throw two or three Hindmarsh soccer stadiums and three or four Wine Centres at the Port Adelaide bridges with no problem; and that is all right. When the members on this side of the chamber were in government, who was out there crowing about openness and accountability?

Mr Lewis: Me!

Mr HAMILTON-SMITH: Yes, the member for Hammond. But the members opposite, that is who it was. It was the minister who is sitting here now saying, 'Let's lift the threshold.' The Fonlons were out there: 'Thank heavens for the Public Works Committee.' Off to the charge. They were out there, the Attorney-General and all were out there saying, 'Good on the Public Works Committee: there must be openness and accountability', sinking the Wine Centre by surrounding it with negativity—

The Hon. J.D. HILL: On a point of order, Mr Chairman, I took your direction to stick to the point when you gave it to me, and I ask that you give a similar direction to the member for Waite, because he is very much drifting and going into political rhetoric that has nothing to do with the bill before us.

The CHAIRMAN: The problem is that when one side starts up it is very hard for the chair then to contain members on the other side. The member for Waite was bringing his comments back to the Public Works Committee. I have given him some latitude, but I ask him now to come back to the amendments in question.

Mr HAMILTON-SMITH: Thank you for your wise guidance, Mr Chairman. I was building a case to establish why we must agree with these amendments put to us by the

upper house. I was giving examples of recent public works that have gone through committees, and I was demonstrating to the house where people stood in the last parliament in regard to public works. I was reminding the minister where he, and his current ministerial colleagues, stood on this issue in the last parliament and where they stand today. It would have been absolutely beyond comprehension for the minister to suggest in the last parliament that the public works threshold should be $10 million. It is laughable. Talk about double standards. You have one standard in opposition and another in government. The upper house has seen through the ludicrous argument that the government has put forward. It may be that, at another time, when the government first came to office when it talked about being honest, open and accountable, when it was new and fresh, and when it was trying to put itself forward to people as a government that would be judicious, open and fair, this might have been given fairer consideration.

However, I am afraid that trust has been breached. I am afraid that, not only members in this place, but also members in the other place, and the public at large, have lost some confidence in this government. They do not trust this government any more for a range of reasons, and one of them is that they do not trust this government to manage its public works, and they want to have a say. They want scrutiny of what this government is doing and, in particular, they want that threshold to remain at $5 million, not $10 million. That is what the majority of elected members of this place, when the minister learns to count, are saying to the government tonight. I urge the minister for a second time to agree with the amendments given to us by the upper house and save us a lot of unnecessary effort in sending it back to the other place so that it can come back here and finish up in deadlock.

The Hon. J.D. HILL: I will respond briefly to the comments made by the member for Waite. Before I do, I refer to a comment made by the member for Davenport who accused me of misleading the parliament when I said that the cost of the Hindmarsh Soccer Stadium blew out to $41.5 million. I refer him, and other members, to the final report of the Auditor-General on the Hindmarsh Soccer Stadium Redevelopment Project of 2001 at Part 1, Key Findings and Recommendations, page 9, under the heading of Costs, which states:

> The cost as 30 June 2001 including capital cost, Government guarantees, the cost of hosting the Olympic Soccer Tournament and support of soccer organisations associated with the redevelopment of Hindmarsh Stadium exceeds $41 million.

I ask the member for Davenport to withdraw and apologise for the claim that he made.

In relation to the matter raised by the member for Waite, the government will not change its position. We are supporting the Economic Development Board, the summit and the former government's Fahey report in that we modernise the way that the parliament operates, and that we put the threshold at $10 million, not $5 million. I find it strange that the Liberal Party opposes what is supported by its core constituency—that is, the business community of South Australia. They can do that if they choose to—that is up to them—but we are not going to concede. We believe that it is the appropriate and right thing to do. We are happy to move to a committee between the two houses to try and resolve this matter, and I look forward to that happening swiftly. I will not delay the house any further.

The Hon. W.A. MATTHEW: When this bill first came before this house, I was lead speaker for the opposition and, since that time, I have quite joyfully announced my retirement and stepped aside from the front bench. But if the Labor Party thought—

An honourable member: Regretfully.

The Hon. W.A. MATTHEW: Regretfully, indeed, as my colleague says; but if the Labor Party members thought that it would silence me on what it is trying to do to public works in this state they are only deluding themselves. Firstly, I will give them some credit. I thank the Labor government for at least recognising the validity of those things I put forward the last time that this bill was in this chamber in relation to the inclusion of software developments, computer projects, within this bill. At least we are now starting to move forward. They opposed it last time. They have now seen the wisdom of including that. It disappoints me that the government is sticking to the $10 million public works limit. Let us revisit some of the logic on this.

The minister has explained to the house that the government's logic in lifting the public works limit to $10 million is based on the recommendation of the Economic Development Board, then the minister has drawn a long bow from there to say that it is the wish of the constituency of the Liberal Party. I asked the Minister for Infrastructure, when this bill was last in this house, to name those projects that had been held up by the limit being at its present level and, in so doing, to detail how much time had been lost. No projects were named, because no projects have been delayed; so, if no projects had been delayed, what is it that has got this government so intent on forcing this limit through?

An honourable member interjecting:

The Hon. W.A. MATTHEW: My colleague's mirth can perhaps be explained by the minister's response twice to other questions that I have asked in this place during question time. I am still waiting for an answer to a very simple question. I have asked the government, through its infrastructure minister, to advise this house to name just one major project that this government has instigated, funded and completed—just one project in three years that—

Mr Hamilton-Smith: Yes; I can think of one. They hired Eliot Ness. They hired a new DPP. They started it; they paid him, and he is still there.

The Hon. W.A. MATTHEW: They did, but does he come into the category of a major construction project? The government has been unable to come up with one. My colleague the member for Bragg, in her role as education spokeswoman, has volunteered that the way that the costs continue to blow out for the Sturt Street Primary School, it may actually enter major project status if it keeps going. That is certainly a project that this government instigated, it funded—

An honourable member interjecting:

The Hon. W.A. MATTHEW: It never seems to be completed. Even the cost of the lift has blown out beyond all proportion. The way it is going the government could lay claim at the next election to having instigated, funded and completed one major project, the Sturt Street Primary School. And the way that is going, I think it is becoming such an embarrassment it is not going to want to lay claim to that. The challenge still remains, and I was going to put a question to the minister, but he has gone. They do not have a minister on the front bench now. There is not a minister here. Mr Chairman, I need your clarification here: we are in the

committee stage of the bill; I want to ask the minister a question, and there is not even a minister in the chamber.

Mrs GERAGHTY: I rise on a point of order, sir. Clearly, the member is misleading the house.

The Hon. W.A. MATTHEW: I point out that there is no minister on the front bench. The minister is now coming back into the chamber.

Mrs GERAGHTY: Point of order. The member said that there was no minister in the chamber, and indeed there was, and he knows that.

The CHAIRMAN: It is not a point of order. Move on.

The Hon. W.A. MATTHEW: If the minister has just gone into the gallery to take some advice and come back with some answers for the committee, we would welcome that. I ask the minister again: can he name one major project that his government has implemented, funded and completed in three years—just one project? In addition, now that they have had a few months to work this out, can the minister now advise the house which projects have been held up as a consequence of the present level of public works referral, and by how much have they been held up?

The Hon. J.D. HILL: I have in front of me a schedule of works with the title of the work, the review by the Public Works Committee, the date of the report, the report presented to parliament, and the time in terms of the sitting weeks that were required to deal with it, which I am happy to table for all members.

Mr BRINDAL: I share with the member for West Torrens the privilege of being on the current—

Mr Koutsantonis: And a good member you are, too.

Mr BRINDAL: I am currently the reigning member of the year, if you want to split hairs. The reason that I come to join this debate is that I heard some of my colleagues speaking and, indeed, I think the government is in many ways barking up the wrong tree with this legislation. It is true that the Economic Development Board did make such a recommendation, but, all members of the committee are equally aware that such a decision made by the Economic Development Board was made on a false premise.

Members interjecting:

The CHAIRMAN: Order! The member for Unley has the call. If the member for MacKillop and the member for West Torrens want to chat to each other they can do so sitting in closer proximity. The member for Unley.

Mr BRINDAL: The fact is that the Public Works Committee itself examined its own procedures, and looked critically at the length of time taken to consider projects. In fact, during the tenure of this government and the that of the last government, even under the chairmanship of the member for Hammond, at which time the Public Works Committee not dearly beloved by all of the cabinet by any means, the Public Works Committee never unduly delayed any project. In fact, the current public Works committee's record is generally that, if a witness group asks to come, they are scheduled, a decision is made on the day, and parliament is informed within a week.

I am sick and tired of this parliament being told that its committees are inefficient. In fact, we have had project after project coming to the Public Works Committee at the last hour. We have to reschedule meetings because the public service members cannot get their backsides into gear and get projects delivered and tenders called. All of those sorts of things just do not happen. They know when the government requires its projects to be delivered, and that is a right of a government to say, 'We want this project delivered.' They muck around having their cups of coffee and chardonnay; they do not do what they should do at the right time; bring it in two or three months late; and then grizzle that the Public Works Committee might not be able to meet on the exact day that they want, because their project is going to be late.

A classic example of this is the two bridges crossing the Port River. Without entering into the opening and closing argument—and the member for West Torrens can back me up on this—I think almost a year ago the Department of Road Transport told us when the tenders would have to be called for those bridges in order that the works be completed in synergy with the deepening of the Port. In absolutely typical public service fashion I think we finally got the report and the request for the opening or closing bridges about two months after they told us the final date on which they would have to start. That is not a delay by the Public Works Committee. In fact, as much as that was hotly debated in our committee, the issue of the opening or closing bridges on the Port River took us all of about two meetings. We knew what we had to look at; we knew who to call, and it took us about two meetings. So, like the Economic and Finance Committee, like the Social Development Committee, and like every other committee in this place, this place behaves reasonably efficiently in the scrutiny of public moneys. Any inference by the Economic Development Board that the Public Works Committee somehow holds up public works is erroneous, ill-founded—

Mr Koutsantonis: What did the previous government's reports say?

Mr BRINDAL: I do not care. I am not blaming anyone. I am stating that those people who say the committee system in this house does not work and does not behave efficiently or effectively are wrong—they are simply wrong, and can be proved to be wrong. It is therefore an insult to this place that, having acted on a wrong assumption and having made wrong recommendations, the executive government, who are themselves members of this very chamber, can then come in and allege that because somebody said something about us as a parliament it must be so, and therefore it must be changed. Well, that is not right and that is not good government, and that is not a reason for increasing the threshold from $4 million to $10 million.

I know that the argument can be advanced, and was advanced when the member for Bright led this debate previously, that, of course, the Public Works Committee can of its own volition call any project before it—and that is true. But, with the complexities of a $10 billion budget, finding out what government is doing in any particular one of its nooks and crannies is very difficult at any given time. There are minor works going on in schools in the member for Stuart's electorate and in the deputy leader's electorate. All over South Australia, there are public works going on and, unless our country members spend their entire time driving around and looking, how are we going to know what can be referred to us? The sum of $4 million is the figure that—

The Hon. G.M. Gunn: They insulated the primary school in my area.

Mr BRINDAL: Well, you see; $4 million is a figure that has proved to be efficacious for previous committees, and it has satisfied this parliament for decades. Suddenly, this government thinks the figure should be $10 million. That is absolute, arrant nonsense. This government is locked into a position of accepting one recommendation of the Economic Development Board and, to say that it ticked off on that recommendation, is prepared to bend over like that bird that disappears up its own particular—

Mr Lewis: The 'oh madoodle' bird?

Mr BRINDAL: Yes, the 'oh madoodle' bird.

An honourable member interjecting:

Mr BRINDAL: Well, it goes around in circles until it disappears up its own orifice. That is exactly what this government is guilty of doing—pursuing fetishes for the sake of pursuing them. It makes no sense. The proposition submitted to us by the upper house is for $5 million. That is a reasonable—

Mr Koutsantonis: What did Kowalick say?

Mr BRINDAL: I do not know. That is a reasonable compromise. I think if government members on the committee were free to exercise an opinion—

Mr Koutsantonis: I am.

Mr BRINDAL: Their private opinion.

Mr Koutsantonis: I am.

Mr BRINDAL: And do you agree with $5 million?

Mr Koutsantonis: I agree with $10 million.

Mr BRINDAL: There is a degree of hypocrisy in the air tonight. I sense it. Sensible thinking people—can I rephrase it—see $5 million as a reasonable figure; this opposition sees $5 million as a reasonable figure; and it would be nice if the government would agree so that we could get on with the next bill.

Mr WILLIAMS: Mr Chairman, I seek your guidance because I am not sure of the procedure. I wish to raise a matter of privilege, and I am not sure how I go about that, because the house is in committee at the moment.

The CHAIRMAN: As I understand it, the honourable member will have to wait until we have dealt with this matter. He cannot raise it in committee. Rather, he needs to raise it when the house is sitting properly.

Mr WILLIAMS: Thank you, Mr Chairman. In that case, I will talk about the matter that is being considered by the committee. My colleague the member for Bright a few minutes ago asked the minister to present to the house just one project—and I think he used the word 'major', and I think we could interpret that word to mean 'significant'—which has been initiated, funded and completed by this government. The minister stood and said, 'I will table a document.' We have this document and two things are painfully obvious from it. The first is that by far the majority of the projects contained within the document were initiated not by this government but by the previous government and funded in its forward estimates; and, as luck would have it, these projects have been completed under this government. So, most of the information we have been given does not answer the question asked by the member for Bright.

Notwithstanding that, if we take just the material that has been presented by the minister and look at it purely to see what influence the Public Works Committee may have had on the supposed delays of projects, I see that there are a couple of weeks here and there—four weeks up to six weeks—and a couple of projects involving a little longer time. I admit that I am not quite sure what might have held up the Port Adelaide waterfront redevelopment for 11 weeks, although my colleagues on the Public Works Committee may be able to explain that. Also, there was a delay of 12 weeks in the Mawson Lakes reclaimed water scheme—and there was a 15 week delay for the Sturt Street community school. Unfortunately, the Public Works Committee failed on that one, because it should have held it up forever. I think, from memory, the project starting figure was a couple of million dollars—$2.5 million I think was the figure the Premier said would be spent. It blew out, and I think it is running at over $7.5 million at the moment. If the Public Works Committee had held it up for a couple of years, it would have done the taxpayers of South Australia a favour.

Let me go back to where this is coming from. The minister came in here and said that the Fahey report recommended that we do this and concluded, therefore, that the Liberal Party would support it. Then he said that the Economic Development Board had recommended the measure and that that was why the government was supporting it. It is common practice for governments to seek advice from bodies, organisations, individuals and expert panels, which are always handing reports to it, and the government responds to such reports. It is not in my memory that the Liberal Party ever responded to the Fahey report, saying that it supported the idea to change the threshold.

The report may have said that, but it is not in my memory that the Liberal Party responded and said that it supported that measure, just as the current government received a recommendation from the Economic Development Report that it do something serious about the idea of permanent tenure in the public sector—a recommendation that the current government rejected. If the minister is going to suggest that, because a report to the previous government suggested this, the government automatically had to accept it, I suggest to the minister that the current government on his logic should automatically accept that it should dispense with tenure in the public sector. I know that is ridiculous. I just wish the minister would realise how ridiculous his argument was. I wish, too, that he would not come in here and make these ludicrous assertions and suggest that he is making a thoroughly researched and sound argument on which he is basing this piece of legislation.

I had the privilege to serve on the Public Works Committee for four years in the previous government. Because the government of the day did not control the Public Works Committee—

Mr Koutsantonis: Yes, you did.

Mr WILLIAMS: The government of the day did not control the Public Works Committee. The committee worked very well and exercised the role that this house expected of it. In that time the committee worked diligently on references put before it and sat virtually every Wednesday of the year. We scheduled a break over Christmas and through most of January, but I do not recall one January in the four years that I was on the committee when it was not recalled to go through urgent business and get on with the job. The committee was responsible, did its job and, as my colleague the member for Unley said, the hold-ups were caused not by the committee but by the bureaucracy's not being ready to give the committee the information it needed to do its job.

The committee is not the bottleneck in this process. Indeed, one could dispense with that committee, and it would make no difference to the scheduling of public works in South Australia. The Public Works Committee of this parliament has that small an influence on the timing and scheduling of projects that it is insignificant. It is totally erroneous and unfair to suggest that we will make a difference to the economy of South Australia by fettering the work of the Public Works Committee.

That committee in the last government was so busy that of its own motion it decided that it would not have a full inquiry into every project presented to it—

The Hon. J.W. Weatherill interjecting:

Mr WILLIAMS: Just wait until you hear the story. The current Public Works Committee does not enjoy this problem

as it rarely sits and, when it does sit, it has nothing to do because there are no projects. However, we are talking about what happened when real projects were happening in South Australia. The Public Works Committee took the decision that it would not hold a full inquiry into a number of projects, and I think it was for projects of a value lower than $7.5 million, in which case we decided to fast track them, accept the submission from the agency and not call witnesses but rubber stamp it. That was our idea to speed up the process, but we reserved our right at any time to conduct a full inquiry into those projects. Not once after we had implemented that strategy did we find it necessary to have a full inquiry. However, we did continue to have such an inquiry on every project over $4 million.

In the last parliament the committee took the conscious decision to keep working hard and diligently and do its job, live up to its responsibility and report diligently and honestly to this parliament. It is a nonsense to suggest that the committee is a bottleneck. It is also a nonsense to suggest that it is holding back anything in South Australia. No public works are happening in South Australia, so how can you accuse the committee of holding them back? As my colleague the member for Waite suggested, the minister should learn the fundamentals of arithmetic, walk next door and do a little count. At the same time he will save embarrassing his colleagues who sit on the Public Works Committee, as their personal feelings are very different to those which they express publicly in this chamber.

Madam Acting Chair, this is a bit of nonsense. This should have been accepted by the government, as it did the other sensible amendments made in the other place. It should have been accepted and we should not be standing here wasting the time of the house debating this issue. What has made it worse is that the minister has come in here and indulged in base political skulduggery, and I will have further words to say about that at a later time.

Mr Venning interjecting:

Mr KOUTSANTONIS: I think I have plenty of credibility. I have a great deal of respect for the member for Schubert, and I thought that he had a bit of respect for me as well. Let us start from that premise, shall we? The first point to make is that members past and present are taking this as some sort of personal insult as to their work ethic. The government is not saying that members of the previous committee and members of the current committee are lazy: it is not saying that. The government is not in any way—

Mr Williams: We never said that.

Mr KOUTSANTONIS: You did.

Mr Williams: We said they've got nothing to do.

Mr KOUTSANTONIS: You did say that. I found it interesting that the member for MacKillop brought into the debate a previous Public Works Committee's motion to not look at anything under $7.5 million—I thought the amount was $6 million, and I checked the minutes, but I stand to be corrected—and that was unanimous I understand: there was no dissent. But the moment there was a project into the former Premier's electorate—I understand it was waterworks or water/sewerage capital works—that was thrown out the window. I will check this, but I understand—

Mr Williams: I think you should check it before you make those allegations.

Mr KOUTSANTONIS: Don't point your finger at me. Madam Acting Chairman, the Fahey report was commissioned by the previous government. Why? Because it was being frustrated by the Public Works Committee. No member of the former cabinet can say with a straight face that they were not being frustrated by the former Public Works Committee. They cannot, because they were. If the former member for Bragg was still in the gallery today he would have a big grin on his face, because he knew exactly what he had been put through by the Public Works Committee.

All the government is trying to do is to bring the Public Works Committee into line with the rest of the nation. Every other state has the same threshold, if not higher. When the former government commissioned the report it knew what the outcome would be and it knew about the increase. I suspect that had the former government won the election it would have introduced the bill itself. The point that some members are forgetting is that we are increasing our powers as well. In the past the member for Schubert, the member for Unley, the member for Norwood and I have been very concerned about some projects under $4 million that we have been unable to call to the Public Works Committee. In fact, I suspect that sometimes some departments do everything they can to keep the amount under that threshold in order to keep it out of our committee. I see the member for Schubert nodding in agreement.

What this government is saying now is that, no matter how hard they try, they cannot hide that. Rather than there being automatic follow-up with a threshold, we can go out and ring up Transport SA and say, 'Send us every capital works program over $1 million for us to look at and we will choose what we call in.' I think that is a good thing. The member for Schubert and I often see, for example, the Department of Transport in one project accounting for soil testing and demolition costs in the capital works program, while another department does not. They use those figures and try to keep it under or above $4 million, depending on what they want to. This removes that: it is creating more accountability. So I am not quite sure why the opposition is so upset about this. I think there is a little bit of hypocrisy by the member for MacKillop, given that he supported increasing the threshold while he was on the committee but now opposes it. It does not make sense; it does not add up. Why did you want it at $7.5 million when you were on the committee, and now when you are not on the committee want it at $5 million?

Mr Williams: Because there's no workload. It's not an issue.

Mr KOUTSANTONIS: That is just not relevant. I do not see the opposition's problem with this bill at all.

The Hon. W.A. MATTHEW: In my previous question I asked the minister how many major projects had been instigated by his government in the three years; and I also asked him how many projects had been to the Public Works Committee and, of those, how many had been held up. In response to that the minister tabled a document, and the document that he tabled listed 28 projects. That is the first thing to put on the record. In 3½ years of Labor government we have seen just 28 projects go to the Public Works Committee.

So let us put this in perspective firstly. The debate over this clause is now focusing on a dismal 28 projects in almost an entire term of government. That is the first point. When I go through this list of projects, I ask the minister to tell me which projects have been instigated by his government. As I work down the list, I remember a lot of them from my time around the Liberal Party cabinet table: the North Terrace redevelopment; the mini hydro facilities; the Torrens Parade Ground; the Commercial Road viaduct; the Mawson Lakes school; the South Australian Plant Biotechnology facility; the

State Records accommodation; the Clare Valley region water supply scheme; the FMC mental health project; Riverbank, stage 2; Kilparrin/Townsend school relocation. They were all Liberal government projects.

The Hon. J.W. Weatherill: No they weren't.

The Hon. W.A. MATTHEW: The Johnny-come-lately here, the minister who sits up the front and who has been in this place for just over three years, professes to be an instant expert. I can tell you, Madam Chair, I will match my 16 years of knowledge in this place with his just over three years any day. He would not have a clue. I am telling that minister that these projects were instigated by a Liberal government, and if the minister had learnt anything at all in the time he has been in this place he would understand that it takes some time before these projects can go before the Public Works Committee.

There are costings to be worked through, there is initial planning and design to be done, and there are viability studies to be undertaken. That work was done for these clowns before they got into office, so I ask the minister again: of this abysmally short list of just 28 projects how many of those projects were instigated by this government and, of those projects, how many have been completed? Further, to complete his answer to my previous question, how many of these are major projects? So, I am looking for one major, minister, one major project, just one, in over three years that this excuse for a government has instigated, funded and completed. Is there one project on this list that fits that question? I doubt there is even one.

The Hon. J.D. HILL: I fail to see what this has to do with the issue at hand, but I provided the house with the information that I have available. I am sorry that the member is not satisfied with that. I have to wear that unhappiness, and I am happy to find a better answer for him from the minister who is responsible.

The Hon. W.A. MATTHEW: I have to accept the minister's offer to take the question on notice. I appreciate that it is not his responsibility, and it is disappointing that the minister who does have responsibility is not here, but I am sure he has good reason. We are left with a situation whereby the list that the minister has presented us details the extent of the so-called delay that necessitates this change—the lifting of the Public Works referral to $10 million. The Public Works Committee has clearly not been over-stretched, with only 28 projects in a period of about 3½ years, and we can go through this list.

The North Terrace redevelopment, which was a larger project and one, I might add, instigated by the Liberal government, took nine sitting weeks to process; the mini-hydro facility project took one week to process; the Torrens Parade Ground, two sitting weeks to process; Commercial Road viaduct, one sitting week to process; and Mawson Lakes school, where there were clearly some issues, took six sitting weeks to process.

But working through the remainder on the list, they are two weeks or one week to process. Sturt Street Community School took five weeks. Well, that is hardly surprising, as we know that there have been a few problems associated with that. So, I ask the minister again: can he tell the house how many projects they have received from anyone associated with the projects about undue delay as a consequence of Public Works Committee? Can the minister give us any examples of complaints about any of these 28 projects due to delays, and can he tell the committee about the nature of those complaints, that warrants this lifting of the Public Works threshold to $10 million?

The Hon. J.D. HILL: All I can do is tell the house that it is the government's position, which has been stated on a number of occasions, that we support lifting the threshold to $10 million. We do this having taken advice from the Economic Development Board, which gave us a number of—

The Hon. W.A. Matthew: You do it to avoid scrutiny. This is dishonesty.

The Hon. J.D. HILL: I have to say to the member for Bright that his comments are not only offensive but they are also wrong. We are not doing it to avoid scrutiny. In fact, the legislation provides for the Public Works Committee to scrutinise any development over $1 million, and that is something that it currently does not have, as I understand it. I am not an expert on the Public Works Committee because I have never been a member of it—and God forbid that I ever should be—but at the moment, as I understand it, every public work of $4 million plus has to go to the Public Works Committee, and there is no discretion. What this is doing is providing some discretion. Everything over $10 million has to go to them, but anything over $1 million can go to them. We are not trying to avoid scrutiny at all. It is totally wrong and dishonest for the member to keep arguing that. We are not trying to do it. What we are trying to do is to modernise the system we have in South Australia. We are doing this on the basis of a recommendation from the Economic Development Board, from a committee that was established, a report that was established by the former government into the modernisation of the public sector in South Australia, the Fahey report, and on the basis of recommendations that came from the Economic Summit, a summit which the opposition participated in and, as I understand it, which reached consensus about what should happen.

I do not recall members on the other side raising this issue as a matter of concern at that summit. I may be wrong but I do not recall that having been an issue. I believe that they have done it because they can see this as a debating point, and they can argue the case that we are trying to be secretive—well, that is not true. Any good reading of what is being recommended shows that we are, in fact, being more open, because we have included more things that can be covered by the Public Works Committee if it so chooses, and automatically more things will be included anyway. But that is fine. We are happy to go to a conference between the two houses to resolve this. If they do not want it to proceed, that is fine. If they have the numbers in the other house, that is fine. Let us just get on with it and reach the finality that will eventually occur.

Mr VENNING: As you know, I am a current member of the Public Works Committee, and I have listened to this debate with a lot of interest. I am absolutely amazed at why the government wants to raise the threshold from the $4 million to $10 million. I know that we have compromised on the $5 million figure, and I have no problem with that. I understand that a compromise has been reached and agreed to. Why is the government doing this? I cannot understand, and nobody can explain it to me.

The Hon. R.J. McEwen interjecting:

Mr VENNING: I remind the member for Mount Gambier before he opens his mouth, if he says anything, that he supported a motion to this house last year that I moved.

The Hon. R.J. McEwen: Can you stick to the issue?

The Hon. W.A. Matthew: Your hypocrisy is pretty rugged, Rory.

Members interjecting:

Mr VENNING: I heard you mention my name in vain.

The Hon. R.J. McEWEN: Point of order—

The CHAIRMAN: I heard the remark of the member for Bright about the member for Mount Gambier. Not only was he out of his place but also it was grossly unparliamentary, and I direct him to withdraw.

The Hon. W.A. MATTHEW: On a point of order, Mr Chairman, I seek your clarification. Previously you have ruled that the use of the word 'hypocrite' is unparliamentary. What I actually said to the member for Mount Gambier was: 'Your hypocrisy is pretty relevant, Rory.' I did not call him a hypocrite; I said that his hypocrisy was relevant. If you find that offensive, Mr Chairman, and if the member for Mount Gambier finds it offensive, regardless of how truthful it may be, I respectfully withdraw.

The CHAIRMAN: Order! The member for Bright must withdraw unreservedly.

The Hon. W.A. MATTHEW: I will withdraw unreservedly, sir, so that we can continue.

Mr VENNING: With reference to the term 'hypocrite', I was a victim of that myself a few weeks ago and, for the record, I believe I was harshly dealt with. The media agreed that I was harshly dealt with because I called the government 'hypocrites'—I used the plural not the singular. Anyway, that is history; I was publicly vindicated on that matter. I have been thrown out only once in my parliamentary career and I do not intend that to happen again.

I am amazed that the Economic Development Board has made this recommendation to raise the threshold, and I ask the minister why. Was it because the previous committee under the previous chairman did delay? I don't think they did. The current committee certainly does not. Anything that is put before it is dealt with forthwith. The member for Norwood knows that we deal with matters in a very constructive and positive manner and I think that, generally, we are pretty professional. I am very concerned about this. The Public Works Committee, as you know, sir, is all about accountability, about checks and balances on government excesses, expenditures and everything else. I do not believe that we have caused any delay of any concern that ought to be picked up by the Economic Development Board, the government or anyone else.

I am pleased that the government has at least agreed that the Public Works Committee can investigate anything it wants. The member for West Torrens spoke about this a while ago. In other words, the committee now has the power of self-referral, which I support. I am pleased about this. The member for West Torrens went on to say that he supports self-referral so that we can keep an eye on those departments that deliberately try to avoid Public Works Committee scrutiny by farming out projects in small lots. I agree with that comment, but then he said that he is not in favour of the threshold staying at $4 million or $5 million. That does not gel. By doing that, he is making it easier for those people to do just that: to farm out projects and avoid the scrutiny of the Public Works Committee. Some of the departments do not like the scrutiny that we put upon them, because we are four people who take our work seriously, and some of the questions we ask cause the department a bit of angst. They know that if they have not done their homework before they come before the committee they will be caught out.

As has been said this evening, the Public Works Committee is not run off its feet. In fact, only 28 projects have been before the committee in over 3½ years. I am amazed when I look at the record of previous public works committees and see the projects that they dealt with—often two or three a week—yet we are battling to deal with one a month. I thought things would have picked up by now, but they have not. This concerns me greatly. I thought that the government in an election year would be pushing public works, particularly when you look at the recommendations of the Economic Development Board, which talks about it being essential to have a robust public works program. So, I wonder why that is not happening.

I remind the house again of a motion that I moved in this house last year that the threshold be maintained at $4 million. That motion was passed by the house with the support of all four Independents. What has happened in the meantime? What has changed? Has this decision been made by caucus? Has it been considered by the rank-and-file members? I do not set much store by corridor discussions, but I am yet to see too many members on the government side agree with what is happening here. Is this a triumphant tail wagging the Labor dog—this threesome, the three powerbrokers telling the rest what to do? That is what it sounds like to me.

I cannot believe that a government that trumpets loudly and clearly that it is open and accessible, an honest government, can come in here and do this. You have not told us why. I am pleased, for once, that the upper house is there to keep you people accountable. As members know, I am not a great fan of the upper house, but in this instance I think it has got it right. I remind the house that the four Independents voted with the opposition to pass my motion. Let us see what they are going to do now. I know what one of them will do, but I am a bit worried about the other three. I do not have a clue what is going to happen there. When my motion was passed by the house, I think the member for Mitchell was still a member of the Labor Party. He may not have been; I cannot quite remember. I just wonder why the government is insisting on this. I ask the minister—if he is listening—why the government is insisting on this. If it is because of the recommendation of the Economic Development Board, I ask why is that recommendation there? I don't know. I would like an answer from the minister, if he knows.

The Hon. J.D. HILL: The member for Schubert is one of the members on the other side for whom I have a great deal of respect. I like him as a person and I acknowledge his hard work as a member of parliament—

An honourable member: However—

The Hon. J.D. HILL: No, there is no however. I admire him as a person, so I will treat his question seriously. The Minister for Families and Communities and the Government Whip and I were very flattered to be considered to be a triumvirate of power within the Labor Party. That is not a role that we have had for very long, but we are happy to have it given to us. We appreciate your acknowledgment of that.

Essentially, the honourable member asks: why has the Economic Development Board decided that $10 million should be used rather than $4 million? Let me try to put myself in the shoes of Robert Champion de Crespigny, Bob Hawke and all the other luminaries on that board. I am an environmental minister, not an economic minister, but let me try to think through why they would want to increase the threshold. I have to say that their recommendation to increase it from $4 million to $10 million is one of myriad recommendations that the government is working through. Why did they do that? Let us go back one step. Why did the government appoint an Economic Development Board? That is the critical issue.

We appointed it because for many years South Australia has been in the economic doldrums. We can point to things such as the State Bank, and so on, but for many years, really back to the 1970s, we have been in the doldrums. We pushed ourselves ahead in the sixties by basically state socialism, big investments by government in subsidising industry coming into our state. We had ETSA, which was nationalised by the Playford government. We had the Holden, Mobil and Actil factories and a whole range of other industrial activities brought into our state by cheap land, low taxes, low wages, all supported by the Playford government. That was the economic model that existed at the time. I am not critical of it: that is the economic model that existed. When Playford went, the attention to economics drifted.

The Dunstan government was definitely about social and environmental reform but was not a government focused on economic reform. Governments have come and gone. What this government has tried to do is create a new paradigm for economic development. We have said that we are not going to give handouts to industry to do what Playford did. What we are going to do is try to set the economic framework, take the burden off industry as best we can and give them a clear path to allow them to do what entrepreneurs do, which is to bring all the elements together to make decisions and to make money. We are mindful of social and environmental constraints and we have strong planning and environmental laws in place. Given all those constraints, we want the economic sector and environmental sector to get on with the job.

So, we are going to take as many of the burdens off them as we can. We have made a conscious effort to try to reduce the amount of red tape that applies to business. This is an example, if you like, of red tape. The figure of $4 million was set, I think, in 1996, almost 10 years ago. We know that in the last two or three years in South Australia—maybe the last five years, I cannot tell members exactly—the price of land and the value of properties has risen astronomically. The cost of providing infrastructure has risen astronomically in accordance with that. At the simplest level, what we are doing by increasing from $4 million to $10 million is keeping up with the rate of business inflation, if you like. It is certainly not the real inflation rate across the general community but, in terms of property values and the cost of building and so on, it is probably pretty close to what that inflation rate is.

So, on no other ground than just keeping up with inflation would be one reason why you would do it. The second reason you would do it is that you want to make South Australia competitive with the other states. I am not entirely sure what the thresholds are in the other states. I am not an expert in this area, but a number of states do not have thresholds; they have particular criteria. What this is about and what the Economic Development Board is about—and that means what the business community is saying—is, 'Get off our back: let us get on with the job.' One of the members said that there have been no delays. That may well be the case, that there have not been delays. This is not a criticism of the Public Works Committee at all.

I think the Public Works Committee does a great job and it will still have the opportunity under this legislation to intervene at any stage it chooses. This is not about criticising the Public Works Committee or trying to diminish its role in any way at all. What it is saying is: let us try to speed up the process of getting economic development happening in this state. The longest period that a development has had to wait has been 40 weeks, according to the schedule I tabled earlier, and the shortest was two weeks. There are many around 11, 12, 13, 10, 14 weeks. The question is: why should we have a delay in those projects for that three months or so between a decision by government to actually do something and then doing it? The private sector certainly would not go through that time frame if it were going to commit expenditure.

The committee can choose to intervene and review and look if it wants to. I say to the member for Schubert, who is a sensible person with a business background himself, why would he object to trying to make the system work more efficiently and more businesslike than it is at the moment? If you want as a committee to get into it, you can review it at any stage once it is beyond $1 million. I should correct what I said before. I said before that only projects above $4 million could be looked at by the committee. I understand that if the committee became aware of a project under $4 million it could by motion look at it.

An honourable member interjecting:

The Hon. J.D. HILL: It probably would not, as the honourable member says. What this new bill does is to mandate the provision of advice to the committee of every project of $1 million plus, so that gives it an opportunity to look at all those projects. One of the arguments the opposition might mount is that the government controls the committee, so it can decide whether or not it will look at the projects. But I know the way committees work. Committees do not tend to work on government-opposition lines, particularly the Public Works Committee, the ERD Committee and those kinds of committees. They just make a decision based on what seems to be sensible. I believe that would be the case. I do not think that there are any—

Mr Hamilton-Smith interjecting:

The Hon. J.D. HILL: I did not mention the Economic and Finance Committee. I think that the other committees have a track record of working on a collaborative basis and, if the majority decides that something should happen, it will decide that way regardless of the political affiliation of the members. In my opinion, that is the way it ought to be. This is just a minor step to try to get better systems in place for South Australia. Automatically, it will be $10 million plus, but by agreement if you choose $1 million plus.

Mr VENNING: I thank the minister for the answer, and I thank him for the accolade. Yes; I try to do the right thing, particularly in my responsibilities when I have on my Public Works hat. I am quite happy for the minister to change the act, and he should, in relation to the way that the Public Works Committee operates. It is a moveable feast because, as he has correctly said, it is very different out there now as to what it was like, say, 10 years ago. I am happy for the minister to change the legislation and the way we operate, particularly in all the things with which we now deal. We deal with private/public partnerships, risks, consultancies, contingencies, accruals, heritage agreements, and all these things are now before the Public Works Committee. However, none of that is in the legislation. I am happy to deal with that. We know, too, that it costs industry and departments to prepare for public works scrutiny. It costs them in effort and money, and they know that; it is built into the project.

We have DAIS actively involved in that—it is what they get paid for—to help in the preparation of scrutiny. Sometimes DAIS earns a fair bit of criticism for the amount of money that it takes out of projects, and that comes under our scrutiny. DAIS automatically takes out an amount of money for every project; even when some of it is not government money, it takes out a percentage. I am concerned about that. It causes the industry some angst in that area that they have

to prepare. They know that they have to come to the Public Works Committee, and that keeps them honest. Why would the minister want to raise this threshold to the committee when we do not have any major works anyway? To me, it is amazing. If we were very busy, and if we got behind and we were not coping, then I would say, 'Okay, you consider that lift.' This threshold is like a pressure valve. It can control what comes through the Public Works Committee. It keeps up the demand and the scrutiny.

As I said, if we were not coping with the flood of work, I could understand lifting it, but when there is nothing there, I suggest that the tap should be closed, as it is currently, and screw it right down, as the member for West Torrens said earlier. We would be looking at anything over $1 million. I am very pleased that, at least, the government has agreed that the powers of self-referrals that the committee has have been maintained, because I think that it is very important. I thank the minister for his response, but I wonder why he would want to address that now? I remind the house that it has already passed this motion and it supported it about a year ago, and that was with the support of all four Independents.

The Hon. M.R. BUCKBY: I think that this is a fundamental issue. When I was minister for education in the last government, I remember the projects that we had to take before the Public Works Committee. I remember the member for Hammond when he was the chair of that committee and, in fact, that he demanded we have an economic assessment of a couple of the projects, and it was for good reason. It was the Australian Maths and Science School. A considerable amount of money was being spent on that project and he wished to ensure that the committee had all the details in front it and that it actually stacked up as a project. I find that the government, in wanting to raise the threshold to $10 million, goes completely against the platform that it came into government on in terms of openness and accountability. I know that in the schools area that many projects do not reach the $10 million mark and that should be scrutinised by the Public Works Committee.

In raising this to $10 million, I believe that it is the wrong way to go. It takes away from the parliament the ability to assess if a project has been correctly priced by DAIS, assessed in terms of its economic standing, in terms of the tenders that have come forward and, basically, stops the parliament from satisfying itself that the capital works money of the public is being used as it should be and has been signed off by this parliament. In raising this to $10 million, as I said, to me, goes right against this government's platform of openness and accountability. It is purely a matter of saying, 'Let us get this outside of the scrutiny of the house. We can flip it through DAIS and the minister, not have scrutiny by the parliament.' As a result, if anything happens to go wrong with these projects in terms of blow out of costs or anything else, then it is a matter of the parliament not getting that scrutiny. It stays within the department and the ministerial portfolio. That is not good enough by half.

This parliament is here to ensure that the capital works spending of the government is undertaken in a way which is satisfactory and in a way that gives the public scrutiny of it in an open and accountable way. Any movement to $10 million is certainly not acceptable. Up until now I believe that the amount has been $4 million and this $5 million raises it by $1 million so, as a result of that, it takes into account some inflation and keeps the scale of projects that fall under this banner to roughly the same level, because that is an increase of 20 per cent. However, to double that to $10 million, a large number of projects would never come before the Public Works Committee. They would not get the scrutiny that is required and, as a result of that, the parliament is neither aware of the project nor of the timing of the project in terms of when a project will commence and what the progress is of that project.

Further, if there is a blow-out in costs then it more than likely need not come back to the committee for further recommendation and further approval. So, this just reeks of this government in basically not living up to the words that it said before the 2002 election in terms of openness and accountability, in not being open to the public of South Australia and in wanting to escape the scrutiny of this house. One might well understand why, when you look at the Port River bridges and the blow-out in costs that has occurred there, while that would not fall under this level. But it just shows a government that is wanting to escape the scrutiny of this house. I will not say any more apart from saying that I am vehemently against the $10 million threshold. This house should be supporting openness of government, and the ability of this house to continue to scrutinise the capital works that are set out in the budget of any government, regardless of the persuasion of the party in government at the time, and to ensure that it is maintained at the $5 million level.

Progress reported; committee to sit again.

SITTINGS AND BUSINESS

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That the time for moving the adjournment of the house be extended beyond 10 p.m.

Motion carried.

STANDING ORDERS SUSPENSION

The Hon. K.O. FOLEY (Treasurer): I move:

That standing orders be so far suspended to enable me to move a motion for the rescission of a vote of this house without notice.

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

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

The SPEAKER: The Deputy Premier has moved that standing orders be so far suspended to enable him to move a motion for the rescission of a vote of this house without notice. The motion is accepted. Does anyone wish to speak for or against it?

Mr LEWIS: Mr Speaker, may I ask for an explanation of what it is that we are voting upon and why we have chosen to do it?

The SPEAKER: At this stage it is a suspension to enable the rescission to be put. We are just considering the suspension. It relates to a matter dealt with in Private Members Business, Notice of Motion No. 5, relating to a superannuation matter, and I guess the Treasurer will explain if this motion is carried. The question is that the suspension be agreed to.

Motion carried.

SUPERANNUATION RULES: COMMUTATION

The Hon. K.O. FOLEY (Treasurer): I move:

That the vote on the question:

That the rules made under the Superannuation Act 1988 entitled Commutation, made on 13 January and laid on the table of this house on 1 June, be disallowed

be rescinded.

These regulations provide for an option for invalid pensioners who are under the age of 60 years to elect to commute a prescribed portion of their invalidity pension to enable them to receive a lump sum. The regulations relating to commutation will, in particular, enable persons who are gravely ill to have access to a lump sum before they die.

Secondly, it introduced some rules to deal with situations where a member of either the state pension scheme or the state lump sum superannuation scheme is seconded from an employer outside the public sector to undertake work for an administrative unit of the Public Service on a higher salary for a contracted period of time. The regulations are necessary as a result of the Crown Solicitor's advising that the Superannuation Act and regulations do not adequately deal with the issue of the salary to be used where a person is engaged in a secondment arrangement.

I am advised that the effect of the regulations being disallowed, which is what has occurred—and we are happy on this side of the house to acknowledge an error; in the confusion between houses these things happen, and it is neither here nor there—

Members interjecting:

The Hon. K.O. FOLEY: Well, it is neither here nor there if you agree to fix it. In fact, I do not think we want to play politics on it because the members of the opposition on the committee voted to disallow these regulations. So, I think there are faults on both sides, if you want to be particular.

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: Why?

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: Well, okay, that's true. I tell you what—if this briefing is better than what you got from my advisers I would be awfully surprised. If my briefings are better than what my staff give you, God help us. The effect of the regulations being disallowed will remove the right of several invalid pensioners who are currently considering electing to take a lump sum benefit because they are seriously ill. The right for future seriously ill invalid pensioners to take a lump sum before they die will also be removed (I do not think any of us want that to occur). It will enable some members of the scheme to receive, in certain circumstances, a significant windfall gain. The government is currently aware of one person, but we think there are some more, who could stand to receive—

The Hon. W.A. Matthew interjecting:

The Hon. K.O. FOLEY: Well, it could be, but you have to listen to this. This is pretty good. People have a crack at politicians for their superannuation. Listen to this. The government is currently aware of one person who could stand to receive an increase in his pension entitlement with a capital value of $800 000—wait for it—for 16 months' temporary higher salaried work with an administrative unit.

Members interjecting:

The Hon. K.O. FOLEY: We had to do this tonight. He might resign tomorrow and collect his cheque. If these regulations are disallowed—this is the sting in the tail for other people—there are 35 people who would have to be treated the same way and have a retirement benefit based on the full recognition of a higher salary paid by a different employing authority, resulting in an additional cost impact on the government of an estimated $3 million. It is a loophole in the legislation. Crown Law had one opinion up until a certain period of time, until someone realised that they could get $800 000.

An honourable member interjecting:

The Hon. K.O. FOLEY: I might be wrong.

Members interjecting:

The Hon. K.O. FOLEY: Well, I am not blaming Crown Law for it. Good luck to this bloke for trying to get $800 000, but I do not think this parliament really wants that to occur.

The Hon. W.A. Matthew: Is that in total, or $3 million per annum?

The Hon. K.O. FOLEY: All up.

Mr HANNA (Mitchell): There are important matters of process as well as merits of the matter to raise here. Fortunately, I was listening to the debate when I heard that the Treasurer sought to rescind an earlier vote of the house. I did not know what that referred to, and I then tuned in to the fact that it was about the superannuation regulations which were disallowed by the house this afternoon. The one person whose entitlements have so far been triggered was advised of the vote of the house, so he has, quite legitimately, come to believe that the House of Assembly disallowed that regulation and that his legal position was as he believed it to be and as it was when he took duties which gave him a higher salary from his employer.

It is not as if this was a secondment to another organisation: he was paid a higher rate by his own employer while contemplating resignation. It comes back to this essential point of natural justice that, when he volunteered his details to Super SA and said, 'I believe I am entitled to a certain entitlement,' they obfuscated, gave him the wrong information, chose to delay responding to him and, instead, came in with the regulation which pulled the carpet from under his feet and created a different legal situation.

The Legislative Review Committee heard evidence from Mr Prior of Super SA, and I think under the circumstances I need to refer to the gentleman. His name is Alan Reid, and he works for a university in South Australia. He was accepted as a sincere witness by the Legislative Review Committee. It was accepted that, in fact, he had come into a certain legal entitlement in relation to his superannuation and that, before he could trigger the entitlement by resigning, although he was genuinely contemplating resignation, these regulations were brought in as a result of his going to Super SA and saying, 'Is this my entitlement? I think it is, but can you please confirm that?' Essentially, that is the evidence he gave to the committee, and it was accepted. So there is an issue of natural justice there.

But, also, effectively what is happening is that Super SA and the government, in effect, through the regulation, have targeted an individual and changed his entitlements from what they were when he made a decision to take a certain position and be remunerated accordingly by his employer. Mr Prior, when he gave evidence before the committee, did not refer to 35 other cases, and I would like to go into that in more detail. But, because this matter has been brought on without notice, I do not have any of the papers and none of the evidence before the Legislative Review Committee. That places me at a disadvantage in putting the case for the decision which was taken by the Legislative Review Committee this morning and by the House of Assembly this afternoon. But, leaving that procedural unfairness to one side, the fact remains that, because this man volunteered his position and sought clarification from Super SA, an action by way of

regulation which was not previously contemplated specifically by Super SA became the law and disentitled him.

To give a comparison for the benefit of members, which they will understand, it is as if we looked at the parliamentary superannuation scheme, whereby members are entitled to a certain rate for their parliamentary pension based on their best six years in the parliament-not their most enjoyable, but their highest paid six years. This is as if the law was changed midstream for people who have not yet left the parliament to say that it is their best 10 years in parliament that they will have to achieve. Therefore, if you have been in a situation where you have not triggered the entitlement for the pension to be paid, that is, having left the parliament, but you have done somewhere between six and 10 years, you will lose an entitlement which you had every reason to expect would be due to you and legally would be due to you—which an actuary or Superannuation SA would say was due to you—and midstream it is pulled from under you. If members want to vote for that principle and say that superannuation entitlements, including our own, should be wound back now—not for future members but for current members—that is the same principle that applies in Mr Reid's case. Whether it is just him, or whether in the future there are 35 other people, that is another question—it is a matter of quantum and not principle. The regulations could be brought in to be prospective and not cover this person who has made a decision genuinely, based on what he believed to be the law and what was the law.

There is another aspect to these superannuation regulations, and I did not take up the time of the house to go into all the details this afternoon. There is a very arbitrary cut-off point of 25 per cent when considering a person who takes a secondment (which is defined broadly enough to cover Mr Reid's situation). With the 25 per cent limit, it says that if you are going to increase your pay by doing higher duties, harder work or a different sort of work for the same or another employer, and you get a pay rise before you retire of up to 25 per cent, that is okay as that higher figure will be included in the calculation of your superannuation, as one would expect if you legitimately won a promotion or did higher duties for some time.

However, this 25 per cent arbitrary ruling says that, if your pay increase is more than 25 per cent in the harder more senior work that you do, then the whole amount is reduced proportionately according to a formula. The effect is that, if a person is on $100 000 a year and then under the same employer does work that gives them $120 000 a year before they retire, that figure is taken into account for the purposes of their superannuation. However, if they get a pay rise that takes them to $130 000 a year, it is reduced proportionately, so they can be worse off than somebody who is not promoted to do such senior work and who would be getting $120 000: their superannuation entitlement can actually be less. I am not sure of those figures, but if it is $126 000 and $124 000, the person who is promoted more, does harder work, gets a more senior position and gets $126 000 a year gets less superannuation than the person promoted to a position on $124 000 a year. That is a serious injustice. It was done in a rush so that Mr Reid could not resign and capitalise his entitlement to his superannuation payments.

The evidence given to the Legislative Review Committee by Mr Prior, although he was seen as a man of integrity, was not satisfactory in its entirety. Mr Reid was seen as a sincere applicant who did the right thing by Superannuation SA, fronted up with his details and said, 'Is this the situation?' To cut a long story short, instead of Superannuation SA answering him, these regulations were brought in to change the situation. So, there is a case of gross injustice, leaving aside the fact that I have not been able to produce all the details for this debate because it has been brought on so suddenly.

That is very poor form on the part of the government if it is going to go back on a decision of this house, based on a Legislative Review Committee decision. The very least it could do is inform members of the Legislative Review Committee that that was going to happen. I will rest my case, but if we are to go back on this decision it would be a profound injustice.

The SPEAKER: If this rescission is carried, it does not alter the substantive aspect of the matter, which will then come back to the house for resolution. The member for Mitchell may be under the misapprehension that voting on the rescission will alter the substance of the matter considered earlier today: it will not. If the rescission is agreed to, then the question is before the house on an ongoing basis until such time as the house deals with it. It cannot deal with it further at the moment because it is dealing with a matter in committee. However, it does not mean that the issue of the superannuation is resolved simply by the rescission motion. It simply brings it back to where it was earlier today.

Mr HANNA: On a point of order, sir, to the extent that you are debating from the chair, that would not be appropriate. To the extent that you are ruling that the merits of the matter are totally irrelevant, I am not sure that that is right. I think members would be under a misapprehension if they thought that the merits had nothing to do with the motion moved by the Deputy Premier.

The SPEAKER: The chair is indicating that the information provided by the member for Mitchell is appropriate and useful. I am simply pointing out that the carriage of this rescission motion does not resolve the issue in terms of the substantive matter.

Mr Hanna: It will if it fails, sir.

The SPEAKER: The Treasurer may want to respond, and if he does he will close the debate.

The Hon. K.O. Foley: Chris, you haven't got all the facts right.

The SPEAKER: Does any other member wish to speak?

Mr RAU (Enfield): Yes, sir. The member for Mitchell has indicated that this information has came to be known by this individual at some stage. At some stage he also gave evidence before a committee. The committee deliberated on whatever he told it and formed opinions about his veracity, made a report and it was dealt with by the parliament today. My question to the Treasurer is whether, between the time he became aware of it and the time he was able to articulate this before the committee and today, he triggered what he believed to be his benefit, or is he still in the contemplative stage?

Mr BRINDAL (Unley): I will not detain the house, but I find the member for Mitchell's arguments most compelling. Can I ask for some clarification from the Treasurer in view of your ruling, sir? While I understand that the removal of the rescission motion means that the matter is still before the house, does it not also mean that because the parliament rises tomorrow the regulations remain in force and therefore, until the parliament comes back and can disallow the regulation, effectively the government gets its way?

The SPEAKER: I understand that the rule remains in force and the notice of motion remains active unless the parliament is prorogued.

Mr Lewis: Unless the parliament is prorogued?

The SPEAKER: That is the advice.

Mr LEWIS (Hammond): In the first instance before I speak, my query to you, sir, about the remark you made in good faith, is to determine whether the motion still stands even though the session will end tomorrow and there will be a new session of the parliament when we return and parliament reopens, as I understand it, in September, and that the Notice Paper is clear.

The SPEAKER: I am told there will be no prorogation of the parliament this year, so the motion will remain active. Does the Treasurer wish to respond?

The Hon. K.O. Foley: I have a few comments.

The SPEAKER: The member for Hammond, did you have another question?

Mr LEWIS: I am taken aback by that news. I was not in the chamber at the time the government made the announcement. It has a substantial effect on a great deal of business before the house—not just this matter but a whole lot of other matters. Whilst I will not debate that, I will say that, therefore, the decision that has been made to my mind ought to stand. I do not see why the government should regard this place as its rubber stamp. I do not see why the parliament, if it has committees to examine these matters in detail and if they report to the parliament that such things ought to be so, ought not to have some very good reasons why it would simply override one of its committees.

Those reasons have not been in any sense articulated sensibly, nor has the representative of the committee been given any notice—leave alone adequate notice: he has been given no notice whatsoever—to bring the evidence into the chamber and the reasons why the evidence placed before the committee was considered by the committee to determine its recommendation to the chamber that the regulation ought to be disallowed. That committee has the time and the good sense to carefully analyse all the details rather than to make an ill-informed emotive statement about who is entitled to what. It is exactly the same kind of principle as motivated the government to retrospectively make any action that I have taken a crime in the motion which is still on the Notice Paper.

It infuriates me, sir, and it should infuriate you, because this will be the first time in the history of this parliament that it will go for 18 months without having been prorogued and a new session opened. That is a precedent of which this government should be ashamed, given the remarks that it has made about being open and willing to be accountable. It is just straight out buggery through the back door; that is what that word means. I cannot for the life of me understand why the house can peremptorily override a decision that it has already made to accept the advice of its committee without the kind of detail that the house should be entitled to get.

The Deputy Premier has just said that there are 30-odd other cases, apart from a case in question, though no detail of that is provided, because the Deputy Premier admits, as Treasurer, that he does not know it, and does not much care to know it. The member for Mitchell, who might be able to provide the house with further information, cannot do so simply because the proposition catches him unawares. Any other honourable member in this place who presumes to vote properly informed on the matter, with the information presently before the chamber, to vote in any other way than to let the decision stand, is really guilty of a dereliction of their duty, in my opinion.

How can we presume that we have done the right thing by establishing committees to do this in-depth and detailed analysis when, at the whim of the Deputy Premier and Treasurer (without the information before him, or put before the chamber), we choose to go with what the Deputy Premier and Treasurer say, against the careful deliberations, in weighing in the balance the points for and against that have been undertaken by the committee? I do not support the proposition.

The SPEAKER: Can the chair seek to clarify once again that if the rescission motion is carried it will bring the matter back to exactly as it was this morning on the *Notice Paper*. In other words, the house will still have the opportunity to consider the matter. It does not deal with the substance of the notice of motion. It just puts it back to where it was this morning, still for the house to decide the issue. We cannot decide the substance of the issue now because, under the rules, the house is involved in a different category of business.

Mrs REDMOND (Heysen): I wonder if the Deputy Premier could advise the house—I understand that the person in question has not triggered the actual problem that we are trying to solve—as to the situation with the other 30 people, or however many it was? Are they also in that situation where they have not actually triggered the benefit that they are trying to get?

The Hon. K.O. FOLEY (Treasurer): If there are no other questions, there are a couple of points that I think are important for the member for Mitchell, the member for Hammond, and others. There are two elements to these regulations. I say on the outset that the committee voted to disallow these, and I accept that there is an argument that perhaps sufficient briefing was not provided to members, so I am quite happy to accept that as a criticism, if decisions were taken on that committee without the fullest of briefings. We must remember that two things are involved. The first is that these regulations provide an option for invalid pensioners who are under the age of 60 to elect to commute a prescribed portion of their invalidity pension to enable them to receive a lump sum. That means that people can access some of their super if they are terminally ill or gravely ill before they pass away. So that is one element of this matter.

In response to the member for Unley's question, on the advice with which I have been provided by the shadow minister for finance, who has sought further clarification from our superannuation adviser—who is known to all of us fondly, Deane Prior—I advise the house that the gentleman in question inquired with Super SA as to whether he was entitled to this particular benefit, and we are advised that he was told no. Bear in mind that there area set criteria for what one's entitlements are. This was an anomaly up and above by a factor of some $800 000 for 16 months worth of work. He saw the loophole—arguably, I assume—that he could take advantage of, asked the question, and was told no.

Super SA then went to Crown Law and sought an opinion. Crown Law then provided an opinion that he had an arguable point. At that point this was communicated to the gentleman in question, but he did not resign and, on our advice and understanding, has not resigned to take advantage of it. I am told that he was advised that Super SA considered this to be

an anomaly and that it would be seeking parliamentary redress to close the loophole.

So, this gentleman saw the loophole, asked if it was legitimate, was told no, then got an opinion to say, 'Actually he is right, he probably could get access to it,' but was told that that was an anomaly, and that Super SA would be advising government forthwith to close the loophole—and that is what we are doing.

So, I do not think that is an unreasonable set of circumstances. In my experience—and there are people who have been here a lot longer than I—this is not an uncommon fact in tax law. There are issues for which loopholes are discovered by very clever lawyers, by all sorts of entities, and from time to time, the parliament closes loopholes. That happens with a degree of regularity when it comes to various aspects of tax law.

So, let us recap quickly. This is somebody wanting to take advantage of an anomaly. He would receive an $800 000 capital gain for just 16 months worth of work. He was told that it was an anomaly and that we were going to close it, but he chose not to resign—

Mr Hanna interjecting:

The Hon. K.O. FOLEY: He chose not to resign and access it immediately—that is the advice that I have been given—and the flow-on effect is that there is a further 35 people, perhaps, who would be in a similar position.

Mr Hanna: They are seconded to other entities.

The Hon. K.O. FOLEY: I don't know. The member for Mitchell might like the notion of seeing someone get a windfall gain through a loophole to the tune of $800 000, but I do not think we should—

Mr Hanna: Parliamentarians do when they retire.

The Hon. K.O. FOLEY: It is not correct to use parliamentary superannuation as a comparison, because we have set criteria and a set scheme. We know what it is, and we know what the entitlements are.

Mr Hanna: So did he.

The Hon. K.O. FOLEY: No, he didn't. He wanted to get better than what his superannuation scheme provided for. He wanted to take advantage of an anomaly which should not have existed but which did.

Mr Hanna: If it is what the law said, he should get it.

The Hon. K.O. FOLEY: No, it is not what the law said. It is what the Crown has advised he may be able to argue and get access to. Anyway, the point is that I do not think, the government does not think and, I am sure, that the opposition does not think, that through an anomaly in the law a person should get access to $800 000.

Mrs Redmond interjecting:

The Hon. K.O. FOLEY: Yes. As I said, it did make our best six years of service look pretty ordinary. The other aspect of these regulations is people being able to access a portion of their pension if they are gravely ill. So, there are two elements to these regulations. I apologise to the house for the confusion. I apologise to members of the committee if they were not provided with sufficient briefing, and I am sorry that we have had to come to this situation. However, I think, for the integrity of our superannuation laws in this state, nobody should be able to avail themselves—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Do what? No, that's not right, Vicki.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Please don't try to be a know-all on this one, Vicki; we are trying to do the right thing and the shadow treasurer has acknowledged that.

The house divided on the motion:

AYES (39)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Brindal, M. K.
Brown, D. C.	Buckby, M. R.
Ciccarello, V.	Evans, I. F.
Foley, K. O. (teller)	Geraghty, R. K.
Goldsworthy, R. M.	Gunn, G. M.
Hamilton-Smith, M. L. J.	Hill, J. D.
Kerin, R. G.	Key, S. W.
Kotz, D. C.	Koutsantonis, T.
Lomax-Smith, J. D.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
McFetridge, D.	Meier, E. J.
O'Brien, M. F. t.)	Penfold, E. M.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Redmond, I. M.
Scalzi, G.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
Venning, I. H.	Weatherill, J. W.
White, P. L.	Williams, M. R.
Wright, M. J.	

NOES (3)

Chapman, V. A.	Hanna, K. (teller)
Lewis, I. P.	

Majority of 36 for the ayes.

Motion thus carried.

ELECTORAL COMMISSIONER

The Legislative Council passed the following resolution to which it desired the concurrence of the House of Assembly:

That a recommendation be made to Her Excellency the Governor to appoint Ms Kay Mousley to the office of the South Australian Electoral Commissioner.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I move:

That the resolution be agreed to.

Motion carried.

TRUSTEE COMPANIES (ELDERS TRUSTEES LIMITED) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

CITRUS INDUSTRY 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 5, page 5, after line 20—
Insert:
(1a) The Board may, in addition to carrying out its functions under subsection (1), provide any other services that the Board thinks fit.

No. 2—Clause 20, page 9, line 29—
Delete "$5 000" and substitute:
$7 500

No. 3—Clause 20, page 9, lines 37 and 38—
Delete all words in these lines and substitute:
Maximum penalty: $5 000.

Expiation fee: $315.
No. 4—Clause 20, page 10, lines 4 and 5—
Delete all words in these lines and substitute:
Maximum penalty: $5 000.
Expiation fee: $315.
No. 5—Clause 21, page 10, lines 35 and 36—
Delete all words in these lines and substitute:
Maximum penalty: $5 000.
Expiation fee: $315.
No. 6—Clause 27, page 12, line 15—
Delete "6 years" and substitute:
3 years

HERITAGE (HERITAGE DIRECTIONS) AMENDMENT 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 31, page 19, lines 28 to 30—
Delete paragraph (b) and substitute:
(b) if or when the amendment is made to the Development Plan, make any alteration to the Register as it thinks fit.
No. 2—Clause 40, page 25, after line 3—
Insert:
(5) The Minister must take reasonable steps to ensure that the occupier of the land is consulted before a heritage agreement is entered into or varied so as to bind the occupier in the manner contemplated by subsection (2)(b).
No. 3—Schedule 1, clause 3, page 33, lines 20 to 23—
Delete subsection (4aa) and substitute:
(4aa) For the purposes of subsection (4):
(a) a place will be taken to be any place within the meaning of the *Heritage Places Act 1993*; and
(b) a designation of a place as a place of local heritage value may include any component or other item, feature or attribute that is assessed as forming part of, or contributing to, the heritage significance of the place; and
(c) the Minister may, after seeking the advice of the South Australian Heritage Council, develop or adopt guidelines that are to be used in the interpretation or application of the criteria set out in that subsection.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

Mr HAMILTON-SMITH (Waite): I seek leave to make a personal explanation.

Leave granted.

Mr HAMILTON-SMITH: Yesterday, during debate on the Ashbourne, Clarke and Atkinson inquiry motion, I raised the question of whether the member for Mount Gambier and the member for Chaffey would be paired for the vote on that motion. I referred to a vote just preceding the motion on a matter put by the member for Mitchell, during which both the member for Mount Gambier and the member for Chaffey had in fact been paired by the government with non-government members. I raised the issue of whether that was a strategy by the government so that the two Independent members would not have to vote.

I have since spoken to the opposition Whip and the government Whip (the member for Torrens) and also to the member for Mount Gambier, and all those people have assured me that I was mistaken; that there was no such strategy; and that it was purely coincidental that those two members were paired for the vote previously. My assertion therefore has been found to be wrong and I draw to the attention of the house that in fact both members did indeed vote on the motion and therefore my concern was unfounded and mistaken, and I correct the record, as indeed I should.

CHILDREN'S PROTECTION (KEEPING THEM SAFE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 May. Page 2639.)

Mrs REDMOND (Heysen): It is my pleasure to speak on this bill, and I indicate that I am the lead speaker for the opposition in relation to it, which means I have no time limit. I am also pleased to advise that, as an opposition, we will support the bill although we are not at one with the government on a couple of matters. In due course, in the committee stage, I will indicate those areas in terms of the disagreement. However, I will head straight into the details of the bill.

This bill amends the Children's Protection Act, largely based on the recommendations of the Layton review which came down in February or March 2003, so it is well over two years ago. She brought down 206 recommendations and the government, at this stage, has not done very much at all in relation to most of those recommendations. This bill seeks to redress its failings in some of that regard. In terms of the provisions of the bill, the very first thing that this bill seeks to do is insert new objects. The objects in the current legislation are as follows:

3(1) The object of this Act is to provide for the care and protection of children and to do so in a manner that maximises a child's opportunity to grow up in a safe and stable environment and to reach his or her full potential.

3(2) The administration of this Act is to be founded on the principles that the primary responsibility for a child's care and protection lies with the child's family and that a high priority should therefore be accorded to supporting and assisting the family to carry out that responsibility.

According to the minister (and I thank the minister for the briefing that I have been given in relation to this bill), the reason that the government wants to change from those particular provisions to what is in the bill is that there has been a lack of clarity as to whether family reunification or keeping the child safe is the paramount consideration. The effect is that it removes the reference that 'the primary responsibility for a child's care and protection lies with the child's family' and substitutes, instead, what now appears as subparagraph (d) of the new objects, as follows:

(d) to recognise the family as the primary means of providing for the nurture, care and protection of children and to accord a high priority to supporting and assisting the family to carry out its responsibilities to children.

Is there a significant difference? A number of people, including me, would argue that there is. I think the crucial issue is that the government, as I understand its argument to be, says that we have to make it clear that the absolute, paramount interest is that of the safety of the child and, so, we are going to make sure that that appears very clearly at the top and that even overrides the interests of the family. While in some situations I have no difficulty with that concept, in the course of my work in my own electorate, and probably even more so in the course of my position as the shadow minister for families and communities, I have been beset by concerned parents whose child has gone off the rails and who is helped to remain off the rails by the way our system is currently operating.

We have numerous instances of 12 to 14 year olds running away from home, often into sexual relationships with older

males and, sometimes, into drug and criminal environments. Parents, who are very good parents by and large, are unable to get any assistance from the police or CYFS in having the child returned to them, and it seems that the structures are all set up to make sure that the child's rights are paramount rather than the child's safety. I think that there is a failure a lot of the time to recognise that children of 12, 13 and 14 years of age do not actually have the wherewithal, the emotional maturity or the moral responsibility to be actually left to look after themselves. That is why we declare children to remain children at law until they are 18.

In our current system, these very young children are often put in conditions where they are more exposed to danger in reality but, nevertheless, the department and departmental officers become complicit in keeping them away from their parents instead of becoming the means by which they are brought back to their parents.

I recognise that there are all sorts of difficulties in making children stay at home, but I thought it would be worth quoting from the findings of the Select Committee on Juvenile Justice. That select committee reported to the parliament this week and we are yet to have the full debate on the terms of that committee's recommendations, but I want to refer to it. In particular, I refer to term of reference (d), which appears on page 84 and the subsequent pages in the report of that select committee.

Term of reference (d) related to the need for early intervention policies and, in particular, the role of parents and families. I was a member of that committee and, Mr Speaker, you chaired that committee and, as we know, it comprised equal numbers from each side of the house in terms of its makeup. This was a unanimous report of the committee. It refers to things about children who commit offences as youths and points out that mostly their engagement with the youth justice system is short lived. However, for others their behaviour is more entrenched and borne of sometimes complex familial environments and a range of social and economic factors. On page 84, it states:

> However, all of these children have parents or carers who are or should be responsible for them. The Select Committee were keen to ensure that there was due emphasis given to the rights of parents to support, guide and protect their children.

I know from some of the situations that have come before me, where people are complaining about the lack of cooperation or action on the part of the department, that some parents have a much stricter view of how best to raise teenagers than perhaps I would have had myself. It is my view that those parents, regardless of whether or not they are strict, deserve to be recognised as the parents and provide the family environment for their children. In fact, this committee went on to say—again I quote from page 85:

> Therefore, emphasis should be given to parental rights, responsibilities, family reunification and safety of all members of a family, including children and young people.

Again, quoting from the report:

> The Committee felt that in the absence of abuse and neglect, children and young people should be encouraged to remain in their family settings, and the State should not assist children or young people to live away from the family home. The State has responsibility to support parents to maintain the integrity of the family unit and should assist young people to modify their 'at risk' behaviour enough to remain in the parental home.

I am sure that a number of members would have heard one lady who was on talkback radio as well as giving evidence before the committee. Her evidence was quite telling. She told the story of her 15 year old daughter who had moved out and was living with her 19 year old boyfriend. The police failed to act; CYFS failed to act, and the young woman's mother, who was obviously a very caring mother providing a stable and good home life, was powerless to actually get her child to return home. I will not go into further details of that particular case, but it involved the matter even going before the Youth Court. Even when this young lady had been on home detention and had actually broken off the home detention bracelet to escape from it, she did not face any consequences from that, and was basically assisted to leave home. The committee's findings were eventually:

> Parental authority should not be asserted at the expense of harm to young children, however, it should not be ignored.

I think that that problem is that the crux of the opposition's position in relation to the objects of the act. As I said, that is really the main point of difference that we have with the government in most of the provisions of this particular bill. It seems to us that the proposed objects, as they appear in the act—and I will read these into the record as well—now will be:

> (a) To ensure that all children are safe from harm;
> (b) To ensure as far as practicable that all children are cared for in a way that allows them to reach their full potential;
> (c) To promote caring attitudes and responses towards children among all sections of the community, so that the need for appropriate nurture, care and protection, including protection of the child's cultural identity, is understood, risks to a child's well-being are quickly identified, and any necessary support, protection or care is promptly provided; and
> (d) to recognise the family as the primary means of providing for the nurture, care and protection of children, and to accord a high priority to supporting and assisting the family to carry out its responsibilities to children.

As I said, as a general rule, they are all fine sounding principles. The opposition's concern is simply that it is relegating the recognition of the family to a place well down the list. Whilst I can understand some of the arguments for why that happens, I think at the moment the reality is that the pendulum has swung a little too far in the direction of children's rights and interventions which take the child away from their home, rather than maintaining them in their home. I think that it was well expressed by the Juvenile Justice Select Committee in saying that, in the absence of evidence of abuse or harm—whether that be sexual, physical, emotional, or whatever—children belong at home. That is the main point.

There is a group called Parents Want Reform. I am sure that the minister has heard of that group. It also feels that the government bill goes in the opposite direction to the direction in which it should go. As I said, I fully recognise that there will be children in dysfunctional or abusive families where it is appropriate, and families, the child and the community at large may well be better served if children in those sorts of environments are removed into a safe and stable environment. Nevertheless, I think that at the moment we have a situation where the department fails to intervene to help families reunite and actually assist. It is not just CYFS; I am not pointing the finger just at them.

Certainly, the provisions of CentreLink, the Housing Trust and a whole range of other agencies become involved in enabling children to leave home when, clearly, the law does not recognise them as adults. We need to really remember that, fundamentally, children belong with their parents. I can well understand the frustration that many parents have felt where they have had basically good children in good homes

having a good upbringing and then, like all teenagers, they kick back the traces a bit and, as a result, we get to a point where there is a complete breakdown in the family relationship because of the assistance that is available to the child in making what could be relatively short-term problems into much longer-term problems.

I also note that when we get to the 'Fundamental principles', as they are now going to be called, which, for some reason has been changed from the previous title of 'Principles to be observed in dealing with children', previously, we had a couple of things where we said that: 'Serious consideration must be given to the desirability of keeping the child within his or her family.' That will now be changed to: 'Consideration must be given to the desirability of keeping the child within the child's own family.'

Apart from the grammatical changes, I do not understand why we are taking away 'serious consideration'. Again, in those same fundamental principles, at the moment we have: 'If the child is able to form and express his or her own views as to his or her ongoing care and protection, those views must be sought and given serious consideration, taking into account the child's age and maturity', and that is being changed to: 'In determining the child's best interest, consideration must be given to. . . (d) if the child is able to form and express his or her own views as to his or her own best interests. . . those views.'

So, I think that there really is a question of the basic principles applying. No-one is suggesting that children should be kept in unsafe environments. However, the opposition takes the view that the family should be paramount, and it is paramount in the current objects. In due course, when we reach the committee stage of this bill, we will be voting against the government's recommendation with a view to keeping the objects where they are at the moment.

The next issue that I want to canvass is that of the orders a court may make. Currently, the act provides that a court can make an order for the assessment or examination of a child, but there is no power to assess a parent. Clause 11 of the bill inserts a new power to make an order authorising the assessment, by a social worker or other expert, a parent, guardian or other person who has or is responsible for the care of a child to determine the capacity of that parent or other person to care for and protect the child. As it happens, that is an issue that also came before the juvenile justice select committee. I assume the minister has not yet read the report of that committee, but he will be pleased to know that there is a specific recommendation along those lines.

The juvenile justice committee also recognised that this power is lacking in the current legislation, and many matters come before the youth courts where it is clear that there is a problem in the parenting sphere but there is no power for the court to have the parent's ability to parent assessed or to take any action to redress that problem. So, generally, we are in favour of that.

Without wishing to be demeaning of social workers in any way, I nevertheless have to indicate to the house that we are not entirely comfortable with the idea that a social worker is the appropriate person to assess the ability of most parents to parent, so we will move an amendment that the reference to 'social worker' be deleted so that it simply will be by another expert appointed by the court. We do not deny the court the right to appoint a social worker if it thinks that is the appropriate person, but we have a concern with social workers. In fact, I do not think that generally they are recognised as experts for most purposes within our court system. However, we have no difficulty with the fundamental object that the minister is trying to achieve with that section.

I note that, as a corollary to that proposal, the court is also given power to order a parent or other carer to undertake specified courses of instruction and the like to increase his or her capacity to care for the child. Someone has suggested to me—and I think there may be some cogency in the argument—that the sorts of people who are probably most in need of such courses are those least likely to attend and benefit from them. Nevertheless, I do think it is appropriate that, if the court has the power to have someone's parenting ability assessed, there should also be a power to take appropriate action in the light of that assessment.

Of course, it is clear from the evidence that comes before me on a daily basis that the vast majority of parents are obviously very good. We all approach the task in a different way, but mostly people manage to haphazardly get through raising their children without too many major problems. However, there are parents who have difficulties, whether because of profound mental illness or other causes (a lot of them drug-related), and there are a lot of people who are dysfunctional parents—and we need to take steps to redress that issue.

The next issue to which I want briefly to refer is that of Aboriginal child placement principles. I refer to the minister's comments in the report tabled in the house in relation to that aspect. The clause inserts two new definitions into the act, one of which involves the Aboriginal child placement principle. Essentially, it deals with the issue of recognising kinship, relationships and the like, and I remember when I read it that the issue being looked at was that of being able to be placed, first, with an immediate relative, then with near kinship and then within the community, and so on. I note that the minister has undertaken to give me a written copy of the Aboriginal child placement principles.

I have no difficulty with the concept of the Aboriginal child placement principles but, when I read them, it seemed to me that they should apply equally to non-indigenous children and to indigenous children. Indeed, I understand there is a CYFS-wide policy that placement in the first instance should be with family, then near kin, and so on. So, it seemed to me that the Aboriginal principles were no different to the principles relating to how we should place every child outside of the immediate family.

The Aboriginal child placement principles compel a particular process for decision making for Aboriginal children who may be removed from their birth families involving, firstly, consideration of placement within their family; secondly, their kin relationships; thirdly, their community; and, fourthly, within another Aboriginal community. This will ensure that as far as possible Aboriginal children are kept connected to their known environment and culture. Going beyond these four steps should be seen as a last resort.

I have no difficulty with it, but I would like the minister's comment, because it seems that those principles should be equally applicable to every child who is removed from their birth family in terms of where they are placed in their community. I would have thought that that happens to some extent. I hope we do not go around moving kids so they have to change schools and make new friendships if they are already going through the trauma of being removed from the family that they have been with up until a certain stage. That is merely by way of comment on that aspect, but we support the overall principles of Aboriginal kinship.

The next issue I want to address is that of their being a child at risk. This refers directly to a recommendation made in the Layton report, which discussed the need for a broader definition of risks rather than one based on incidents which had already occurred, because obviously circumstances might surround a child which make it clear that that child is at risk, even though no specific incident or harm has yet occurred. So the bill inserts a new provision in paragraph (aa) of section 6(2) as follows:

(2) For the purposes of this act a child is at risk if—
(aa) there is a significant risk that the child will suffer serious harm to his or her physical, psychological or emotional wellbeing, against which he or she should have, but does not have, proper protection;

We need to take particular notice of the fact that this is not meant to arm social workers as I read it with a right to willy-nilly go into homes and remove children on a whim, but the department must be satisfied that there is a significant risk that there could be serious harm to the child, and on that basis I am quite comfortable with the proposal as it stands in the bill.

The next area I want to address is the definition of abuse or neglect. The definition itself has not been altered. It appears at two points in the existing legislation. However, there are changes to the provisions relating to the notification of abuse and neglect. The easy one is that the maximum penalty is increased from $2 500 to $10 000. I have no particular quarrel with that but make the comment that there is no evidence that people have even been fined the maximum or in fact anything. I am not aware of many cases where fines have been imposed or there is a problem. I take it that the government's argument simply would be that $2 500 is not a sufficient penalty to reflect the seriousness of the offence in today's money, so I have no problem with that.

The more important aspect of the change in relation to notification is that there has been quite a widening of the range of people required to notify suspected child abuse and it is being increased to include 'a minister of religion, an employee or volunteer in a organisation formed for religious or spiritual purposes, or an employee or volunteer in a government department or agency, local government or non-government agency, providing sporting or recreational services wholly or partly for children'. It specifically exempts priests or ministers from notifying information based on information communicated in the confessional. I am quite comfortable with that for the moment as it is a debate for another day and we do not want to delay these amendments with a sometimes emotional debate about the sanctity of the confessional. I have had a letter handed to me this evening from a lady who is apparently a member of the Christian Science community and she has urgently sent in this communication, which states:

I am concerned that in the section on exceptions to mandatory reporting by priests and ministers of religion that, unless the legislation includes exception provisions for Christian Science practitioners and their practice of sacred communications, it will prevent me and other Christian Science practitioners in this state from conforming with the church law governing Christian Science practitioners in our profession, as outlined in the church manual on page 46.

She goes on to say that the Christian Science practitioners would be subject to church discipline if the sacred confidence was broken at any time, and the particular section 22 says:

Members of this church shall hold in sacred confidence all private communications made to them by their patients; also, such information as may come to them by reason of their relation of practitioner to patient. A failure to do this shall subject the offender to church discipline.

This has not been to our party room, but my personal view is that Christian Science practitioners should not be treated any differently from other practitioners. This provision will apply to ministers of religion and so on. I do not think that Christian Science practitioners can claim the sanctity of the confessional and, if we let through that exemption, every other group would line up to say they need an exemption also. I am not minded to support that, but I bring it to the minister's attention and ask that he respond to my comments later tonight or tomorrow morning.

In any event, I indicate that we are quite happy with the proposed extension of the reporting. I know from the minister's speech that a significant education program will need to be undertaken so that people who come into contact with children, even as volunteers, are aware of their reporting obligations. Clearly, it is not sufficient simply to insert a provision into the legislation; what matters is actually making a difference to what happens out in the community. At this stage I do not believe that most volunteers would be aware of the obligations that are being imposed.

There are a series of provisions in the bill which insert new sections 8A, 8B and 8C, and I think they need to be dealt with individually. New section 8A inserts some provisions as to what the chief executive of the department has to do. It provides that the chief executive has to provide guidance and assistance in developing codes of conduct and all that sort of thing for the minister and, amongst other things, must develop codes of conduct and principles of good practice for working with children, define appropriate standards of care for ensuring the safety of children, and provide guidance on how to deal with cases involving the bullying or harassment of a child.

They are quite interesting in terms of to what extent the chief executive will be able to deal with most of these issues. I know from the work that I have done on the Standing Committee on Occupational Safety, Rehabilitation and Compensation, which looked at some length at workplace bullying, that defining what is bullying and what is harassment can be quite difficult. In fact, we looked at definitions from around the world. I wonder, in a sense, to what extent the chief executive will be able to provide guidance on how to deal with cases involving the bullying or harassment of a child. I think for every instance there will be a different answer, and it will be very difficult to come up with clear guidance. However, I think that every school in the state now has bullying and harassment policies in place, so there are already afoot attempts to deal with that very issue.

I would ask the minister to comment on the issue of developing codes of conduct and principles of good practice for working with children, and say how they will be put in place and how obligatory they will be. My concept of codes of conduct is that they are generally something that one might volunteer to take on rather than something that is necessarily imposed. So, I appreciate the essence of what is trying to be achieved, but I would like a bit of clarity about how it is anticipated those things will be achieved.

New section 8B requires the chief executive to ensure that a police check is done on all persons who are already occupying prescribed positions and prior to the appointment of any new person who will be appointed to a prescribed position. The bill defines a 'prescribed position' as meaning anyone in a government department, agency or instrumentali-

ty who has a position requiring regular contact with children or working in close proximity with children, supervision of those people, or access to records relating to children. I have no particular difficulty about that aspect, given that it relates really to the people who are in government departments and the like and not, as with the next section, those which may well be quite small, little volunteer organisations.

New section 8C is the provision about which I have most concern. Whilst we will be supporting it, I wish to place on the record some of those concerns I have, and I anticipate that the minister will be able to respond appropriately on the record in relation to those concerns. I guess this new section, of all the sections, probably has the most far-reaching consequences for the community in its absolute terms, because it affects all organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, childcare or residential services, wholly or partly for children, and is a government, department, agency or instrumentality, or a local government or non-government agency.

It seems to me that it encompasses just about everybody. I think I remember, when the minister and I had an original discussion about this matter, that we discussed the issue of it not being commercial organisations, and I did ask the minister at that time about the commercial organisations that are involved in child modelling, because it seems to me that if there is a place where children might be vulnerable and potentially subject to abuse it is a commercial organisation that should be subject to all sorts of requirements—yet it seems to escape the net under those definitions. Clearly there are issues in this about how the organisations will manage to meet these new requirements.

The minister said in his second reading speech that there was something like $210 million being put into this over five years, and I ask the minister whether any of that money will be specifically directed to assist organisations in their compliance with this measure? There is also some concern about the degree to which there has been, or will be, appropriate consultation. Once again, I want to go back to the minister's second reading speech, and I know that he made some specific comments on that issue. He states:

> The child safe environment framework contained in this bill seeks to ensure that all organisations have an understanding of their responsibilities to prevent child abuse, protect children from predators, and to make sure that effective and timely processes are in place when harm is suspected or has occurred. Provisions in the bill will require organisations to have in place policies and procedures directed at ensuring the establishment and maintenance of child safe environment.

He goes on to say:

> Further, the government is committed to supporting organisations to fulfil their responsibilities.

And he points out that this state has actually been leading the way in relation to coming up with a nationally consistent framework that includes schedules on screening, information exchange and guidelines for building capacity for child safe organisations. I welcome that aspect of it. However, as the minister is probably aware, I have spent a large part of my life being involved in numerous volunteer organisations, and I have an abiding concern for them. My concern partly is this, and I will give an example: within the last year or two, my Rotary Club became involved in assisting at a camp for kidney kids, held at Woodhouse scout camp, which is in my electorate. Our involvement was simply helping with kitchen duties, so we were in the kitchen peeling potatoes, but we all had to go through the process of a police check in order to peel potatoes to help some kids who have kidney problems.

There is no doubt that we already have declining numbers of volunteers. I am always proud to say that this state has the highest rate of volunteering of any state in this country, and this country has one of the highest rates of volunteering in the world. Nevertheless, there is a decline in the numbers in volunteer organisations and, every time we put impediments in the way of good people being involved, then there is a problem. In fact, one of my colleagues in the other place, the Hon. Angus Redford, studied some of these things in the United States, where they had a significant problem when they introduced this sort of legislation. There was a significant decline in the number of volunteers as a result of it. So, I ask the minister to be alert to that problem because, at the end of the day, it must be a balancing act.

I do not have a worry about a police check in the sense that I have never had any involvement with the police and, as far as I know, they do not have any records about me. Nevertheless, I found it really annoying. As a dedicated volunteer with years and years of community service, I was really deeply annoyed that I had to go through this process to peel potatoes to help sick kids. I know that these provisions, as I read them, do not require these organisations to go through that process, that the police checks are already in place, and that the government is funding it for volunteers and so on. Nevertheless, I ask the minister to be alive to that issue because, at the end of the day, we are not actually helping people if we take a lot of good people out of the system. We can do all the checks in the world, but the really clever child abusers have not been caught, and they are not in any systems that are checked, anyway.

The concern, though, with this particular section is that I have not yet managed to get any feedback from volunteer organisations as to how they feel about this. It is clear that they are going to have to come up with policies and procedures to put in place to ensure that children are safe. I would presume, for instance, that people will need to have some level of training to identify the sorts of signals and signs that one might pick up in terms of when a child is being abused, and the sorts of behaviours that one might need to learn to recognise it, and so on. That is a costly exercise, particularly if you are the group of parents running the local soccer team or whatever. The government needs to be prepared to put significant funding and significant assistance in place for our volunteer organisations. Maybe it is something that the Office for Volunteers could become heavily involved in.

I know from my discussions with the minister on this issue that he has honourable intentions and that they are not intending to put things in place without a consultation process. Whilst I accept that and consider that the minister and I have a good relationship, my experience of the consultation processes of this government—not this minister but other ministers—is that they have been abysmal, to say the least. Mostly what they think of as consultation is going out into the community and saying, 'This is what we are about to impose on you,' without ever listening. It seems to me that consultation has to be a two-way dialogue and not just an imposition of evermore stringent requirements. With that said, we will be supporting that provision.

The Guardian for Children and Young Persons was appointed some time ago, and one of the provisions of this bill puts some specifics in place in relation to her appointment. I guess the most significant comment to make in relation to the provisions is that, whilst the guardian is subject

to the direction of the minister, they are not subject to the direction of the minister if the minister attempts to prevent or restrict the guardian from carrying out investigations or inquiries necessary for the proper performance of statutory functions, nor can the minister direct the nature or content of advice, reports or recommendations. So, I am quite comfortable with the provisions as to the Guardian for Children and Young Persons.

The Council for the Care of Children will consist of up to 10 members plus the chief executives of all government departments which are closely involved in issues relating to the care and protection of children. I worry about the size of some of these committees, because in my view the ideal committee is a committee of one. Once you get more than half a dozen members, I think they can become unwieldy. Having said that, one of the most effective boards on which I work as a volunteer consists of 12 people.

I personally raise my objection to the provision in the bill that one member of the council must be Aboriginal, one third of members must be men and one third must be women. I wonder who the other third will be. I continue to assert that as we are now in the 21st century these positions should be appointed on merit and that gender has nothing to do with the matters which be considered by such a council. It seems to me, therefore, to be entirely inappropriate to require any particular gender make-up in the formation of any board, and this board is no different in that regard. Nevertheless, the opposition supports this provision.

The last thing I want to talk about—and it might take a little while—is the child death and serious injury review committee. The bill sets up this committee which will consist of up to 20 members. Again, a committee of this size seems to me to be way too big. The function of this committee is to review cases in which children die or suffer serious injury as a result of abuse or neglect, and the basis of such reviews is to identify legislative or administrative means of preventing future similar cases. As I understand it, therefore, its function is to be a little bit like the peer review that has been set up under the health act so that when doctors stuff up they can come together in a group, lay their cards on the table, come up with what went wrong, and look for where the system failures occurred.

I checked whether this was a recommendation of Robyn Layton, and indeed it was. This was one of the earlier recommendations in the report, recommendation 5, which states:

> That a South Australian Child, Death and Serious Injury Review Committee be established.

In chapter 18 she details the basis for this recommendation and suggests that it should be modelled on the New South Wales Child Death Review Team, and that the functions should be, as follows: to ascertain facts surrounding the deaths or serious injuries to children; to collate epidemiological and other data about all deaths and serious injuries to children and young people; to devise preventative strategies; and to identify areas for improvement and advise ministers of health, social justice and other relevant ministers. She goes on to say that the committee should be administratively attached to the commissioner for children and young people and that, when they have made their findings and devised strategies, they should use them to educate the community and inform policy and procedures across government and non-government sectors.

The reasons for this are quite profound when one starts to read the detail of what happens in terms of child deaths and injuries that are avoidable. Statistics indicate that a lot of child deaths are avoidable. Over the years, we have taken legislative steps in various states at various times to address these issues. People would be well aware, for instance, of the regulations relating to the fencing of swimming pools, which came in a long time ago in other states and which had a substantial effect of reducing child deaths from drowning in backyard pools. Similarly, there are provisions for child restraints in cars and the use of bicycle helmets, etc.

The interesting thing is that in Australia child abuse homicides are a significant cause of childhood mortality. They consistently equal or exceed categories such as motor vehicle traffic accidents, accidental poisonings, falls and drowning as the cause of death especially for those under the age of one year. In her report Robyn Layton goes on to detail a lot of things about various reports which, over the years, have indicated some other interesting things about fatal non-accidental injuries. The 2002 Fatal Assault of Children and Young People Report categorised the fatal assaults of 60 children into four areas: fatal non-accidental injury; children killed by parents affected by a mental illness; children killed following family breakdown; and teenage killing.

One third of those 60 children who died came from families already in contact with other key service providers, and the highest rates of homicide for all children up to the age of 14 are in children under one year of age. In Australia, 28 children die every year as a result of homicide, and 19 of those are at the hands of parents or parent substitutes. I guess our instinct is always to assume that it is the de facto or the new boyfriend or someone like that, but in respect of children aged less than 15 years biological parents were responsible for the greater proportion of these killings, which surprised me. De facto parents were responsible for 35.7 per cent and biological parents for 64.3 per cent.

What is more, the biological mother was more likely to kill the child than the father, which again surprised me. Four out of five children aged less than one who were killed by a parent were killed by their biological parent. Male children are more likely to be killed than female children, and it is most likely to occur within residential premises. Sadly, they have statistics nationally. They are not in this state because we do not yet have this committee. Children under the age of five years are more likely to be beaten to death with hands or feet being used as the most common weapon, whereas the youngest victims, the little babies, are more likely to be suffocated, violently shaken or thrown. I know that the minister, as a newish parent, is just as horrified as I am to hear those sorts of statistics.

It refers to the fact that criminal neglect accounts for 10 per cent of the deaths and, tellingly, this report says that infant crying or soiling is often cited as a reason for killing a young child. That is just dreadful. I wanted to look at this issue in light of those sorts of comments, because what Robyn Layton is getting at in her report is that we do need to actually analyse what is happening in terms of child death and serious injury, because we need to figure out what is working and what is not within our child protection systems.

Whilst it is an awful fact that we examine them retrospectively, she points out, quoting from another report, that in fact we are not actually sure because there is a suspicion that the number in the public domain, in terms of the information available, represents only the number officially known to

police, and she states that it is now widely acknowledged that there is a dark figure of child homicide, that is, those situations that have not been recognised as homicides. So, her recommendation springs from trying to come up with systems that will in due course address the causes, because that is the only way, ultimately, that we will prevent things from happening.

She goes on to point out that at the time she wrote her report there was a report in the United Kingdom of an 18-month inquiry that looked into a particular case but came up with a whole series of recommendations and published a list of systemic failures. I would ask the minister to take account of what is pointed out there, because the systemic failures that were notified in this UK report were:

- child protection service under-funding;
- lack of accountability of senior managers for children's outcomes;
- lack of capacity to exchange information to enable earlier identification of a child at serious risk, especially given the history of contacts with a range of agencies;
- use of under-skilled contract agency staff on front line service areas;
- lack of adequate supervision and unduly complicated and lengthy guidance—

and, tellingly—

- lack of after-hours availability of child protection services.

I think this report basically suggested that child protection services after hours should be made available like an emergency service at a hospital, because that is when they are often needed. Other systemic failures were:

- inadequate training and supervision of staff in the services working with children; and
- use of eligibility criteria, which limited access to services despite actually being in high need.

That is the essence of what she was saying about it. Robyn Layton goes on to talk about the current South Australian child death review processes and, sad to say, we actually starting looking at this in 1976. I had not even been admitted as a practitioner in the law back in 1976.

The Hon. J.W. Weatherill interjecting:

Mrs REDMOND: No, it went through a long process. In 1976 there was the inquiry into non-accidental physical injury to children in South Australia, and her report goes on to detail this whole series of continuing reports and people saying 'Yes, we're going to look at this more' and, as the minister said, there was even money budgeted for it, and at the end of the day we have reached 2005 and we still do not have the thing actually operating. At the end of her report on this aspect, Robyn Layton says that the body must be interdisciplinary, and I think the make-up does allow for that, with experts from various disciplines as well as departmental representatives from health, welfare, education, police, the Coroner's Office and so on, and the Attorney-General's.

It should be a mix of members, as there is a need for those with expert knowledge such as paediatric pathology, as well as departmental decision makers, and they should have the ability to co-opt others in particular cases and must be legislatively based. She then talks about the statutory powers being required to facilitate access to the necessary information that may be held on departmental files and other records, and I think I have mentioned in this house before some of the issues that I think are becoming problematic in terms of the privacy legislation, which seems to beset every step of everything we try to do, which commonsense would dictate we should do.

Interestingly, one of the other things she says is this, and I ask the minister whether there is or will be in place any protocol that meets this particular indicator that Robyn Layton has put in her report:

> The body must conduct immediate (within 24 hours of a child's death) rather than retrospective reviews. This process allows the full investigation and identification of a range of factors contributing to the circumstances of a child or young person's death.

She then goes on to talk about the need for adequate resourcing, and so on. It seems to me that, if the government is serious about putting this recommendation into place, and I am sure that it is, it needs to make sure that this body actually does that. I do not know whether 24 hours is a realistic timeframe but, certainly, it should get underway immediately there is a death or serious injury notified to them. I note that the legislation provides, quite sensibly and necessarily, that, if there is a criminal investigation underway, the Serious Injury Review Committee cannot continue to conduct its investigation and, equally, if there is a coronial inquest underway, they cannot continue to conduct their investigation.

Given that there may well be a criminal investigation and, potentially, a prosecution of some person who has been involved in a child death or serious injury, and given that there may also be a coronial inquest, those two things cannot continue to happen at the same time under their respective pieces of legislation. Given that on top of that there could be this investigation, it seems that there is a risk that 20 members of this committee could be conducting investigations about matters they do not need to investigate.

I hope that the way this committee is established will mean that they concentrate their efforts where they should be, and that is in identifying systems failures to find where the problems are so that legislation and administration can address the issues and not become involved in some of the other aspects that they might otherwise seek to investigate and, certainly, may well investigate if there is no criminal prosecution or coronial inquest.

I want to make a couple of other comments in relation to the provisions of that particular section that I found interesting, to say the least. First of all, under section 52V, which is inserted into the act, the committee can request a person to provide information or documents that may be relevant to its investigation, but in the next clause there is a penalty of up to $10 000 for failure to comply with that request. So it seems that that is no longer a request; that is a 'committee may require' type of provision. There is a penalty of up to $10 000 for failure to cooperate. I am a little puzzled as to why that penalty is so high. I know that it matches the other penalties provided under the bill, but it seems that the other aspects are probably more serious where we are talking about actual failure to notify child abuse and so on, rather than cooperating with this committee.

The bill goes on to provide that a parent or relatives cannot be compelled to comply. That may well prove something of a sticking point in terms of getting out the truth of what happened in a particular case. A person may also refuse if compliance would tend to incriminate. I can imagine situations where a departmental officer, for instance, might feel that if they gave evidence truthfully to such an inquiry they may incriminate themselves. The wording of this clause seems to enable them to refuse to do so on the basis that they believe it would tend to incriminate them. Equally, if it is protected by legal professional privilege, I have no problem with that provision.

I was then puzzled by the final subsection of this new section 52V which states that a person does not, by complying with that request to provide information or documents, contravene the following:

(a) a statutory prohibition against the disclosure of confidential information; and
(b) any rule of the common law or equity; or
(c) any principle of professional ethics.

I got thinking about what that means. Does that mean that a person who is, for instance, a doctor who is bound to keep his patients' communications confidential, upon receiving a request from this committee can tell the committee whatever they want to disclose without the patient having any rights in relation to that confidentiality? I urge caution in proceeding down that path. I think that doctor-patient confidentiality is a very important concept. Making anyone feel uncomfortable about the possibility that their doctor might be able to breach that confidentiality with no consequences, it seems to me, may well be a price that should not be paid in the interests of the work of this committee, particularly, as I said, when we have already provided that a parent or relative cannot be compelled to give any evidence and a worker in a department could say, 'I am not going to give evidence, because I believe it will incriminate me.'

So, I question the wisdom of going down that particular path. I know that the clause goes on to provide that the committee has to keep information about individual cases confidential, but even to that proviso there is a further proviso that states:

Except where it is necessary to notify the police or other appropriate authorities to prevent abuse or neglect or provide information to a coronial inquest.

When is confidential information no longer confidential information? If everybody is able to get the information, as long as they keep it confidential, then it is hardly confidential any more. I have some concerns about that particular section although, overall, as I said, once I re-read the detail of the Layton report—and I had forgotten those details from 2½ years ago when I read that particular aspect—I remembered how stark and confronting the issue is of child death and serious injury. I take it that we have very few of those 28 deaths, on a national basis, in this state, but I know that last year we had three. One of the pretty clear other things that comes out of the Layton information is that, where there is a child homicide rather than an accidental death, it often involves children who have been in situations where agencies have had some contact with the family prior to the death or the serious injury incident.

I will conclude my remarks at this stage, but I indicate that we will need to go into committee, because there are a couple of areas where we will not be agreeing with the government and we will be seeking to go down a different path. However, I do commend the government for finally getting around to dealing with some of the Layton report recommendations. As I said, it has been well over two years since that report came in. I remember speaking to Robin Layton on the day that it came in. She is a person for whom I have a very high regard. I worked with her as an instructing solicitor on a number of cases, and we always worked very well together. I know that she is a very thorough person and would have been thorough in the way she approached the task of doing that report with its 206 recommendations. I do welcome the fact that the government is finally taking action to put some of them in place with this bill.

Mr MEIER (Goyder): As we have heard from the lead speaker, this bill has been a long time coming. I do not want to speak for the sake of speaking, but do want to say that the intentions of this bill are such that, hopefully, it will provide a safer and more secure environment for children in our society. I guess that, in one sense, it is a little disappointing that, once again, legislators have to provide specifics and safeguards. In the old days parents were relied upon and we had accepted standards. Whilst they are still very much in our community in many areas, unfortunately, there are many exceptions. Therefore, this type of bill is necessary.

In a nutshell, all I would like to say is that the fundamental principles are quite clear. I certainly support them fully, namely, that every child has the right to be safe from harm; every child has the right to care in a safe and stable family environment; in the exercise of powers under this act, the above principles and the child's well-being and best interests are of paramount consideration; and there are a significant number of factors in determining the child's best interests. As every member here has experienced so often, we have found that a child has been taken out of the family environment—or perhaps the child has left the family environment and not been returned to it—and put into foster care or some other care that has proved to be not so positive.

The lead speaker, the member for Heysen, has outlined the arguments very well. I do not want to hold the house up at this hour. I simply indicate that it is good to see this legislation before us.

Mr LEWIS secured the adjournment of the debate.

CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

Consideration in committee of the Legislative Council's message.

The Hon. J.W. WEATHERILL: I move:

That a message be sent to the Legislative Council granting a conference as requested by the council; that the time and place for holding it be the Garden Room at 10.30 a.m. tomorrow; and that Ms Chapman, Mr Matthew, Ms Rankine, Mr Rau and Hon. M.J. Atkinson be the managers on the part of this house.

Motion carried.

STATUTES AMENDMENT AND REPEAL (AGGRAVATED OFFENCES) BILL

Consideration in committee of the Legislative Council's message.

The Hon. J.W. WEATHERILL: I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Mr LEWIS: May I ask whether I can have a copy of message no. 73 from the Legislative Council? I do not see it on the green paper. I do see it on the *Notice Paper*. If I had seen it on the green paper, I would have set out to inform myself.

The ACTING CHAIRMAN (Ms THOMPSON): The message is that we insist on the amendments that we have already considered and decided upon. The house has full knowledge of these amendments.

Mr LEWIS: May I see a copy of message number 73, Madam Chair?

The ACTING CHAIRMAN: That message was read out in the house yesterday. I am sure that the honourable member can refer to *Hansard*.

Mr LEWIS: May I ask what page in *Hansard* it is upon which I can find that message?

The ACTING CHAIRMAN: I do not have that off the top of my head. Perhaps the member for Hammond might be prepared to look.

Mr LEWIS: It would be helpful if the government, for the benefit of all honourable members, if it is not to be on the green paper, would let us know that they intend to debate it so that we can be better informed when they wish us to agree with the propositions that they put about such messages.

The ACTING CHAIRMAN: I remind the member for Hammond that this is a decision of this house and was the subject of a message yesterday. We are simply insisting that the decision of this house be agreed to.

Mr LEWIS: Then, of course, it is not a part of *Hansard*, which causes me even further distress, because it is not at the bench. And, notwithstanding the fact that the principal decision has been a decision of this house, the message from the Legislative Council would have enabled me to look at its reasons for sending the message that it sent us. It is all very well for the parties to do as the parties please, but that is not what parliament is about.

Mrs Geraghty: Sometimes it is about being in here to listen.

Mr LEWIS: I am here.

Mrs Geraghty: Now you are here.

Mr LEWIS: I was here. There is nothing on the green paper to indicate that we would be considering this message today. This is a consideration taken with government, in consultation with government, to suit government's purpose, not the purpose of the house. It is fairer for the house to be better apprised of what is going on.

The ACTING CHAIRMAN: I remind the member for Hammond that the house was able to deal with this matter yesterday when the message was read and that all members are expected to remain cognisant of the proceedings within the house, whether or not they are here.

Mr LEWIS: Notwithstanding the bludgeoning with which you admonish me, Madam Chair, it is still not fair to all honourable members to have things sprung on them in this fashion. Notwithstanding the fact, either, that on page 3053—

The ACTING CHAIRMAN: Member for Hammond, it is no more sprung on you than it is when a message is read. I know that you are very well aware of the procedures. Could you please assist the house to proceed?

The committee divided on the motion:

AYES (15)

Bedford, F. E.	Ciccarello, V.
Geraghty, R. K.	Hill, J. D.
Key, S. W.	Koutsantonis, T.
Maywald, K. A.	McEwen, R. J.
O'Brien, M. F.	Rau, J. R.
Stevens, L.	Thompson, M. G.
Weatherill, J. W. (teller)	White, P. L.
Wright, M. J.	

NOES (12)

Brindal, M. K.	Brown, D. C.
Buckby, M. R.	Chapman, V. A.
Evans, I. F.	Hamilton-Smith, M. L. J.
Lewis, I. P. (teller)	Meier, E. J.
Redmond, I. M.	Scalzi, G.
Venning, I. H.	Williams, M. R.

PAIR(S)

Atkinson, M. J.	Brokenshire, R. L.
Breuer, L. R.	Goldsworthy, R. M.
Caica, P.	Gunn, G. M.
Conlon, P. F.	Hall, J. L.
Foley, K. O.	Kerin, R. G.
Lomax-Smith, J. D.	Kotz, D. C.
Rankine, J. M.	Matthew, W. A.
Rann, M. D.	Penfold, E. M.

Majority of 3 for the ayes.

Motion thus carried.

SITTINGS AND BUSINESS

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I move:

That standing orders be so far suspended as to enable the house to sit beyond midnight.

The DEPUTY SPEAKER: There being an absolute majority of the whole number of members present, I accept the motion. Is it seconded?

Mr LEWIS: On a point of order, sir, the clock already shows that it is well after midnight and the motion is therefore out of order. It is impossible for the house to retrospectively decide to do something which the standing orders preclude.

The DEPUTY SPEAKER: No, the standing orders quite clearly say that, if a division is being conducted and it turns midnight, it is as though it is still before midnight. So, I accept the motion.

Mr MEIER: On a point of order, sir, there was a misunderstanding as to what the extension beyond midnight was for. I was unaware that the motion had not been completed to the effect that the deadlocked conference had not been set up. I have an undertaking that we will not go beyond setting up the—

The DEPUTY SPEAKER: There is no point of order: there has to be a division.

Mr MEIER: Therefore, I am happy to withdraw my negative voice.

The DEPUTY SPEAKER: First, there was more than one negative voice. Secondly, by virtue of there being a dissenting voice, there must be a division. The honourable member cannot withdraw it.

The house divided on the motion:

AYES (26)

Bedford, F. E.	Brindal, M. K.
Brown, D. C.	Buckby, M. R.
Chapman, V. A.	Ciccarello, V.
Evans, I. F.	Geraghty, R. K.
Hamilton-Smith, M. L. J.	Hill, J. D.
Key, S. W.	Koutsantonis, T.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	O'Brien, M. F.
Rau, J. R.	Redmond, I. M.
Scalzi, G.	Stevens, L.
Thompson, M. G.	Venning, I. H.
Weatherill, J. W. (teller)	White, P. L.
Williams, M. R.	Wright, M. J.

NOES (1)

Lewis, I. P. (teller)

Majority of 25 for the ayes.

Motion thus carried.

STATUTES AMENDMENT (AGGRAVATED OFFENCES) BILL

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I move:

That a message be sent to the Legislative Council requesting that a conference be granted this house respecting certain amendments from the Legislative Council on the bill; and that the Legislative Council be informed that in the event of a conference being agreed to this house will be represented at such conference by five managers: Ms Chapman, Ms Rankine, Mr Rau, Mrs Redmond and the Hon. M.J. Atkinson.

Motion carried.

PARLIAMENTARY SUPERANNUATION (SCHEME FOR NEW MEMBERS) AMENDMENT BILL

The Legislative Council agreed to the bill with the amendments indicated in the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1—Clause 4, page 5, after line 5—

Insert:

(6a) Section 5(1), definition of ***member***—after "receipt of salary" insert:

but does not include a non-participating member

No. 2—Clause 4, page 5, line 9—

After "delete the definitions" insert:

and substitute:

non-participating member means a member of either House of Parliament who has made an election under section 7DA;

No. 3—Clause 7, page 8, line 6—

After "a member" insert:

or by virtue of a resignation

No. 4—Clause 7, page 8, line 8—

Delete "or expiry" and substitute:

, resignation or expiry, or any case where a member is returned at a joint sitting in prescribed circumstances

No. 5—Clause 7, page 8, after line 9—

Insert:

(4a) For the purposes of the cases described in subsection (4)(b)—

(a) a member may be taken to be returned at an election even if the member, at the relevant election, is returned as a member of the House that is the other House to the House of which he or she was a member before the election; and

(b) a member is returned at a joint sitting in prescribed circumstances if (and only if) the member is a person who was a member of the Parliament (and a member of PSS 1 or PSS 2) and who is then chosen under section 13 of the *Constitution Act 1934* to be a member of the Legislative Council within 3 months after the date of an election (for either House of Parliament) so that his or her period of not being a member of Parliament does not exceed 6 months.

No. 6—Clause 7, page 10, after line 5—

Insert:

7DA—PSS3 member may elect to participate in other schemes

(1) In this section—

eligible member means a PSS3 member, other than a person who is a member of PSS3 by virtue of section 7D(4)(b) or 7E;

fund includes a scheme or account;

prescribed period, in relation to an eligible member, means the period of 3 months from the date on which the person became a PSS3 member;

RSA has the same meaning as in the *Retirement Savings Accounts Act 1997* of the Commonwealth;

self managed superannuation fund has the same meaning as in the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth;

specified fund means a fund specified in a notice under subsection (4)(a) or (10)(a).

(2) An eligible member may, by notice in writing furnished to the Board during the prescribed period, elect to transfer his or her superannuation arrangements under this Act to a fund that complies with subsection (3).

(3) A fund (a ***complying fund***) complies with this subsection if it is—

(a) a complying superannuation fund, other than a self managed superannuation fund; or

(b) an RSA.

(4) A notice under subsection (2) must—

(a) specify the name of, and contact details for, the relevant fund; and

(b) specify the date from which the election is to take effect, being a date—

(i) that is at least 14 days but not more than 2 months from the date on which the notice is furnished to the Board; and

(ii) that coincides with a date on which salary is due to be paid to the member; and

(c) be accompanied by evidence that the fund will accept contributions under this section; and

(d) contain or be accompanied by such other information (if any) as may be required by the Board.

(5) If a person makes an election under subsection (2)—

(a) the person will cease to be a member of PSS3; and

(b) the Board will cease to maintain (or, if relevant, will not be required to establish) an account in the name of the person under this Act (and Part 2B will cease to apply in relation to the person); and

(c) any amount standing to the credit of the person's contribution account or Government contribution account (if any) must be carried over to the specified fund; and

(d) the person will cease to be liable to make contributions under this Act; and

(e) no entitlement or benefit will be payable to the person, or to any other person in respect of the person, under this Act (other than as provided by paragraph (f)); and

(f) the Treasurer must, while the person is a member of either House of Parliament, make contributions to the specified fund for that person's benefit, in accordance with subsection (6).

(6) For the purposes of subsection (5)(f), the contributions must be made in accordance with the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth as if the person were an employee of the State (see section 12(5) of that Act) and in order to avoid having an individual superannuation guarantee shortfall in respect of the person within the meaning of that Act.

(7) An eligible member cannot make an election under this section if the Board has been served with a splitting instrument within the meaning of Part 4A in respect of the member's superannuation interest under this Act.

(8) An election under subsection (2) is irrevocable.

(9) However, a person may, by notice in writing furnished to the Board, vary an election under this section so as to select another complying fund for the purposes of this section.

(10) A notice under subsection (9) must—

(a) specify the name of, and contact details for, the new fund; and

(b) be accompanied by evidence that the new fund will accept contributions under this section; and

(c) contain or be accompanied by such other information (if any) as may be required by the Board.

(11) A notice under subsection (9) will take effect on a date determined by the Board after consultation with the person who has furnished the notice.

(12) A person who makes an election under this section does not become, by virtue of any liability under this section, a member of the Southern State Superannuation Scheme.

(13) There can only be 1 fund that applies in relation to a member under this section at any particular time.

(14) If—

(a) a person makes an election under this section; and

(b) the specified fund applying for the purposes of the election—

(i) ceases to exist; or

(ii) ceases to accept contributions under this section; or

(iii) ceases to be a complying fund; and

(c) the person does not, within the prescribed period, vary the election to specify another complying fund for the purposes of this section,

then the Treasurer may, after consultation with the Board, specify another complying fund (which will then be taken to be a fund specified by the person for the purposes of this section).

No. 7—Clause 24, page 23, line 32—

Delete "section 14C(3)" and substitute:

section 14C(2)

No. 8—Clause 48, page 33, after line 24—

Insert:

eligible member means—

(a) a PSS 3 member; or

(b) a non-participating member;

non-participating member means a member of either House of Parliament who has made an election under section 7DA of the *Parliamentary Superannuation Act 1974*;

No. 9—Clause 48, page 33, lines 32 to 34—

Delete subsection (2) and substitute:

(2) An eligible member may elect to forego a percentage or amount of salary that would otherwise be paid to the member and instead have contributions made—

(a) in the case of a PSS 3 member—to PSS 3;

(b) in the case of a non-participating member—to the complying fund that applies in relation to the member under section 7DA of the *Parliamentary Superannuation Act 1974*,

for superannuation purposes.

No. 10—Clause 48, page 34, lines 24 to 27—

Delete paragraph (b) and substitute:

(b) the Treasurer must make contributions of amounts representing the amount of reduction for the benefit of the member—

(a) in the case of a PSS 3 member—in accordance with section 14C(2) of the *Parliamentary Superannuation Act 1974*;

(b) in the case of a non-participating member—to the complying fund that applies in relation to the member under section 7DA of the *Parliamentary Superannuation Act 1974*.

FIRE AND EMERGENCY SERVICES BILL

The Legislative Council agreed not to insist on its amendments Nos 12, 13, 16, 17, 20 and 24 to which the House of Assembly had disagreed; and agreed not to insist on its amendments Nos 2, 14, 15 and 25 to which the House of Assembly had also disagreed but agreed to the alternative amendments in lieu thereof.

ADJOURNMENT

At 12.24 a.m. the house adjourned until Thursday 7 July at 10.30 a.m.